

**Substantive Comments**

**in Response to the**

**Bureau of Land Management  
Clear Creek Management Area  
Draft Resource Management Plan  
&  
Draft Environmental Impact Statement**

**Released November 2009**

**Notice of Availability Published  
Friday, December 4, 2009  
Federal Register Volume 74, Number 232**

**Page, 63764: Department of the Interior, Bureau of Land Management  
Page, 63751: Environmental Protection Agency**

**These Comments are Submitted by**

**Ray Iddings**

**March 3, 2010**

## Introduction

Thank you for this opportunity to participate in the public review of the Bureau of Land Management's November 2009 release *Clear Creek Management Area Draft Resource Management Plan and Draft Environmental Impact Statement*.

The document's notice of availability was published by both the Department of the Interior, Bureau of Land Management (74 FR 63764) and the Environmental Protection Agency (74 FR 63751) on December 4, 2009. Although the Agency failed to state the date by which written comments must be received by the Bureau of Land Management, the Federal Register notice did specify "within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability," which occurred as stated above. Therefore, this author interprets the date by which the Bureau of Land Management must receive public comment to occur on March 3, 2010, calculated by counting forward on a calendar ninety days from December 4, 2009.

## Respondent's Credential

The respondent, Ray Iddings, owns land southeast from San Benito Mountain and is co-owner of two mining claims at Santa Rita Peak. The respondent's experience in the subject area began during the early 1960s when his family settled in Bitterwater, a nearby community. Over the years, the respondent has maintained social and business relationships with the communities surrounding the subject area, including Hernandez Valley, Los Gatos Creek, Coalinga, Idria, and Vallencitos. The respondent has living relatives who lived as children on Clear Creek in the Serpentine ACEC in the 1940s and 50s. Additionally, the respondent personally knows, and has interviewed many people who once lived and worked the various mining operations throughout the New Idria Mining District and within the Serpentine and chrysotile deposit and is unaware of anyone within that community who has suffered any asbestos related disease.

Mr. Iddings has a Master of Arts in Archaeology and Heritage and he has conducted extensive research in the subject area. The respondent's exhaustive work has been recognized with several awards, including, a 2007 *President's Volunteer Service Award*, the *Department of the Interior's Volunteer Service Award* (2005, 06, 07), the 2008 Department of the Interior "*Making a Difference*" *National Volunteer Award*, and 2008 *Special Recognition Award* from the National Lands Foundation. Mr. Iddings is also author of two extensive web presentation (<http://www.picacho.org> and <http://www.new-idria.org>) discussing the history and mineralogy of the Clear Creek Management Area and the New Idria Mining District. Mr. Iddings is co-founder of Three Rocks Research, as nonprofit corporation that conducts historical and cultural research in the area. He is also co-founder of the New Idria Historical Preservation Project and co-founder of the San Benito County Archaeological Society.

## Description of the BLM's Document

This respondent obtained copies of the *Clear Creek Management Area Draft Resource Management Plan and Draft Environmental Impact Statement* by downloading a version from the Agency's website and a printed copy by mail from the Agency's Hollister field office. The document contains 735 pages total, 690 numbered pages, and contains 260,000 words. The

printed version weighs 1.8 kilograms (4 pound) and is 3.8 centimeters (1.5 inches) thick. The highly technical content is difficult to read, evidenced, in part, by the fact that the Agency's team of professionals took 18 months to prepare.

This respondent committed much time reviewing the document, and attests to the serious insufficiency of the Agency's ninety-day review period. This respondent has also conversed with many other people who are also reviewing the document, and there is a clear and overwhelming consensus among the involved public that the review period is entirely too brief. This respondent and many other people have requested an extension of time from the Agency, but such requests have fallen of death ears and have been denied. Thus, the 884 substantive comments contained in this submittal, although many, are far short of the review and comments that this respondent wishes to submit, but must settle for, because he is seriously constrained by the allotted review period, which is far too short.

In brief, this respondent believes that the document is poorly written, contains too many errors and unusual punctuation, contains a great deal of repetition and needless details, and it is very difficult to read. Clearly, the document was not reviewed by either a professional editor or writer. Furthermore, it is this respondent's opinion that the document is not a draft suitable or ready for public review because it contains too many serious flaws and erroneous statements as evidenced by the volume of 884 substantive comments submitted herewith.

# Substantive Comment

# 1

**Subject: Public Highways within the Subject Area**

## Regarding the Following Topic

Various parts of the Agency's 2009 *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* propose to decommission or vacate public highways and to otherwise impair public use of historically established road and ways within the subject area. Schemes put forth by the Agency include charging private property owners fees for right-of-way access to their property, prohibiting access of their property to limited days, and dictating terms of use. By proposing such schemes, the Agency ignores the people's inalienable rights that are protected by the United State Constitution, California Constitution, California State law, Federal law, and/or Presidential authority affixed with the original land patents, and possibly even rights protected by the *Treaty of Guadalupe Hidalgo*.

All of the main arterial highways passing over the subject public lands were clearly established before Congressional passage to the Federal Land Policy Management Act of 1976, which repealed Federal Revised Statute 2477. Many of these highways were, in fact, established during the prehistoric era and continued in use during the Spanish and Mexican Periods, were protection of the Treaty of Guadalupe Hidalgo and later perfected under Revised Statute 2477 and the California *Act Granting to Roads and Highways a Right of Way over the Public Lands of this State* (California 1866:855).

Revised Statutes 2477 states as follows:

**Sec. 2477.** The right of way for construction of highways over public lands, not reserved for public uses, is hereby granted. (U.S. 1875:456.)

An early California legal definition for the term highway clearly included a broader interpretation than might be considered today. The 1911 Highway Code define Highway as follows:

**§ 2618.** In all counties of this State public highways are roads, streets, alleys, lanes, courts, places, trails, and bridges, laid out or erected as such by the public, or if laid out or erected by others, dedicated or abandoned to the public, or made such in actions for the partition of real property.

The Act Granting to Roads and Highways a Right of Way over the Public Lands of this State, approved by the sixteenth session of the California Legislature, states:

**Section 1.** Whenever any corporation, company or individual shall, in accordance with the general laws of this State, lay out and construct any road or highway over any unoccupied public lands of this State, or over any lands that the State by donation of Congress, otherwise, may hereafter acquire, such corporation, company or individual, and their respective assigns, are hereby granted the right of way for such roads or highways over such public lands. This act shall apply to roads heretofore as well as hereafter laid out and constructed. (Approved April 2, 1866. Statutes 1865-66:855.)

The United States Constitution, ninth and tenth amendments provide addition explanation regarding the rights and powers of the Unites States, the State, and the people:

**Amendment 9** - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment 10** - The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Based on these early laws, it is clear that both the United States Congress and the California State Legislature distinctly understood that the public had a right to pass over the public lands and there was an expressed expectation for the people to use or otherwise construct highways to facilitate their rights and rights of ways, to, from, over, and across these public lands. The Agency cannot grant or charge fees for rights or rights of ways that are preexisting, protect by the by the United State Constitution, the California Constitution, California State law, Federal law, international treaty and/or Presidential authority affixed with the original land patents.

Decommissioning roads, the county's abandonment of roads, or otherwise vacating roads only effect the government's responsibility to the roads, but in no way impairs the public's right to use or maintain the public road or way (Chollar-Potosi v. Kennedy 93 Am. Dec. 409; Brown v. Stone 69 Am. Dec. 303). Additionally, the long history of uninterrupted use and enjoyment of the roads and right of way conferred titled to the private property assignees in common, and perhaps in common with the public, and have also established prescriptive right to continue to enjoy the roads and rights of ways (Pierce v. Cloud, 82 Am. Dec. 496; Chollar-Potosi v. Kennedy 93 Am. Dec. 409; Hill v. Crosby, 13 Am. Dec 448).

Historically established public highways within the subject area include, but are not limited to, the roads and trails as marked on the maps tabulated in Table 1 below and Table 2 on page 5

**Table 1: Current series of published United States Geological Survey 7.5 Minute (1:24,000 scale) Topographic Maps for the subject area:**

Map Title	Version Date	Photo Revised
Alcalde Hills, CA	1969	1978
Ciervo Mountain, CA	1969	-
Coalinga, CA	1956	1979
Domengine Ranch, CA	1956	1979
Hepsedam Peak, Ca	1969	-
Hernandez Reservoir, Ca	1969	-
Idria, CA	1969	-
Joaquin Rocks, CA	1969	-
Lillis Ranch, CA	1956	1978
Priest Valley, CA	1969	1984

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Map Title	Version Date	Photo Revised
San Benito Mountain, CA	1969	1984
Santa Rita Peak, CA	1969	1984
Sherman Peak, CA	1969	1981

**Table 2: Historic Maps Delineating the Subject Area or Portions**

Map Title	Date
Atlas to Accompany a Monograph on the Geology of The Quicksilver Deposits of the Pacific Slope. Department of the Interior, Becker, George F., United States Geological Survey.	1887
Central California Topographical Map, State Geological Survey of California.	1873
Coalinga California Quadrangle (1:125,000 scale), U.S. Geological Survey.	1912
Denny's Pocket map of San Benito County, California. San Francisco, California: Edward Denny & Co.	1924
Geologic Map and Sections of the New Idria District, Eckel, E.B, Yates, R.G., and Myers, W.B., California Division of Mines.	1940
Joaquin Rocks, Calif., 15' Quadrangle, U.S. Geological Survey.	1943
Map of Fresno County, Scott McKay.	1914
Map of San Benito County Cal, Punnett Bros., San Francisco, California: C.F. Weber & Co.	1914
Map of San Benito, Fresno, Monterey, San Luis Obispo, Kings, Kern, and Santa Barbara Counties, George W. Blum.	1896
New Idria, Calif., 15' Quadrangle, U.S. Geological Survey.	1943
Official Map of San Benito County California, McCray, Vic. T. and Harry W.	1891
Official Map of San Benito County California, McCray, Vic. T.	1907
Priest Valley California Quadrangle (1:125,000 scale), U.S. Geological Survey.	1915
San Benito National Forest Map, Part of Norman H. Sloan Resources Plan of Operation of Monterey National Forest. California: United States Forest Service.	1907

Based upon historic documentation, Table 3 on page 6 and Table 4 on page 11 tabulate partial lists of historically established public highways, roads, ways, and rights of ways that were established and granted by laws, treaties, rights, and court decisions that supersede the Agency's authority to grant other right of way. The Agency lacks authority to convert

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preexisting rights into privileges. Research is incomplete regarding other public highways existing in the subject area.

**Table 3: Partial List of Public Highways within the Subject Area** (NAD27 UTM)

Road Name	BLM Designation	Length	Terminus	Terminus
Clear Creek Road	R001	13 miles	698643mE, 4025761mN	708490mE, 4032497mN
Unnamed	R002	7.4 miles	701806mE, 4026860mN	707322mE, 4029711mN
Unnamed	R004	1.1 miles	703711mE, 4027902mN	703110mE, 4029047mN
Picacho Road	R005	8.2 miles	702820mE, 4027301mN	708755mE, 4025351mN
Unnamed	R006	3.6 miles	704574mE, 4028800mN	703983mE, 4029724mN
Unnamed	R007	1.6 miles	706582mE, 4024859mN	704752mE, 4024266mN
Unnamed	R008	4.0 miles	707003mE, 4028110mN	710194mE, 4024300mN
Unnamed	R010	4.4 miles	708421mE, 4029543mN	709475mE, 4026029mN
Mexican Lake Road	R011	12.2 miles	708513mE, 4030444mN	722052mE, 4023029mN
Unnamed	R012	.5 miles	711995mE, 4027026mN	711995mE, 4027026mN
Unnamed	R013	1.2 miles	712646mE, 4027525mN	711285mE, 4027056mN
Aurora Mine Road	R014	1.2 miles	707824mE, 4029810mN	708561mE, 4030240mN
Wild Ass Road	R015	4.9 miles	709968mE, 4024300mN	714973mE, 4025170mN
Condon Peak Road	R016	2.5 miles	712744mE, 4023196mN	714540mE, 4020807mN
Unnamed	R017	2.9 miles	714540mE, 4020807mN	714540mE, 4020807mN

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Road Name	BLM Designation	Length	Terminus	Terminus
Unknown	T101	1.2 miles	701107mE, 4026234mN	701039mE, 4027522mN
Goat Mountain	T103	2.2 miles	701107mE, 4026234mN	702263mE, 4026168mN
Goat Mountain	T104	4.3 miles	701964mE, 4027075mN	705631mE, 4025906mN
Unnamed	T105	.8 mile	702120mE, 4027090mN	701479mE, 4027955mN
Unnamed	T106	.8 mile	702276mE, 4027142mN	703279mE, 4026438mN
Unnamed	T107	1.5 mile	702899mE, 4027373mN	702867mE, 4029299mN
Unnamed	T108	1 mile	702820mE, 4027301mN	704085mE, 4026783mN
Unknown	T109	.5 mile	702936mE, 4027517mN	703142mE, 4028211mN
Unknown	T110	.8 mile	702968mE, 4027318mN	703885mE, 4027373mN
Unknown	T111	.8 mile	703466mE, 4027823mN	703241mE, 4028853mN
Unnamed	T112	.4 mile	703519mE, 4027867mN	703987mE, 4027564mN
Unnamed	T113	1.6 mile	705580mE, 4028263mN	705757mE, 4026014mN
Unnamed	T114	1 mile	705268mE, 4028380mN	705412mE, 4029858mN
Unnamed	T115	1.2 mile	705571mE, 4028203mN	706826mE, 4026857mN
Unknown	T116	2.3 miles	704409mE, 4030094mN	705314mE, 4029910mN
Unknown	T117	1 mile	704037mE, 4027738mN	705412mE, 4027814mN
Unknown	T119	.9 mile	702055mE, 4026700mN	702747mE, 4026082mN

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Road Name	BLM Designation	Length	Terminus	Terminus
Unknown	T120	1.6 mile	702740mE, 4026158mN	704335mE, 4026533mN
Unknown	T121	.4 mile	702039mE, 4026456mN	702543mE, 4026267mN
Unknown	T122	.2 mile	703381mE, 4025636mN	703523mE, 4025623mN
Unknown	T123	.5 mile	703333mE, 4025608mN	703691mE, 4025405mN
Unknown	T124	.9 mile	706636mE, 4029898mN	707251mE, 4029560mN
Sampson Peak Road	T125	3.8 miles	705229mE, 4029964mN	706489mE, 4031732mN
Unnamed	T126	1 mile	705480mE, 4030195mN	704710mE, 4031364mN
Unnamed	T127	.4 mile	705325mE, 4030793mN	705910mE, 4031035mN
Unnamed	T128	1.9 mile	705384mE, 4031293mN	707584mE, 4029926mN
Unnamed	T129	.7 mile	705798mE, 4031168mN	706489mE, 4031732mN
Unnamed	T130	.6 mile	707325mE, 4030559mN	707787mE, 4030050Mn
Unknown	T132	1.1 mile	704088mE, 4027212mN	705461mE, 4026625mN
Unknown	T133	.4 mile	704693mE, 4026494mN	704662mE, 4026926mN
Unnamed	T134	1.8 mile	707275mE, 4028035mN	706657mE, 4025804mN
Unknown	T135	.5 mile	707551mE, 4026713mN	706840mE, 4026511mN
Unknown	T138	.5 miles	705146mE, 4026220mN	705177mE, 4025847mN
Unknown	T139	.8 mile	705126mE, 4025647mN	705203mE, 4024512mN

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Road Name	BLM Designation	Length	Terminus	Terminus
Unnamed	T140	.8 mile	704565mE, 4025503mN	705047mE, 4024486mN
Picacho Mine Road	T141	1.5 mile	706694mE, 4025620mN	707412mE, 4024834mN
Unknown	T142	.7 mile	705934mE, 4025954mN	706586mE, 4025444mN
Unknown	T145	2.2 miles	707519mE, 4024718mN	709564mE, 4024258mN
Unnamed	T147	1.1 mile	707777mE, 4024828mN	708755mE, 4025351mN
Unnamed	T148	1.6 mile	708929mE, 4026915mN	709016mE, 4025605mN
Unnamed	T149	.9 mile	708755mE, 4025351mN	709334mE, 4026316mN
Unnamed	T150	1.4 mile	708929mE, 4026915mN	710188mE, 4026213mN
Unnamed	T151	4.9 miles	707525mE, 4027359mN	711189mE, 4024330mN
San Carlos Road	T153	3.1 miles	708513mE, 4030444mN	711847mE, 4028113mN
Unknown	T154	.8 mile	708762mE, 4030548mN	709768mE, 4029949mN
Pipe Line Road	T155	2.8 mile	709491mE, 4030213mN	711605mE, 4028416mN
Unnamed	T157	1.5 mile	710473mE, 4026134mN	711375mE, 4025511mN
Sawmill Creek Road	T158	2.4 miles	713008mE, 4026287mN	710194mE, 4024300mN
Unnamed	T159	3.5 miles	710656mE, 4024859mN	714660mE, 4025168mN
Unnamed	T160	.1 mile	710333mE, 4024244mN	710593mE, 4024316mN
Unnamed	T161	.2 mile	710408mE, 4024111mN	710593mE, 4024316mN

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Road Name	BLM Designation	Length	Terminus	Terminus
Unnamed	T162	1.5 mile	713008mE, 4026287mN	712411mE, 4024729mN
Unknown	T163	.8 mile	712475mE, 4025413mN	713295mE, 4025406mN
Unnamed	T164	1.6 mile	710684mE, 4024356mN	711513mE, 4024528mN
Unnamed	T165	.9 mile	712101mE, 4024764mN	711914mE, 4023768mN
Unnamed	T167	.8 mile	713093mE, 4024480mN	712149mE, 4023789mN
Unnamed	T168	2.7 miles	712903mE, 4024908mN	713666mE, 4023328mN
Unnamed	T169	1.4 mile	713348mE, 4025429mN	713729mE, 4023942mN
Unnamed	T171	4.9 miles	713058mE, 4020917mN	714540mE, 4020807mN
Unknown	T175	.8 mile	714868mE, 4024719mN	714528mE, 4023973mN
Unnamed	T178	1.7 mile	716017mE, 4024151mN	716572mE, 4023881mN
Unknown	T181	3.4 miles	719430mE, 4022545mN	717191mE, 4020977mN
Unnamed	T183	1.4 mile	716762mE, 4023829mN	717460mE, 4023217mN
Del Mexico Mine Road	T184	5.2 miles	714971mE, 4025171mN	717846mE, 4023238mN
Unnamed	T185	.4 mile	715651mE, 4025659mN	715742mE, 4025120mN
Rita Mine Road	T188	2.2 mile	714583mE, 4025264mN	716983mE, 4025877mN
Unnamed	T189	2.5 mile	715651mE, 4025659mN	717632mE, 4026967mN

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**Table 4: Other Historic Public Highways Existing in the Subject Area (NAD83 UTM)**

Road Name	Length (m)	Terminus	Terminus
Mammoth Peak Road	3436	701130 4026726	703380 4025210
Boles Road	4023	702554 4023384	704946 4024673
Prater Road	6619	704410 4022484	707308 4025054
Goat Mountain Road	6961	701845 4027263	705045 4026416
Alpine-Picacho Road	6517	704008 4028181	707313 4025048
Small's Camp Road	2267	708647 4025542	710111 4024492
Picacho Road	6689	706904 4028311	707313 4025048
Breen Mine Road	5769	705227 4021928	708852 4022687
Mexican Lake to White Creek Road	4456	717596 4023289	718785 4020099
White Creek to Joaquin Ridge Road	4830	718254 4023157	718117 4019705
Santa Rita Peak Road	4320	712644 4023415	714882 4025371
San Benito River Road	17133	707133 4019418	715932 4024356
Joaquin Rocks Road	28572	736418 4025287	715933 4024360
Joaquin Ridge Road	2900	717721 4023432	720338 4023004
Mexican Lake Road	12456	708411 4030626	715922 4024369
Red Rock Intersect	3616	710231 4024420	713197 4025602

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Road Name	Length (m)	Terminus	Terminus
Red Rock Road	3909	711258 4025603	714574 4025383
San Carlos Peak Road	4920	708417 4030632	711741 4028317

Several of these public highways support trade and commerce in southern San Benito County and western Fresno County. Many of these highways are clearly visible and passable as graded roads and they are delineated on early historic maps. These public highways provide public roads and right-of-way access to private lands within the subject area. Many of these highways connect between the paved Coalinga Road in Hernandez Valley and the paved New Idria Road in Vallencitos. Closing Clear Creek Road, for example, increases the travel distance between Hernandez Valley and Vallencitos by nearly 100 miles, thus adding significant burden to the public with by increasing their travel time and cost.

**Recommendation**

The Agency must rewrite the subject document to remove discussion, plans or alternatives regarding proposals to decommission or vacate public highways or to otherwise impair public use of historically established road and ways within the subject area. The Agency must also rewrite the subject document to remove discussion, plans or alternatives regarding scheme to charge private property owners fees for right-of-way access to their property. While these issue might be negotiable between the Agency, the property owners and public, the Agency has no authority to dictate terms of use for private property or public highways or grants of right of ways which supersede their jurisdiction. The final resource management plan, the final environmental impact study, or the record of decision must not propagate the erroneous information and should confess that public highways provide inalienable roads, ways and rights or ways over the public lands and to and from the private properties within the subject area.

**Reference**

California (1866) *The Statutes of California Passed at the Sixteenth Session of the Legislature*, Sacramento.

California (1911) *The Road Laws of California*, A. Carlisle & Co., San Francisco.

Chollar-Potosi v. Kennedy 93 Am. Dec. 409.

Hill v. Crosby 13 Am. Dec. 448.

Pierce v. Cloud 82 Am. Dec. 496.

U.S. (1875) *Revised Statutes of The United States, Passed at the First Session of the Forty-Third Congress: 1873-74*, U.S. Government Printing Office, Washington, D.C.

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## Substantive Comment

# 2

**Subject: Erroneous Statement**

### Referring to the Following Statement

The term "Clear Creek Management Area" is used and found throughout the document released by U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office on November 2009, and announced in the Federal Register (74 FR 63752, 63764). This reference document is variously title as illustrated in Substantive Comment #2 on page 2.

### Discussion

Usage of the term "Clear Creek Management Area" is erroneous and confusing because the term lacks legal definition or meaning. The first published inclusion of the term seems to occur in the BLM's 1986 *Clear Creek Management Plan and Decision Record*. However, that document, and each subsequent document, fails to describe a definitive location, boundaries, or description for the "Clear Creek Management Area." In general terms, the recreation area associated with Clear Creek, located in San Benito County, California was, previous to 1985, referred to as the "Clear Creek Recreation Area" (47 FR 6381, 47 FR 841, 48 FR 44922, 50 FR 5758). However, no published document shows a legal transition from "Clear Creek Recreation Area" to Clear Creek Management Area." Some BLM maps attempt to exhibit arbitrary boundaries enclosing an alleged "Clear Creek Management Area," but fail to cite official source documentation, and always include large portions of private property that are clearly not subject to federal jurisdiction. Without defining documentation, it is impossible to show on a map, or mark on the soil any specific point where with a single human step a person might enter or exit the "Clear Creek Management Area." The term "Clear Creek Management Area" is mute and without legal merit in the absence of descriptive documentation that describes the property or delineates its boundary. Therefore, the "Clear Creek Management Area" is a non-existent fictional place, and any documents referring to such fictional place are without merit and mute.

### Recommendation

The Agency must produce a published descriptive documentation that describes the "Clear Creek Management Area" and clearly delineates its boundaries. In the absence of such documentation, the Agency must discontinue reference to fictional places and reassess all documentation and actions since they began usage of the fictitious term "Clear Creek Management Area." Additionally, because reference to "Clear Creek Management Area" is without legal merit, the Department of the Interior must redact every document that includes such reference, including the *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* published November 2009. This issue must be resolved before this term is used in any future documents.

Substantive Comment - # 2: Subject: Erroneous Statement

# Substantive Comment

# 3

**Subject: Inconsistent Document Title**

## Referring to the Following Topic

The U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office released a document on November 2009 variously titled at follows:

Cover	Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement
Inside Cover	Draft Clear Creek Management Resource Management Plan & Draft Environmental Impact Statement Hollister, California
Abstract	Draft Clear Creek Management Resource Management Plan & Draft Environmental Impact Statement
Page I	Draft Resource Management Plan/Environmental Impact Statement
Variouly	CCMA Resource Management Plan; Clear Creek Management Area (CCMA) Resource Management Plan (RMP); DRMP/DEIS; Draft CCMA RMP/EIS; RMP/EIS; CCMA RMP; Draft RMP/EIS; CCMA RMP/EIS

## Discussion

Inconsistent use of a document title within the opening sections of the document causes tremendous confusing when attempting to refer to the document, and when attempting to keep track of references to previous documents with similar names that are also variously referenced, through title and abbreviation, throughout the same document, such as:

BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 3: Subject: Inconsistent Document Title

1 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and*  
3 *Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

5 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast*  
7 *of California: Record of Decision*, United States Department of the Interior, Bureau of  
Land Management.

9 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
*Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

11 The document's integrity and credibility is seriously jeopardized because cross-referencing  
13 within the document and the variously externally reference documents seriously compromise  
document comprehension, and makes it difficult, if not sometimes impossible, to follow, and  
15 produces a draft statement that is so inadequate as to preclude meaningful analysis (40 C.F.R.  
§ 1502.9).

### 17 **Recommendation**

19 The Agency must rewrite the draft document using consistent methodology and writing  
21 technique to produce a comprehensible document that facilitates meaningful analysis. The  
draft document should be titled *Clear Creek Management Area Draft Resource Management*  
23 *Plan Draft Environmental Impact Statement*. Within and throughout the document, it should be  
referenced as *Clear Creek Management Area Draft Resource Management Plan Draft*  
25 *Environmental Impact Statement* (BLM 2009). This issue must be resolved in future publications  
to avoid document title confusion.

Substantive Comment - # 3: Subject: Inconsistent Document Title

1 **Substantive Comment**

# 4

3 **Subject: Cover Sheet Missing Date**

5 **Regarding the Following Section**

7 Comments on this document are requested from all interested and / or affected agencies,  
organizations, and individuals. Comments must be received within 90 days of the Federal  
9 Register notice of availability. Comments being mailed must be postmarked by close of business  
on the 90<sup>th</sup> day.

11 **Discussion**

13 The Agency failed to include the "date by which comments must be received" (40 C.F.R. §  
1502.11) and instead substituted the procedure for calculating the date (40 C.F.R. § 1506.10)  
15 for the comment period. However, the regulation clearly does not intend for a period to be  
specified as a substitution for a specific date as indicated for the regulation:

17 **40 C.F.R. § 1502.11(f)** - The date by which comments must be received (computed in  
19 cooperation with EPA under § 1506.10).

21 Failure to provide a specific date, as required by regulation, confounds the entire comment  
period, and since no other dates appear on the cover sheet, the public is left to believe that the  
23 comment period is open-ended. Had the Agency included a date on the cover sheet then  
public would know upon what day, month and year that the comment period ends, or if the  
25 Agency had at least included a release date on the cover sheet, then the public might have  
been able to calculated when the comment period ends based upon an issuance date. While  
27 the latter would still fail to comply with regulation, it might have, at least, provided a  
discussion point from which to measure the 90-day period. However, the Agency offered no  
29 reference and no date, hence the public cannot know upon which date or day, month or year  
upon which the comment period ends.

31 **Recommendation**

33 In the absence of date specifying the end of the comment period, the public is left to  
assume that no such date exists. The Agency must therefore edit the subject document to  
35 included a specific "date by which comments must be received," then republish the  
document, and publish a notice in the Federal Register regarding availability of the subject  
37 report, and then begin the public comment period *de novo*.

## Substantive Comment

# 5

**Subject: Lacks Purpose and Need for the Action Page 3 & 4**

### Regarding the Following Section

#### 1.1 Purpose and Need for the CCMA Resource Management Plan

#### Discussion

The Agency has very failed to articulate the purpose and need of the proposed action. This section of the document, which should address the purpose and need for the action, instead describes the "Purpose and Need for the CCMA Resource Management Plan" (see section heading). It is unnecessary for the Agency to describe a purpose and need for documenting resource management plan or an environmental impact statement for the proposed action because that purpose and need for such documentation is clearly defined by the *National Environmental Policy Act* (NEPA), and by regulation which stipulates:

**40 C.F.R. § 1502.13 Purpose and need.**-The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

Even the BLM's *National Environmental Policy Act Handbook H-1790-1* cautions against describing the purpose and need for the document (see bottom of page 35):

The purpose and need statement should explain why the BLM is proposing action. Note that you must describe the purpose and need for the action, not the purpose and need for the document.

The fact that this critical section of the *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement* (2009) describes the document, and not the action, is self-evident by use of the following phrases within the section:

- The need to develop the CCMA RMP arises from ...
- ... the need for preparation of an updated management plan:
- The purpose of the CCMA RMP is to ...
- The CCMA RMP shall guide ...
- This planning effort is intended ...

As this section clearly states, the "Purpose and Need for the CCMA Resource Management Plan" is to initiate a "planning effort" for which the BLM "needs to develop the CCMA RMP." This purpose and need section has absolutely nothing to do with any initiating NEPA action, which remains absent from the document.

#### Recommendation

In the absence of a required purpose and need statement, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*.

Substantive Comment - # 5: Subject: Lacks Purpose and Need for the Action Page 3 & 4

**Substantive Comment**

**# 6**

**Subject: EPA Study Lacks Significant New Information**

**Page 4**

**Regarding the Following Paragraph**

- The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

**Discussion**

The Agency asserts that EPA’s report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2008) provides “significant new information.” However, this assertion is flawed because it fails to recognize that previous studies published similar conclusions, and therefore the 2008 EPA report does not provide “significant new information.” Although the EPA report provides more detailed charts and more tabulated data, the essential conclusion is generally the same as produced from an earlier report published in 1992 by PTI Environmental Services, titled *Human Health Risk Assessment for the Clear Creek Management Area*. The essential methodologies and conclusions from the two reports are tabulated below:

Methods and Conclusions	1992 PTI Study	2008 EPA Study
Used BLM Employee Samples	Yes	No
Used Real Recreation Rider Samples	Yes	No
Used Simulated Recreation Rider Samples	No	Yes
Used: EPA Region IX Risk Assessment Guidance for Superfund, EPA Federal Exposure Factors Handbook, Risk Assessment Guidance for Superfund, and Standard Default Exposure Factors	Yes	Unknown
Used: PCM Analysis and PCMe Analysis	Yes	Yes
Evaluated entire Serpentine ACEC area	Yes	No
Conducted Seasonal Analysis	Yes	Yes
Considered Diversity of Opinion	Some	No
Incorporated other studies: UC Berkeley (Murchio et al. 1978; Cooper et al. 1979; Pependorf and Wenk 1983)	Yes	No
Incorporated other studies: Risk Assessment for Atlas mine and Coalinga (U.S. EPA 1990a)	Yes	No
Conclusion: Activity Causes Exposure	Yes	Yes

**Substantive Comment - # 6: Subject: EPA Study Lacks Significant New Information Page 4**

Methods and Conclusions	1992 PTI Study	2008 EPA Study
Conclusion: Children of Special Concern	Not Evaluated	Simulated
Conclusion: Higher Exposure, Higher Risk	Yes	Yes
Conclusion: Reduce Exposure, Reduce Risk	Yes	Yes
Provided Comparable Data for Perspective	No	No
Conclusion: Risk Could be Over Estimated or Under Estimated; that is, Risk Unknown	Yes	Yes

Essentially the conclusions from the two independent studies are identical is that they both concluded that *risk estimates may be over estimated, or under estimated*. However, the PTI study does state that the use of the current (EPA) unit risk factor “may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA” (PTI 1992:29).

**Recommendation**

Since 2008 EPA report offer no *significant* new information, such erroneous statements suggesting that 2008 EPA report does offer *significant* new information must be removed from the subject document and from future Agency documents. In the absence of *significant* new information, the purpose and need statement is erroneous, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**References**

Cooper, W.C., J. Murchio, W. Popendorf, and H.R. Wenk (1979) “Chrysotile Asbestos in a California Recreational Area,” *Science*, 206:685-688.

EPA (1989a) *Exposure Factors Handbook*, EPA 600/8-89/043, U.S. Environmental Protection Agency, Office of Health and Environmental Assessment. Washington, DC.

EPA (1989b) *Risk Assessment Guidance for Superfund: Human Health Evaluation Manual, Part A*, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, Washington, DC.

EPA (1989c) *Risk Assessment Guidance for Superfund: Human Health Risk Assessment*, U.S. EPA Region IX Recommendations. Interim Final Report. U.S. Environmental Protection Agency, Washington, DC.

EPA (1990) *Atlas Remedial Investigation Report and Phase I of Johns-Manville Coalings Remedial Investigation Report*, U.S. Environmental Protection Agency, Washington, DC.

1 EPA (2008) *Clear Creek Management Area Asbestos Exposure and Human Health Risk*  
Assessment, U.S. Environmental Protection Agency.

3 Murchio, J., H.R. Wenk, W. Popenorf, and W.C. Cooper (1978) "Asbestos in Clear Creek  
Recreation Area," Prepared for the Bureau of Land Management, Folsom, CA.

5 Popenorf, W., and W.R. Wenk (1983) "Chrysotile Asbestos in Vehicular Recreation Area: a  
7 case study," in *Environmental Effects of Off-Road Vehicles: Impact and Management in*  
*Arid Regions*, R.H. Webb and H.G. Wilshire (eds). Springer-Verlag, New York.

9 PTI (1992) *Human Health Risk Assessment for the Clear Creek Management Area*, PTI  
Environmental Services.

Substantive Comment - # 6: Subject: EPA Study Lacks Significant New Information Page 4

## Substantive Comment

# 7

**Subject: Erroneous Statement within Purpose and Need**

Page 4

### Regarding the Following Paragraph

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

### Discussion

The Agency erroneously asserts that EPA's report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2008) mandates "significant new information that must be incorporated into a land use plan." However, the EPA report asserts no such action or requirement that it "must be incorporated into a land use plan," nor does the EPA report contain any statement that could be misinterpreted to imply such action or requirement. The Agency's assumption of such mandate is arbitrary and capricious in that it asserts a willful and unreasonable action that disregards the facts.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must redact its erroneous assertion that information from the EPA report (2009) must be incorporated into a land use plan. The Agency must also delete such erroneous assertions from the purpose and need statement. In the absence of an mandated requirement, the purpose and need statement is erroneous, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### References

EPA (2008) *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*, U.S. Environmental Protection Agency.

Substantive Comment - # 7: Subject: Erroneous Statement within Purpose and Need Page 4

**Substantive Comment**

**# 8**

**Subject: Erroneous Statement within Purpose and Need**

**Page 4**

**Regarding the Following Paragraph**

- The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.

**Discussion**

The Agency’s assertion that the “current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander” is erroneous because it does address this issue in the 2005 - *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*. This issue has also been addressed in many previous planning documents and planning documents associated with adjacent and nearby public lands, such as those tabulated below along with the number time the specific species are addressed:

Document	California Condor	Red-Legged Frog	Tiger Salamander
1993 - <i>Hollister Oil and Gas RMP Amendment and Environmental Impact Statement</i>	5	3	3
1995 - <i>Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement</i>	0	3	3
2004 - <i>Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area</i>	9	9	2
2005 - <i>Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement</i>	18	7	2
2007 - <i>Resource Management Plan for Southern Diablo Mountain Range &amp; Central Coast of California: Record of Decision</i>	7	6	7

Additionally, it is well documented that neither the Red-Legged Frog or Tiger Salamander exist within the subject area environs:

The 2005 *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, Page 3-23, states:

**Substantive Comment - # 8: Subject: Erroneous Statement within Purpose and Need Page 4**

1 Bureau wildlife biologists queried the California Natural Diversity Data Base for twenty  
3 USGS 7.5-minute quadrangles, including the CCMA and the surrounding region, to augment  
5 information in BLM files on native animals species of management concern that do occur and  
7 could occur in the CCMA. Biologists did not consider animals such as the Red-legged frog,  
9 California tiger salamander, or rare invertebrates, which have not been found within ten miles  
of the CCMA or that occupy habitats not found in the CCMA.

11 The 2009 *Clear Creek Management Area Draft Resource Management Plan Draft*  
13 *Environmental Impact Statement*, Page 3-23, states:

15 California red-legged frogs (*Rana draytonii*), while present in the San Benito River  
17 watershed fifteen miles or more downstream, have never been recorded in or near the CCMA.  
19 California tiger salamanders are present in sag pond habitat in the San Andreas Rift Zone to  
21 the west and in vernal pool habitat in the Central Valley to the east but have never been  
23 recorded in the environs of CCMA.

25 Regarding the California Condor, the 2004 - *Draft Resource Management Plan Amendment*  
27 *and Draft Environmental Impact Statement for the Clear Creek Management Area*, Page 4-34,  
29 states:

31 The following species will benefit through the designation of routes and trails, elimination  
33 of cross country travel, recovery of impacted areas, and the habitat protection an increased  
35 SBMRNA would provide; foothill yellow-legged frog, northwestern pond turtle, and  
37 southwestern pond turtle, two striped garter snake, valley elderberry longhorn *Ciervo*  
39 *aegialian* scarab beetle, San Joaquin dune beetle, California condor, bald eagle, western  
41 mastiff-bat, Townsend's western big-eared bat, pallid bat, long-eared myotis, Yuma myotis,  
fringed myotis, small-footed myotis coast horned lizard, sharp shinned hawk, golden eagle,  
prairie falcon, Bell's sage sparrow, and the big-eared kangaroo rat.

43 Additionally, the California Condor's diet consists of medium and large-sized dead  
45 mammals like cattle, sheep, deer, and horses in any state of decay. Condors may travel several  
hundred miles in search of food. The habitat range for condors in central California includes  
about 15,000 square miles, of which CCMA provides about 48 square miles, or .3% of the  
condor's habit range. Therefore, because the CCMA condor habitat contribution is  
insignificant, the CCMA management plan cannot produce any significantly quantifiable  
habitat contribution for California condors.

The Agency cannot address habitat needs for non-extent subject-area species, such as the  
red-legged frog, and tiger salamander. Therefore, this assertion in the purpose and need  
statement is erroneous and without merit because it is impossible to provide habitat or  
protection for species that do exist within the subject area, hence this is a frivolous and  
unachievable purpose and need. The Agency's inclusion of this statement in the purpose and  
need section is arbitrary and capricious in that it asserts a willful and unreasonable action that  
disregards the facts.

The agency shall eliminate from study issues which are not significant or which have been  
covered by prior environmental review (40 C.F.R. § 1506.3), narrowing the discussion of these  
issues in the statement to a brief presentation of why they will not have a significant effect on  
the human environment or providing a reference to their coverage elsewhere (§ 1502.22).  
Agencies shall reduce excessive paperwork by tiering from statements of broad scope to those

1 of narrower scope, to eliminate repetitive discussions of the same issues (40 C.F.R. §§ 1502.4  
and 1502.20). The Agency shall employ tiering (§ 1502.20), and other methods listed in §§  
3 1500.4 and 1500.5 to relate broad and narrow actions and avoid duplication (§ 1502.4).

## 5 Recommendation

7 The Agency must delete such erroneous assertions from the purpose and need statement.  
9 In the absence of realistic issues, the purpose and need statement is erroneous, the entire  
document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore,  
11 the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the  
13 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

## 15 Reference

- 17 BLM (1993) *Hollister Oil and Gas RMP Amendment and Environmental Impact Statement*, U.S.  
Department of the Interior, Bureau of Land Management, Hollister Field Office.
- 19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, U.S. Department of the Interior, Bureau of  
21 Land Management, Hollister Field Office.
- 23 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, U.S. Department of the Interior, Bureau  
of Land Management, Hollister Field Office.
- 25 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, U.S. Department of the Interior, Bureau of  
27 Land Management, Hollister Field Office.
- 29 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, U.S. Department of the Interior, Bureau of Land  
31 Management, Hollister Field Office.

Substantive Comment - # 8: Subject: Erroneous Statement within Purpose and Need Page 4

# Substantive Comment

# 9

**Subject: Erroneous Statement within Purpose and Need**

**Page 4**

## Regarding the Following Section

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

## Discussion

The Agency is attempting to assert that because changes in "social and economic conditions ... have led to increased demand for use of public lands for recreation" that this also translates into increased recreation demand for the public lands within the subject area, specifically CCMA. However, that thesis is erroneous based upon the Agency's own evidence as present on page 135 of the subject report, which as reproduced below clearly prove that CCMA visitor recreation is decreasing each year, hence proving that the Agency's assertion is false.

CCMA Visitor Use (page 135)

Year	Visitors
2003	50,000 (Estimated)
2004	50,000 (Estimated)
2005	43,235
2006	43,187
2007	35,267
2008	28,428

Graph showing annual decline in CCMA visitor use



## Recommendation

The Agency must delete such erroneous assertions from the purpose and need statement. In the absence of realistic issues, the purpose and need statement is erroneous, the entire document is mute, without legal merit, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

# Substantive Comment

# 10

**Subject: Redundancy of Major Planning Issues**

Page 7

## Regarding the Following Section

### 1.3.2 Summary of Major Planning Issues

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/EIS.

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 are analyzed in the CCMA RMP/EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

- Questions with regard to chrysotile asbestos and EPA Risk Assessment
- Impacts to human health from asbestos exposure.
- Measures to reduce and minimize risk to public health and safety:
- Suitable areas for motorized and non-motORIZED recreation uses.
- Desired outcome for areas with high scenic and/or cultural values.
- Protection of special status species.
- Potential land tenure adjustments (acquisition & disposal).
- Wildfire management strategy to protect private and public lands and resources.
- Establishing limits on season of use, number of visitor use days/years, vehicle types, riding areas and/or trails types., or minimum age requirements.
- Fluid and solid mineral development;
- Impacts on watershed resources and water quality;
- Impacts on air quality in non-attainment areas;

## Discussion

The Agency promotes the above as being "Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS" creating an image that these represent a fresh view of the major planning issues confronting the Bureau of Land Management. However, a review of previous planning actions undertaken by the Agency within the defined planning area illustrate that most of these issue been extensively studied several times. This review is tabulated in Table 6 on page 28. Because the list of major planning issue is too complex to easily list in Table 5, Table 5 on page 26 is created to act as a mnemonic legend for column 1 of Table 6.

**Table 5: Mnemonic List for Table 2**

Major Planning Issue	Mnemonic
Questions with regard to chrysotile asbestos and EPA Risk Assessment	Asbestos
Impacts to human health from asbestos exposure.	Health

	Major Planning Issue	Mnemonic
1		
3	Measures to reduce and minimize risk to public health and safety	Reduce
5	Suitable areas for motorized and non-motorized recreation uses	Motor
7	Desired outcome for areas with high scenic and/or cultural values.	
9	Scenic Value	Scenic
11	Cultural Value	Cultural
13	Protection of special status species.	Species
15	Potential land tenure adjustments (acquisition & disposal).	Tenure
17	Wildfire management strategy to protect private and public lands and resources.	Wildfire
19	Establishing limits on season of use, number of visitor use days/years, vehicle types, riding areas and/or trails types, or minimum age requirements.	
21	Seasonal Use	Seasonal
23	Limit number of visitor day	Limit
25	Riding Areas	Riding
27	Trail Types	Trails
29	Age Restrictions	Age
31	Fluid and solid mineral development;	
33	Fluid mineral development	Fluid
35	Solid mineral development	Mineral
37	Impacts on watershed resources and water quality;	
39	watershed resources	Watershed
41	water quality	Quality
43	Impacts on air quality in non-attainment areas;	Air
45		

Additionally, the following symbols are used in Table 6 to illustrate the degree of topic coverage.

- Ex = Considered Extensively
- C = Considered
- - = Not considered

**Table 6: Review of Previous Research of the Major Planning Issue**

Issues	1984	1986	1993	1995	1999	2004	2005	2006	2007
Asbestos	Ex	Ex	-	Ex	Ex	Ex	Ex	Ex	C
Health	C	C	-	Ex	Ex	C	Ex	Ex	C
Reduce	-	-	-	Ex	Ex	C	Ex	Ex	C
Motor	C	-	C	C	C	Ex	Ex	Ex	Ex
Scenic	C	C	Ex	C	C	C	Ex	Ex	Ex
Cultural	Ex	Ex	Ex	C	C	Ex	Ex	Ex	Ex
Species	-	-	Ex	Ex	C	Ex	Ex	Ex	Ex
Tenure	Ex	C	-	C	-	C	C	C	C
Wildfire	Ex	C	-	-	-	C	C	C	C
Seasonal	C	-	C	Ex	Ex	Ex	Ex	Ex	Ex
Limit	-	-	-	-	-	-	-	-	-
Riding	-	C	-	C	-	C	C	-	-
Trails	Ex	Ex	C	Ex	C	Ex	Ex	Ex	C
Age	-	-	-	-	-	-	-	-	-
Fluid	-	-	Ex	-	-	-	-	-	C
Mineral	Ex	Ex	Ex	Ex	C	Ex	Ex	C	Ex
Watershed	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex
Quality	C	C	Ex	Ex	C	Ex	Ex	Ex	Ex
Air	C	C	Ex	Ex	C	Ex	Ex	C	Ex

Table 6 clearly illustrates that each of the Major Planning Issue, except for recreational age restriction and days-per-year recreation limits, have been extensively researched and well documented during pervious planning sessions and in previous resource management plans, environmental impact statements, and records of decision, thus showing that the majority of these issues have been well settled and do not need to be reassessed here. Agencies shall reduce excessive paperwork by tiering from statements of broad scope to those of narrower scope, to eliminate repetitive discussions of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and avoid duplication (§ 1502.4). The agency shall eliminate from study issues which are not significant or which have been covered by prior environmental review (40 C.F.R. § 1506.3), narrowing the discussion of these issues in the

Substantive Comment - # 10: Subject: Redundancy of Major Planning Issues Page 7

1 statement to a brief presentation of why they will not have a significant effect on the human  
environment or providing a reference to their coverage elsewhere (§ 1502.22).

### 3 **Recommendation**

5 The Agency must delete such erroneous assertions from the major planning issues  
7 statement. In the absence of realistic issues, the major planning issues statement is erroneous,  
the entire document is mute, without legal merit, and the initiating action is *void ab initio*.  
9 Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must  
11 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
13 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

### 15 **Reference**

17 BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States  
Department of the Interior, Bureau of Land Management.

19 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

21 BLM (1993) *Hollister Oil and Gas RMP Amendment and Environmental Impact Statement*,  
United States Department of the Interior, Bureau of Land Management.

23 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
25 Bureau of Land Management.

27 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
31 Interior, Bureau of Land Management.

33 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
35 Bureau of Land Management.

37 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

39 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
41 Land Management.

43 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
45 Land Management.

## Substantive Comment

# 11

**Subject: Omission of Scientific Integrity**

### Regarding the Following Issue

The Agency's BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement* places significant emphasis on the EPA's 2008 report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*.

### Discussion

Throughout the document, and including the Purpose and Need statement and the list of Major Planning Issues, the Agency relies heavily upon the EPA's 2008 report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*, to the exclusion of any opposing or diverse scientific opinion.

**40 C.F.R. § 1502.24 Methodology and scientific accuracy.** -- Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action (40 C.F.R. § 1502.9).

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

Although the Agency may exercise liberty in selecting which scientific authority or opinion upon which they wish to base their final determination, the Agency is obligated to exhibit professional and scientific integrity during the discussion and analysis in the environmental impact statement. However, the Agency has ignored any and all scientific research and opinion contrary to the EPA's 2008 report, thus creating an illusion of scientific consensus regarding human health risk associated with asbestos, and specifically with the chrysotile mineral natural to the serpentine deposit found within the subject area. There is a diversity of scientific opinion regarding the lack chrysotile etiology to which the public is entitled to know about, and which should be considered by the Deciding Officer. Omission of diverse and credible scientific opinion sways, and even biases, the scope of alternative presented to the Deciding Officer, and thereby impairs the Deciding Officer's ability to fairly, reasonably and objectively select an appropriate alternative.

However, the Agency has purposely chosen to conceal the diversity of scientific opinion by excluding it from the draft resource management plan and the draft environmental impact statement. This accusation is directed because this author provided such references and copy during the public scoping comment period and the Agency chose to exclude or otherwise

Substantive Comment - # 11: Subject: Omission of Scientific Integrity

1 ignore that information. Therefore, the Agency's continued omission is arbitrary and  
capricious in that it asserts a willful and unreasonable action that disregards the facts.

3 In the interest of professional and scientific integrity, and in the interest of serving public  
5 good, a synthesis of some of those diverse scientific opinions are listed below:

7 As predicted by the recent biopersistence studies on chrysotile, this study clearly shows that  
9 at an exposure concentration 5000 times greater than the U.S. threshold limit value of 0.1 f/  
cm<sup>3</sup> chrysotile produces no significant pathological response in a subchronic inhalation  
toxicology study.

11 David M. Bernstein, Rick Rogers, Paul Smith, Jörg Chevalier, 2006, "The Toxicological  
Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation  
13 Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response,"  
*Inhalation Toxicology*, 18:313.

15 Calidria chrysotile cleared from the lung with a half-time of 0.3 days, 7 hours, which is faster  
17 than any other commercial mineral fiber.

19 ... ..

21 These findings provide an important basis for substantiating both kinetically and  
23 pathologically the differences between chrysotile and the amphibole tremolite. This has been  
demonstrated for three different chrysotile samples from Canada, the United States, and  
Brazil. As Calidria chrysotile has been certified to have no tremolite fiber, the results of the  
current study together with the results from toxicological and epidemiological studies  
indicate that this fiber is not associated with lung disease.

25 David M. Bernstein, Jörg Chevalier, Paul Smith, 2005, "Comparison of Calidria  
Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and  
27 Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*,  
17:427.

29 No treatment-related lesions were observed in 9 monkeys maintained for 11.5 years  
31 following an 18-month inhalation exposure to short (<5 µm long) chrysotile asbestos at a  
concentration level of 1.0 mg/m<sup>3</sup>.

33 Lloyd E. Stettler, Douglas D. Sharpnack, Edward F. Krieg, 2008, "Chronic Inhalation of  
Short Asbestos: Lung Fiber Burdens and Histopathology for Monkeys Maintained for  
35 11.5 Years after Exposure," *Inhalation Toxicology*, 20:72.

37 Epidemiological studies investigating mesothelioma risk from exposures of cohort members  
39 to chrysotile asbestos fibers not known to be contaminated with amphiboles do not justify a  
conclusion of causality at this time. Whenever mesothelioma cases have been observed in  
cohort studies, the presence of amphiboles has not been ruled out.

41 Charles M. Yarborough, 2006, "Chrysotile as a Cause of Mesothelioma: An Assessment  
Based on Epidemiology," *Critical Reviews in Toxicology*, 36:181.

1  
3 Various US Agencies have concluded that the New Idria deposit contains exclusively  
5 chrysotile. The Agency for Toxic Substances Disease Registry (ATSDR) has said that “only  
7 chrysotile is of importance to the Atlas and the JM Coalinga mill site”. Woodward Clyde  
9 Consultants under contract to EPA Region IX prepared an inventory of potential asbestos  
sources in the New Idria Coalinga Study Region for the Atlas and the Coalinga Superfund  
Sites (US EPA Contract: 68-01-6939; Doc. No. 239-RI1-RT-EYJX: 15 September 1987,  
Appendix A) and stated: “Chrysotile asbestos is the only asbestos mineral found in the (New  
Idria) region.”

11 E.B. Ilgren, 2004, “Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part  
V - Lack of Amphibole Asbestos Contamination,” *Indoor Built Environment*, 13:325.

13 We found no measurable excess risk of death due to lung cancer among women in two  
15 chrysotile-asbestos-mining regions. The EPA's model overestimated the risk of asbestos-  
induced lung cancer by at least a factor of 10.

17 Michel Camus, Jack Siemiatycki, Bette Meek, 1998, “Nonoccupational Exposure to  
Chrysotile Asbestos and the Risk of Lung Cancer,” *The New England Journal of  
Medicine*, 338(22):1565.

19 In contrast to amphibole asbestos, chrysotile asbestos fails to accumulate in human lungs.

21 Churg A and DePaoli L., 1988, “Clearance of chrysotile asbestos from human lung,”  
*Experimental Lung Research*, 14(5).

23 Advances in risk assessment methodology and analytical techniques, together with  
25 reevaluation of historical data, reveal that the current Environmental Protection Agency  
(EPA) approach for risk assessment of asbestosis is not in step with current scientific  
27 consensus, particularly for chrysotile fibers.

29 ACSH (2007) “Asbestos Exposure: How Risky is it?,” Ruth Kava, coordinator, American  
Council on Science and Health, New York, NY. P. 4.

## 31 Recommendation

33 The Agency must exercise professional and scientific integrity and serve the public interest  
35 by offering an honest review of the various credible peer-reviewed scientific opinions  
37 regarding potential health risk, or lack of health risk, associated with possible inhalation of  
39 chrysotile mineral which is natural to the serpentine deposit within the subject area. The  
Agency must rewrite the draft resource management plan and draft environmental statement  
41 to explore the diversity of credible scientific opinion regarding the lack of chrysotile etiology  
so that it can be balanced against the EPA opinion expressed in their report. Even though they  
may conflict with the EPA report, the Agency must include references to these credible  
scientific opinions in the final resource management plan, the final environmental impact  
study, or the record of decision.

# Substantive Comment

# 12

## Subject: Confusing Document Formatting

### Referring to the Following Paragraph

Document formatting style is inconsistent. The following list briefly illustrates the variety used throughout the document.

Function	Size	Font Style	Tag	Style	Example
Bullet List 1	11	Times New Roman	List Item Body	/tBullet/tText	• The EP...
Bullet List 1	11	Times New Roman	List Item Body	/tBullet/tText	o Maint...
Paragraph Heading 1	16	Myriad Regular	Heading Level 1	##/tText	<b>ES EXE...</b>
Paragraph Heading 2	14	Myriad Regular	Heading Level 2	##/tText	<b>ES.1 Intr...</b>
Paragraph Heading 2	14	Arial Bold	Paragraph	##/tText	<b>2.4 Descri...</b>
Paragraph Heading 3	12	Myriad Regular	Heading Level 3	##.##/tText	1.2.2 Plann...
Paragraph Heading 4	11	Myriad Regular	Heading Level 3	##.##.##/tText	1.3.3.1 Tem...
Paragraph Heading 4	11	Myriad Regular	Heading Level 4	##.##.##/tText	3.1.4.1 OH...
Paragraph Heading 4	12	Arial Bold	Heading Level 4	##.##.##/tText	<b>2.4.1.1 Goa...</b>
Paragraph Heading 5	11	Times New Roman Bold	Heading Level 5	Text	<b>Rangela...</b>
Paragraph Heading 5	12	Times New Roman Bold	Paragraph	Text	<b>Other Recr...</b>
Paragraph Heading 5	11	Arial Bold	Underline	Text	<u><b>Auro...</b></u>
Table Body	10	Times New Roman	Paragraph	/l	Fresno/San...
Table Cell Body	10	Times New Roman	Paragraph	/l or /c	BLM

Substantive Comment - # 12: Subject: Confusing Document Formatting

Function	Size	Font Style	Tag	Style	Example
Table Cell Head	10	Times New Roman Bold	Paragraph	/l or /c	<b>Ownership</b>
Table Cell Head	10	Arial Bold	Paragraph	/l	<b>Docume...</b>
Table Cell Head	11	Arial Bold	Paragraph	/l	<b>Jurisdi...</b>
Table Title	10	Times New Roman Bold	Paragraph	/cTable #.# Text	<b>Table 1-1. Lan...</b>
Table Title	11	Times New Roman	Paragraph	Table #.# Text	Table 1-2. CCMA Mana...
Table Title	12	Times New Roman Italic	Paragraph	/c Text	Public Mee...
Table Title	11	Arial Bold	Paragraph	Table #.#-#	<b>Table 1.5-1 Histo...</b>
Table Title	12	Myriad Regular	List Item Body	Table #.#-#	Table 2.4-1(a) Sum...

**Discussion**

Consistent use of paragraph heading and table title hierarchy facilitates document comprehension by assisting the reader through topic and subtopics. Confusing the subject hierarchy forces the reader to frequently reexamine the paragraph heading thus making reading and comprehension much more difficult. Inconsistent style and formatting suggest that the document was not properly edited before public release. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

**Recommendation**

The Agency must rewrite the document using consistent document style and format methodology to facilitates document comprehension. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 12: Subject: Confusing Document Formatting**

1 **Substantive Comment**

**# 13**

3 **Subject: Erroneous Statement**

**Page I**

5 **Referring to the Following Paragraph**

7 The Bureau of Land Management (BLM) Hollister Field Office (HFO) has prepared this Draft  
9 Resource Management Plan/Environmental Impact Statement (RMP/EIS) to provide direction for  
11 managing public lands in the Clear Creek Management Area (CCMA). The HFO manages  
13 approximately 63,000 acres of public land within the 75,000-acre CCMA, representing a variety  
15 of settings and landforms that host many diverse natural and cultural resources, **and offer  
recreation and other multiple-use opportunities**. Since 1984, approximately 30,000 acres of  
serpentine soils high in asbestos fibers within the CCMA have been designated as the Clear Creek  
Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety.  
BLM's mission is to sustain the health, diversity, and productivity of these public lands for the  
use and enjoyment of present and future generations.

17 **Discussion**

19 The statement, "and offer recreation," is erroneous within the context of this draft RMP/EIS  
21 because of the 43 C.F.R. 8364.1 closure of May 1, 2008, closing the area's Recreational  
Programs and Visitor Services. There has been no recreation in the subject area since the  
closure.

23 **Recommendation**

25 The Agency must edit or delete this erroneous statement to correct this deficiency. The  
27 phrase "and offer recreation and other multiple-use opportunities" should be changed to read:  
29 "and offered recreation and other multiple-use opportunities previous to the May 1, 2008  
closure." The Agency must rewrite the subject document to remove the discrepant issue from  
31 the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 13: Subject: Erroneous Statement Page I**

1 **Substantive Comment**

**# 14**

3 **Subject: Erroneous Statement**

**Page I**

5 **Referring to the Following Paragraph**

7 The Bureau of Land Management (BLM) Hollister Field Office (HFO) has prepared this Draft  
9 Resource Management Plan/Environmental Impact Statement (RMP/EIS) to provide direction for  
11 managing public lands in the Clear Creek Management Area (CCMA). The HFO manages  
13 approximately 63,000 acres of public land within the 75,000-acre CCMA, representing a variety  
15 of settings and landforms that host many diverse natural and cultural resources, and offer  
recreation and other multiple-use opportunities. Since 1984, approximately 30,000 acres of  
serpentine soils high in asbestos fibers within the CCMA have been designated as the Clear Creek  
Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety.  
BLM's mission is to sustain the health, diversity, and productivity of these public lands for the  
use and enjoyment of present and future generations.

17 **Discussion**

19 The statement, "serpentine soils high in asbestos fibers within the CCMA" is erroneous  
21 because there is no commercial asbestos product found within the CCMA. Using the word  
23 "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large  
25 volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is  
27 known for its naturally occurring chrysotile deposit, and is known to be free of natural  
29 amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the  
reference to a specific mineral is more appropriate and technically correct. According to the  
United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that  
have been used in commercial products." The definition is expanded further in the USGS  
Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and  
amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are  
five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite),  
riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5).  
The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the  
current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in  
fact, not be a human health risk.

35 **Recommendation**

37 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
39 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
41 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
43 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 14: Subject: Erroneous Statement Page I**

1 **Substantive Comment**

**# 15**

3 **Subject: Erroneous Statement**

**Page I**

5 **Referring to the Following Paragraph**

7 The Bureau of Land Management (BLM) Hollister Field Office (HFO) has prepared this Draft  
Resource Management Plan/Environmental Impact Statement (RMP/EIS) to provide direction for  
9 managing public lands in the Clear Creek Management Area (CCMA). The HFO manages  
approximately 63,000 acres of public land within the 75,000-acre CCMA, representing a variety  
11 of settings and landforms that host many diverse natural and cultural resources, and offer  
recreation and other multiple-use opportunities. Since 1984, approximately 30,000 acres of  
13 serpentine soils high in asbestos fibers within the CCMA have been **designated as the Clear Creek  
Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety.**  
15 BLM's mission is to sustain the health, diversity, and productivity of these public lands for the  
use and enjoyment of present and future generations.

17 **Discussion**

19 The statement, "... designated as the Clear Creek Serpentine Area of Critical Environmental  
Concern (ACEC) to protect public health and safety" is erroneous because according to Federal  
21 Register Vol. 49, No. 198, page 39918, October 11, 1984: The ACEC was designated for  
"sensitive and unique plants," and "for asbestos hazards, critical watershed concerns, unique  
23 soils, and hobby gem and mineral values." The phrase, "to protect public health and safety" is  
not used to describe the purpose of the subject ACEC and should therefore be removed from  
25 document.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
phrase "designated as the Clear Creek Serpentine Area of Critical Environmental Concern  
31 (ACEC) to protect public health and safety" should be changed to read: "designated as the  
Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect sensitive and  
33 unique plants and for asbestos hazards, critical watershed concerns, unique soils, and hobby  
gem and mineral values." The Agency must rewrite the subject document to remove the  
35 discrepant issue from the document. The original discrepancy must not be included or  
propagated in the final resource management plan, the final environmental impact study, or  
37 the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 16**

3 **Subject: Confusing Statement**

**Page I**

5 **Referring to the Following Paragraph**

7 Public land resources described in this RMP/EIS are classified as “Planning Areas”. The Planning  
Area encompasses the entire area within the boundaries of CCMA regardless of jurisdiction or  
9 ownership. The “BLM-administered lands” refer to public lands within the Planning Area for  
which the BLM has authority and makes decisions (also referred to as the “Decision Area”).

11 **Discussion**

13 The statement, “ “Planning Areas”. ” is confusing because it contains unusual formatting.  
Since “agencies should employ writers of clear prose or editors to write, review or edit  
15 statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
21 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The phrase “Planning Areas” should be  
23 changed to read planning areas with quotation or capitalization. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
33 titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
35 quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
37 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
39 always applied consistently throughout the document.

1 **Substantive Comment**

**# 17**

3 **Subject: Confusing Statement**

**Page I**

5 **Referring to the Following Paragraph**

7 Public land resources described in this RMP/EIS are classified as “Planning Areas”. The Planning  
Area encompasses the entire area within the boundaries of CCMA regardless of jurisdiction or  
9 ownership. The “BLM-administered lands” refer to public lands within the Planning Area for  
which the BLM has authority and makes decisions (also referred to as the “Decision Area”).

11 **Discussion**

13 The statement, “entire area within the boundaries of CCMA regardless of jurisdiction or  
ownership ...” is confusing because it implies that the Agency intends to implement planning  
15 for land which it confesses that it has no jurisdiction or authority. Such action is unlawful and  
confesses criminal intent on the part of an agency and its employees.

17 **Recommendation**

19 The Agency must edit or delete this confusing statement to correct such deficiencies. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
23 documentation should include corrected recommendations.

**Substantive Comment - # 17: Subject: Confusing Statement Page I**

## Substantive Comment

# 18

**Subject: Confusing Statement**

Page 1

Referring to the Following Paragraph

The Hollister RMP was updated in 2007 to establish goals, objectives, and management actions for BLM public lands that address current issues, knowledge, and conditions. However, BLM-administered lands in CCMA were not addressed in the Hollister RMP (2007) because the Environmental Protection Agency (EPA) was preparing an asbestos exposure and human health risk assessment to provide BLM and the general public information on the exposure levels from various types of activities in the Clear Creek Serpentine ACEC. EPA initiated the study in 2004 in connection with the clean-up of the Atlas Asbestos Mine Superfund Site, also in CCMA, and concerns about the technical deficiencies of a 1992 health risk assessment that BLM used to evaluate CCMA visitor's exposure to airborne asbestos fibers in the area. Therefore, BLM agreed to work with EPA and the public upon completion of the study to incorporate the new health risk information into public land use decisions for the area.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 18: Subject: Confusing Statement Page I**

## Substantive Comment

# 19

**Subject: Erroneous Statement**

**Page I**

### Referring to the Following Paragraph

EPA released the CCMA Asbestos Exposure and Human Health Risk Assessment on May 1, 2008. The result of the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.

### Discussion

The statement, "... the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA" is erroneous because the study did not conclude as stated, but instead concluded the following:

**Reference:** EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency, page 8-1.

Asbestos is a known human carcinogen. Despite the uncertainties inherent in risk assessment, the EPA evaluation of asbestos exposures and risks at the Clear Creek Management Area has led to some important conclusions.

- The Activity Causes the Exposure – The concentration of asbestos in the breathing zone is directly related to the degree that an activity disturbs the soil and creates dust.
- Children Are of Special Concern – In a majority of the samples, the concentration of asbestos measured in the child's breathing zone exceeded the asbestos concentration in the companion adult sample. Further, a child's life expectancy exceeds the latency period for asbestos-related disease.
- The Higher the Exposure, the Higher the Risk – The activities with the highest exposure - motorcycling, ATV riding, and SUV driving/riding - had the highest corresponding excess lifetime cancer risk.
- Reducing the Exposure Will Reduce the Risk – The risk of developing asbestos-related disease is dependent on the level of exposure, the duration of exposure, and the time since first exposure. Reducing exposure will reduce the risk of developing asbestos related cancers and debilitating and potentially fatal non-cancer disease.

In summary, the asbestos exposures that EPA measured at CCMA are high and the resulting health risks are of concern.

### Recommendation

The Agency must edit or delete this erroneous statement to correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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## Substantive Comment

# 20

**Subject: Confusing Statement**

**Page I & II**

### Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

### Discussion

Using the phrase "exposure to airborne asbestos in the CCMA" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." Change the phrase to read, "exposure to airborne chrysotile dust in the CCMA." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 20: Subject: Confusing Statement Page I & II

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 20: Subject: Confusing Statement Page I & II**

1 **Substantive Comment**

# 21

3 **Subject: Confusing Statement**

Page II

5 **Referring to the Following Paragraph**

7 Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS,  
9 BLM selected a combination of management actions and objectives from among the range of  
11 alternatives, using the 'menu approach' described below in Section 1.2.2. The BLM's Preferred  
13 Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public  
15 health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions,  
and promote outreach and education to inform public lands users of the human health risks  
associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource  
management goals described in Chapter 2 and the purpose and need statement described below.

15 **Discussion**

17 The statement, "the 'menu approach' described" is confusing because it contains unusual  
19 formatting. Since "agencies should employ writers of clear prose or editors to write, review or  
21 edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning.

21 **Recommendation**

23 The Agency must explain any special meaning intended by unusual formatting, or confess  
25 that it is a reflection on poor document management, the lack writing skill or the lack of  
27 competent editing and correct such deficiencies. The Agency must rewrite the subject  
29 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
35 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
39 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
41 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
43 always applied consistently throughout the document.  
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## Substantive Comment

# 22

**Subject: Confusing Statement**

Page II

### Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the 'menu approach' described below in Section 1.2.2. The BLM's Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public lands users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 22: Subject: Confusing Statement Page II

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 22: Subject: Confusing Statement Page II**

1 **Substantive Comment**

**# 23**

3 **Subject: Confusing Statement**

**Page II**

5 **Referring to the Following Paragraph**

7 The CCMA RMP/EIS provides an updated assessment of resources, uses, conditions, and trends;  
a forum for enhanced public collaboration and involvement; and a comprehensive impact analysis  
9 of reasonable management alternatives and resulting land use decisions.

11 **Discussion**

13 The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "CCMA RMP/EIS" is being referenced:

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
and *Final Environmental Impact Statement*, United States Department of the Interior,  
17 Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
*Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

21 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
and *Final Environmental Impact Statement*, United States Department of the Interior,  
23 Bureau of Land Management.

25 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
*Environmental Impact Statement*, United States Department of the Interior, Bureau of  
27 Land Management.

29 **Recommendation**

31 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
33 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 23: Subject: Confusing Statement Page II**

1 **Substantive Comment**

**# 24**

3 **Subject: Misleading Statement**

**Page III**

5 **Referring to the Following Paragraph**

7 Since the development of the 1984 Hollister RMP and associated CCMA RMP amendments,  
many social, political, and environmental changes have occurred that affect resource conditions  
9 and influence public land uses. These changes, coupled with significant population growth that  
had not been anticipated in the 1984 plan and subsequent amendments, have presented some  
11 complex management issues that can be addressed by an updated land use plan.

13 **Discussion**

15 The statement, "... significant population growth ..." is misleading because it conflicts  
with the visitor data tabulated on page 135 of the subject report, which show a decrease in  
17 CCMA visitation which is contrary to suggesting that "significant population growth"  
necessitate a new resource management plan.

19 **Recommendation**

21 The Agency must edit or delete this misleading statement to correct this discrepancy. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 24: Subject: Misleading Statement Page III**

1 **Substantive Comment**

**# 25**

3 **Subject: Confusing Statement**

**Page III**

5 **Referring to the Following Paragraph**

- 7 • The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides  
9 significant new information that must be incorporated into a land use plan to evaluate the  
public health risk associated with BLM land use authorizations.

11 **Discussion**

13 This is confusing because there is doubt about whether “CCMA Asbestos Exposure and  
15 Human Health Risk Assessment” reference a study or a document. There is no document titled  
17 “CCMA Asbestos Exposure and Human Health Risk Assessment.” If “CCMA” is part of a proper  
19 title to a document, then it should be spelled out rather than abbreviated. Perhaps the author  
meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment* (EPA 2009). The public depends on author’s accuracy and is therefore not at liberty  
to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete this confusing statement to correct this discrepancy. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 25: Subject: Confusing Statement Page III

1 **Substantive Comment**

**# 26**

3 **Subject: Erroneous Statement**

**Page III**

5 **Referring to the Following Paragraph**

- 7 • The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides  
9 significant new information that must be incorporated into a land use plan to evaluate the  
public health risk associated with BLM land use authorizations.

11 **Discussion**

13 Stating that “The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment  
15 (2008) provides significant new information” is erroneous because the large chrysotile  
deposits in the serpentine area have been well know for very many years. Additionally, this is  
17 confusing because there is doubt about whether “CCMA Asbestos Exposure and Human  
Health Risk Assessment” reference a study or a document. There is no document titled “CCMA  
Asbestos Exposure and Human Health Risk Assessment.” If “CCMA” is part of a proper title to a  
document, then it should be spelled out rather than abbreviated. Perhaps the author meant to  
19 Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*  
(EPA 2009). The public depends on author’s accuracy and is therefore not at liberty to interpret  
21 variant meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

23 **Recommendation**

25 The Agency must edit or delete this erroneous statement to correct this discrepancy. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 27**

3 **Subject: Misleading Statement**

**Page III**

5 **Referring to the Following Paragraph**

- 7 • The current management plan does not specifically address listing and/or additional habitat  
9 needs for species protected under the federal 1973 Endangered Species Act (ESA), including  
the California condor, red-legged frog, and tiger salamander.

11 **Discussion**

13 It is important the consider that the California condor, red-legged frog, and tiger  
15 salamander survived 120 years of indiscriminate mining activity in this area. While it seems  
17 reasonable to assume that such mining activities was deleterious to area fauna, that fact that  
19 some species survived the environmental stress caused by indiscriminate mining activity  
21 should be considered because it appear that some species did not survive in areas absent of  
that stress, hence, the cessation of human activity may become deleterious to species  
preservation. While such an assertion might appear superficially absurd, it is foolish to dismiss  
the impact of previous extreme environmental stress caused by historic mining activity and  
areal occupation.

23 **Recommendation**

25 The Agency must edit or delete this statement to correct this discrepancy. The Agency  
27 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 27: Subject: Misleading Statement Page III**

1 **Substantive Comment**

**# 28**

3 **Subject: Misleading Statement**

**Page III**

5 **Referring to the Following Paragraph**

- 7 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
9 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production; as well as an increased awareness and social value placed  
on the cultural and natural resources in the Planning Area.

11 **Discussion**

13 The statement, "... increased demand for use of public lands for recreation ..." is  
15 misleading because it conflicts with the visitor data tabulated on page 135 of the subject  
report, which show a decrease rather than a growth.

17 **Recommendation**

19 The Agency must edit or delete this misleading statement to correct this discrepancy. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 28: Subject: Misleading Statement Page III**

1 **Substantive Comment**

**# 29**

3 **Subject: Misleading Statement**

**Page III**

5 **Referring to the Following Paragraph**

- 7 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
9 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production as well as an increased awareness and social value placed on  
the cultural and natural resources in the Planning Area.

11 **Discussion**

13 This paragraph is misleading because the CCMA is not an “energy production” area so no  
15 increased demand for energy production has occurred in the CCMA. This statement asserts  
needless detail that fails to concentrate on the issues that are truly significant to the action in  
question (40 CRF 1500.1).

17 **Recommendation**

19 The Agency must edit or delete the defective statement to correct this deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 29: Subject: Misleading Statement Page III**

1 **Substantive Comment**

**# 30**

3 **Subject: Erroneous Statement**

**Page III**

5 **Referring to the Following Paragraph**

- 7 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
9 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production as well as an increased awareness and social value placed on  
the cultural and natural resources in the Planning Area.

11 **Discussion**

13 There is no evidence, and the document offers none, of increased awareness and social  
15 value placed on cultural and natural resources within the subject area, therefore this  
statement needs a supporting reference or it should be deleted. This statement asserts  
17 needless detail that fails to concentrate on the issues that are truly significant to the action in  
question (40 CRF 1500.1).

19 **Recommendation**

21 The Agency must edit or delete this statement to correct this discrepancy. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
23 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
25 should include corrected recommendations.

**Substantive Comment - # 30: Subject: Erroneous Statement Page III**

1 **Substantive Comment**

**# 31**

3 **Subject: Confusing Statement**

**Page III**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 The paragraph's reference to "the CCMA RMP" is confusing because the reader is unsure  
about which of the following documents is being referenced:

23 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

25 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
27 Bureau of Land Management.

29 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
31 Management.

33 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

35 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
37 Bureau of Land Management.

39 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
41 of Land Management.

43 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
45 Land Management.

Substantive Comment - # 31: Subject: Confusing Statement Page III

1 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
2 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
3 Land Management.

5 **Recommendation**

7 The Agency must edit or delete this statement to correct this discrepancy. The Agency  
8 must rewrite the subject document to remove the discrepant issue from the document. The  
9 original discrepancy must not be included or propagated in the final resource management  
10 plan, the final environmental impact study, or the record of decision. The final documentation  
11 should include corrected recommendations.

Substantive Comment - # 31: Subject: Confusing Statement Page III

## Substantive Comment

# 32

**Subject: Misleading Statement**

**Page III**

### Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

### Discussion

Repeatedly using the term "asbestos" implies the area is dangerously contaminated with the full spectrum of commercially imported amphibole asbestos, which it is not. This should read "chrysotile," since this the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 32: Subject: Misleading Statement Page III**

1 **Substantive Comment**

**# 33**

3 **Subject: Misleading Statement**

**Page III**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 This paragraph is misleading because it fails to note that the greatest impact on "sensitive  
23 natural" resources was from 120 years of area mining. The evidence of this, although  
recovering, is clearly exhibited in satellite photographs of the region.

25 **Recommendation**

27 The Agency must edit or delete this statement to correct this discrepancy. The Agency  
29 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
31 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 33: Subject: Misleading Statement Page III**

1 **Substantive Comment**

**# 34**

3 **Subject: Misleading Statement**

**Page III**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 The greatest impact on cultural resources has been BLM "reclamation" work which has  
23 totally destroyed historic archaeological sites. Examples of this are the Aurora Mine, Alpine  
25 Mine, Picacho, the Almaden Furnace foundation at Staging Area two, the Brick Kiln near Oak  
27 Flat, the cabins at Indian Hill, the "Swimming hole" at original Jade Mill. Additionally, past BLM  
cultural research and preservation efforts within the CCMA and surrounding area has been  
minimal. The greatest impact since the cessation of area mining has not been from recreation,  
but rather from the BLM.

29 **Recommendation**

31 The Agency must edit or delete this statement to correct this discrepancy. The Agency  
33 must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

## Substantive Comment

# 35

**Subject: Confusing Statement**

**Page III**

### Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

### Discussion

Enclosing the word "Vision" within quotation implies that it quoted from another source. What source is being quoted? Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

1 **Substantive Comment**

# 36

3 **Subject: Confusing Statement**

Page III

5 **Referring to the Following Paragraph**

7 Opportunities for public involvement will continue as development of the CCMA RMP/EIS  
9 proceeds. For example, upon release of the Draft RMP/ EIS, the public will have a period of 90  
11 days to provide comments and feedback on its contents to BLM. During this period, BLM will  
13 host a minimum of three public meetings to solicit feedback on the Draft RMP/EIS from the  
15 public and interested stakeholders.

13 **Discussion**

15 The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is  
17 unsure about which of the following "CCMA RMP/EIS" is being referenced:

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
19 and Final Environmental Impact Statement*, United States Department of the Interior,  
21 Bureau of Land Management.

21 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
23 Statement for the Clear Creek Management Area*, United States Department of the  
25 Interior, Bureau of Land Management.

23 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
25 and Final Environmental Impact Statement*, United States Department of the Interior,  
27 Bureau of Land Management.

27 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
29 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
31 Land Management.

31 **Recommendation**

33 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
35 statement. The Agency must rewrite the subject document to remove the discrepant issue  
37 from the document. The original discrepancy must not be included or propagated in the final  
39 resource management plan, the final environmental impact study, or the record of decision.  
41 The final documentation should include corrected recommendations.  
43  
45

Substantive Comment - # 36: Subject: Confusing Statement Page III

1 **Substantive Comment**

**# 37**

3 **Subject: Confusing Statement**

**Page IV**

5 **Referring to the Following Paragraph**

7 Alternative A represents the ‘No Action’ alternative and would reaffirm current management  
9 into public outreach and education asbestos hazard information program to mitigate public health  
11 risk.

11 **Discussion**

13 The paragraph is confusing because it contains unusual formatting. Since “agencies should  
15 employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8),  
17 the public is left to assume that such unusual words, terminology or formatting might convey  
19 special meaning.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
21 that it is a reflection on poor document management, the lack writing skill or the lack of  
23 competent editing and correct such deficiencies. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
27 not be included or propagated in the final resource management plan, the final  
29 environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

27 **Reference**

29 Generally, written American English uses the following format: Use quotation marks [ " " ]  
31 to set off material that represents quoted or spoken language. Quotation marks also set off the  
33 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
37 quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
39 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
41 for technical terms followed by definitions. Italicize punctuation marks immediately following  
43 italicized words. Italicized words also set off the titles of full-length works that are published  
45 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

**Substantive Comment - # 37: Subject: Confusing Statement Page IV**

## Substantive Comment

# 38

**Subject: Confusing Statement**

**Page IV**

### Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative and would reaffirm current management under the 1984 Hollister RMP (as amended). BLM would incorporate new health risk information into public outreach and education asbestos hazard information program to mitigate public health risk.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 38: Subject: Confusing Statement Page IV

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

# 39

3 **Subject: Confusing Statement**

Page IV

5 **Referring to the Following Paragraph**

7 Alternative B maintains multiple use opportunities in CCMA, and considers multiple mitigation  
measures to protect public health and safety. BLM would protect health and safety by increasing  
9 restrictions on season of use and visitor use days/year, dust mitigation on major routes, and by  
eliminating camping and staging in the Serpentine ACEC.

11 **Discussion**

13 The paragraph is confusing because it contains unusual formatting. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
15 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
that it is a reflection on poor document management, the lack writing skill or the lack of  
21 competent editing and correct such deficiencies. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
23 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

27 **Reference**

29 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
31 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
33 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
35 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
37 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

## Substantive Comment

# 40

**Subject:** Confusing Statement

Page IV

### Referring to the Following Paragraph

Alternative C limits OHV recreation opportunities in the Serpentine ACEC based on vehicle types, and minimum age requirements, and other mitigation measures. BLM would protect health and safety by prohibiting access into the ACEC for visitors < age 18, restricting OHV recreation to motorcycle use only, increasing restrictions on season of use, dust mitigation on major routes, and by eliminating camping and staging in the Serpentine ACEC.

### Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 40: Subject: Confusing Statement Page IV

1 **Substantive Comment**

# 41

3 **Subject: Confusing Statement**

Page IV

5 **Referring to the Following Paragraph**

7 Alternative D emphasizes vehicle access for non-motorized recreation opportunities inside the  
9 ACEC, and new OHV recreation opportunities outside of the ACEC. BLM would protect health  
and safety by restricting motorized access in the ACEC to major routes, dust mitigation on major  
routes, installing a public wash rack, and by and eliminating camping and staging in the ACEC.

11 **Discussion**

13 The paragraph is confusing because it contains unusual formatting. Since "agencies should  
15 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
21 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
23 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
25 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

27 **Reference**

29 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
31 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
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33 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
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35 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
37 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 42

3 **Subject:** **Confusing Statement**

Page IV

5 **Referring to the Following Paragraph**

7 Alternative E allows limited vehicle touring and pedestrian use in the ACEC, and non-motorized  
recreation opportunities outside the ACEC. Public health and safety risks would be mitigated by  
9 requiring permits for access into the Serpentine ACEC for day use only. Vehicle touring would be  
limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year.

11 **Discussion**

13 The paragraph is confusing because it contains unusual formatting. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
15 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
that it is a reflection on poor document management, the lack writing skill or the lack of  
21 competent editing and correct such deficiencies. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
23 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

27 **Reference**

29 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
31 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
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33 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
35 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
37 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 43

3 **Subject:** Confusing Statement

Page IV

5 **Referring to the Following Paragraph**

7 Alternative F restricts public access in the ACEC to non-motorized travel only. Allowable use  
restrictions would significantly reduce risk to public health and safety; and BLM management  
9 activities would lower risk to human health and the environment.

11 **Discussion**

13 The paragraph is confusing because it contains unusual formatting. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
15 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
that it is a reflection on poor document management, the lack writing skill or the lack of  
21 competent editing and correct such deficiencies. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
23 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

27 **Reference**

29 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
31 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
33 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
35 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
37 always applied consistently throughout the document.

1 **Substantive Comment**

# 44

3 **Subject: Confusing Statement**

Page IV

5 **Referring to the Following Paragraph**

7 Alternative G minimizes public health risk by prohibiting all public access and entry into the  
9 Clear Creek Serpentine ACEC. Alternative G would make the existing temporary closure of the  
11 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent.  
Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts  
associated with the temporary closure of the Serpentine ACEC to other management actions  
within the range of alternatives for the CCMA RMP/EIS.

13 **Discussion**

15 The paragraph is confusing because it contains unusual formatting. Since "agencies should  
17 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
23 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
27 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
39 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 45

3 **Subject:** Confusing Statement

Page V

5 **Referring to the Following Paragraph**

7 Development of the CCMA RMP/EIS allows BLM the opportunity to review existing agreements  
and consider cooperative agreements with other government agencies, including: U.S.  
9 Environmental Protection Agency, U.S. Fish & Wildlife Service, California Department of  
Forestry & Fire Protection (CALFIRE), California Office of Historic Preservation, California  
11 Department of Fish & Game, California Regional Water Quality Control Board(s), Monterey Bay  
Unified Air Pollution Control District, and other local agencies.

13 **Discussion**

15 The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "CCMA RMP/EIS" is being referenced:

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
19 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
23 *Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

25 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
27 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
*Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

31 **Recommendation**

33 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
35 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
37 The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 46**

3 **Subject: Erroneous Statement**

**Page V**

5 **Referring to the Following Paragraph**

7 The Tachi Yokut tribe of the Santa Rosa Rancheria is the only federally recognized Native  
9 American group in the Planning Area. Personal contacts between BLM officials and tribal  
11 representatives are routinely scheduled for other planning activities in the Hollister Field Office,  
and BLM has extended the opportunity to provide input for the RMP revision to the Tachi Yokut  
tribe throughout the planning process.

13 **Discussion**

15 The statement, "The Tachi Yokut tribe of the Santa Rosa Rancheria is the only federally  
17 recognized Native American group in the Planning Area" is erroneous because it conflicts with  
19 the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for  
21 this RMP/EIS includes all federal, state, and private lands in southern San Benito County and  
western Fresno County in Central California shown on Map 1 in Appendix I regardless of  
jurisdiction." Portions of the Planning Area contains public and private ways over which the  
Agency has no jurisdiction or authority to designate route usage with non BLM managed lands  
within the Planning Area.

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
27 must rewrite the subject document to remove the discrepant issue from the document. The  
29 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 46: Subject: Erroneous Statement Page V**

1 **Substantive Comment**

# 47

3 **Subject: Confusing Statement**

Page VI

5 **Referring to the Following Paragraph**

7 Based on the discussions held during six public scoping workshops and BLM's current land use  
planning guidance and knowledge of management issues and concerns in the Planning Area, 18  
9 **program areas** are addressed in this Draft RMP/EIS. The following issues and concerns represent  
the key themes and priorities that are considered in the CCMA RMP/EIS:

11 **Discussion**

13 This paragraph is confusing because the term "program area" is not explained or described  
anywhere in the document or by reference to an external document. The reader cannot  
15 understand this document because it contains undefined and unknown terms. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
17 (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
19 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
29

Substantive Comment - # 47: Subject: Confusing Statement Page VI

1 **Substantive Comment**

**# 48**

3 **Subject: Confusing Statement**

**Page VI**

5 **Referring to the Following Paragraph**

7 Based on the discussions held during six public scoping workshops and BLM's current land use  
planning guidance and knowledge of management issues and concerns in the Planning Area, 18  
9 program areas are addressed in this Draft RMP/EIS. The following issues and concerns represent  
the key themes and priorities that are considered in the CCMA RMP/EIS:

11 **Discussion**

13 The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "CCMA RMP/EIS" is being referenced:

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
17 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
21 *Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

23 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
*and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

25 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
27 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

29 **Recommendation**

31 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
33 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
35 The final documentation should include corrected recommendations.

## Substantive Comment

# 49

**Subject:** Confusing Statement

Page VI

### Referring to the Following Paragraph

- Impacts to human health from asbestos exposure.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 49: Subject: Confusing Statement Page VI

1 **Substantive Comment**

**# 50**

3 **Subject: Erroneous Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San  
9 Benito County and western Fresno County in Central California shown on Map 1 in Appendix I  
11 regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the  
13 BLM’s jurisdiction (including subsurface minerals). These are referred to as “BLM-administered  
15 lands” (or “public lands”), and include the subsurface Federal minerals, or “split estate”,  
underlying State Trust Lands and some privately– owned properties. The BLM-administered land  
for which the HFO has authority and will make decisions in this Resource Management Plan  
(RMP) is referred to as the “Decision Area”.

15 **Discussion**

17 The statement, “The Planning Area for this RMP/EIS includes all federal, state, and private  
19 lands ... is erroneous because the Agency has no authority to include State and private lands  
in their “planning.”

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 50: Subject: Erroneous Statement Page 1**

1 **Substantive Comment**

**# 51**

3 **Subject: Confusing Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San  
9 Benito County and western Fresno County in Central California shown on Map 1 in Appendix I  
11 regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the  
13 BLM’s jurisdiction (including subsurface minerals). These are referred to as “BLM-administered  
15 lands” (or “public lands”), and include the subsurface Federal minerals, or “split estate”,  
underlying State Trust Lands and some privately– owned properties. The BLM-administered land  
for which the HFO has authority and will make decisions in this Resource Management Plan  
(RMP) is referred to as the “Decision Area”.

15 **Discussion**

17 The paragraph's reference to “RMP/EIS” is confusing because the reader is unsure about  
19 which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

23 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

25 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
27 Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
31 Interior, Bureau of Land Management.

33 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
37 of Land Management.

39 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
41 Land Management.

43 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
45 Land Management.

**Substantive Comment - # 51: Subject: Confusing Statement Page 1**

1 **Substantive Comment**

**# 52**

3 **Subject: Erroneous Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San  
9 Benito County and western Fresno County in Central California shown on Map 1 in Appendix I  
11 regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the  
13 BLM’s jurisdiction (including subsurface minerals). These are referred to as “BLM-administered  
15 lands” (or “public lands”), and include the subsurface Federal minerals, or “split estate”,  
underlying State Trust Lands and some privately– owned properties. The BLM-administered land  
for which the HFO has authority and will make decisions in this Resource Management Plan  
(RMP) is referred to as the “Decision Area”.

15 **Discussion**

17 The statement, “The Planning Area ... includes all federal, state, and private ... regardless  
19 of jurisdiction” is erroneous because the BLM lacks authority to work outside their jurisdiction.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 52: Subject: Erroneous Statement Page 1**

1 **Substantive Comment**

**# 53**

3 **Subject: Erroneous Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The term, "Clear Creek Management Area" is erroneous because it does not appear to have  
an official definition. The term is not defined in any Federal Register, or in any previous  
27 resource management plan, or on the official Bureau of Land Management land plat maps.

29 **Recommendation**

31 The Agency must provide reference to the official definition, which clearly delineates the  
Clear Creek Management Area, or delete the term from the 2009 Clear Creek Management  
33 Area Draft Resource Management Plan & Draft Environmental Impact Statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
37 should include corrected recommendations.

1 **Substantive Comment**

**# 54**

3 **Subject:** **Needless Detail**

**Page 1**

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
9 of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
11 Management areas are typically larger units of public lands that have a degree of similarity with  
13 regard to resource characteristics and planning issues. CCMA public lands have been used  
15 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
17 recreation activities also occur within the CCMA including hunting and rock-hounding. BLM’s  
19 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
21 Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
23 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
25 lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
27 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
29 objectives, and needs associated with these public lands, lack detailed direction and are generally  
31 outdated. Social, political, and environmental changes, coupled with significant population  
33 growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
35 management issues that are appropriate to analyze in a “stand alone” RMP for the 63,000 acres of  
37 BLM-administered lands in CCMA.

23 **Discussion**

25 The sentence, “Management areas are typically larger units of public lands that have a  
27 degree of similarity with regard to resource characteristics and planning issues” is not relevant  
29 to the paragraph or to the “Purpose and Need” section on page 3 and page 4. This statement  
31 asserts needless detail that fails to concentrate on the issues that are truly significant to the  
33 action in question (40 CRF 1500.1).

31 **Recommendation**

33 The Agency must edit or delete the irrelevant statement. The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
39 final environmental impact study, or the record of decision. The final documentation should  
41 include corrected recommendations.

1 **Substantive Comment**

**# 55**

3 **Subject: Erroneous Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The statement, "BLM's land use decisions for CCMA public lands were originally addressed  
in the Hollister RMP (1984)" is erroneous because the public lands within this area were first  
27 designation "multiple-use" in 1967 (32 FR 14716).

29 **Recommendation**

31 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

**Substantive Comment - # 55: Subject: Erroneous Statement Page 1**

1 **Substantive Comment**

**# 56**

3 **Subject: Confusing Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The sentence "A variety of other recreation activities also occur within the CCMA including  
hunting and rock-hounding" implies that the term "rock-hounding" is always associated with  
27 recreation. However, Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in  
geology, 2) an amateur rock and mineral collector," which is not necessarily recreational.

29 **Recommendation**

31 The Agency must edit the phrase to clarify the meaning or delete the flawed  
characterization. The Agency must rewrite the subject document to remove the discrepant  
33 issue from the document. The original discrepancy must not be included or propagated in the  
final resource management plan, the final environmental impact study, or the record of  
35 decision. The final documentation should include corrected recommendations.

## Substantive Comment

# 57

**Subject: Confusing Reference**

**Page 1**

### Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

### Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 57: Subject: Confusing Reference Page 1

1 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast*  
2 *of California: Record of Decision*, United States Department of the Interior, Bureau of  
3 Land Management.

5 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
6 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
7 Land Management.

## 9 **Recommendation**

11 The Agency must edit or delete the confusing reference. The Agency must rewrite the  
12 subject document to remove the discrepant issue from the document. The original  
13 discrepancy must not be included or propagated in the final resource management plan, the  
14 final environmental impact study, or the record of decision. The final documentation should  
15 include corrected recommendations.

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**Substantive Comment - # 57: Subject: Confusing Reference Page 1**

1 **Substantive Comment**

**# 58**

3 **Subject: Confusing Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The term, "detailed direction" is confusing because it is a relative term and meaningless in  
this context because the BLM (1984) Hollister Resource Management Plan and Record of  
27 Decision, then the abbreviation Hollister RMP/ROD (BLM 1984) did provide some "detailed  
direction." This statement asserts needless detail that fails to concentrate on the issues that are  
29 truly significant to the action in question (40 CRF 1500.1).

31 **Recommendation**

33 The Agency must edit or delete the confusing reference. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

1 **Substantive Comment**

**# 59**

3 **Subject: Confusing Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The term, "significant" is an inflationary word with relative meaning and it is inappropriate  
without delineation or quantitative numbers. This statement asserts needless detail that fails  
27 to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

29 **Recommendation**

31 The Agency must edit the paragraph to quantify the term "significant" or delete the  
confusing terminology. The Agency must rewrite the subject document to remove the  
33 discrepant issue from the document. The original discrepancy must not be included or  
propagated in the final resource management plan, the final environmental impact study, or  
35 the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

# 60

3 **Subject: Erroneous Statement**

Page 1

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The statement, "Social, political, and environmental changes, coupled with significant  
population growth not anticipated in the 1984 RMP and CCMA amendments have presented  
27 some complex management issues that are appropriate to analyze in a "stand alone" RMP for  
the 63,000 acres of BLM-administered lands in CCMA" is erroneous because there have no  
29 significant ""Social, political, and environmental changes" since 1984, our nation, state, society  
and environment is today, much as it was in 1984.

31 **Recommendation**

33 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

1 **Substantive Comment**

# 61

3 **Subject: Misleading Statement**

Page 1

5 **Referring to the Following Paragraph**

7 Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres,  
of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO).  
9 Management areas are typically larger units of public lands that have a degree of similarity with  
regard to resource characteristics and planning issues. CCMA public lands have been used  
11 extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other  
recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's  
13 land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984).  
Since 1984, the Hollister RMP was amended several times to address new issues and emerging  
15 trends on public lands. Therefore, current management direction for the 63,000 acres of public  
lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent  
17 CCMA amendments. This plan and its amendments, while providing a broad overview of goals,  
objectives, and needs associated with these public lands, lack detailed direction and are generally  
19 outdated. Social, political, and environmental changes, coupled with significant population  
growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex  
21 management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of  
BLM-administered lands in CCMA.

23 **Discussion**

25 The statement, "population growth not anticipated in 1984" is misleading because it  
conflicts with the visitor data tabulated on page 135 of the subject report, which show a  
27 decrease in CCMA visitation despite "significant population growth. This statement asserts  
needless detail that fails to concentrate on the issues that are truly significant to the action in  
29 question (40 CRF 1500.1).

31 **Recommendation**

33 The Agency must edit or delete the misleading statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

1 **Substantive Comment**

**# 62**

3 **Subject: Confusing Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 The Hollister RMP was updated in 2007 to establish goals, objectives, and management actions  
9 for BLM public lands that address current issues, knowledge, and conditions. However, BLM-  
11 administered lands in CCMA were not addressed in the Hollister RMP (2007) because the  
13 Environmental Protection Agency (EPA) was preparing an asbestos exposure and human health  
15 risk assessment to provide BLM and the general public information on the exposure levels from  
17 various types of activities in the CCMA. EPA initiated the study in 2004 in connection with the  
clean-up of the Atlas Asbestos Mine Superfund Site, also in CCMA, and concerns about the  
technical deficiencies of a 1992 health risk assessment that BLM used to evaluate CCMA  
visitor's exposure to airborne asbestos fibers in the area. Therefore, BLM agreed to work with  
EPA and the public upon completion of the study to incorporate the new health risk information  
into public land use decisions for the area.

19 **Discussion**

21 The reference, "Hollister RMP (2007)" is confusing because it is vague and fails to accurately  
23 convey the document properly. Perhaps the author meant to reference the BLM (2007)  
*Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California:*  
*Record of Decision*, but the reader cannot be certain because the reference is too vague.

25 **Recommendation**

27 The Agency must edit or delete the confusing reference. The Agency must rewrite the  
29 subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

Substantive Comment - # 62: Subject: Confusing Statement Page 1

1 **Substantive Comment**

**# 63**

3 **Subject: Confusing Reference**

**Page 1**

5 **Referring to the Following Paragraph**

7 The Hollister RMP was updated in 2007 to establish goals, objectives, and management actions  
9 for BLM public lands that address current issues, knowledge, and conditions. However, BLM-  
11 administered lands in CCMA were not addressed in the Hollister RMP (2007) because the  
13 Environmental Protection Agency (EPA) was preparing an asbestos exposure and human health  
15 risk assessment to provide BLM and the general public information on the exposure levels from  
17 various types of activities in the CCMA. EPA initiated the study in 2004 in connection with the  
clean-up of the Atlas Asbestos Mine Superfund Site, also in CCMA, and concerns about the  
technical deficiencies of a 1992 health risk assessment that BLM used to evaluate CCMA  
visitor's exposure to airborne asbestos fibers in the area. Therefore, BLM agreed to work with  
EPA and the public upon completion of the study to incorporate the new health risk information  
into public land use decisions for the area.

19 **Discussion**

21 The document referenced in the statement, "... technical deficiencies of a 1992 health risk  
23 assessment that BLM used ..." is confusing because it is vague and fails to accurately convey  
the document properly. Perhaps the author meant to reference the PTI (1992) *Human Health  
Risk Assessment for the Clear Creek Management Area*, but the reader cannot be certain because  
the reference is too vague.

25 **Recommendation**

27 The Agency must edit or delete the confusing reference. The Agency must rewrite the  
29 subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 63: Subject: Confusing Reference Page 1**

## Substantive Comment

# 64

**Subject: Misleading Statement**

Page 1

### Referring to the Following Paragraph

The Hollister RMP was updated in 2007 to establish goals, objectives, and management actions for BLM public lands that address current issues, knowledge, and conditions. However, BLM-administered lands in CCMA were not addressed in the Hollister RMP (2007) because the Environmental Protection Agency (EPA) was preparing an asbestos exposure and human health risk assessment to provide BLM and the general public information on the exposure levels from various types of activities in the CCMA. EPA initiated the study in 2004 in connection with the clean-up of the Atlas Asbestos Mine Superfund Site, also in CCMA, and concerns about the technical deficiencies of a 1992 health risk assessment that BLM used to evaluate CCMA visitor's exposure to airborne asbestos fibers in the area. Therefore, BLM agreed to work with EPA and the public upon completion of the study to incorporate the new health risk information into public land use decisions for the area.

### Discussion

In the statement, "CCMA visitor's exposure to airborne asbestos fibers in the area," usage of the term "asbestos" is misleading in reference to the CCMA because there is no commercial asbestos product found within the CCMA. There is no mineral called "asbestos" and the term refers to commercial asbestos product, not the natural mineral found in the serpentine soils throughout the CCMA. Additionally, EPA statistics for asbestos etiology are based primarily on amphibole fibers rather than chrysotile fiber (EPA 1986) and the EPA admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be human health risk. Therefore, since the CCMA is proven to be free of natural amphibole fiber, the term chrysotile is accurate, whereas the broad all-inclusive "asbestos" is misleading.

### Recommendation

The Agency must edit or delete the misleading terminology. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 64: Subject: Misleading Statement Page 1

## Substantive Comment

# 65

**Subject: Erroneous Statement**

**Page 1 and 2**

### Referring to the Following Paragraph

EPA released the CCMA Asbestos Exposure and Human Health Risk Assessment on May 1, 2008. The result of the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.

### Discussion

The statement, "The result of the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA" is erroneous because the study did not conclude as stated, but instead concluded the following:

**Reference:** EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency, page 8-1.

Asbestos is a known human carcinogen. Despite the uncertainties inherent in risk assessment, the EPA evaluation of asbestos exposures and risks at the Clear Creek Management Area has led to some important conclusions.

- The Activity Causes the Exposure – The concentration of asbestos in the breathing zone is directly related to the degree that an activity disturbs the soil and creates dust.
- Children Are of Special Concern – In a majority of the samples, the concentration of asbestos measured in the child's breathing zone exceeded the asbestos concentration in the companion adult sample. Further, a child's life expectancy exceeds the latency period for asbestos-related disease.
- The Higher the Exposure, the Higher the Risk – The activities with the highest exposure - motorcycling, ATV riding, and SUV driving/riding - had the highest corresponding excess lifetime cancer risk.
- Reducing the Exposure Will Reduce the Risk – The risk of developing asbestos-related disease is dependent on the level of exposure, the duration of exposure, and the time since first exposure. Reducing exposure will reduce the risk of developing asbestos related cancers and debilitating and potentially fatal non-cancer disease.

In summary, the asbestos exposures that EPA measured at CCMA are high and the resulting health risks are of concern.

### Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the

1 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 65: Subject: Erroneous Statement Page 1 and 2**

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1 **Substantive Comment**

**# 66**

3 **Subject: Confusing Statement**

**Page 1**

5 **Referring to the Following Paragraph**

7 1. For many years the term “off-highway vehicle” (OHV) has been used by the public, industry,  
9 and the BLM interchangeably with the term “off-road vehicle” (ORV). However, only the  
11 term off-road vehicle has a legally established definition in the Presidential Executive Orders  
and the BLM’s related 43 CFR 8340 regulations. In general, throughout this document we will  
refer to motorized OHV, except when discussing issues related to policy or regulations.

13 **Discussion**

15 The statement, “... the term off-road vehicle has a legally established definition in the  
17 Presidential Executive Orders and the Bureau Land Management’s related 43 CFR 8340  
19 regulations. In general, throughout this document we will refer to motorized OHV, except  
21 when discussing issues related to policy or regulations,” is confusing because it states that the  
23 “term off-road vehicle has a legally established definition” and then Agency continues to state  
25 that they will disregard the Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5) and use  
instead a the term “OHV,” which is apparently not “legally established.” Something that is not  
legal is often considered illegal. While the term “off road vehicle” is defined and used  
throughout the Code of Federal Regulations, the term “off highway vehicle” is not defined or  
used in Title 43, Code of Federal Regulations, therefore the Agency is not authorized to use the  
term “off highway vehicle” or its abbreviation “OHV” and the term is meaningless within the  
context of Agency’s action.

27 **Recommendation**

29 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
31 rewrite the subject document to replace the term “off highway vehicle” or “OHV” with the  
33 legally established term “off-road vehicle.” The Agency must rewrite the subject document to  
35 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
impact study, or the record of decision. The final documentation should include corrected  
recommendations.

**Substantive Comment - # 66: Subject: Confusing Statement Page 1**

1 **Substantive Comment**

# 67

3 **Subject: Confusing Statement**

Page 2

5 **Referring to the Following Paragraph**

7 In response to new information provided in the CCMA Asbestos Exposure and Human Health  
8 Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008  
9 that closed 30,000-acres within the CCMA's Serpentine ACEC (described below) to all public  
10 use and entry. The closure order was published in the Federal Register (Volume 73, Number 85),  
11 pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with  
12 exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management  
13 Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to  
14 consider new information in the EPA report and analyze a full range of management options and  
15 alternatives for the CCMA.

17 **Discussion**

18 The statement, "In response to new information provided in the CCMA Asbestos Exposure  
19 and Human Health Risk Assessment (2008)" is confusing because it is difficult to determine if it  
20 is a statement or meant to reference a document. If this is reference to a document title, then it  
21 must be enclosed in quote marks, or be italicized. This is confusing because there is doubt  
22 about whether "CCMA Asbestos Exposure and Human Health Risk Assessment" reference a  
23 study or a document. There is no document titled "CCMA Asbestos Exposure and Human  
24 Health Risk Assessment." If "CCMA" is part of a proper title to a document, then it should be  
25 spelled out rather than abbreviated. Perhaps the author meant to Reference *Clear Creek  
26 Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public  
27 depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
28 therefore the Agency must write clear prose that is comprehensible and unambiguous.

29 **Recommendation**

31 The Agency must either correct or delete the confusing statement. The Agency must  
32 rewrite the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
34 final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

## Substantive Comment

# 68

**Subject: Misleading Statement**

**Page 2**

### Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC (described below) to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 68: Subject: Misleading Statement Page 2

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 68: Subject: Misleading Statement Page 2**

## Substantive Comment

# 69

**Subject:** Confusing Statement

Page 2

### Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC (described below) to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

### Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 69: Subject: Confusing Statement Page 2

1 **Recommendation**

3       The Agency must edit or delete the confusing reference. The Agency must rewrite the  
5       subject document to remove the discrepant issue from the document. The original  
7       discrepancy must not be included or propagated in the final resource management plan, the  
9       final environmental impact study, or the record of decision. The final documentation should  
11       include corrected recommendations.

Substantive Comment - # 69: Subject: Confusing Statement Page 2

## Substantive Comment

# 70

**Subject: Confusing Statement**

Page 2

### Referring to the Following Paragraph

Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC) covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos and the occurrence of special status plant species endemic to area. The boundaries of the ACEC were defined by mapping of asbestos-laden soils derived from the New Idria serpentine formation. This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Human disturbance to the soils and plants in the serpentine ACEC is a special management concern, because throughout the ACEC, soil formation tends to be slow and the topsoil shallow. Plant regeneration is also slow, and accelerated erosion from human activities has negatively impacted soil and vegetative resources over the years. Minimizing soil erosion and minimizing the damage to vegetation is a management priority.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 70: Subject: Confusing Statement Page 2

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 70: Subject: Confusing Statement Page 2**

1 **Substantive Comment**

# 71

3 **Subject: Misleading Statement**

Page 2

5 **Referring to the Following Paragraph**

7 Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC)  
9 covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984  
11 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos  
13 and the occurrence of special status plant species endemic to area. The boundaries of the ACEC  
15 were defined by mapping of asbestos-laden soils derived from the New Idria serpentine  
17 formation. This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Human  
disturbance to the soils and plants in the serpentine ACEC is a special management concern,  
because throughout the ACEC, soil formation tends to be slow and the topsoil shallow. Plant  
regeneration is also slow, and accelerated erosion from human activities has negatively impacted  
soil and vegetative resources over the years. Minimizing soil erosion and minimizing the damage  
to vegetation is a management priority.

19 **Discussion**

21 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
23 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
25 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
27 additional quick document search indicates that the first published use of the phrase  
29 "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
during the past twenty years. In all occurrences, the phrase is included complimentarily to  
emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
than actually exist.

33 **Recommendation**

35 The Agency must strike this phrase from the Resource Management Plan and the  
37 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
39 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

Substantive Comment - # 71: Subject: Misleading Statement Page 2

1 **Substantive Comment**

**# 72**

3 **Subject: Misleading Statement**

**Page 2**

5 **Referring to the Following Paragraph**

7 Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC)  
8 covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984  
9 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos  
10 and the occurrence of special status plant species endemic to area. The boundaries of the ACEC  
11 were defined by mapping of asbestos-laden soils derived from the New Idria serpentine  
12 formation. This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Human  
13 disturbance to the soils and plants in the serpentine ACEC is a special management concern,  
14 because throughout the ACEC, soil formation tends to be slow and the topsoil shallow. Plant  
15 regeneration is also slow, and accelerated erosion from human activities has negatively impacted  
16 soil and vegetative resources over the years. Minimizing soil erosion and minimizing the damage  
17 to vegetation is a management priority.

19 **Discussion**

21 Historically, between 1860 and 1970, this area had a much higher population density  
22 during the 120 years of active mining. Although ORV recreation has affected portions of the  
23 area, the general trend has been natural environmental restoration since cessation of mining  
24 activity and associated road building and prospect assaying. Currently, "accelerated erosion  
25 from human activities" is isolated to a few places, while over trend has been natural  
26 restoration.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
30 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
32 management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

Substantive Comment - # 72: Subject: Misleading Statement Page 2

1 **Substantive Comment**

**# 73**

3 **Subject: Erroneous Statement**

**Page 2**

5 **Referring to the Following Paragraph**

7 The Clear Creek Management Area is shown on Map 7 (Special Designations) in Appendix I  
9 along with the area of the Serpentine ACEC and the SBMRNA. The acreages (rounded to the  
nearest hundred) of these areas are shown in Table 1-1, **with a breakdown of BLM, other agencies  
and private land ownership** in CCMA.

11 **Discussion**

13 The statement, "with a breakdown of BLM, other agencies and private land ownership" is  
15 erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo  
prohibit the federal ownership of land except as provided in Article 1, Section 8 of the  
Constitution of the United States.

17 **Recommendation**

19 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
23 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 73: Subject: Erroneous Statement Page 2**

# Substantive Comment

# 74

**Subject: Inaccurate Statement**

Page 2

Referring to the Following Paragraph

Table 1-1. Land Ownership in the Planning Area

Ownership	Clear Creek Management Area (acres)	Serpentine ACEC	San Benito Mountain Research Natural Area	San Benito Mountain Wilderness Study Area	Percent of CCMA
BLM	63,000	30,000 acres	4,100 acres	1,500 acres	83.3
Private	10,600	--	--	--	14.0
State	2,000	--	--	--	2.6
<b>Total</b>	<b>75,600</b>	<b>30,000</b>	<b>4,100</b>	<b>1,500</b>	<b>100.0</b>

## Discussion

The statement, "Land Ownership in the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area.

## Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 74: Subject: Inaccurate Statement Page 2

# Substantive Comment

# 75

**Subject: Misleading Statement**

Page 2

Referring to the Following Paragraph

Table 1-1. Land Ownership in the Planning Area

Ownership	Clear Creek Management Area (acres)	Serpentine ACEC	San Benito Mountain Research Natural Area	San Benito Mountain Wilderness Study Area	Percent of CCMA
BLM	63,000	30,000 acres	4,100 acres	1,500 acres	83.3
Private	10,600	--	--	--	14.0
State	2,000	--	--	--	2.6
<b>Total</b>	<b>75,600</b>	<b>30,000</b>	<b>4,100</b>	<b>1,500</b>	<b>100.0</b>

## Discussion

The Clear Creek Management Area represents public land managed by the BLM. Listing private and State land in this column, as titled, suggest that BLM also manages those lands, which the do not.

## Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 75: Subject: Misleading Statement Page 2

1 **Substantive Comment**

**# 76**

3 **Subject: Misleading Statement**

**Page 3**

5 **Referring to the Following Paragraph**

7 This RMP/EIS presents a range of management alternatives for BLM and interested parties to  
9 address emerging issues in the region and evaluate the environmental consequences of current  
11 management actions and the range of alternative management actions. The result of this land use  
planning effort will be a “stand alone” resource management plan that allocates resources in Clear  
Creek Management Area to generally establish the following:

13 **Discussion**

15 The statement, “range of management alternatives for BLM and interested parties to  
17 address emerging issues” is confusing because it implies, but fails to reference, a broader  
interest base. Who are these “interested parties?”

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 76: Subject: Misleading Statement Page 3**

## Substantive Comment

# 77

**Subject: Confusing Reference**

**Page 3**

### Referring to the Following Paragraph

This RMP/EIS presents a range of management alternatives for BLM and interested parties to address emerging issues in the region and evaluate the environmental consequences of current management actions and the range of alternative management actions. The result of this land use planning effort will be a “stand alone” resource management plan that allocates resources in Clear Creek Management Area to generally establish the following:

### Discussion

The paragraph's reference to “RMP/EIS” is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 77: Subject: Confusing Reference Page 3**

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1 **Substantive Comment**

**# 78**

3 **Subject: Confusing Statement**

**Page 3**

5 **Referring to the Following Paragraph**

7 This RMP/EIS presents a range of management alternatives for BLM and interested parties to  
9 address emerging issues in the region and evaluate the environmental consequences of current  
11 management actions and the range of alternative management actions. The result of this land use  
planning effort will be a “stand alone” resource management plan that allocates resources in Clear  
Creek Management Area to generally establish the following:

13 **Discussion**

15 The statement, “range of management alternatives for BLM and interested parties to  
17 address emerging issues in the region” is confusing because suggest a gamut of emerging  
issues exist, but fails to suggest what any of these issue might be. What are these “emerging  
issues?”

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 78: Subject: Confusing Statement Page 3**

1 **Substantive Comment**

**# 79**

3 **Subject: Inconsistent Formatting**

**Page 3**

5 **Referring to the Following Paragraph**

- 7 (1) Areas for limited, restricted or exclusive use; and special designations;  
9 (2) Allowable resource uses and related levels of production or use;  
11 (3) Resource condition goals and objectives;  
13 (4) Program constraints and general management practices needed to achieve the above items;  
15 (5) Need for an area to be covered by more detailed and specific activity level plans;  
17 (6) Support actions, including resource protection and public health and safety measures, access  
19 (7) General implementation sequences, where carrying out a planned action is dependent upon  
prior accomplishment of another planned action; and  
21 (8) Intervals and standards for monitoring and evaluating the plan to determine the effectiveness  
of the plan and the need for amendment or revision.

21 **Discussion**

23 Inconsistent formatting is confusing because it makes reading more difficult. A numbered  
25 list normally implies or conveys sequential hierarchy, whereas a bulleted list is simply listed  
data. This list should probably be bulleted, rather than sequential.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
35 management plan, the final environmental impact study, or the record of decision. The final  
37 documentation should include corrected recommendations.  
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**Substantive Comment - # 79: Subject: Inconsistent Formatting Page 3**

1 **Substantive Comment**

**# 80**

3 **Subject: Confusing Reference**

**Page 3**

5 **Referring to the Following Paragraph**

7 Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS,  
9 BLM selected a combination of management actions and objectives from among the range of  
11 alternatives, using the ‘menu approach’ described below in Section 1.2.2. The BLM’s Preferred  
13 Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public  
15 health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions,  
and promote outreach and education to inform public land users of the human health risks  
associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource  
management goals described in Chapter 2 and the purpose and need statement described below.

15 **Discussion**

17 The paragraph's reference to “Draft RMP/EIS” is confusing because the reader is unsure  
19 about which of the following documents is being referenced:

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

23 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
25 Interior, Bureau of Land Management.

27 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
31 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

33 **Recommendation**

35 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
37 Agency must rewrite the subject document to remove the discrepant issue from the  
39 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 81

3 **Subject: Confusing Statement**

Page 3

5 **Referring to the Following Paragraph**

7 Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS,  
9 BLM selected a combination of management actions and objectives from among the range of  
11 alternatives, using the ‘menu approach’ described below in Section 1.2.2. The BLM’s Preferred  
13 Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public  
15 health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions,  
and promote outreach and education to inform public land users of the human health risks  
associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource  
management goals described in Chapter 2 and the purpose and need statement described below.

15 **Discussion**

17 Use of double emphasis with single quote is confusing. Since “agencies should employ  
19 writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the  
general public is left to assume that such unusual formatting might convey special meaning.

21 **Recommendation**

23 The Agency must explain any special meaning intended by unusual formatting, or confess  
25 that it is a reflection on poor document management, the lack writing skill or the lack of  
27 competent editing and correct such deficiencies. The Agency must rewrite the subject  
29 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
35 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
39 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
41 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 82**

3 **Subject: Misleading Statement**

**Page 3**

5 **Referring to the Following Paragraph**

7 Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS,  
9 BLM selected a combination of management actions and objectives from among the range of  
11 alternatives, using the ‘menu approach’ described below in Section 1.2.2. The BLM’s Preferred  
13 Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public  
15 health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions,  
and promote outreach and education to inform public land users of the human health risks  
associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource  
management goals described in Chapter 2 and the purpose and need statement described below.

15 **Discussion**

17 Repeatedly using the term “asbestos” implies the area is dangerously contaminated with  
19 the full spectrum of commercial amphibole asbestos mineral, which it is not. This should read  
“chrysotile,” since this the predominate subject mineral.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 82: Subject: Misleading Statement Page 3**

1 **Substantive Comment**

**# 83**

3 **Subject: Misleading Statement**

**Page 3**

5 **Referring to the Following Paragraph**

7 Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS,  
9 BLM selected a combination of management actions and objectives from among the range of  
11 alternatives, using the ‘menu approach’ described below in Section 1.2.2. The BLM’s Preferred  
13 Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public  
15 health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions,  
and promote outreach and education to inform public land users of the human health risks  
associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource  
management goals described in Chapter 2 and the purpose and need statement described below.

15 **Discussion**

17 Repeatedly using the term “asbestos” implies the area is dangerously contaminated with  
19 the full spectrum of amphibole asbestos mineral, which it is not. This should read “chrysotile,”  
since this the predominate subject mineral.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 83: Subject: Misleading Statement Page 3**

## Substantive Comment

# 84

**Subject:** Confusing Reference

Page 3

### Referring to the Following Paragraph

Following public review and comment on the **Draft RMP/EIS** and BLM's Preferred Alternative, a Proposed RMP and Final EIS will be prepared that incorporates public comments and other agency input. As a result, the final alternative (i.e. Proposed Action) identified in the Proposed RMP may be different from the Preferred Alternative, or any of the alternatives analyzed in the Draft RMP/EIS, and include elements incorporated after public review of the Draft RMP/EIS. The Proposed RMP and Final EIS will identify any major changes to the preferred alternative.

### Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 84: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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## Substantive Comment

# 85

**Subject:** Confusing Reference

Page 3

### Referring to the Following Paragraph

Following public review and comment on the Draft RMP/EIS and BLM's Preferred Alternative, a Proposed RMP and Final EIS will be prepared that incorporates public comments and other agency input. As a result, the final alternative (i.e. Proposed Action) identified in the Proposed RMP may be different from the Preferred Alternative, or any of the alternatives analyzed in the **Draft RMP/EIS**, and include elements incorporated after public review of the Draft RMP/EIS. The Proposed RMP and Final EIS will identify any major changes to the preferred alternative.

### Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 85: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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## Substantive Comment

# 86

**Subject:** Confusing Reference

Page 3

### Referring to the Following Paragraph

Following public review and comment on the Draft RMP/EIS and BLM's Preferred Alternative, a Proposed RMP and Final EIS will be prepared that incorporates public comments and other agency input. As a result, the final alternative (i.e. Proposed Action) identified in the Proposed RMP may be different from the Preferred Alternative, or any of the alternatives analyzed in the Draft RMP/EIS, and include elements incorporated after public review of the **Draft RMP/EIS**. The Proposed RMP and Final EIS will identify any major changes to the preferred alternative.

### Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 86: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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1 **Substantive Comment**

**# 87**

3 **Subject: Insufficient Information**

**Page 3**

5 **Referring to the Following Paragraph**

7 The need to develop the CCMA RMP arises from numerous changes in circumstances since the  
9 current land use plan decisions were adopted. The existing Resource Management Plan (RMP) for  
11 the area was adopted in 1984. There have been several amendments to the 1984 RMP to address  
public health and safety and resources protection issues in CCMA. However, many other issues  
that are emerging on public lands were not addressed in those amendments. The following list of  
specific factors illustrates the need for preparation of an updated management plan:

13 **Discussion**

15 These changes need to be listed and quantified, otherwise this phrase requires the faith of the  
17 reader. Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. The public depends on author's  
19 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 87: Subject: Insufficient Information Page 3**

1 **Substantive Comment**

**# 88**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • The EPA's **CCMA Asbestos Exposure and Human Health Risk Assessment** (2008) provides  
9 significant new information that must be incorporated into a land use plan to evaluate the  
public health risk associated with BLM land use authorizations.

11 **Discussion**

13 This is confusing because there is doubt about whether "CCMA Asbestos Exposure and  
15 Human Health Risk Assessment" reference a study or a document. There is no document titled  
17 "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper  
19 title to a document, then it should be spelled out rather than abbreviated. Perhaps the author  
meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty  
to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 88: Subject: Confusing Statement Page 4**

1 **Substantive Comment**

**# 89**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • The EPA's **CCMA** Asbestos Exposure and Human Health Risk Assessment (2008) provides  
9 significant new information that must be incorporated into a land use plan to evaluate the  
public health risk associated with BLM land use authorizations.

11 **Discussion**

13 This is confusing because there is doubt about whether "CCMA Asbestos Exposure and  
15 Human Health Risk Assessment" reference a study or a document. There is no document titled  
17 "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper  
19 title to a document, then it should be spelled out rather than abbreviated. Perhaps the author  
meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty  
to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 89: Subject: Confusing Statement Page 4**

1 **Substantive Comment**

**# 90**

3 **Subject: Erroneous Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides  
9 significant new information that must be incorporated into a land use plan to evaluate the  
public health risk associated with BLM land use authorizations.

11 **Discussion**

13 Stating that “The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment  
15 (2008) provides significant new information” is inaccurate because the statement ignore the  
fact that the large chrysotile deposits in the serpentine area have been well know for very  
many years.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 90: Subject: Erroneous Statement Page 4**

1 **Substantive Comment**

**# 91**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • The current management plan does not specifically address listing and/or additional habitat  
9 needs for species protected under the federal 1973 Endangered Species Act (ESA), including  
the California condor, red-legged frog, and tiger salamander.

11 **Discussion**

13 It is important to consider that the California condor, red-legged frog, and tiger  
15 salamander survived 120 years of indiscriminate mining activity in this area. While it seems  
17 reasonable to assume that such mining activities were deleterious to area fauna, the fact that  
some species survived the environmental stress caused by indiscriminate mining activity  
should be considered because it appears that some species did not survive in areas absent of  
that stress.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 91: Subject: Misleading Statement Page 4**

1 **Substantive Comment**

**# 92**

3 **Subject: Erroneous Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
9 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production as well as an increased awareness and social value placed on  
the cultural and natural resources in the Planning Area.

11 **Discussion**

13 Since the subject of this draft RMP is CCMA, then the statement "increased demand" is false  
according to Table 3.8-1. CCMA Visitor Use tabulated on page 135.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
19 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
21 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 92: Subject: Erroneous Statement Page 4**

1 **Substantive Comment**

**# 93**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
9 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production as well as an increased awareness and social value placed on  
the cultural and natural resources in the Planning Area.

11 **Discussion**

13 This paragraph is misleading because the CCMA is not an “energy production” area. This  
15 statement asserts needless detail that fails to concentrate on the issues that are truly  
significant to the action in question (40 CRF 1500.1).

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 93: Subject: Misleading Statement Page 4**

1 **Substantive Comment**

**# 94**

3 **Subject: Erroneous Statement**

**Page 4**

5 **Referring to the Following Paragraph**

- 7 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
9 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production as well as an increased awareness and social value placed on  
the cultural and natural resources in the Planning Area.

11 **Discussion**

13 There is no evidence of increased awareness and social value, and the document offers  
none, placed on cultural and natural resources. This statement needs a supporting reference.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
19 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
21 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 94: Subject: Erroneous Statement Page 4**

## Substantive Comment

# 95

**Subject:** Confusing Reference

Page 4

### Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

### Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 95: Subject: Confusing Reference Page 4

1 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
2 *Environmental Impact Statement*, United States Department of the Interior, Bureau of Land  
3 Management.

5 **Recommendation**

7 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
8 Agency must rewrite the subject document to remove the discrepant issue from the  
9 document. The original discrepancy must not be included or propagated in the final resource  
10 management plan, the final environmental impact study, or the record of decision. The final  
11 documentation should include corrected recommendations.

Substantive Comment - # 95: Subject: Confusing Reference Page 4

1 **Substantive Comment**

**# 96**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 Repeatedly using the term "asbestos" implies the area is dangerously contaminated with  
23 the full spectrum of commercial amphibole asbestos, which it is not. This should read  
"chrysotile," since this the predominate subject mineral.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 96: Subject: Misleading Statement Page 4

1 **Substantive Comment**

**# 97**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 The greatest impact on "sensitive natural" resources was from 120 years of area mining.  
23 The evidence of this, although recovering, is clearly exhibited in satellite photographs of the  
region.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 97: Subject: Misleading Statement Page 4

1 **Substantive Comment**

**# 98**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 The greatest impact on cultural resources has been BLM "reclamation" work which has  
23 totally destroyed historic archaeological sites. Examples of this are the Aurora Mine, Alpine  
25 Mine, Picacho, the Almaden Furnace foundation at Staging Area two, the Brick Kiln near Oak  
27 Flat, the cabins at Indian Hill, the "Swimming hole" at original Jade Mill. Additionally, past BLM  
cultural research and preservation efforts within the CCMA and surrounding area has been  
minimal. The greatest impact since the cessation of area mining has not been from recreation,  
but rather from the BLM.

29 **Recommendation**

31 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
35 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 98: Subject: Misleading Statement Page 4

1 **Substantive Comment**

**# 99**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The purpose of the CCMA RMP is to establish goals, objectives, and management actions for  
9 BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The  
11 CCMA RMP shall guide the management of the lands and resources administered by the Hollister  
13 Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce  
15 asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/  
17 non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from  
impacts due to recreation and other land uses; 5) provide guidance for mineral and energy  
development; and 6) make other land use authorizations and tenure adjustments. This planning  
effort is intended to be comprehensive, evaluating existing management plans and identifying  
regional issues, and resolving those issues through public, interagency, and intra-agency scoping  
efforts. This effort also identifies the area's "vision", long-range management goals, intermediate  
objectives, and actions and options for meeting those objectives.

19 **Discussion**

21 Enclosing the term "Vision" in quotation implies that the word is quoted from another  
23 source. However, no reference is provided. What is being quoted? Since "agencies should  
25 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 99: Subject: Confusing Statement Page 4

1 **Substantive Comment**

**# 100**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The Planning Area includes a portion of southern San Benito County and a portion of western  
9 Fresno County. BLM public lands account for more than 63,000 of the 75,000 acre management  
11 area. BLM also administers subsurface minerals on approximately 3,500 acres of “split estate”  
(areas where BLM administers Federal subsurface minerals but the surface is owned by a non-  
Federal entity).

13 **Discussion**

15 Should be “75,000-acre” with dash. Also private land is technically excluded from the  
17 CCMA or the ACEC designation. The statement is erroneous because, as explained in  
19 Substantive Comment # 170 on page 225, the Agency does not legally assert administrative  
authority of 75,000 acres. Since “agencies should employ writers of clear prose or editors to  
write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such  
unusual words, terminology or formatting might convey special meaning.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 100: Subject: Confusing Statement Page 4**

1 **Substantive Comment**

**# 101**

3 **Subject: Erroneous Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The lands managed by the HFO include a variety of settings and landforms, including the  
southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro  
9 watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain  
into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of  
11 these public lands for the use and enjoyment of present and future generations.

13 **Discussion**

15 This statement is erroneous because the BLM manages only a small portion of the "Diablo  
Mountain Range." Also check the term "Diablo Mountain Range" is correctly called the "Diablo  
17 Range." Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 101: Subject: Erroneous Statement Page 4**

1 **Substantive Comment**

**# 102**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The lands managed by the HFO include a variety of settings and landforms, including the  
southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro  
9 watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain  
into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of  
11 these public lands for the use and enjoyment of present and future generations.

13 **Discussion**

15 While headwaters from the CCMA contribute to the Pajaro, Arroyo Pasajero and Silver  
Creek watersheds, there is a great expanse between the CCMA and their terminus at the  
Pacific Ocean or the San Joaquin Valley, providing for contributing tributaries and a much  
17 greater increase in volume than sourced from CCMA alone.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 102: Subject: Misleading Statement Page 4**

1 **Substantive Comment**

**# 103**

3 **Subject: Erroneous Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The lands managed by the HFO include a variety of settings and landforms, including the  
southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro  
9 watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain  
into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of  
11 these public lands for the use and enjoyment of present and future generations.

13 **Discussion**

15 This statement is erroneous because CCMA may include only a tiny portion of Hernandez  
Valley.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
23 documentation should include corrected recommendations.

**Substantive Comment - # 103: Subject: Erroneous Statement Page 4**

1 **Substantive Comment**

**# 104**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The lands managed by the HFO include a variety of settings and landforms, including the  
southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. **The Pajaro**  
9 **watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain**  
**into the San Joaquin Valley.** BLM's mission is to sustain the health, diversity, and productivity of  
11 these public lands for the use and enjoyment of present and future generations.

13 **Discussion**

15 This statement is misleading because CCMA is only a small part of the "three major  
watersheds."

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
23 documentation should include corrected recommendations.

**Substantive Comment - # 104: Subject: Misleading Statement Page 4**

1 **Substantive Comment**

**# 105**

3 **Subject:                               Needless Details**

**Page 4**

5 **Referring to the Following Paragraph**

7 The lands managed by the HFO include a variety of settings and landforms, including the  
southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro  
9 watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain  
into the San Joaquin Valley. **BLM’s mission is to sustain the health, diversity, and productivity of  
11 these public lands for the use and enjoyment of present and future generations.**

13 **Discussion**

15       This sentence is meaningless within the context of this minimal paragraph. Since “agencies  
should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
17 convey special meaning. This statement asserts needless detail that fails to concentrate on the  
issues that are truly significant to the action in question (40 CRF 1500.1).

19 **Recommendation**

21       The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

Substantive Comment - # 105: Subject: Needless Details Page 4

1 **Substantive Comment**

**# 106**

3 **Subject: Misleading Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The public lands in CCMA are typically steep and mountainous. Some lands within the planning  
9 area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern  
11 slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the  
13 majority of the planning area is dominated by the serpentine soil formation known as the New  
Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides  
and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations  
range from 1,100 -- 5,000 feet.

15 **Discussion**

17 This paragraph is misleading because the Diablo Range eastern slope grasslands are  
generally outside the CCMA and should therefore not be a part of this RMP.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 106: Subject: Misleading Statement Page 4**

1 **Substantive Comment**

**# 107**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The public lands in CCMA are typically steep and mountainous. Some lands within the planning  
9 area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern  
11 slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the  
13 majority of the planning area is dominated by the serpentine soil formation known as the New  
Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides  
and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations  
range from 1,100 -- 5,000 feet.

15 **Discussion**

17 The statement "half-shrub vegetation" is confusing because it implies that only half of each  
19 shrub grows leading the reader to wonder if that is possible. The assumption might be that  
21 half of the flora population is shrub, or perhaps the author is referring to the edaphic  
serpentine flora. This statement must be clarified so the reader can understand the intent of  
the author and what is being discussed.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 107: Subject: Confusing Statement Page 4**

1 **Substantive Comment**

**# 108**

3 **Subject: Erroneous Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The public lands in CCMA are typically steep and mountainous. Some lands within the planning  
9 area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern  
11 slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the  
13 majority of the planning area is dominated by the serpentine soil formation known as the New  
Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides  
and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations  
range from 1,100 -- 5,000 feet.

15 **Discussion**

17 CCMA lands equal 63,000 to 75,000 acres: Serpentine ACEC equal 30,000 acres: Therefore  
19 63,000 - 30,000 = 33,000 non-ACEC. Therefore the serpentine soil formation is smaller, or  
minority portion of the planning area, not the majority.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 108: Subject: Erroneous Statement Page 4**

1 **Substantive Comment**

**# 109**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 The public lands in CCMA are typically steep and mountainous. Some lands within the planning  
9 area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern  
11 slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the  
13 majority of the planning area is dominated by the serpentine soil formation known as the New  
Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides  
and ridgelines, and a **unique forest assemblage of foothill, Jeffrey and Coulter pine**. Elevations  
range from 1,100 -- 5,000 feet.

15 **Discussion**

17 This sentence is confusing because it requires the reader faith that the assemblage is  
19 indeed "unique," and not just simply unusual, or rare, or uncommon. This comment needs a  
supporting citation, such as: Griffin, J.R., 1974 "A strange pine and cedar forest in San Benito  
County." *Fremontia*, 2(1):11-15.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 109: Subject: Confusing Statement Page 4**

1 **Substantive Comment**

**# 110**

3 **Subject: Incorrect Format**

**Page 4**

5 **Referring to the Following Paragraph**

7 The public lands in CCMA are typically steep and mountainous. Some lands within the planning  
9 area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern  
11 slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the  
13 majority of the planning area is dominated by the serpentine soil formation known as the New  
Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides  
and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations  
range from 1,100 -- 5,000 feet.

15 **Discussion**

17 The *Metric Conversion Act of 1975* and Executive Order 12770 require that all parametric  
values be represented as metric values throughout the entire document.

19 **Recommendation**

21 The Agency must rewrite or edit the entire document to present all parametric values with  
23 the metric system, or delete all usage of the English System to be fully compliant with  
25 Executive Order. The Agency must rewrite the subject document to remove the discrepant  
issue from the document. The original discrepancy must not be included or propagated in the  
final resource management plan, the final environmental impact study, or the record of  
decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 110: Subject: Incorrect Format Page 4**

1 **Substantive Comment**

# 111

3 **Subject:** Confusing Reference

Page 4

5 **Referring to the Following Paragraph**

7 This RMP incorporates existing BLM-administered land and recently acquired public lands into  
9 five 'Management Zones'. The five management zones (identified below) were defined by BLM  
interdisciplinary staff based on similar resources conditions, resource uses, and management  
issues or trends.

11 **Discussion**

13 The paragraph's reference to "RMP" is confusing because the reader is unsure about which  
of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 111: Subject: Confusing Reference Page 4

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 111: Subject: Confusing Reference Page 4**

1 **Substantive Comment**

# 112

3 **Subject:**                      **Confusing Statement**

Page 4

5 **Referring to the Following Paragraph**

7 This RMP incorporates existing BLM-administered land and recently acquired public lands into  
9 five 'Management Zones'. The five management zones (identified below) were defined by BLM  
interdisciplinary staff based on similar resources conditions, resource uses, and management  
issues or trends.

11 **Discussion**

13        The misuse of quote marks, single or double, and sometime combined with italic emphasis  
15 is very confusing. Since "agencies should employ writers of clear prose or editors to write,  
review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such  
unusual formatting might convey special meaning.

17 **Recommendation**

19        The Agency must explain any special meaning intended by unusual formatting, or confess  
21 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
23 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
25 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

27 **Reference**

29        Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
31 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
33 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
35 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
37 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 113**

3 **Subject: Confusing Statement**

**Page 4**

5 **Referring to the Following Paragraph**

7 This RMP incorporates existing BLM-administered land and recently acquired public lands into  
9 five 'Management Zones'. The five management zones (identified below) were defined by BLM  
interdisciplinary staff based on similar resources conditions, resource uses, and management  
issues or trends.

11 **Discussion**

13 This paragraph is confusing because it states "The five management zones (identified below)  
15 were defined by BLM interdisciplinary staff based on similar resources conditions, resource uses,  
and management issues or trends," but fails to name staff members or their qualifications, or the  
17 methodology used to differentiate the five management zones. This is confusing because  
without further explanation it requires the reader, and the public, to trust that the process of  
managing their land was accomplished in the best way possible.

19 **Recommendation**

21 The Agency must rewrite this paragraph to either explain who these people were and their  
23 methodology, or to include references to proper documents explaining those details. If no  
such documentation exist, then the "five management zones" must be redacted. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 113: Subject: Confusing Statement Page 4**

1 **Substantive Comment**

**# 114**

3 **Subject: Confusing Reference**

**Page 5**

5 **Referring to the Following Paragraph**

7 This **RMP/EIS** identifies desired future conditions for these management zones, depending on the  
resources and conditions that currently exist and the range of alternatives for multiple uses in  
9 CCMA. Accordingly, the range of alternatives in the **RMP/EIS** is designed to provide an analysis  
of the reasonable management actions. The five CCMA management zones include:

11 **Discussion**

13 The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
19 Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

**Substantive Comment - # 114: Subject: Confusing Reference Page 5**

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 114: Subject: Confusing Reference Page 5**

**Substantive Comment**

**# 115**

**Subject: Erroneous Statement**

**Page 5**

**Referring to the Following Paragraph**

Table 1-2. CCMA Management Zones Ownership (acres rounded to nearest hundred)

Ownership	Serpentine ACEC	Tucker	Condon	Cantua	San Benito River
BLM	30,000	5,900	9,700	14,900	3,600
Private	3,400	3,300	2,600	1,300	--
State	1,500	--	500	--	--
<b>Total</b>	<b>33,900</b>	<b>9,200</b>	<b>12,800</b>	<b>16,200</b>	<b>3,600</b>

**Discussion**

The concept of Bureau of Land Management land ownership is erroneous because the Constitution of the United States prohibits the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States. The Agency does not possess title to any land in San Benito County or in Fresno County.

**Recommendation**

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 115: Subject: Erroneous Statement Page 5**

**Substantive Comment**

**# 116**

**Subject: Erroneous Statement**

**Page 5**

**Referring to the Following Paragraph**

Table 1-2. CCMA Management Zones Ownership (acres rounded to nearest hundred)

Ownership	Serpentine ACEC	Tucker	Condon	Cantua	San Benito River
BLM	30,000	5,900	9,700	14,900	3,600
Private	3,400	3,300	2,600	1,300	--
State	1,500	--	500	--	--
<b>Total</b>	<b>33,900</b>	<b>9,200</b>	<b>12,800</b>	<b>16,200</b>	<b>3,600</b>

**Discussion**

This table is erroneous because it suggests that private and State lands are part of the Serpentine ACEC which is false. Private and State lands are excluded from the ACEC or CCMA.

**Recommendation**

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Reference**

Master Title Plats, U.S. Department of the Interior, Bureau of Land Management.

**Substantive Comment - # 116: Subject: Erroneous Statement Page 5**

1 **Substantive Comment**

**# 117**

3 **Subject: Erroneous Statement**

**Page 5**

5 **Referring to the Following Paragraph**

7 While it is important to recognize issues and consider the impacts BLM decisions may have on  
the surrounding communities and landscapes, the decisions in this land use plan only apply to  
9 BLM public lands. Accordingly, the CCMA RMP/EIS will evaluate the environmental impacts of  
management actions considered within the range of alternatives pursuant to the National  
11 Environmental Policy Act (NEPA). Each of the alternatives for CCMA developed by the Hollister  
Field Office identifies areas of resource management emphasis that are generally described in this  
13 document.

15 **Discussion**

17 Some portions of this RMP propose to acquire private land and vacant county roads to  
unlawfully void preexisting rights and right of ways. Many of the existing rights-holder and  
private property owners have rights superior to Bureau of Land Management's authority to  
19 regulate and hence their rights may not be impaired. Inalienable rights are protected by the  
United State Constitution, California Constitution, California State law, Federal law, and/or  
21 Presidential authority affixed in the original land patent. Additionally, private property rights  
may also protected by the Treaty of Guadalupe Hidalgo.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
29 documentation should include corrected recommendations.

**Substantive Comment - # 117: Subject: Erroneous Statement Page 5**

1 **Substantive Comment**

**# 118**

3 **Subject: Confusing Reference**

**Page 5**

5 **Referring to the Following Paragraph**

7 While it is important to recognize issues and consider the impacts BLM decisions may have on  
the surrounding communities and landscapes, the decisions in this land use plan only apply to  
9 BLM public lands. Accordingly, the CCMA RMP/EIS will evaluate the environmental impacts of  
management actions considered within the range of alternatives pursuant to the National  
11 Environmental Policy Act (NEPA). Each of the alternatives for CCMA developed by the Hollister  
Field Office identifies areas of resource management emphasis that are generally described in this  
13 document.

15 **Discussion**

17 The paragraph's reference to "CCMA RMP/EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

19 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
23 Bureau of Land Management.

25 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
27 Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

31 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
33 Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

37 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
39 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

41 **Recommendation**

43 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
45 document. The original discrepancy must not be included or propagated in the final resource

**Substantive Comment - # 118: Subject: Confusing Reference Page 5**

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 118: Subject: Confusing Reference Page 5**

1 **Substantive Comment**

# 119

3 **Subject: Confusing Statement**

Page 5

5 **Referring to the Following Paragraph**

7 The 'menu approach' is a land use planning concept that allows BLM to identify a 'preferred  
9 alternative' for management of public lands that consists of a combination of management actions  
11 analyzed within the range of alternatives for Clear Creek Management Area. Using the 'menu  
13 approach', management actions that are consistent with BLM management goals and objectives  
15 can be incorporated into any of the alternatives, as long as they do not conflict with other  
management actions. For example, under the current management (no action) alternative, existing  
multiple uses would continue to be authorized. However, in order to adequately protect public  
health and safety, BLM could propose a 'preferred alternative' that closely resembles current  
management, but includes mitigation measures to reduce risk to public health and safety from  
exposure to asbestos emissions.

17 **Discussion**

19 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
21 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
23 management, the lack writing skill or the lack of competent editing. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. § 1502.8),  
the general public is left to assume that such unusual formatting might convey special  
meaning.

25 **Recommendation**

27 The Agency must explain any special meaning intended by unusual formatting, or confess  
29 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
31 document to remove the discrepant issue from the document. The original discrepancy must  
33 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

35 **Reference**

37 Generally, written American English uses the following format: Use quotation marks [ " " ]  
39 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
41 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
43 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
45 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 120**

3 **Subject: Confusing Statement**

**Page 5**

5 **Referring to the Following Paragraph**

7 The 'menu approach' is a land use planning concept that allows BLM to identify a 'preferred  
9 alternative' for management of public lands that consists of a combination of management actions  
11 analyzed within the range of alternatives for Clear Creek Management Area. Using the 'menu  
13 approach', management actions that are consistent with BLM management goals and objectives  
15 can be incorporated into any of the alternatives, as long as they do not conflict with other  
management actions. For example, under the current management (no action) alternative, existing  
multiple uses would continue to be authorized. However, in order to adequately protect public  
health and safety, BLM could propose a 'preferred alternative' that closely resembles current  
management, but includes mitigation measures to reduce risk to public health and safety from  
exposure to asbestos emissions.

17 **Discussion**

19 The statement, "can be incorporated into any of the alternatives, as long as they do not  
21 conflict with other management actions" is confusing because it implies that the Agency may  
not consider public input. The phrase "as long as they do not conflict with other management  
23 actions" implies that the Agency has already committed "resources prejudicing selection of  
alternatives before making a final decision (40 C.F.R. §§ 1502.2, 1506.1).

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

**Substantive Comment - # 120: Subject: Confusing Statement Page 5**

## Substantive Comment

# 121

**Subject:** Confusing Statement

Pages 5 & 6

### Referring to the Following Paragraph

Similarly, BLM's "preferred alternative" could comprise a combination of allowable uses based on resources protection and other mitigation measures to reduce the risk to human health and safety on public lands in CCMA that are identified in the range of alternatives. As a result, the 'menu approach' allows the 'preferred alternative' to be chosen from a range of management actions without being confined to authorized uses or mitigation measures outlined in any single alternative.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 121: Subject: Confusing Statement Pages 5 & 6

1 **Substantive Comment**

# 122

3 **Subject: Confusing Statement**

Page 5 & 6

5 **Referring to the Following Paragraph**

7 Similarly, BLM’s “preferred alternative” could comprise a combination of allowable uses based  
9 on resources protection and other mitigation measures to reduce the risk to human health and  
11 safety on public lands in CCMA that are identified in the range of alternatives. As a result, the  
‘menu approach’ allows the ‘preferred alternative’ to be chosen from a range of management  
actions without being confined to authorized uses or mitigation measures outlined in any single  
alternative.

13 **Discussion**

15 The statement, “without being confined to authorized uses or mitigation measures”  
17 implies that the BLM intends to conduct illegal activities without being confined to  
authorization. The BLM cannot function beyond Congressional authority as passed in Public  
Law and delineated in the United State Code or Code of Federal Regulations.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 122: Subject: Confusing Statement Page 5 & 6

1 **Substantive Comment**

**# 123**

3 **Subject: Biased Statement**

**Page 6**

5 **Referring to the Following Paragraph**

7 Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management  
9 plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and  
11 associated CCMA Amendments would remain in place and current resource management would  
13 continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on  
15 dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human  
17 health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety  
19 by prohibiting access into the ACEC for children, restricting certain vehicle types, and the  
reducing the miles of designated routes available for OHV recreation. Alternative D would limit  
motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on  
other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E  
emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access  
and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for  
CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into  
the area.

21 **Discussion**

23 This paragraph illustrates access and motorized use bias that is generally not clearly  
25 obvious in Chapter 2, and exceed the degree of scope discussed in the "Purpose and Need"  
section (page 4).

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 123: Subject: Biased Statement Page 6**

1 **Substantive Comment**

**# 124**

3 **Subject: Confusing Reference**

**Page 6**

5 **Referring to the Following Paragraph**

7 Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management  
9 plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and  
11 associated CCMA Amendments would remain in place and current resource management would  
13 continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on  
15 dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human  
17 health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety  
19 by prohibiting access into the ACEC for children, restricting certain vehicle types, and the  
21 reducing the miles of designated routes available for OHV recreation. Alternative D would limit  
23 motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on  
25 other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E  
27 emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access  
29 and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for  
31 CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into  
33 the area.

21 **Discussion**

23 The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about  
25 which of the following documents is being referenced:

27 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

29 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
33 Management.

35 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

37 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
39 Bureau of Land Management.

41 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
43 of Land Management.

1 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast*  
3 *of California: Record of Decision*, United States Department of the Interior, Bureau of  
Land Management.

5 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
7 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

## 9 **Recommendation**

11 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
document. The original discrepancy must not be included or propagated in the final resource  
13 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 124: Subject: Confusing Reference Page 6**

1 **Substantive Comment**

# 125

3 **Subject: Confusing Statement**

Page 6

5 **Referring to the Following Paragraph**

7 Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management  
9 plan. Under the **No Action Alternative (Alternative A)**, the provisions of the 1984 RMP and  
11 associated **CCMA Amendments** would remain in place and current resource management would  
13 continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on  
15 dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human  
17 health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety  
19 by prohibiting access into the ACEC for children, restricting certain vehicle types, and the  
reducing the miles of designated routes available for OHV recreation. Alternative D would limit  
motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on  
other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E  
emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access  
and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for  
CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into  
the area.

21 **Discussion**

23 The indiscriminate use of capitalization is confusing because it implies that the capitalized  
25 version may be different than the non-capitalized version. Since "agencies should employ  
27 writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the  
public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

29 **Recommendation**

31 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
35 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 126

3 **Subject: Confusing Statement**

Page 6

5 **Referring to the Following Paragraph**

7 Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management  
9 plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and  
11 associated CCMA Amendments would remain in place and current resource management would  
13 continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on  
15 dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human  
17 health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety  
19 by prohibiting access into the ACEC for children, restricting certain vehicle types, and the  
reducing the miles of designated routes available for OHV recreation. Alternative D would limit  
motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on  
other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E  
emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access  
and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for  
CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into  
the area.

21 **Discussion**

23 Document contains confusing use of titles, thus implying that "No Action Alternative  
25 (Alternative A)" may not be parallel to "Alternative B." Since "agencies should employ writers  
of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left  
to assume that such unusual words, terminology or formatting might convey special meaning.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 127

3 **Subject: Misleading Statement**

Page 6

5 **Referring to the Following Paragraph**

7 Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management  
9 plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and  
11 associated CCMA Amendments would remain in place and current resource management would  
13 continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on  
15 dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human  
17 health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety  
19 by prohibiting access into the ACEC for children, restricting certain vehicle types, and the  
reducing the miles of designated routes available for OHV recreation. Alternative D would limit  
motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on  
other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E  
emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access  
and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for  
CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into  
the area.

21 **Discussion**

23 Repeatedly using the term "asbestos" implies the area is dangerously contaminated with  
25 the full spectrum of amphibole asbestos mineral, which it is not. This should read "chrysotile,"  
27 since this the predominate subject mineral. Using the word "asbestos" is confusing because it  
29 implies that the subject Serpentine ACEC contains a large volume of all of the asbestos  
31 mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring  
33 chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word  
35 "asbestos" is being misused as a substitute term when the reference to a specific mineral is  
37 more appropriate and technically correct. According to the United States Geological Survey,  
39 "Asbestos is a generic name given to six fibrous minerals that have been used in commercial  
products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These  
fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group  
contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of  
amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos  
(crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk  
assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion  
which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human  
health risk.

41 **Recommendation**

43 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
45 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the

1 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

3  
4 **Reference**

5 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

7 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
9 Agency.

11 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

13 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
15 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 127: Subject: Misleading Statement Page 6**

1 **Substantive Comment**

**# 128**

3 **Subject: Confusing Statement**

**Page 6**

5 **Referring to the Following Paragraph**

7 Chapter 3 describes the existing environment that would be affected by these seven resource  
management alternatives, and Chapter 4 describes the environmental consequences of  
9 implementing each of the seven alternatives. Finally, Chapter 5 provides information about the  
collaboration and consultation that has been conducted in preparation of this report, and Chapter 6  
11 lists references indentified in the RMP/EIS.

13 **Discussion**

15 This paragraph is confusing because the term "indentified" does not appear in any  
dictionary. Since "agencies should employ writers of clear prose or editors to write, review or  
17 edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the word is misspelled and  
19 author meant "identified." The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.

**Substantive Comment - # 128: Subject: Confusing Statement Page 6**

1 **Substantive Comment**

# 129

3 **Subject:** Confusing Reference

Page 6

5 **Referring to the Following Paragraph**

7 Chapter 3 describes the existing environment that would be affected by these seven resource  
management alternatives, and Chapter 4 describes the environmental consequences of  
9 implementing each of the seven alternatives. Finally, Chapter 5 provides information about the  
collaboration and consultation that has been conducted in preparation of this report, and Chapter 6  
11 lists references indentified in the RMP/EIS.

13 **Discussion**

15 The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

17 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
21 Bureau of Land Management.

23 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
31 Bureau of Land Management.

33 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
43 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
45 documentation should include corrected recommendations.

Substantive Comment - # 129: Subject: Confusing Reference Page 6

1 **Substantive Comment**

**# 130**

3 **Subject: Confusing Statement**

**Page 6**

5 **Referring to the Following Paragraph**

7 Public involvement in BLM's planning process begins with a public scoping period.

9 **Discussion**

11 This statement is confusing because it implies that the planning process has not yet  
12 begun, but is a future event. Since "agencies should employ writers of clear prose or editors to  
13 write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such  
14 unusual words, terminology or formatting might convey special meaning.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
18 Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
20 management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 130: Subject: Confusing Statement Page 6**

1 **Substantive Comment**

**# 131**

3 **Subject: Confusing Statement**

**Page 6**

5 **Referring to the Following Paragraph**

7 BLM published the **Notice of Intent to Prepare a Resource Management Plan for the Clear Creek**  
8 **Management Area, California, and Associated Environmental Impact Statement** in the Federal  
9 Register (Volume 72, Number 172) on September 6, 2007. In conjunction with the NOI, BLM  
10 issued a news release on September 6, 2007 announcing three public scoping workshops for the  
11 CCMA RMP/EIS.

13 **Discussion**

14 This statement is confusing because it appears to be quoting from the Federal Register (72  
15 FR 51250), but it is not enclosed in double quotes and thusly misleads the public. Since  
16 "agencies should employ writers of clear prose or editors to write, review or edit statements"  
17 (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
18 formatting might convey special meaning.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
22 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
24 management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 131: Subject: Confusing Statement Page 6**

1 **Substantive Comment**

**# 132**

3 **Subject: Confusing Statement**

**Page 6**

5 **Referring to the Following Paragraph**

7 BLM published the Notice of Intent to Prepare a Resource Management Plan for the Clear Creek  
8 Management Area, California, and Associated Environmental Impact Statement in the Federal  
9 Register (Volume 72, Number 172) on September 6, 2007. In conjunction with the NOI, BLM  
10 issued a news release on September 6, 2007 announcing three public scoping workshops for the  
11 CCMA RMP/EIS.

13 **Discussion**

14 This referenced citation is confusing because it fails to provide sufficient information for  
15 the reader to located the source without burdensome effort. Proper Federal Register citation  
16 should also include page numbers, such as: (72 FR 51250) or (Vol. 72, No. 172, P. 51250), or (FR  
17 72(172):51250-1). Since "agencies should employ writers of clear prose or editors to write,  
18 review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
19 words, terminology or formatting might convey special meaning.

21 **Recommendation**

22 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
24 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
26 documentation should include corrected recommendations.  
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**Substantive Comment - # 132: Subject: Confusing Statement Page 6**

1 **Substantive Comment**

**# 133**

3 **Subject: Confusing Reference**

**Page 6**

5 **Referring to the Following Paragraph**

7 BLM published the Notice of Intent to Prepare a Resource Management Plan for the Clear Creek  
8 Management Area, California, and Associated Environmental Impact Statement in the Federal  
9 Register (Volume 72, Number 172) on September 6, 2007. In conjunction with the NOI, BLM  
10 issued a news release on September 6, 2007 announcing three public scoping workshops for the  
11 CCMA RMP/EIS.

13 **Discussion**

15 The paragraph's reference to "CCMA RMP/EIS" is confusing because the reader is unsure  
16 about which of the following documents is being referenced:

17 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
18 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
20 and Final Environmental Impact Statement*, United States Department of the Interior,  
21 Bureau of Land Management.

23 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
24 Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
25 Management.

27 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
28 Statement for the Clear Creek Management Area*, United States Department of the  
29 Interior, Bureau of Land Management.

31 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
32 and Final Environmental Impact Statement*, United States Department of the Interior,  
33 Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
36 Route Designation Record of Decision*, United States Department of the Interior, Bureau  
37 of Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
40 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
46 Agency must rewrite the subject document to remove the discrepant issue from the  
47 document. The original discrepancy must not be included or propagated in the final resource  
48 management plan, the final environmental impact study, or the record of decision. The final  
49 documentation should include corrected recommendations.

**Substantive Comment - # 133: Subject: Confusing Reference Page 6**

1 **Substantive Comment**

**# 134**

3 **Subject: Confusing Format**

**Page 6**

5 **Referring to the Following Paragraph**

7 Public Meetings (Round One)

September 27, 2007 Veterans Memorial Hall 649 San Benito St. Hollister, CA October 4, 2007  
9 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

11 **Discussion**

13 Document lacks proper editing. Table headings should have same parameters. Document  
15 is not using paragraph tags properly. This statement asserts needless detail that fails to  
concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).  
17 Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
19 terminology or formatting might convey special meaning.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 134: Subject: Confusing Format Page 6**

1 **Substantive Comment**

# 135

3 **Subject: Confusing Statement**

Page 6

5 **Referring to the Following Paragraph**

7 Following the release of the EPA Asbestos Exposure and Human Health Risk Assessment and  
temporary closure of CCMA on May 1, 2008, BLM announced three more public scoping  
9 meetings for the CCMA RMP/ EIS, 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:

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
19 Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 135: Subject: Confusing Statement Page 6

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 135: Subject: Confusing Statement Page 6**

1 **Substantive Comment**

**# 136**

3 **Subject: Confusing Statement**

**Page 6**

5 **Referring to the Following Paragraph**

7 Following the release of the EPA Asbestos Exposure and Human Health Risk Assessment and  
temporary closure of CCMA on May 1, 2008, BLM announced three more public scoping  
9 meetings for the CCMA RMP/ EIS, 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:

11 **Discussion**

13 The statement, "EPA Asbestos Exposure and Human Health Risk Assessment" is confusing  
because the reader is uncertain about whether the study process or the study report is being  
15 referenced. If the process is being referenced, then the phrase should be in lower-case  
characters. If the report is being referenced, the phrase should be quoted, italicized or  
17 underlined in a manuscript-wide consistent form referencing the manuscript. However, since  
neither is done, the reader is unsure about what the author meant. Since "agencies should  
19 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
21 special meaning.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
29 documentation should include corrected recommendations.

**Substantive Comment - # 136: Subject: Confusing Statement Page 6**

1 **Substantive Comment**

**# 137**

3 **Subject: Confusing Format**

**Page 7**

5 **Referring to the Following Paragraph**

7 Public Meetings (Round Two) May 8, 2008

EPA Presentation Santa Clara Convention Center 5001 Great America Parkway Santa Clara, CA  
9 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

11 **Discussion**

13 Document lacks proper editing. Table headings should have same parameters. Document  
15 is not using paragraph tags properly. This statement asserts needless detail that fails to  
concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).  
17 Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
19 terminology or formatting might convey special meaning.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 137: Subject: Confusing Format Page 7**

1 **Substantive Comment**

**# 138**

3 **Subject: Erroneous Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 During the scoping meetings, over 1,000 members of the public, mainly **off-highway vehicle**  
9 users, discussed the future management of the Clear Creek Management Area at the CCMA  
11 scoping meetings in Santa Clara, Hollister, Coalinga, and San Jose. The CCMA RMP/EIS  
13 Scoping Report (August 2008) was prepared by the Hollister Field Office and details the specific  
15 comments and results of the public scoping period, which closed on June 21, 2008. This Scoping  
17 Report is available for review on-line at: <http://www.blm.gov/ca/st/en/fo/hollister.html>, or by  
19 request from the Hollister Field Office.

15 **Discussion**

17 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
19 Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
21 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
23 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
25 highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
27 context of Agency's action. Also see Substantive Comment # 66 on page 98.

23 **Recommendation**

25 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
27 rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
29 legally established term "off-road vehicle." The Agency must rewrite the subject document to  
31 remove the discrepant issue from the document. The original discrepancy must not be  
33 included or propagated in the final resource management plan, the final environmental  
35 impact study, or the record of decision. The final documentation should include corrected  
37 recommendations.

1 **Substantive Comment**

**# 139**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 During the scoping meetings, over 1,000 members of the public, mainly off-highway vehicle  
9 users, discussed the future management of the Clear Creek Management Area at the CCMA  
11 scoping meetings in Santa Clara, Hollister, Coalinga, and San Jose. The **CCMA RMP/EIS**  
13 **Scoping Report (August 2008)** was prepared by the Hollister Field Office and details the specific  
15 comments and results of the public scoping period, which closed on June 21, 2008. This Scoping  
17 Report is available for review on-line at: [http://www. blm.gov/ca/st/en/fo/hollister.html](http://www.blm.gov/ca/st/en/fo/hollister.html), or by  
19 request from the Hollister Field Office.

15 **Discussion**

17 This is confusing because there is no document title "CCMA RMP/EIS Scoping Report  
19 (August 2008)." Perhaps the author meant to reference a different document titled *Public*  
21 *Scoping Report, Clear Creek Management Area Resource Management Plan & Environmental*  
23 *Impact Statement* (BLM 2008). However, public cannot be expected to interpret what the  
25 author might mean without interpreting everything the author wrote. Since "agencies should  
27 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
29 the public is left to assume that such unusual words, terminology or formatting might convey  
31 special meaning.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.  
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**Substantive Comment - # 139: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

**# 140**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 1.3.2 Summary of Major Planning Issues

9 **Discussion**

11 This statement is confusing because it implies that the planning process has not yet  
12 begun, but is a future event. Since "agencies should employ writers of clear prose or editors to  
13 write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such  
14 unusual words, terminology or formatting might convey special meaning.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
18 Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
20 management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 140: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

**# 141**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 As a result of BLM current land use planning guidance and knowledge of management issues and  
9 concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/  
EIS.

11 **Discussion**

13 This statement is confusing because it references, "BLM current land use planning  
15 guidance and knowledge of management issues and concerns," but offers no explanation  
17 about what these are or where they may be found, whether in this document or in an external  
document. If no such reference exists, the paragraph must be deleted. This statement asserts  
needless detail that fails to concentrate on the issues that are truly significant to the action in  
question (40 CRF 1500.1).

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 141: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

**# 142**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 As a result of BLM current land use planning guidance and knowledge of management issues and  
9 concerns in the **Planning Area**, 18 resource program areas will be addressed in the CCMA RMP/  
EIS.

11 **Discussion**

13 This statement is confusing because the author capitalized the term "Planning Area." This  
15 term is variously capitalized and not capitalized throughout the document, thus suggesting  
17 that their respective usage may have different meaning. The public depends on author's  
19 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 142: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

**# 143**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 As a result of BLM current land use planning guidance and knowledge of management issues and  
9 concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/  
EIS.

11 **Discussion**

13 This statement is confusing because there is no explanation of the "18 resource program  
15 areas" or reference to a place with the document, or in an external document where these are  
17 explained or described. This is additionally confusing because, within the context of this  
19 section, these "18 resource program areas" seem to be in addition to the five management  
21 zones created on page 5. The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous. Since "agencies should employ writers of clear prose or  
editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
such unusual words, terminology or formatting might convey special meaning.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 143: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

# 144

3 **Subject: Confusing Statement**

Page 7

5 **Referring to the Following Paragraph**

7 As a result of BLM current land use planning guidance and knowledge of management issues and  
concerns in the Planning Area, 18 resource program areas will be addressed in the **CCMA RMP/  
9 EIS.**

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
19 Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

27 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
29 Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

33 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
35 Land Management.

37 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
39 Land Management.

41 **Recommendation**

43 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
45 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

## Substantive Comment

# 145

**Subject:** Confusing Reference

Page 7

### Referring to the Following Paragraph

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 are analyzed in the CCMA RMP/ EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

### Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 145: Subject: Confusing Reference Page 7

1 **Substantive Comment**

**# 146**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

7 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  
9 **priorities** that emerged during the public scoping process. These key themes and priorities are  
analyzed in the CCMA RMP/ EIS, in addition to preliminary issues identified by BLM personnel,  
11 cooperating agencies, and public user groups.

13 **Discussion**

15 This paragraph is confusing because the term “priorities” does not appear in any  
dictionary. Since “agencies should employ writers of clear prose or editors to write, review or  
17 edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the word is misspelled and  
19 author meant “priorities.” The public depends on author’s accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.

**Substantive Comment - # 146: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

**# 147**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

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

13 **Discussion**

15 This paragraph is confusing because the term "analyed" does not appear in any dictionary.  
17 Since "agencies should employ writers of clear prose or editors to write, review or edit  
19 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the word is misspelled and  
author meant "analyzed." The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 147: Subject: Confusing Statement Page 7

## Substantive Comment

# 148

**Subject: Confusing Statement**

Page 7

### Referring to the Following Paragraph

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 are analyzed in the **CCMA RMP/ EIS**, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

### Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 148: Subject: Confusing Statement Page 7

1 **Substantive Comment**

# 149

3 **Subject: Erroneous Statement**

Page 7

5 **Referring to the Following Paragraph**

- 7 • Questions with regard to chrysotile asbestos and EPA Risk Assessment

9 **Discussion**

11 The natural mineral is "chrysotile" the marketed ore is "chrysotile asbestos." Using the word  
13 "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large  
15 volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is  
17 known for its naturally occurring chrysotile deposit, and is known to be free of natural  
19 amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the  
21 reference to a specific mineral is more appropriate and technically correct. According to the  
23 United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that  
25 have been used in commercial products." The definition is expanded further in the USGS  
27 Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and  
29 amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are  
31 five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite),  
33 riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5).  
The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the  
current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in  
fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
29 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
31 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.  
39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.  
41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
43 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 149: Subject: Erroneous Statement Page 7**

## Substantive Comment

# 150

**Subject:** Confusing Statement

Page 7

### Referring to the Following Paragraph

- Impacts to human health from asbestos exposure.

### Discussion

Should read "chrysotile" Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

1 **Substantive Comment**

**# 151**

3 **Subject: Confusing Statement**

**Page 7**

5 **Referring to the Following Paragraph**

- 7 • Suitable areas for motorized and non-mototrized recreation uses.

9 **Discussion**

11 This paragraph is confusing because the term “non-mototrized” does not appear in any  
13 dictionary. Since “agencies should employ writers of clear prose or editors to write, review or  
15 edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the word is misspelled and  
author meant “non-motorized.” The public depends on author’s accuracy and is therefore not  
at liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 151: Subject: Confusing Statement Page 7**

1 **Substantive Comment**

# 152

3 **Subject:** Confusing Reference

Page 8

5 **Referring to the Following Paragraph**

7 A number of issues raised during scoping were determined to be beyond the scope of the **CCMA**  
8 **RMP/EIS**. These issues are identified below and will not be addressed in the CCMA RMP/EIS  
9 because they are either outside the scope of this planning effort or are outside the authority of the  
BLM. The following issues are not further analyzed in this report:

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
and *Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the*  
23 *Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
27 *Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
and *Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and*  
33 *Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast*  
of *California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
41 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 152: Subject: Confusing Reference Page 8

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 152: Subject: Confusing Reference Page 8**

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1 **Substantive Comment**

**# 153**

3 **Subject: Confusing Reference**

**Page 8**

5 **Referring to the Following Paragraph**

7 A number of issues raised during scoping were determined to be beyond the scope of the CCMA  
RMP/EIS. These issues are identified below and will not be addressed in the **CCMA RMP/EIS**  
9 because they are either outside the scope of this planning effort or are outside the authority of the  
BLM. The following issues are not further analyzed in this report:

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
19 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the*  
23 *Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
27 *Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
*and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and*  
33 *Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast*  
*of California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
*Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

**Substantive Comment - # 153: Subject: Confusing Reference Page 8**

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 153: Subject: Confusing Reference Page 8**

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1 **Substantive Comment**

**# 154**

3 **Subject: Confusing Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 Several comments received by the Hollister Field Office requested that BLM reverse (i.e.  
remove) the **Temporary Closure** order issued on May 1, 2008 that closed the 30,000-acre  
9 Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use  
during that period. However, BLM determined that the Temporary Closure order was appropriate  
11 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  
13 increase the long-term risk of cancer from exposure to asbestos.

15 **Discussion**

17 This statement is confusing because the author capitalized the term "Temporary Closure."  
This term is variously capitalized and not capitalized throughout the document, thus  
suggesting that their respective usage may have different meaning. The public depends on  
19 author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous. Since "agencies  
21 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
23 convey special meaning.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
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**Substantive Comment - # 154: Subject: Confusing Statement Page 8**

1 **Substantive Comment**

**# 155**

3 **Subject: Confusing Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 Several comments received by the Hollister Field Office requested that BLM reverse (i.e.  
remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre  
9 Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use  
during that period. However, BLM determined that the Temporary Closure order was appropriate  
11 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  
13 increase the long-term risk of cancer from exposure to asbestos.

15 **Discussion**

17 This paragraph is confusing because it contains too many double negatives or  
contradictory phrases. That is, "requested BLM reverse ... closure order ... that closed ... to  
allow use ..." Since "agencies should employ writers of clear prose or editors to write, review  
19 or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. The public depends on author's  
21 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous. This statement asserts  
23 needless detail that fails to concentrate on the issues that are truly significant to the action in  
question (40 CRF 1500.1).

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

**Substantive Comment - # 155: Subject: Confusing Statement Page 8**

1 **Substantive Comment**

**# 156**

3 **Subject: Erroneous Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 Several comments received by the Hollister Field Office requested that BLM reverse (i.e.  
remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre  
9 Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use  
during that period. However, BLM determined that the Temporary Closure order was appropriate  
11 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  
13 increase the long-term risk of cancer from exposure to asbestos.

15 **Discussion**

17 This paragraph is erroneous because the Bureau of Land Management did authorized a  
motorcycle recreation event after knowing about the EPA report. Additionally, the EPA report  
19 did not provide "new information" since the alleged risk has been known since the area was  
designated an ACEC.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.

**Substantive Comment - # 156: Subject: Erroneous Statement Page 8**

1 **Substantive Comment**

**# 157**

3 **Subject: Confusing Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 Several comments received by the Hollister Field Office requested that BLM reverse (i.e.  
remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre  
9 Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use  
during that period. However, BLM determined that the **Temporary Closure** order was appropriate  
11 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  
13 increase the long-term risk of cancer from exposure to asbestos.

15 **Discussion**

17 This statement is confusing because the author capitalized the term "Temporary Closure."  
This term is variously capitalized and not capitalized throughout the document, thus  
suggesting that their respective usage may have different meaning. The public depends on  
19 author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous. Since "agencies  
21 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
23 convey special meaning.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
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**Substantive Comment - # 157: Subject: Confusing Statement Page 8**

1 **Substantive Comment**

**# 158**

3 **Subject: Confusing Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 Several comments received by the Hollister Field Office requested that BLM reverse (i.e.  
remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre  
9 Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use  
during that period. However, BLM determined that the Temporary Closure order was appropriate  
11 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  
13 increase the long-term risk of cancer from exposure to asbestos.

15 **Discussion**

17 The statement, "EPA Asbestos Exposure and Human Health Risk Assessment" is confusing  
because the reader is uncertain about whether the study process or the study report is being  
19 referenced. If the process is being referenced, then the phrase should be in lower-case  
characters. If the report is being referenced, the phrase should be quoted, italicized or  
underlined in a manuscript-wide consistent form referencing the manuscript. However, since  
21 neither is done, the reader is unsure about what the author meant. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
23 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

**Substantive Comment - # 158: Subject: Confusing Statement Page 8**

1 **Substantive Comment**

**# 159**

3 **Subject: Erroneous Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 Several comments received by the Hollister Field Office requested that BLM reverse (i.e.  
remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre  
9 Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use  
during that period. However, BLM determined that the Temporary Closure order was appropriate  
11 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  
13 increase the long-term risk of cancer from exposure to asbestos.

15 **Discussion**

17 This paragraph is erroneous because the EPA study did not “determine that visitor use on  
public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos,” but  
rather used “risk calculations” (EPA 2008:5-4) to over-estimate (EPA 2008:7-1, Camus 2002:95)  
19 possible “long-term risk of cancer from exposure to asbestos.” Over estimating risk based on  
“calculations” is merely speculation and not determination.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.

29 **Reference**

31 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) “Risk of Mesothelioma Among Women  
Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,”  
33 *Annals of occupational Hygiene*, 46(1):95-98.

35 EPA (2008) “Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment,” U.S. Environmental Protection Agency.

**Substantive Comment - # 159: Subject: Erroneous Statement Page 8**

1 **Substantive Comment**

**# 160**

3 **Subject: Inaccurate Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 The Federal government has concluded that all forms of asbestos are hazardous to humans, and  
9 that all can cause cancer; although the chrysotile form may be less potent than the amphibole  
11 family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health  
13 Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos).  
15 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.

17 **Discussion**

19 The statement 'Asbestos is a known human carcinogen and exposure to airborne asbestos  
21 poses a health and safety risk ...' is inaccurate and misleading because it fail to reflect current  
23 EPA opinion. The Environmental Protection Agency (EPA) currently relies on a risk assessment  
25 model completed in 1986. However, the EPA is updating its asbestos risk assessment method  
27 to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that  
29 chrysotile poses very little risk as compared with amphibole asbestos minerals. The EPA's  
31 Office of Solid Waste and Emergency Response (OSWER) asked EPA's Science Advisory Board  
(SAB) to consider a new proposed approach for assessing cancer potency factors for exposure  
to asbestos based upon differences in cancer potency of different mineral types and fiber  
sizes. The SAB Asbestos Committee issued a report on EPA's Proposed Approach for  
Estimation of Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos, on  
November 14, 2008. In their final draft report to EPA, Berman & Crump concluded chrysotile is  
approximately 800 times less capable of causing mesothelioma than amosite or crocidolite,  
thus supporting the hypothesis that one cannot experience enough chrysotile exposure in a  
lifetime to cause asbestos related disease.

33 **Recommendation**

35 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
37 Agency must rewrite the subject document to remove the discrepant issue from the  
39 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 160: Subject: Inaccurate Statement Page 8**

1 **Substantive Comment**

# 161

3 **Subject: Erroneous Statement**

Page 8

5 **Referring to the Following Paragraph**

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

17 **Discussion**

19 This paragraph is erroneous because it implies a solidified consensus among federal  
21 agencies and scientist supporting the theory that "all forms of asbestos are hazardous to  
23 humans, and that all can cause cancer." This idea is generally propagated by the EPA,  
25 barrowed by other agencies and based on thirty-year old theories (EPA 1986). Additionally,  
27 there is a long established correlation between fiber length and potency (30 C.F.R. 71.702,  
29 ATSDR 2002, Berman & Crump 2008, EPA 2008), and more recent research has shown that  
31 species, that is amphibole versus serpentine, additionally influence potency, with amphibole  
33 being significantly more potent (Bernstein 2006, Camus et al 2002, Walkin & Lloyd 2006,  
35 Yarborough 2006). Research also shows that Coalinga chrysotile is significantly different and  
37 far less potent than other chrysotile fibers (Bernstein et al 2005, Ilgren 2008, Walkin & Lloyd  
39 2006), showing that Coalinga chrysotile is, in fact, harmless.

31 **Recommendation**

33 The Agency must edit this paragraph to accurately reflect current research associated with  
35 chrysotile and Coalinga chrysotile. The Agency must rewrite the subject document to remove  
37 the discrepant issue from the document. The original discrepancy must not be included or  
39 propagated in the final resource management plan, the final environmental impact study, or  
41 the record of decision. The final documentation should include corrected recommendations.

37 **Reference**

39 ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers  
41 (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease  
43 Registry, Division of Health Assessment & Consultation.

43 Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-  
45 Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.

45 Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria  
Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence

1 and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

3 Bernstein, David M. and John A. Hoskins (2006) "The health effects of chrysotile: Current perspective based upon recent data," *Regulatory Toxicology and Pharmacology*, 45:252-264.

7 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

9 CSTE (2002) "Risk to Human Health from Chrysotile Asbestos and Organic Substitutes," Scientific Committee on Toxicity, Ecotoxicity and the Environment, European Commission.

11 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

13 EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency.

15 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

17 Ilgren, Ed (2008) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber Toxicity'" *Indoor and Built Environment*, 17(1):5-26.

19 USDHHS (1990) "Lifetime Carcinogenesis Studies of Chrysotile Asbestos In Syrian Golden Hamsters," U.S. Department of Health and Human Services, Technical Report Series No. 246.

21 Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials containing asbestos," Health and Safety Commission Paper HSC/06/55, United Kingdom.

23 WHO (1996) "Health Effects of Interactions Arising from Tobacco Use and Exposure to Chemical, Physical or Biological Agents," International Programme on Chemical Safety, World Health Organization.

25 WHO (1998) "Chrysotile Asbestos," Environmental Health Criteria 203, World Health Organization.

27 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

1 **Substantive Comment**

# 162

3 **Subject: Erroneous Statement**

Page 8

5 **Referring to the Following Paragraph**

7 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  
9 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).  
11 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  
13 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  
15 Closure will affect the current development of the CCMA RMP/EIS.

17 **Discussion**

19 The statement, "although the chrysotile form may be less potent than the amphibole  
family in causing mesothelioma" is erroneous because research clearly shows that chrysotile is  
not a cause of mesothelioma. Recent research show that mesothelioma is associated with  
21 inhalation of amphibole fiber and that with serpentine fiber (Berman & Crump 2008, Bernstein  
et al 2005 2006, Camus et al 2002, Carbone et al 2007, Gibbs et al 2007, Marchevsky et al 2003,  
23 McDonald & McDonald 1996, Stettler et al 2008, Walkin & Lloyd 2006, Yarborough 2006).

25 **Recommendation**

27 The Agency must edit this paragraph to accurately reflect current research associated with  
chrysotile and Coalinga chrysotile. The Agency must rewrite the subject document to remove  
the discrepant issue from the document. The original discrepancy must not be included or  
29 propagated in the final resource management plan, the final environmental impact study, or  
the record of decision. The final documentation should include corrected recommendations.

31 **Reference**

33 Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-  
35 Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.

37 Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria  
Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence  
and Histopathology Examination Following Short-Term Exposure," *Inhalation  
39 Toxicology*, 17(9):427-449.

41 Bernstein, David M. and John A. Hoskins (2006) "The health effects of chrysotile: Current  
perspective based upon recent data," *Regulatory Toxicology and Pharmacology*, 45:252-  
43 264.

45 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women  
Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"  
*Annals of occupational Hygiene*, 46(1):95-98.

- 1 CSTEE (2002) "Risk to Human Health from Chrysotile Asbestos and Organic Substitutes,  
3 Scientific Committee on Toxicity, Ecotoxicity and the Environment, European  
Commission.
- 5 Carbone, Michele, and Salih Emri, A. Umran Dogan, Ian Steele, Murat Tuncer, Harvey I. Pass  
7 and Y. Izzettin Baris (2007) "A mesothelioma epidemic in Cappadocia: scientific  
developments and unexpected social outcomes," *Nature*, 7(2):147-154.
- 9 Gibbs, Graham W. and Geoffrey Berry (2007) "Mesothelioma and Asbestos," *Regulatory  
Toxicology and Pharmacology*.
- 11 Marchevisky, Alberto M., and Mark R. Wick (2003) "Current Controversies Regarding the  
Role of Asbestos Exposure in the Causation of Malignant Mesothelioma: The Need for  
13 an Evidence-Based Approach to Develop Medicolegal Guidelines," *Annals of Diagnostic  
Pathology*, 7(5):321-332.
- 15 McDonald, J.C. and A.D. McDonald (1996) "The epidemiology of mesothelioma in historical  
context," *European Respiratory Journal*, 9:1932-1942.
- 17 Stettler, Lloyd E., Douglas D. Sharpnack, and Edward F. Krieg (2008) "Chronic Inhalation of  
Short Asbestos: Lung Fiber Burdens and Histopathology for Monkeys Maintained for  
19 11.5 Years after Exposure," *Inhalation Toxicology*, 20:63-73.
- 21 Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials  
containing asbestos," Health and Safety Commission Paper HSC/06/55, United  
Kingdom.
- 23 WHO (1996) "Health Effects of Interactions Arising from Tobacco Use and Exposure to  
25 Chemical, Physical or Biological Agents," International Programme on Chemical Safety,  
World Health Organization.
- 27 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment  
Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.
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**Substantive Comment**

**# 163**

**Subject: Misleading Statement**

**Page 8**

**Referring to the Following Paragraph**

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.

**Discussion**

The EPA report, (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," managed by EPA toxicologist report that "8% of the fibers of the size most closely related to health concerns were amphibole asbestos." The EPA report tabulates data results in tables H-1 and H-2 listing chrysotile and amphibole mineral. The table identifies several amphibole minerals, such as tremolite and actinolite, and other unidentified mineral, which it list as "other." However, the table fails to explain if these amphibole minerals are asbestiform fiber or not. A synthesis of the two tables is shown below, where the totals list fiber counts.

Species	Table H-1		Table H-2	
	Totals	Percent	Totals	Percent
Chrysotile	3,225	92.4	27,233	98.5
Amp Asbestos	193	5.5	232	0.8
Amp Other	72	2.1	179	0.7
Total	3,490	100.0	27,644	100.0

Analysis of the EPA table H-1 shows that amphibole asbestos is only 5.5% and only approaches 8% when the unidentified "other" is included in the calculation. The EPA failed to describe the fibril construction of the chrysotile fibers so the actual fiber lengths are unknown. Additionally, the EPA report fails to provide distribution mapping for the amphibole mineral so it is unknown how the material is dispersed across the study area. Since previous geological and mineralogical studies have shown the area is free of naturally occurring amphibole asbestos mineral, the EPA must produce some explanation for finding amphibole asbestos in their study, otherwise the best amphibole asbestos material is contamination from historical deposition. In the absence of better information artifactual deposition is the best explanation since the EPA study area was historically industrialized.

1 **Recommendation**

3 The Agency must edit this paragraph to correct these deficiencies, or delete the paragraph.  
5 The Agency must rewrite the subject document to remove the discrepant issue from the  
7 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

9 **Reference**

11 Coleman, R.G. (1957) "Mineralogy and Petrology of the New Idria District, California," PhD  
Dissertation, Stanford University.

13 Coleman, R.G. (1961) "Jadeite Deposits of the Clear Creek Area, New Idria District, San  
Benito County, California," *Journal of Petrology*, 2(2):209-247.

15 Fowkes, E.J., and R. Iddings (2008) "Geological and Historical Archaeology Phase 1  
17 Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San  
Benito County, California."

19 EPA (2008a) "Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment," U.S. Environmental Protection Agency.

Substantive Comment - # 163: Subject: Misleading Statement Page 8

1 **Substantive Comment**

**# 164**

3 **Subject: Confusing Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 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  
9 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).  
11 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  
13 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  
15 Closure will affect the current development of the CCMA RMP/EIS.

17 **Discussion**

19 This statement is confusing because the author capitalized the term "Temporary Closure."  
This term is variously capitalized and not capitalized throughout the document, thus  
21 suggesting that their respective usage may have different meaning. The public depends on  
author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous. Since "agencies  
23 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
25 convey special meaning.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

**Substantive Comment - # 164: Subject: Confusing Statement Page 8**

1 **Substantive Comment**

# 165

3 **Subject:** Confusing Reference

Page 8

5 **Referring to the Following Paragraph**

7 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  
9 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).  
11 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  
13 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  
15 Closure will affect the current development of the CCMA RMP/EIS.

17 **Discussion**

19 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

23 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
25 Bureau of Land Management.

27 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
31 Interior, Bureau of Land Management.

33 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
35 Bureau of Land Management.

37 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the

Substantive Comment - # 165: Subject: Confusing Reference Page 8

1 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
3 documentation should include corrected recommendations.

**Substantive Comment - # 165: Subject: Confusing Reference Page 8**

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1 **Substantive Comment**

# 166

3 **Subject:** Confusing Reference

Page 8

5 **Referring to the Following Paragraph**

7 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  
9 CCMA RMP/EIS because this issue is outside the scope of the planning effort and the temporary  
closure will not affect the RMP development.

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
19 Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 166: Subject: Confusing Reference Page 8

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 166: Subject: Confusing Reference Page 8**

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1 **Substantive Comment**

# 167

3 **Subject: Misleading Statement**

Page 8

5 **Referring to the Following Paragraph**

7 BLM acknowledges that controversy exists regarding the health risks of naturally occurring  
9 asbestos; however, EPA and other Federal, State, and local agencies whose missions relate  
11 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 described in Section 1.1.

13 **Discussion**

15 The phrase, "naturally occurring asbestos" is misleading because it implies the area is  
17 dangerously contaminated with the full spectrum of amphibole asbestos mineral, which it is  
19 not. This should read "naturally occurring chrysotile," since this the predominate subject  
21 mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine  
23 ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
25 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
27 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
29 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
35 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
37 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
39 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

Substantive Comment - # 167: Subject: Misleading Statement Page 8

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/commodity/  
7 asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 167: Subject: Misleading Statement Page 8**

1 **Substantive Comment**

**# 168**

3 **Subject: Confusing Reference**

**Page 8**

5 **Referring to the Following Paragraph**

7 BLM acknowledges that controversy exists regarding the health risks of naturally occurring  
9 asbestos; however, EPA and other Federal, State, and local agencies whose missions relate  
11 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 described in Section 1.1.

13 **Discussion**

15 The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about  
which of the following documents is being referenced:

17 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
21 Bureau of Land Management.

23 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
31 Bureau of Land Management.

33 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

35 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
37 Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

**Substantive Comment - # 168: Subject: Confusing Reference Page 8**

1 **Substantive Comment**

**# 169**

3 **Subject: Erroneous Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 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  
9 Hollister Field Office, including BLM-administered lands and California State Parks like Henry  
Coe.

11 **Discussion**

13 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
15 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
17 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
context of Agency's action. Also see Substantive Comment # 66 on page 98.

19 **Recommendation**

21 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
23 rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
legally established term "off-road vehicle." The Agency must rewrite the subject document to  
25 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
27 impact study, or the record of decision. The final documentation should include corrected  
recommendations.

**Substantive Comment - # 169: Subject: Erroneous Statement Page 8**

1 **Substantive Comment**

**# 170**

3 **Subject: Erroneous Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 While the Hollister Field Office will consider establishing new off-highway vehicle recreation  
9 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.

11 **Discussion**

13 This statement is erroneous because the Agency does not administer 75,000 acres of land  
15 within the CCMA. Table 1-1 on page 2 of the subject report clearly list 10,600 acres as private  
17 land and 2,000 acres of State land. Any administrative duties performed on these 12,600 acres  
is by privilege of the owners and not by administrative or statutory authority, hence the  
Bureau of Land Management is limited to administered lands in the 63,000-acre CCMA.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 170: Subject: Erroneous Statement Page 8**

1 **Substantive Comment**

# 171

3 **Subject: Confusing Statement**

Page 8

5 **Referring to the Following Paragraph**

7 While the Hollister Field Office will consider establishing new off-highway vehicle recreation  
9 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.

11 **Discussion**

13 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
19 Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

27 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
29 Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

33 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
35 Land Management.

37 **Recommendation**

39 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
41 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
43 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

## Substantive Comment

# 172

**Subject:** Confusing Reference

Page 8

### Referring to the Following Paragraph

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.

### Discussion

The paragraph's reference to “CCMA RMP/ EIS” is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 172: Subject: Confusing Reference Page 8

1 **Substantive Comment**

**# 173**

3 **Subject: Confusing Statement**

**Page 8**

5 **Referring to the Following Paragraph**

7 The purpose and need for the CCMA RMP/EIS is based on the EPA **Asbestos Exposure and**  
9 **Human Health Risk Assessment**. BLM acknowledges there are concerns about the loss of public  
11 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.

13 **Discussion**

15 This is confusing because there is doubt about whether “Asbestos Exposure and Human  
17 Health Risk Assessment” reference a study or a document. There is no document titled  
19 “Asbestos Exposure and Human Health Risk Assessment.” Perhaps the author meant to  
21 Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*  
(EPA 2009). The public depends on author’s accuracy and is therefore not at liberty to interpret  
variant meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous. Since “agencies should employ writers of clear prose or editors to write, review  
or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 173: Subject: Confusing Statement Page 8**

1 **Substantive Comment**

**# 174**

3 **Subject: Confusing Format**

**Page 8**

5 **Referring to the Following Paragraph**

7 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  
9 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  
11 same levels prior to the closure order issued on May 1, 2008.

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Since "agencies should employ writers of clear prose or editors to write,  
17 review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such  
unusual formatting might convey special meaning.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
that it is a reflection on poor document management, the lack writing skill or the lack of  
23 competent editing and correct such deficiencies. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
25 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
33 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
35 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
37 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
39 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 175

3 **Subject: Confusing Reference**

Page 8

5 **Referring to the Following Paragraph**

7 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  
9 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  
11 same levels prior to the closure order issued on May 1, 2008.

13 **Discussion**

15 The paragraph's reference to “CCMA RMP/ EIS” is confusing because the reader is unsure  
about which of the following documents is being referenced:

17 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
21 Bureau of Land Management.

23 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
31 Bureau of Land Management.

33 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
43 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
45 documentation should include corrected recommendations.

Substantive Comment - # 175: Subject: Confusing Reference Page 8

1 **Substantive Comment**

**# 176**

3 **Subject: Erroneous Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 In light of these considerations, BLM has determined that it is appropriate to **maintain the scope**  
9 **of the current RMP/EIS within the 75,000 acre CCMA.** Furthermore, BLM and the California  
11 State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA  
13 land use planning process on the potential to establish new off-highway vehicle recreation areas  
outlined in Chapter 1 of this Scoping Report.

15 **Discussion**

17 The statement is erroneous because, as explained in Substantive Comment # 170 on  
19 page 225, the Bureau of Land Management does not legally assert administrative authority of  
75,000 acres.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 176: Subject: Erroneous Statement Page 9**

1 **Substantive Comment**

# 177

3 **Subject: Confusing Reference**

Page 9

5 **Referring to the Following Paragraph**

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

15 **Discussion**

17 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
19 about which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
23 the Interior, Bureau of Land Management.

25 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
27 and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
31 Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

33 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
35 Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

37 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
39 and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

41 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

43 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
45 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 177: Subject: Confusing Reference Page 9

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 177: Subject: Confusing Reference Page 9**

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1 **Substantive Comment**

**# 178**

3 **Subject: Confusing Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 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, BLM and the California  
9 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  
11 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  
13 and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need  
outlined in Chapter 1 of this Scoping Report.

15 **Discussion**

17 This paragraph is confusing because working "outside the CCMA land use planning  
process" is inconsistent with need for this draft document.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 178: Subject: Confusing Statement Page 9**

1 **Substantive Comment**

**# 179**

3 **Subject: Erroneous Statement**

**Page 9**

5 **Referring to the Following Paragraph**

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

15 **Discussion**

17 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
19 Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
21 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
23 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
25 highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
27 context of Agency's action. Also see Substantive Comment # 66 on page 98.

23 **Recommendation**

25 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
27 rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
29 legally established term "off-road vehicle." The Agency must rewrite the subject document to  
31 remove the discrepant issue from the document. The original discrepancy must not be  
33 included or propagated in the final resource management plan, the final environmental  
35 impact study, or the record of decision. The final documentation should include corrected  
37 recommendations.

**Substantive Comment - # 179: Subject: Erroneous Statement Page 9**

1 **Substantive Comment**

**# 180**

3 **Subject:                      Meaningless Statement**

**Page 9**

5 **Referring to the Following Paragraph**

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

15 **Discussion**

17        The phrase “and the existing BLM resources and personnel allocated to the CCMA RMP/EIS  
19 are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping  
21 Report” is meaningless. This statement asserts needless detail that fails to concentrate on the  
23 issues that are truly significant to the action in question (40 CRF 1500.1). Reference to “this  
25 Scoping Report” is erroneous because this report is not a scoping report but a draft resource  
27 management plan and draft environmental impact study.

23 **Recommendation**

25        The Agency must edit the meaning content and delete the erroneous statements and  
27 needless details to correct the deficiency. The Agency must rewrite the subject document to  
29 remove the discrepant issue from the document. The original discrepancy must not be  
31 included or propagated in the final resource management plan, the final environmental  
33 impact study, or the record of decision. The final documentation should include corrected  
35 recommendations.

**Substantive Comment - # 180: Subject: Meaningless Statement Page 9**

1 **Substantive Comment**

# 181

3 **Subject:** Confusing Reference

Page 9

5 **Referring to the Following Paragraph**

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

15 **Discussion**

17 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
19 about which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
23 the Interior, Bureau of Land Management.

25 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
27 and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
31 Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
33 Management.

35 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
37 Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

39 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
41 and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

43 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
45 Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

47 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
49 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 181: Subject: Confusing Reference Page 9

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 181: Subject: Confusing Reference Page 9**

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1 **Substantive Comment**

# 182

3 **Subject: Confusing Reference**

Page 9

5 **Referring to the Following Paragraph**

7 Changes or modifications to Special Designations in CCMA will not be considered in the range of alternatives for the CCMA RMP/EIS for the following reasons.

9 **Discussion**

11 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

13 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

17 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

21 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

23 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

25 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 182: Subject: Confusing Reference Page 9

1 **Substantive Comment**

**# 183**

3 **Subject: Confusing Reference**

**Page 9**

5 **Referring to the Following Paragraph**

7 The purpose and need for this RMP/EIS includes minimizing human health risks from exposure  
9 to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC  
11 designations highlight areas where special management attention is needed to protect, and prevent  
13 irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or  
15 other systems or processes or to protect human life and safety from natural hazards. The  
17 designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human  
19 health risks associated with exposure to asbestos within the serpentine soils. The boundaries of  
21 the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine  
23 formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

17 **Discussion**

19 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about  
21 which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
23 the Interior, Bureau of Land Management.

23 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
25 and Final Environmental Impact Statement*, United States Department of the Interior,  
27 Bureau of Land Management.

27 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
29 Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
31 Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
31 Statement for the Clear Creek Management Area*, United States Department of the  
33 Interior, Bureau of Land Management.

33 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
35 and Final Environmental Impact Statement*, United States Department of the Interior,  
37 Bureau of Land Management.

37 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
39 Route Designation Record of Decision*, United States Department of the Interior, Bureau  
41 of Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
41 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
43 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the

**Substantive Comment - # 183: Subject: Confusing Reference Page 9**

1 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
3 documentation should include corrected recommendations.

**Substantive Comment - # 183: Subject: Confusing Reference Page 9**

## Substantive Comment

# 184

**Subject: Inaccurate Terminology**

**Page 9**

### Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to **asbestos** and reducing airborne **asbestos** emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to **asbestos** within the serpentine soils. The boundaries of the ACEC were defined by mapping of **asbestos** soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 184: Subject: Inaccurate Terminology Page 9

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 184: Subject: Inaccurate Terminology Page 9**

1 **Substantive Comment**

**# 185**

3 **Subject: Misleading Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 The purpose and need for this RMP/EIS includes minimizing human health risks from exposure  
9 to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC  
11 designations highlight areas **where special management attention is needed to protect, and prevent  
13 irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources** or  
15 other systems or processes or to protect human life and safety from natural hazards. The  
17 designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human  
19 health risks associated with exposure to asbestos within the serpentine soils. The boundaries of  
21 the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine  
23 formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

17 **Discussion**

19 The statement, "where special management attention is needed to protect, and prevent  
21 irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources"  
23 is misleading because the Bureau of Land Management has failed to protect important  
25 historic, cultural, and scenic values, fish, and wildlife resources in the past. In fact, past Bureau  
27 of Land Management action or inaction has lead to the destruction of important historic,  
29 cultural, and scenic values, fish, and wildlife resources. The Agency has failed to address  
31 preservation historic and cultural resources in previous resource management plans and  
33 environmental impact statements, and continue to ignore preservation plans for these  
35 resources in this document.

27 **Recommendation**

29 The Agency must rewrite this draft document to identify and address preservation historic  
31 and cultural resources contained within the planning area. The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
37 final environmental impact study, or the record of decision. The final documentation should  
39 include corrected recommendations.

1 **Substantive Comment**

**# 186**

3 **Subject: Misleading Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 The purpose and need for this RMP/EIS includes minimizing human health risks from exposure  
9 to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC  
11 designations highlight areas where special management attention is needed to protect, and **prevent**  
13 **irreparable damage to important historic, cultural, and scenic values, fish,** or wildlife resources or  
15 other systems or processes or to protect human life and safety from natural hazards. The  
17 designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human  
19 health risks associated with exposure to asbestos within the serpentine soils. The boundaries of  
21 the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine  
23 formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

17 **Discussion**

19 The statement, " prevent irreparable damage to important historic, cultural, and scenic  
21 values, fish" is misleading because Federal construction of the Hernandez Dam already  
23 destroyed salmon and trout habitat. The paragraph should include a statement that warns the  
25 public taht previous Federal project failed to protect important fish and wildlife habitat.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.  
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**Substantive Comment - # 186: Subject: Misleading Statement Page 9**

1 **Substantive Comment**

# 187

3 **Subject: Failure to Tier Previous RMP/EIS**

Page 9

5 **Referring to the Following Paragraph**

7 The purpose and need for this RMP/EIS includes minimizing human health risks from exposure  
9 to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC  
11 designations highlight areas where special management attention is needed to protect, and prevent  
13 irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or  
15 other systems or processes or to protect human life and safety from natural hazards. The  
17 designation of the Serpentine ACEC in **the 1984 Hollister RMP (as amended)** is based on human  
19 health risks associated with exposure to asbestos within the serpentine soils. The boundaries of  
21 the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine  
23 formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

17 **Discussion**

19 There is no purpose or need to readdress issues previously covered in the Clear Creek  
21 Management Plan and Decision Record (BLM 1986), hence this discussion must be deleted  
23 from this draft and inserted by reference only. Agencies shall avoid useless bulk in statements  
25 and shall concentrate effort and attention on important issues (40 CFR § 1502.15). An agency  
27 may adopt a Federal draft or final environmental impact statement or portion thereof  
29 provided that the statement or portion thereof meets the standards for an adequate  
31 statement under these regulations (§ 1506.3). The agency shall eliminate from study issues  
33 which are not significant or which have been covered by prior environmental review (40 C.F.R.  
35 § 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of  
37 why they will not have a significant effect on the human environment or providing a reference  
39 to their coverage elsewhere (§ 1502.22). Agencies shall reduce excessive paperwork by tiering  
41 from statements of broad scope to those of narrower scope, to eliminate repetitive discussions  
43 of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§  
45 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions  
and avoid duplication (§ 1502.4).

33 **Recommendation**

35 The Agency must delete issues and topics covered by previous RMP/EIS from this draft and  
37 insert them by tiering or by reference. The subject report must be rewritten to correct this  
39 deficiency. The Agency must rewrite the subject document to remove the discrepant issue  
41 from the document. The original discrepancy must not be included or propagated in the final  
43 resource management plan, the final environmental impact study, or the record of decision.  
45 The final documentation should include corrected recommendations.

Substantive Comment - # 187: Subject: Failure to Tier Previous RMP/EIS Page 9

1 **Substantive Comment**

**# 188**

3 **Subject: Misleading Needless Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 The purpose and need for this RMP/EIS includes minimizing human health risks from exposure  
9 to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC  
11 designations highlight areas where special management attention is needed to protect, and prevent  
13 irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or  
15 other systems or processes or to protect human life and safety from natural hazards. The  
17 designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human  
19 health risks associated with exposure to asbestos within the serpentine soils. The boundaries of  
21 the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine  
23 formation. This ACEC is also referred to frequently as the **Hazardous Asbestos Area (HAA)**.

17 **Discussion**

19 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
21 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
23 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
25 additional quick document search indicates that the first published use of the phrase  
27 "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
29 and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
31 during the past twenty years. In all occurrences, the phrase is included complimentarily to  
33 emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
35 growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
37 chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
39 simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
41 than actually exist. This statement asserts needless detail that fails to concentrate on the issues  
43 that are truly significant to the action in question (40 CFR 1500.1). Environmental impact  
45 statements shall be kept concise and shall be no longer than absolutely necessary to comply  
with NEPA (40 CFR § 1502.2).

33 **Recommendation**

35 The Agency must strike this phrase from the Resource Management Plan and the  
37 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
39 the subject document to remove the discrepant issue from the document. The original  
41 discrepancy must not be included or propagated in the final resource management plan, the  
43 final environmental impact study, or the record of decision. The final documentation should  
45 include corrected recommendations.

**Substantive Comment - # 188: Subject: Misleading Needless Statement Page 9**

1 **Substantive Comment**

**# 189**

3 **Subject: Confusing Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area  
9 (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA  
11 RMP Amendment and Route Designation approved expansions of the original SBMRNA from its  
13 original boundary when it was first established as an Outstanding Natural Area in 1972. The  
15 designation of the SBMRNA is based on unique vegetation and forest types associated with  
17 serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian  
19 habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*)  
21 populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine,  
23 foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the  
25 expanded RNA to control OHV trespass into the RNA and closed mine areas.

17 **Discussion**

19 The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about  
21 which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
23 the Interior, Bureau of Land Management.

23 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
25 and Final Environmental Impact Statement*, United States Department of the Interior,  
27 Bureau of Land Management.

27 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
29 Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
31 Management.

31 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
33 Statement for the Clear Creek Management Area*, United States Department of the  
35 Interior, Bureau of Land Management.

35 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
37 and Final Environmental Impact Statement*, United States Department of the Interior,  
39 Bureau of Land Management.

37 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
39 Route Designation Record of Decision*, United States Department of the Interior, Bureau  
41 of Land Management.

41 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
43 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
45 Land Management.

**Substantive Comment - # 189: Subject: Confusing Statement Page 9**

1 **Recommendation**

3       The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
5 rewrite the subject document to remove the discrepant issue from the document. The original  
7 discrepancy must not be included or propagated in the final resource management plan, the  
9 final environmental impact study, or the record of decision. The final documentation should  
11 include corrected recommendations.  
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1 **Substantive Comment**

**# 190**

3 **Subject: Inaccurate Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area  
9 (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA  
11 RMP Amendment and Route Designation approved expansions of the original SBMRNA from its  
13 original boundary when it was first established as an Outstanding Natural Area in 1972. The  
15 designation of the SBMRNA is based on unique vegetation and forest types associated with  
17 serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian  
19 habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*)  
21 populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine,  
23 foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the  
25 expanded RNA to control OHV trespass into the RNA and closed mine areas.

17 **Discussion**

19 The subject document, and previous RMP/EIS documents, fails to discuss the significant  
21 evidence of historic anthropogenic road grading, occupation and timber harvesting that  
23 occurred within the San Benito Mountain Research Natural Area before it was designated an  
25 "Outstanding Natural Area." This issue must be addressed with mention of the San Benito  
27 Mountain Research Natural Area because it affects the original purpose for its designation and  
29 future historical and cultural preservation, and the scenic environment which is current  
31 impaired by fencing.

27 **Recommendation**

29 The Agency must rewrite the discrepant statement to correct the deficiency. The Agency  
31 must rewrite the subject document to remove the discrepant issue from the document. The  
33 original discrepancy must not be included or propagated in the final resource management  
35 plan, the final environmental impact study, or the record of decision. The final documentation  
37 should include corrected recommendations.

**Substantive Comment - # 190: Subject: Inaccurate Statement Page 9**

1 **Substantive Comment**

**# 191**

3 **Subject: Misleading Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area  
9 (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA  
11 RMP Amendment and Route Designation approved expansions of the original SBMRNA from its  
13 original boundary when it was first established as an Outstanding Natural Area in 1972. The  
15 designation of the SBMRNA is based on unique vegetation and forest types associated with  
17 serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian  
19 habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*)  
21 populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine,  
23 foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the  
25 expanded RNA to control OHV trespass into the RNA and closed mine areas.

17 **Discussion**

19 The statement "a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and  
21 other mixed-conifers" is misleading because it fails to explain the meaning of "other mixed-  
23 conifers" that contribute to the "unique forest assemblage." These should be delineated if  
25 these truly contribute to the unique forest assemblage, otherwise this is Needless Bulk and  
needless detail. Agencies shall avoid useless bulk in statements and shall concentrate effort  
and attention on important issues (40 CFR § 1502.15).

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 191: Subject: Misleading Statement Page 9**

1 **Substantive Comment**

**# 192**

3 **Subject: Erroneous Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area  
9 (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA  
11 RMP Amendment and Route Designation approved expansions of the original SBMRNA from its  
13 original boundary when it was first established as an Outstanding Natural Area in 1972. The  
15 designation of the SBMRNA is based on unique vegetation and forest types associated with  
serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian  
habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*)  
populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine,  
foothill pine, and other mixed-conifers. **Upper Clear Creek Canyon was also included in the  
expanded RNA to control OHV trespass into the RNA and closed mine areas.**

17 **Discussion**

19 The purpose and need for the 2006 Record of Decision did not include placing the Upper  
21 Clear Creek Canyon into the expanded RNA for the purpose of controlling "OHV trespass into  
the RNA and closed mine areas." The of the San Benito Mountain Research Natural Area  
boundary expansion was to provide for "effective management of the CCMA" (BLM 2006:2-2).

23 **Recommendation**

25 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

31 **Reference**

33 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and*  
*Route Designation Record of Decision*, United States Department of the Interior, Bureau  
35 of Land Management.

**Substantive Comment - # 192: Subject: Erroneous Statement Page 9**

1 **Substantive Comment**

**# 193**

3 **Subject: Confusing Statement**

**Page 9**

5 **Referring to the Following Paragraph**

7 Principles of ecosystem management as well as a continuing commitment to multiple use and  
9 sustained yield will also guide land use decisions in the Planning Area. The commitment to  
11 multiple uses would not mean that all land would be open for all uses. Some uses may be  
excluded on certain lands to protect specific resource values or uses. Any exclusions, however,  
would be based on laws or regulations or be determined through the planning process and subject  
to public involvement.

13 **Discussion**

15 This statement is confusing because the author capitalized the term "Planning Area." This  
17 term is variously capitalized and not capitalized throughout the document, thus suggesting  
that their respective usage may have different meaning. The public depends on author's  
19 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous. Since "agencies should  
21 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

23 **Recommendation**

25 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 193: Subject: Confusing Statement Page 9**

1 **Substantive Comment** # 194

3 **Subject:** **Needless Statement** Page 9

5 **Referring to the Following Paragraph**

7 Principles of ecosystem management as well as a continuing commitment to multiple use and  
9 sustained yield will also guide land use decisions in the Planning Area. The commitment to  
11 multiple uses would not mean that all land would be open for all uses. Some uses may be  
excluded on certain lands to protect specific resource values or uses. Any exclusions, however,  
would be based on laws or regulations or be determined through the planning process and subject  
to public involvement.

13 **Discussion**

15 Of course, everyone knows the BLM is expected to obey the laws and regulations. Agencies  
17 shall avoid useless bulk in statements and shall concentrate effort and attention on important  
issues (40 CFR § 1502.15).

19 **Recommendation**

21 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
23 rewrite the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

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Substantive Comment - # 194: Subject: Needless Statement Page 9

1 **Substantive Comment**

**# 195**

3 **Subject: Confusing Statement**

**Page 10**

5 **Referring to the Following Paragraph**

7 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  
9 are identified below:

11 **Discussion**

13 This statement is confusing because it implies that the public scoping process has not yet  
begun, but is a future event. Since "agencies should employ writers of clear prose or editors to  
15 write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such  
unusual words, terminology or formatting might convey special meaning.

17 **Recommendation**

19 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
rewrite the subject document to remove the discrepant issue from the document. The original  
21 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
23 include corrected recommendations.

**Substantive Comment - # 195: Subject: Confusing Statement Page 10**

1 **Substantive Comment**

**# 196**

3 **Subject:**

**Omission**

**Page 10**

5 **Referring to the Following Paragraph**

7 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  
9 are identified below:

11 **Discussion**

13 This paragraph is confusing because the reader is not directed to a properly cited Federal  
Register. Omission of important information fails to facilitate public involvement. The agency  
shall encourage and facilitate public involvement in decisions which affect the quality of the  
15 human environment (40 C.F.R. § 1500.2).

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency and  
provide complete citation to the proper reference. The Agency must rewrite the subject  
21 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
23 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 196: Subject: Omission Page 10**

1 **Substantive Comment**

**# 197**

3 **Subject: Confusing Format**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • The RMP will be developed in compliance with FLPMA, all other applicable laws, regulations, executive orders, and BLM supplemental program guidance.

9 **Discussion**

11 Document lacks proper editing. Number lists and bullet list should have same indent and spacing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 197: Subject: Confusing Format Page 10**

1 **Substantive Comment**

# 198

3 **Subject: Confusing Reference**

Page 10

5 **Referring to the Following Paragraph**

- 7 • The RMP will be developed in compliance with FLPMA, all other applicable laws, regulations, executive orders, and BLM supplemental program guidance.

9 **Discussion**

11 The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

13 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

17 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

23 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

25 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

27 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

31 **Recommendation**

33 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 198: Subject: Confusing Reference Page 10

1 **Substantive Comment**

**# 199**

3 **Subject:**

**Omission**

**Page 10**

5 Referring to the Following Paragraph

- 7 • Economic and social baselines and consequences will be developed in coordination with local and county governments.

9 **Discussion**

11 This statement is confusing because it implies that there is a difference between “local and  
13 county governments” thus leading the reader to believe that other unknown government  
15 agencies are involved. This information must be clarified and fully disclosed. Omission of  
important information fails to facilitate public involvement. The agency shall encourage and  
facilitate public involvement in decisions which affect the quality of the human environment  
(40 C.F.R. § 1500.2).

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 199: Subject: Omission Page 10**

1 **Substantive Comment**

**# 200**

3 **Subject:**

**Omission**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • Initiate government to government consultation, including Tribal interests.

9 **Discussion**

11 The statement, "government to government consultation" is confusing because it implies  
13 involvement with foreign government consultation which may exceed Bureau of Land  
15 Management authority and causing the reader to believe that other unknown government  
17 agencies are involved. This information must be clarified and fully disclosed. Omission of  
important information fails to facilitate public involvement. The agency shall encourage and  
facilitate public involvement in decisions which affect the quality of the human environemnt  
(40 C.F.R. § 1500.2).

17 **Recommendation**

19 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
21 rewrite the subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 200: Subject: Omission Page 10**

## Substantive Comment

# 201

**Subject: Misleading Statement**

**Page 10**

### Referring to the Following Paragraph

- 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.

### Discussion

Using the term "asbestos" implies that the area is dangerously contaminated with the full spectrum of commercial asbestos material, which it is not. This should read "chrysotile," since this is the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 201: Subject: Misleading Statement Page 10**

1 **Substantive Comment**

**# 202**

3 **Subject: Misleading Statement**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • 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**.

9 **Discussion**

11 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
13 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
15 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
17 additional quick document search indicates that the first published use of the phrase  
19 "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
21 and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
23 during the past twenty years. In all occurrences, the phrase is included complimentarily to  
emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
than actually exist. This statement asserts needless detail that fails to concentrate on the issues  
that are truly significant to the action in question (40 CRF 1500.1).

25 **Recommendation**

27 The Agency must strike this phrase from the Resource Management Plan and the  
29 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 202: Subject: Misleading Statement Page 10**

1 **Substantive Comment**

**# 203**

3 **Subject: Confusing Terminology**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • 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.

9 **Discussion**

11 The phrase “reduces accelerated” is confusing because it implies that erosion is an uncontrollable natural phenomenon with poorly defined anthropogenic parameters that the  
13 Agency fails to delineate or comprehend. This paragraph is inadequate and precludes meaningful analysis (40 C.F.R. § 1502.8). The agency shall always make clear that information is  
15 lacking (§ 1502.21).

17 **Recommendation**

19 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
21 rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the  
23 final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 203: Subject: Confusing Terminology Page 10**

1 **Substantive Comment**

**# 204**

3 **Subject: Erroneous Statement**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • 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.

9 **Discussion**

11 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
13 Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
15 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
17 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
19 highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
21 context of Agency's action. Also see Substantive Comment # 66 on page 98.

17 **Recommendation**

19 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
21 rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
23 legally established term "off-road vehicle." The Agency must rewrite the subject document to  
25 remove the discrepant issue from the document. The original discrepancy must not be  
27 included or propagated in the final resource management plan, the final environmental  
29 impact study, or the record of decision. The final documentation should include corrected  
31 recommendations.

**Substantive Comment - # 204: Subject: Erroneous Statement Page 10**

## Substantive Comment

# 205

**Subject: Misleading Statement**

**Page 10**

### Referring to the Following Paragraph

- 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.

### Discussion

Using the term "asbestos" implies the area is dangerously contaminated with the full spectrum of commercial amphibole asbestos material, which it is not. This should read "chrysotile," since this the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 206**

3 **Subject: Unnecessary Abbreviation**

**Page 10**

5 **Referring to the Following Paragraph**

- 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.

9 **Discussion**

11 If this term is not used again in the document, then (FGDC) is unnecessary. Since “agencies  
13 should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R.  
15 1502.8), the public is left to assume that such unusual words, terminology or formatting might  
convey special meaning. This statement asserts needless detail that fails to concentrate on the  
issues that are truly significant to the action in question (40 CRF 1500.1).

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 206: Subject: Unnecessary Abbreviation Page 10**

1 **Substantive Comment**

# 207

3 **Subject:** Confusing Reference

Page 10

5 **Referring to the Following Paragraph**

- 7 • The RMP/EIS will incorporate by reference the Standards for Rangeland Health and Guidelines for Livestock Grazing Management (1998).

9 **Discussion**

11 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

13 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

17 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

23 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

25 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

27 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

31 **Recommendation**

33 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 207: Subject: Confusing Reference Page 10

1 **Substantive Comment**

**# 208**

3 **Subject: Confusing Reference**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • 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).

9 **Discussion**

11 The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

13 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

17 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

23 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

25 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

27 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

31 **Recommendation**

33 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 208: Subject: Confusing Reference Page 10

## Substantive Comment

# 209

**Subject:** Confusing Reference

Page 10

### Referring to the Following Paragraph

- 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.

### Discussion

The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 210**

3 **Subject: Confusing Format**

**Page 10**

5 **Referring to the Following Paragraph**

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

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
15 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
17 management, the lack writing skill or the lack of competent editing. Other usage of this term is  
capitalized. Since “agencies should employ writers of clear prose or editors to write, review or  
edit statements” (40 C.F.R. 1502.8), the general public is left to assume that such unusual  
formatting might convey special meaning.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
23 that it is a reflection on poor document management, the lack writing skill or the lack of  
25 competent editing and correct such deficiencies. The Agency must rewrite the subject  
27 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
39 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

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1 **Substantive Comment**

# 211

3 **Subject: Confusing Statement**

Page 10

5 **Referring to the Following Paragraph**

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

11 **Discussion**

13 The paragraph's reference to “CCMA Draft RMP Amendment” is confusing because no  
document with that title can be found. The reader is unsure about which of the following  
possible documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
43 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
45 documentation should include corrected recommendations.

Substantive Comment - # 211: Subject: Confusing Statement Page 10

1 **Substantive Comment**

**# 212**

3 **Subject:**

**Omission**

**Page 10**

5 **Referring to the Following Paragraph**

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

11 **Discussion**

13 The phrase, "BLM specialists, other agencies" is misleading and confusing because the  
reader is uncertain about who these "specialists, other agencies" might be. Omission of  
15 important information fails to facilitate public involvement. The agency shall encourage and  
facilitate public involvement in decisions which affect the quality of the human environemnt  
(40 C.F.R. § 1500.2).

17 **Recommendation**

19 The Agency must edit the discrepant statement to correct the deficiency. The Agency must  
21 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
23 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 212: Subject: Omission Page 10**

## Substantive Comment

# 213

**Subject:** Confusing Reference

Page 10

### Referring to the Following Paragraph

- 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.

### Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 214**

3 **Subject: Confusing Statement**

**Page 10**

5 **Referring to the Following Paragraph**

- 7 • BLM shall comply with the 2007 State Protocol Agreement between the California BLM and the California State Historic Preservation Officer (SHPO).

9 **Discussion**

11 The statement, "2007 State Protocol Agreement" is confusing because the reader cannot  
13 know what document is being referenced. Since "agencies should employ writers of clear  
15 prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
17 assume that such unusual words, terminology or formatting might convey special meaning.  
Perhaps the author meant, State Protocol Agreement, Exemptions, and Historic Preservation  
Program Documents for Review (BLM 2007), reference number CA-2007-027ATT1. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 214: Subject: Confusing Statement Page 10**

## Substantive Comment

# 215

**Subject:** Confusing Reference

Page 10

### Referring to the Following Paragraph

- All land use decisions for lands acquired within the CCMA boundaries by BLM would be incorporated into this RMP/EIS.

### Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 215: Subject: Confusing Reference Page 10

1 **Substantive Comment**

**# 216**

3 **Subject: Redundant Statement**

**Page 10 & 11**

5 **Referring to the Following Paragraph**

7 The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and  
9 decisions from the existing Hollister RMP, and associated amendment, will be reviewed and  
incorporated in this RMP/EIS where appropriate. Management will continue under the CCMA  
Temporary Closure Order, issued May 1, 2008, until the CCMA RMP/EIS is approved.

11 **Discussion**

13 The statement "the CCMA is presently managed under the 1984 Hollister RMP (as  
15 amended)" is redundant and is unnecessary repetition. Since "agencies should employ writers  
of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left  
17 to assume that such unusual words, terminology or formatting might convey special meaning.  
This statement asserts needless detail that fails to concentrate on the issues that are truly  
significant to the action in question (40 CRF 1500.1).

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 216: Subject: Redundant Statement Page 10 & 11**

1 **Substantive Comment**

# 217

3 **Subject:** Confusing Reference

Page 10 & 11

5 **Referring to the Following Paragraph**

7 The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and  
9 decisions from the existing Hollister RMP, and associated amendment, will be reviewed and  
incorporated in this **RMP/EIS** where appropriate. Management will continue under the CCMA  
Temporary Closure Order, issued May 1, 2008, until the CCMA RMP/EIS is approved.

11 **Discussion**

13 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
43 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
45 documentation should include corrected recommendations.

Substantive Comment - # 217: Subject: Confusing Reference Page 10 & 11

1 **Substantive Comment**

# 218

3 **Subject:** Confusing Reference

Page 10 & 11

5 **Referring to the Following Paragraph**

7 The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and  
9 decisions from the existing Hollister RMP, and associated amendment, will be reviewed and  
incorporated in this RMP/EIS where appropriate. Management will continue under the CCMA  
Temporary Closure Order, issued May 1, 2008, until the **CCMA RMP/EIS** is approved.

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
43 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
45 The final documentation should include corrected recommendations.

Substantive Comment - # 218: Subject: Confusing Reference Page 10 & 11

1 **Substantive Comment**

**# 219**

3 **Subject: Confusing Reference**

**Page 11**

5 **Referring to the Following Paragraph**

7 The major planning and decision documents that will be used to guide resources management in the **CCMA RMP/EIS** are described below.

9 **Discussion**

11 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

13 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

17 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

21 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

23 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

25 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

27 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

31 **Recommendation**

33 The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 219: Subject: Confusing Reference Page 11**

1 **Substantive Comment**

# 220

3 **Subject:** Confusing Reference

Page 11

5 **Referring to the Following Paragraph**

7 This RMP focuses on broad resource objectives and direction while providing some activity-level  
9 guidance and site-specific decisions, and will build upon a 30-year history of natural resource  
management in Central California. Table 1.5-1 highlights some of the major plans and policies  
that have led to the present management of the area.

11 **Discussion**

13 The paragraph's reference to "RMP" is confusing because the reader is unsure about which  
of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
43 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
45 documentation should include corrected recommendations.

Substantive Comment - # 220: Subject: Confusing Reference Page 11

1 **Substantive Comment**

**# 221**

3 **Subject: Confusing Reference**

**Page 12**

5 **Referring to the Following Paragraph**

7 The preceding plans are incorporated in this RMP/EIS by reference but are not included herein. Additional major plans, policies and programs that apply to BLM land use planning include:

9 **Discussion**

11 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

13 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

15 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

17 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

21 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

23 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

25 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

27 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

31 **Recommendation**

33 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 222**

3 **Subject:**

**Omission**

**Page 12**

5 **Referring to the Following Paragraph**

7 Statewide standards and guidelines were approved by the Secretary of the Interior in 2000 for  
managing grazing on BLM public lands in California. BLM is required by statewide policy to use  
9 these standards and guidelines for evaluating rangeland health.

11 **Discussion**

13 Reference to "Statewide standards and guidelines" is incomplete because no specific  
citation is provided. This omission makes it impossible for the reader to verify the  
15 information. The agency shall encourage and facilitate public involvement in decisions which  
affect the quality of the human environment (40 C.F.R. § 1500.2). When an agency is evaluating  
17 reasonably foreseeable significant adverse effects on the human environment in an  
environmental impact statement and there is incomplete or unavailable information, the  
19 agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22). Agencies  
shall insure the professional integrity, including scientific integrity, of the discussions and  
21 analyses in environmental impact statements. They shall identify any methodologies used and  
shall make explicit reference by footnote to the scientific and other sources relied upon for  
23 conclusions in the statement (40 C.F.R. § 1502.24). Since "agencies should employ writers of  
clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
25 assume that such unusual words, terminology or formatting might convey special meaning.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 222: Subject: Omission Page 12**

1 **Substantive Comment**

# 223

3 **Subject:** **Needless Bulk**

Page 12

5 **Referring to the Following Paragraph**

7 The CCMA RMP is subject to the BLM's Vegetation Treatments Using Herbicides Final  
9 Programmatic EIS Record of Decision, approved in September 2007. The Programmatic EIS  
11 Record of Decision (ROD) has two primary objectives: 1) Determine which herbicide active  
13 ingredients are available for use on public lands to improve the agency's ability to control  
hazardous fuels and unwanted vegetation, and 2) to develop a state-of-the-science human health  
and ecological risk assessment (ERA) methodology. This methodology would serve as the initial  
standard for assessing human health and ecological risk for herbicides that may become available  
for use in the future.

15 **Discussion**

17 The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about  
19 which of the following documents is being referenced:

21 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

23 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

25 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
27 Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
31 Interior, Bureau of Land Management.

33 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
37 of Land Management.

39 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
41 Land Management.

43 **Recommendation**

45 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 223: Subject: Needless Bulk Page 12

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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1 **Substantive Comment**

**# 224**

3 **Subject:** **Needless Bulk**

**Page 12**

5 **Referring to the Following Paragraph**

7 The CCMA RMP is subject to the BLM's Vegetation Treatments Using Herbicides Final  
9 Programmatic EIS Record of Decision, approved in September 2007. The Programmatic EIS  
11 Record of Decision (ROD) has two primary objectives: 1) Determine which herbicide active  
13 ingredients are available for use on public lands to improve the agency's ability to control  
15 hazardous fuels and unwanted vegetation, and 2) to develop a state-of-the-science human health  
17 and ecological risk assessment (ERA) methodology. This methodology would serve as the initial  
19 standard for assessing human health and ecological risk for herbicides that may become available  
21 for use in the future.

15 **Discussion**

17 This paragraph contain needless details that are better covered by a simple reference to an  
19 extrenal document. Additionally, inclusion of the abbreviation "ROD" is easily confused with  
21 previous subject area RODs. Environmental impact statements shall be kept concise and shall  
23 be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement  
25 asserts needless detail that fails to concentrate on the issues that are truly significant to the  
27 action in question (40 CRF 1500.1). Agencies shall avoid useless bulk in statements and shall  
29 concentrate effort and attention on important issues (40 CFR § 1502.15).

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 paragraph should be rewritten to simple state as follows:

29 Herbicide use on federally administered lands within the planning area are defined in the  
31 Bureau of Land Management's publication titled *Vegetation Treatments Using Herbicides  
Final Programmatic EIS Record of Decision*.

33 The Agency must rewrite the subject document to remove the discrepant issue from the  
35 document. The original discrepancy must not be included or propagated in the final resource  
37 management plan, the final environmental impact study, or the record of decision. The final  
39 documentation should include corrected recommendations.

**Substantive Comment - # 224: Subject: Needless Bulk Page 12**

1 **Substantive Comment**

**# 225**

3 **Subject:** **Needless Bulk**

**Page 13**

5 **Referring to the Following Paragraph**

7 The BLM is responsible for the development of wind energy resources on BLM-administered  
9 lands. Currently about 330 megawatts (MW) of wind capacity is installed nationwide under right-  
11 of-way Clear Creek Management Area 1.0 Introduction Draft RMP/EIS 13 (ROW) grants  
administered by the BLM in accordance with the requirements of the Federal Land Policy and  
Management Act of 1976.

13 **Discussion**

15 This paragraph contain needless details that are better covered by a simple reference to an  
17 extrenal document. Environmental impact statements shall be kept concise and shall be no  
19 longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement  
asserts needless detail that fails to concentrate on the issues that are truly significant to the  
action in question (40 CFR 1500.1). Agencies shall avoid useless bulk in statements and shall  
concentrate effort and attention on important issues (40 CFR § 1502.15).

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
paragraph should be rewritten to simple state as follows:

25 The Bureau of Land Management administers leases and right-of-ways for development  
27 of wind energy resources on federal lands within the planning area in accordance with the the  
*Federal Land Policy and Management Act of 1976.* and under direction of the *Final*  
29 *Programmatic Environmental Impact Statement on Wind Energy Development on BLM-*  
*Administered Land in the Western United States.*

31 The Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 225: Subject: Needless Bulk Page 13**

## Substantive Comment

# 226

**Subject: Needless Bulk**

**Page 13**

### Referring to the Following Paragraph

The BLM is responsible for the development of wind energy resources on BLM-administered lands. Currently about 330 megawatts (MW) of wind capacity is installed nationwide under right-of-way Clear Creek Management Area 1.0 Introduction Draft RMP/EIS 13 (ROW) grants administered by the BLM in accordance with the requirements of the Federal Land Policy and Management Act of 1976.

### Discussion

The paragraph's reference to "Draft RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 226: Subject: Needless Bulk Page 13

1 **Substantive Comment**

**# 227**

3 **Subject: Confusing Statement**

**Page 13**

5 **Referring to the Following Paragraph**

7 A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind  
energy projects was completed in June 2005. This EIS provides an analysis of the development of  
9 wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM  
amended 52 land use plans to allow for the use of applicable lands for wind energy development.  
11 BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for  
the use of public lands for wind energy use.

13 **Discussion**

15 Reference to a generic "Programmatic Environmental Impact Statement (PEIS)" is  
17 meaningless because the Department of the Interior maintains too many document  
containing that phrase as part of their complete title. Since "agencies should employ writers of  
19 clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
assume that such unusual words, terminology or formatting might convey special meaning.  
Perhaps the author intended reference to the Bureau of Land Management publication titled  
21 *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-*  
*Administered Land in the Western United States*. The public depends on author's accuracy and is  
23 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must edit the paragraph to correct the deficiency. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

**Substantive Comment - # 227: Subject: Confusing Statement Page 13**

1 **Substantive Comment**

**# 228**

3 **Subject:** **Needless Bulk**

**Page 13**

5 **Referring to the Following Paragraph**

7 A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind  
energy projects was completed in June 2005. This EIS provides an analysis of the development of  
9 wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM  
amended 52 land use plans to allow for the use of applicable lands for wind energy development.  
11 BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for  
the use of public lands for wind energy use.

13 **Discussion**

15 This paragraph contain needless details that is unnecessary in the subject report.  
Environmental impact statements shall be kept concise and shall be no longer than absolutely  
17 necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that  
fails to concentrate on the issues that are truly significant to the action in question (40 CFR  
19 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and  
attention on important issues (40 CFR § 1502.15).

21 **Recommendation**

23 The Agency must delete the needless paragraph to correct the deficiency. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
27 should include corrected recommendations.

**Substantive Comment - # 228: Subject: Needless Bulk Page 13**

1 **Substantive Comment**

**# 229**

3 **Subject: Confusing Statement**

**Page 13**

5 **Referring to the Following Paragraph**

7 A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind  
energy projects was completed in June 2005. This EIS provides an analysis of the development of  
9 wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM  
amended 52 land use plans to allow for the use of applicable lands for wind energy development.  
11 BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for  
the use of public lands for wind energy use.

13 **Discussion**

15 This statement, "development of wind energy projects in the West" is confusing because  
the reader cannot know if this is a reference to the western portion of a particular State, the  
17 western United States, the western hemisphere, or some other "west." Environmental impact  
statements shall be kept concise and shall be no longer than absolutely necessary to comply  
19 with NEPA (40 CFR § 1502.2). The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
21 comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must delete the needless paragraph to correct the deficiency. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.

**Substantive Comment - # 229: Subject: Confusing Statement Page 13**

1 **Substantive Comment**

**# 230**

3 **Subject: Needless Bulk**

**Page 13**

5 **Referring to the Following Paragraph**

7 The Department of Energy’s (DOE) National Renewable Energy Laboratory (NREL) assisted the  
9 BLM in the preparation of the PEIS and provided an inventory assessment of wind energy  
11 resources on public lands in the Western United States. The PEIS Record of Decision (ROD),  
approved in January 2006, addressed the amendment of individual land use plans and established  
both policies and best management practices (BMPs) regarding the development of wind energy  
resources on BLM-administered lands.

13 **Discussion**

15 This paragraph contain needless details that is unnecessary in the subject report.  
17 Environmental impact statements shall be kept concise and shall be no longer than absolutely  
necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that  
19 fails to concentrate on the issues that are truly significant to the action in question (40 CRF  
1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and  
attention on important issues (40 CFR § 1502.15).

21 **Recommendation**

23 The Agency must delete the needless paragraph to correct the deficiency. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 230: Subject: Needless Bulk Page 13**

1 **Substantive Comment**

# 231

3 **Subject: Confusing Reference**

Page 14

5 **Referring to the Following Paragraph**

7 The CCMA RMP/EIS will allow BLM the opportunity to review existing agreements and  
consider cooperative agreements with the Federal, State, and local agencies to improve  
9 management of public land resources in the Planning Area. These agencies would include:

11 **Discussion**

13 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

17 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
19 Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

23 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
25 Interior, Bureau of Land Management.

27 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
29 Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

33 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
35 Land Management.

37 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
39 Land Management.

41 **Recommendation**

43 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
45 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 232**

3 **Subject: Confusing Statement**

**Page 14**

5 **Referring to the Following Paragraph**

7 The Tachi Yokuts Tribe of Santa Rosa Rancheria is the only federally recognized Native  
9 American tribe in the **Planning Area**. There are several other non-federally recognized tribes and  
11 groups within the **Planning Area** as well. Consultation efforts between BLM officials and tribal  
13 representatives are conducted for various planning activities in the Hollister Field Office area  
including the CCMA. The BLM extends the opportunity to provide input for the CCMA RMP/  
EIS to all affected regional California Indian tribal entities (including individuals) throughout the  
planning process.

15 **Discussion**

17 This statement is confusing because the author capitalized the term "Planning Area." This  
19 term is variously capitalized and not capitalized throughout the document, thus suggesting  
21 that their respective usage may have different meaning. The public depends on author's  
23 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 232: Subject: Confusing Statement Page 14**

1 **Substantive Comment**

# 233

3 **Subject:** Confusing Reference

Page 14

5 **Referring to the Following Paragraph**

7 The Tachi Yokuts Tribe of Santa Rosa Rancheria is the only federally recognized Native  
9 American tribe in the Planning Area. There are several other non-federally recognized tribes and  
11 groups within the Planning Area as well. Consultation efforts between BLM officials and tribal  
13 representatives are conducted for various planning activities in the Hollister Field Office area  
including the CCMA. The BLM extends the opportunity to provide input for the CCMA RMP/  
EIS to all affected regional California Indian tribal entities (including individuals) throughout the  
planning process.

15 **Discussion**

17 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

19 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
23 Bureau of Land Management.

25 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
27 Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

31 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
33 Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

37 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
39 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

41 **Recommendation**

43 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
45 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 233: Subject: Confusing Reference Page 14

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 233: Subject: Confusing Reference Page 14**

1 **Substantive Comment**

**# 234**

3 **Subject: Erroneous Statement**

**Page 14**

5 **Referring to the Following Paragraph**

7 The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is  
9 also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas  
11 Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of  
naturally occurring serpentine rock and soil which contain high concentrations of naturally  
occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and  
asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

13 **Discussion**

15 The statement, "CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine  
17 Superfund Site" is erroneous because it implies that the 48 square-mile CCMA is part of a much  
larger superfund site. The is backwards because the Atlas Asbestos Mine is small part of the 48-  
square mile CCMA. Since "agencies should employ writers of clear prose or editors to write,  
19 review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
words, terminology or formatting might convey special meaning.

21 **Recommendation**

23 The Agency must edit the erroneous statement. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
27 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 234: Subject: Erroneous Statement Page 14**

1 **Substantive Comment**

# 235

3 **Subject: Inaccurate Terminology**

Page 14

5 **Referring to the Following Paragraph**

7 The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is  
9 also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas  
11 Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of  
naturally occurring serpentine rock and soil which contain high concentrations of naturally  
occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and  
asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
17 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
23 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
25 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
27 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
33 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
37 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
- 45

Substantive Comment - # 235: Subject: Inaccurate Terminology Page 14

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 235: Subject: Inaccurate Terminology Page 14**

1 **Substantive Comment**

**# 236**

3 **Subject: Erroneous Statement**

**Page 14**

5 **Referring to the Following Paragraph**

7 The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is  
9 also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas  
11 Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of  
naturally occurring serpentine rock and soil which contain high concentrations of naturally  
occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and  
asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

13 **Discussion**

15 This paragraph is erroneous because the refined product, that is, "mercury, chromium and  
17 asbestos" was not mined within the planning area, but rather the ores from which those  
minerals were processed were mined. Cinnabar, chromite and chrysotile were extracted from  
the mines.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 236: Subject: Erroneous Statement Page 14**

1 **Substantive Comment**

**# 237**

3 **Subject: Confusing Statement**

**Page 15**

5 **Referring to the Following Paragraph**

7 The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like  
9 asbestos, as 1 in 10,000 ( $10^{-4}$ ) to 1 in 1,000,000 ( $10^{-6}$ ) excess lifetime cancer risk<sup>2</sup> Exposures  
11 which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of  
13 concern and may require action to reduce the exposure and resulting risk. Depending on the  
15 study's findings, the **Site** may be considered for deletion from the U.S. EPA National Priorities  
List (NPL). The NPL, or Superfund, is a list of the most hazardous waste sites in the nation. When  
a site is deleted from the NPL, it means that the Record of Decision has been fulfilled and the  
cleanup has been implemented and is functioning as designed.

15 **Discussion**

17 Referring to capitalized "Site" versus lower-case "site" implies an unexplained significance  
19 to the reader suggesting a particular Site is in the mind of the author. However, the  
21 particularities of such Site are omitted, thus creating confusion and ambiguity in the  
23 paragraph. Omission of important information fails to facilitate public involvement. The  
25 agency shall encourage and facilitate public involvement in decisions which affect the quality  
of the human environment (40 C.F.R. § 1500.2). Since "agencies should employ writers of clear  
prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
assume that such unusual words, terminology or formatting might convey special meaning.

25 **Recommendation**

27 The Agency must edit the paragraph to remove the ambiguity or delete the confusing or  
29 discrepant statement to correct the deficiency. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
31 not be included or propagated in the final resource management plan, the final  
33 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 237: Subject: Confusing Statement Page 15**

## Substantive Comment

# 238

**Subject: Confusing Statement**

**Page 15**

### Referring to the Following Paragraph

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as 1 in 10,000 ( $10^{-4}$ ) to 1 in 1,000,000 ( $10^{-6}$ ) excess lifetime cancer risk<sup>2</sup>. Exposures which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of concern and may require action to reduce the exposure and resulting risk. Depending on the study's findings, the Site may be considered for deletion from the U.S. EPA National Priorities List (NPL). The NPL, or Superfund, is a list of the most hazardous waste sites in the nation. When a site is deleted from the NPL, it means that the Record of Decision has been fulfilled and the cleanup has been implemented and is functioning as designed.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 238: Subject: Confusing Statement Page 15**

1 **Substantive Comment**

# 239

3 **Subject: Confusing Statement**

Page 15

5 **Referring to the Following Paragraph**

7 The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and  
9 analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more  
11 robust information to BLM on the asbestos exposures from typical CCMA recreational activities  
13 and the potential cancer risks associated with those exposures. In addition, as families are  
15 frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as  
17 well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for  
19 possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos  
exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers  
in the personal air space by conducting typical recreational activities in the CCMA using up-to-  
date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM  
has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk  
Assessment (2008) into this RMP/EIS for the purpose of developing management strategies for  
the CCMA that will minimize human health risk to users and maintenance workers.

21 **Discussion**

23 The phrase, "update a 1992 BLM Human Health Risk Assessment" is confusing because the  
25 reader cannot know if this phrase references a physical study or a published report.  
27 Additionally various published reports are thusly titled, so it is impossible to know which  
29 report or study might be referenced. Perhaps the author meant to reference PTI (1992) *Human  
31 Health Risk Assessment for the Clear Creek Management Area* by PTI Environmental Services. The  
public depends on author's accuracy and is therefore not at liberty to interpret variant  
meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous. Since "agencies should employ writers of clear prose or editors to write, review  
or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning.

33 **Recommendation**

35 The Agency must edit the paragraph to remove the ambiguity or delete the confusing or  
37 discrepant statement to correct the deficiency. The Agency must rewrite the subject  
39 document to remove the discrepant issue from the document. The original discrepancy must  
41 not be included or propagated in the final resource management plan, the final  
43 environmental impact study, or the record of decision. The final documentation should  
45 include corrected recommendations.

1 **Substantive Comment**

# 240

3 **Subject: Confusing Statement**

Page 15

5 **Referring to the Following Paragraph**

7 The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and  
9 analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more  
11 robust information to BLM on the asbestos exposures from typical CCMA recreational activities  
13 and the potential cancer risks associated with those exposures. In addition, as families are  
15 frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as  
17 well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for  
19 possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an **asbestos  
exposure and human health risk assessment** for the CCMA to measure the amount of NOA fibers  
in the personal air space by conducting typical recreational activities in the CCMA using up-to-  
date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM  
has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk  
Assessment (2008) into this RMP/EIS for the purpose of developing management strategies for  
the CCMA that will minimize human health risk to users and maintenance workers.

21 **Discussion**

23 The phrase, "asbestos exposure and human health risk assessment" is confusing because  
25 the reader cannot know if this phrase references a physical study or a published report.  
27 Additionally various published reports are similarly titled, so it is impossible to know which  
29 report or study might be referenced. Perhaps the author meant to reference *Clear Creek  
Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public  
31 depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning.

33 **Recommendation**

35 The Agency must edit the paragraph to remove the ambiguity or delete the confusing or  
37 discrepant statement to correct the deficiency. The Agency must rewrite the subject  
39 document to remove the discrepant issue from the document. The original discrepancy must  
41 not be included or propagated in the final resource management plan, the final  
43 environmental impact study, or the record of decision. The final documentation should  
45 include corrected recommendations.

1 **Substantive Comment**

# 241

3 **Subject: Confusing Statement**

Page 15

5 **Referring to the Following Paragraph**

7 The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and  
9 analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more  
11 robust information to BLM on the asbestos exposures from typical CCMA recreational activities  
13 and the potential cancer risks associated with those exposures. In addition, as families are  
15 frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as  
17 well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for  
19 possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos  
exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers  
in the personal air space by conducting typical recreational activities in the CCMA using up-to-  
date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM  
has incorporated the results of the **CCMA Asbestos Exposure and Human Health Risk  
Assessment (2008)** into this RMP/EIS for the purpose of developing management strategies for  
the CCMA that will minimize human health risk to users and maintenance workers.

21 **Discussion**

23 The phrase, "asbestos exposure and human health risk assessment" is confusing because  
25 the reader cannot know if this phrase references a physical study or a published report.  
27 Additionally various published reports are similarly titled, so it is impossible to know which  
report or study might be referenced. Perhaps the author meant to reference *Clear Creek  
Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous. Since  
29 "agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
31 formatting might convey special meaning.

33 **Recommendation**

35 The Agency must edit the paragraph to remove the ambiguity or delete the confusing or  
37 discrepant statement to correct the deficiency. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
39 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 242**

3 **Subject: Confusing Reference**

**Page 15**

5 **Referring to the Following Paragraph**

7 The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and  
9 analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more  
11 robust information to BLM on the asbestos exposures from typical CCMA recreational activities  
13 and the potential cancer risks associated with those exposures. In addition, as families are  
15 frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as  
17 well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for  
19 possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos  
exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers  
in the personal air space by conducting typical recreational activities in the CCMA using up-to-  
date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM  
has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk  
Assessment (2008) into this **RMP/EIS** for the purpose of developing management strategies for  
the CCMA that will minimize human health risk to users and maintenance workers.

21 **Discussion**

23 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

25 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

27 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
29 Bureau of Land Management.

31 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
33 Management.

35 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

37 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
39 Bureau of Land Management.

41 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

43 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
45 Land Management.

1 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
2 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
3 Land Management.

5 **Recommendation**

7 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
8 Agency must rewrite the subject document to remove the discrepant issue from the  
9 document. The original discrepancy must not be included or propagated in the final resource  
10 management plan, the final environmental impact study, or the record of decision. The final  
11 documentation should include corrected recommendations.

Substantive Comment - # 242: Subject: Confusing Reference Page 15

1 **Substantive Comment**

**# 243**

3 **Subject: Inconsistent Usage**

**Page 15**

5 **Referring to the Following Paragraph**

7 Similar to many public lands, a complex land ownership pattern within the **Planning Area**  
9 continues to influence BLM coordination with agencies administering California State Lands,  
11 which are interspersed throughout the CCMA. While several agreements exist among State  
13 agencies and BLM, the CCMA RMP offers a unique opportunity to promote interagency  
cooperation to enhance natural resource management. Essential to the CCMA RMP is a strong  
partnership with California State Lands Commission and Department of Toxic Substances  
Control due to overlapping jurisdictions and environmental laws and regulations.

15 **Discussion**

17 This statement is confusing because the author capitalized the term "Planning Area." This  
19 term is variously capitalized and not capitalized throughout the document, thus suggesting  
21 that their respective usage may have different meaning. The public depends on author's  
23 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 243: Subject: Inconsistent Usage Page 15**

## Substantive Comment

# 244

**Subject:** Confusing Reference

Page 15

### Referring to the Following Paragraph

Similar to many public lands, a complex land ownership pattern within the Planning Area continues to influence BLM coordination with agencies administering California State Lands, which are interspersed throughout the CCMA. While several agreements exist among State agencies and BLM, the **CCMA RMP** offers a unique opportunity to promote interagency cooperation to enhance natural resource management. Essential to the **CCMA RMP** is a strong partnership with California State Lands Commission and Department of Toxic Substances Control due to overlapping jurisdictions and environmental laws and regulations.

### Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

### Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 244: Subject: Confusing Reference Page 15

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 244: Subject: Confusing Reference Page 15**

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1 **Substantive Comment**

**# 245**

3 **Subject: Inconsistent Usage**

**Page 15**

5 **Referring to the Following Paragraph**

7 The **Planning Area** spans two counties, each with their own **General Plan**. San Benito County is in  
9 the process of updating their **General Plan** to address transportation, economic development,  
11 population growth, and recreation demand and opportunities in the **County**. In addition to  
addressing these issues, **County General Plans** define open space and conservation policy in the  
Hollister **Planning Area** and opportunities to coordinate with **Federal** agencies such as the BLM.

13 **Discussion**

15 The mixed use of word capitalization is confusing because it implies special or unique  
17 meaning that is concealed from the paragraph by the author. Since "agencies should employ  
19 writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the  
public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit the paragraph to remove the ambiguity or delete the confusing or  
25 discrepant statement to correct the deficiency. The Agency must rewrite the subject  
27 document to remove the discrepant issue from the document. The original discrepancy must  
include corrected recommendations.

**Substantive Comment - # 245: Subject: Inconsistent Usage Page 15**

1 **Substantive Comment**

**# 246**

3 **Subject:**

**Omission**

**Page 16**

5 **Referring to the Following Paragraph**

7 The overall vision for management of BLM-administered lands in CCMA, derived from public  
scoping, inter-agency dialogue, and BLM’s interdisciplinary team, is “to improve natural,  
9 cultural, and open space values across the landscape for the protection of human health and the  
environment; and pursue recreation opportunities through partnerships and collaboration for the  
11 enjoyment and use of a growing and diverse populations of current and future generations.”

13 **Discussion**

15 This paragraph contains a serious omission because it references a critical management  
decision affecting the development and outcome of the resource management plan and  
17 environmental impact study that is concealed from the public by omission of the source  
documentation thus suggesting that portions of the planning process were conducted during  
secret inter-agency dialogue with the BLM’s interdisciplinary team. The Agency must rewrite  
19 this paragraph to include disclosure of the quotation’s source document. Since “agencies  
should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R.  
21 1502.8), the public is left to assume that such unusual words, terminology or formatting might  
convey special meaning. The public depends on author’s accuracy and is therefore not at  
23 liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 246: Subject: Omission Page 16**

## Substantive Comment

# 247

**Subject: Confusing Statement**

**Page 16**

### Referring to the Following Paragraph

The BLM is responsible for the sustainable management of public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of “multiple use”, which direct BLM to provide for a combination of uses that takes into accounts the long-term needs of future generations for renewable and nonrenewable resources. These resources include: public health and safety, recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific, and cultural values.

### Discussion

Enclosing the term “multiple use”, in quotation with the comma outside the quotation is confusing and misleading because it implies that the phrase is a direct quote. However, this is confusing since no source citation is provided thus causing the reader to believe that important decision-making documentation and processes are being concealed from the public. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 247: Subject: Confusing Statement Page 16

1 **Substantive Comment**

# 248

3 **Subject: Confusing Statement**

Page 18

5 **Referring to the Following Paragraph**

7 This chapter details seven land use management alternatives considered for the **Clear Creek**  
9 **Management Area (CCMA) Resource Management Plan (RMP)**. Program area emphasis and  
11 allowable public use within each of the alternatives and the management actions proposed for  
each program under each alternative are described in this chapter. The land use management  
alternatives described in this chapter address identified issues, management concerns, and current  
and projected future uses of the BLM- administered public lands n the CCMA.

13 **Discussion**

15 The paragraph's reference to "Clear Creek Management Area (CCMA) Resource  
17 Management Plan (RMP)" is confusing because the reader is unsure about which of the  
following documents is being referenced:

19 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
23 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

25 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the*  
27 *Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
Statement for the Clear Creek Management Area, United States Department of the  
Interior, Bureau of Land Management.

31 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
33 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and*  
Route Designation Record of Decision, United States Department of the Interior, Bureau  
of Land Management.

37 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
39 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

41 **Recommendation**

43 The Agency must edit the statement to correctly reference that document or delete the  
45 statement. The Agency must rewrite the subject document to remove the discrepant issue  
from the document. The original discrepancy must not be included or propagated in the final

Substantive Comment - # 248: Subject: Confusing Statement Page 18

1 resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 248: Subject: Confusing Statement Page 18**

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1 **Substantive Comment**

**# 249**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 This chapter details seven land use management alternatives considered for the Clear Creek  
9 Management Area (CCMA) Resource Management Plan (RMP). **Program area** emphasis and  
11 allowable public use within each of the alternatives and the management actions proposed for  
each program under each alternative are described in this chapter. The land use management  
alternatives described in this chapter address identified issues, management concerns, and current  
and projected future uses of the BLM- administered public lands n the CCMA.

13 **Discussion**

15 This paragraph is confusing because the term "program area" is not explained or described  
17 anywhere in the document or by reference to an external document. The reader cannot  
understand this document because it contains undefined and unknown terms. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
19 (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
21 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 249: Subject: Confusing Statement Page 18**

1 **Substantive Comment**

**# 250**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 This chapter details seven land use management alternatives considered for the Clear Creek  
9 Management Area (CCMA) Resource Management Plan (RMP). Program area emphasis and  
11 allowable public use within each of the alternatives and the management actions proposed for  
each program under each alternative are described in this chapter. The land use management  
alternatives described in this chapter address identified issues, management concerns, and current  
and projected future uses of the BLM- administered public lands n the CCMA.

13 **Discussion**

15 This paragraph is confusing because the term “n” does not appear in any dictionary. Since  
17 “agencies should employ writers of clear prose or editors to write, review or edit statements”  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
19 formatting might convey special meaning. Perhaps the word is misspelled and author meant  
“and.” The public depends on author’s accuracy and is therefore not at liberty to interpret  
21 variant meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 250: Subject: Confusing Statement Page 18**

1 **Substantive Comment**

**# 251**

3 **Subject: Erroneous Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 **Due to concerns associated with protection of human health and the environment, this RMP/EIS**  
8 **has been** organized so that 1) recreation, 2) public health and safety, and 3) transportation are  
9 addressed in the first three sections of each chapter to allow the reader to assess key information  
related to the human health risks from exposure to airborne asbestos fibers in CCMA.

11 **Discussion**

13 The reference, "Due to concerns associated with protection of human health and the  
14 environment, this RMP/EIS has been ..." is erroneous because the document is not the final  
15 RMP/EIS. The subject document is the "draft" and the reference should properly reflect its title  
and function.

17 **Recommendation**

19 The Agency must correct the reference to include the proper title, such as, *Clear Creek*  
20 *Management Area Draft Resource Management Plan & Draft Environmental Impact Statement*  
21 (BLM 2009), or delete the erroneous statement. The Agency must rewrite the subject  
22 document to remove the discrepant issue from the document. The original discrepancy must  
23 not be included or propagated in the final resource management plan, the final  
24 environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

**Substantive Comment - # 251: Subject: Erroneous Statement Page 18**

1 **Substantive Comment**

# 252

3 **Subject: Erroneous Statement**

Page 18

5 **Referring to the Following Paragraph**

7 Due to concerns associated with protection of human health and the environment, this RMP/EIS  
9 has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are  
addressed in the first three sections of each chapter to allow the reader to assess key information  
related to the human health risks from exposure to airborne asbestos fibers in CCMA.

11 **Discussion**

13 The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

15 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
17 the Interior, Bureau of Land Management.

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

21 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
23 Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
27 Interior, Bureau of Land Management.

29 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

31 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
33 of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
37 Land Management.

39 **Recommendation**

41 The Agency must correct the reference to include the proper title, such as, *Clear Creek  
Management Area Draft Resource Management Plan & Draft Environmental Impact Statement*  
(BLM 2009), or delete the erroneous statement. The Agency must rewrite the subject  
43 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
45 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 253**

3 **Subject: Erroneous Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 Due to concerns associated with protection of human health and the environment, **this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter** to allow the reader to assess key information  
9 related to the human health risks from exposure to airborne asbestos fibers in CCMA.

11 **Discussion**

13 The statement “this RMP/EIS has been organized so that 1) recreation, 2) public health and  
15 safety, and 3) transportation are addressed in the first three sections of each chapter” is false.  
This only occurs in chapters 3 and 4; it does not occur in every chapter.

17 **Recommendation**

19 The Agency must edit the paragraph to remove the error or delete the confusing or  
21 discrepant statement to correct the deficiency. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
23 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 253: Subject: Erroneous Statement Page 18**

## Substantive Comment

# 254

**Subject: Misleading Terminology**

**Page 18**

### Referring to the Following Paragraph

Due to concerns associated with protection of human health and the environment, this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter to allow the reader to assess key information related to the human health risks from exposure to airborne **asbestos** fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 254: Subject: Misleading Terminology Page 18

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 254: Subject: Misleading Terminology Page 18**

1 **Substantive Comment**

**# 255**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 Due to concerns associated with protection of human health and the environment, this RMP/EIS  
has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are  
9 addressed in the first three sections of each chapter to allow the reader to assess key information  
related to the human health risks from exposure to airborne asbestos **fibers in CCMA**.

11 **Discussion**

13 The phrase "fibers in CCMA" is confusing because a word may be missing. Since "agencies  
should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
15 1502.8), the public is left to assume that such unusual words, terminology or formatting might  
convey special meaning. Perhaps the word "the" is missing. The public depends on author's  
17 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 255: Subject: Confusing Statement Page 18**

1 **Substantive Comment**

**# 256**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 The alternatives presented here incorporate guidance provided by numerous laws, mandates,  
policies, and plans. These include the Federal Land Policy and Management Act (FLPMA), and  
9 **BLM planning guidance**. As a result, many of BLM's goals, objectives, and management actions  
are applicable to many alternatives or common to all alternatives. These management actions are  
11 combined, where possible, under the range of alternatives based on the location and intensity of  
Motorized and Non-motorized activities within CCMA. These include management actions for  
13 recreation, public health and safety, biological resources, air, water, soils, fire management,  
livestock grazing, energy and minerals, cultural and heritage resources, paleontological resources,  
15 visual resources management, social and economic conditions, and special designations.

17 **Discussion**

19 The phrase "BLM planning guidance" is confusing because the reader is uncertain about  
whether it is an ambiguous policy statement or a reference to a possible document. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
21 (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
23 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
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1 **Substantive Comment**

**# 257**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 The alternatives presented here incorporate guidance provided by numerous laws, mandates,  
9 policies, and plans. These include the Federal Land Policy and Management Act (FLPMA), and  
11 BLM planning guidance. As a result, many of BLM's goals, objectives, and management actions  
13 are applicable to many alternatives or common to all alternatives. These management actions are  
15 combined, where possible, under the range of alternatives based on the location and intensity of  
*Motorized and Non-motorized* activities within CCMA. These include management actions for  
recreation, public health and safety, biological resources, air, water, soils, fire management,  
livestock grazing, energy and minerals, cultural and heritage resources, paleontological resources,  
visual resources management, social and economic conditions, and special designations.

17 **Discussion**

19 Capitalizing and italicizing the terms "*Motorized and Non-motorized*" is confusing because  
21 these terms are sometime not capitalized or italicized and presenting the terms in various  
23 forms suggests that their respective usage may have different meaning. The public depends  
25 on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous. Since "agencies  
should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
convey special meaning.

27 **Recommendation**

29 The Agency must rewrite the subject document to edit the paragraph to remove the  
31 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 257: Subject: Confusing Statement Page 18**

1 **Substantive Comment**

**# 258**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 Based on the purpose and need identified in Chapter 1, the range of alternatives for the CCMA  
RMP/EIS includes multiple public use scenarios in the Serpentine ACEC: five of which entail  
9 *Motorized* access (Alternatives A, B, C, D, and E), one Non-motorized access alternative (Alt. F),  
and one alternative that considers closure of the Serpentine ACEC to all forms of public entry  
11 (Alt. G). The anticipated effects and the need to implement proposed management actions or  
mitigation measures would vary depending on the public use scenarios associated with each  
13 alternative.

15 **Discussion**

17 Capitalizing and italicizing the terms "*Motorized*" is confusing because these terms are  
sometime not capitalized or italicized and presenting the terms in various forms suggests that  
19 their respective usage may have different meaning. The public depends on author's accuracy  
and is therefore not at liberty to interpret variant meanings, therefore the Agency must write  
clear prose that is comprehensible and unambiguous. Since "agencies should employ writers  
21 of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left  
to assume that such unusual words, terminology or formatting might convey special meaning.  
23

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.  
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**Substantive Comment - # 258: Subject: Confusing Statement Page 18**

1 **Substantive Comment**

# 259

3 **Subject: Confusing Statement**

Page 18

5 **Referring to the Following Paragraph**

7 Based on the purpose and need identified in Chapter 1, the range of alternatives for the CCMA  
RMP/EIS includes multiple public use scenarios in the Serpentine ACEC: five of which entail  
9 *Motorized* access (Alternatives A, B, C, D, and E), one *Non-motorized* access alternative (Alt. F),  
and one alternative that considers closure of the Serpentine ACEC to all forms of public entry  
11 (Alt. G). The anticipated effects and the need to implement proposed management actions or  
mitigation measures would vary depending on the public use scenarios associated with each  
13 alternative.

15 **Discussion**

17 Capitalizing and italicizing the terms "*Non-motorized*" is confusing because these terms are  
sometime not capitalized or italicized and presenting the terms in various forms suggests that  
19 their respective usage may have different meaning. The public depends on author's accuracy  
and is therefore not at liberty to interpret variant meanings, therefore the Agency must write  
clear prose that is comprehensible and unambiguous. Since "agencies should employ writers  
21 of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left  
to assume that such unusual words, terminology or formatting might convey special meaning.  
23

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.  
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Substantive Comment - # 259: Subject: Confusing Statement Page 18

1 **Substantive Comment**

**# 260**

3 **Subject: Erroneous Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 Based on the purpose and need identified in Chapter 1, the range of alternatives for the CCMA  
9 RMP/EIS includes multiple public use scenarios in the Serpentine ACEC: five of which entail  
11 Motorized access (Alternatives A, B, C, D, and E), one Non-motorized access alternative (Alt. F),  
13 and one alternative that considers **closure of the Serpentine ACEC to all forms of public entry**  
(Alt. G). The anticipated effects and the need to implement proposed management actions or  
mitigation measures would vary depending on the public use scenarios associated with each  
alternative.

15 **Discussion**

17 The statement, "closure of the Serpentine ACEC to all forms of public entry" is erroneous  
19 because the the May 1, 2008 closure order did not close the ACEC "to all forms of public entry"  
since the area remained opened to mineral entry (IBLA 2009-20). The closure order, pursuant  
to 43 CFR 8364.1 closed Recreational Programs and Visitor Service per the scope and authority  
of the code section.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 phrase should be edited to state: "closure of all recreation programs and visitor services within  
27 the Serpentine ACEC." The Agency must rewrite the subject document to remove the  
29 discrepant issue from the document. The original discrepancy must not be included or  
propagated in the final resource management plan, the final environmental impact study, or  
the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 260: Subject: Erroneous Statement Page 18**

## Substantive Comment

# 261

**Subject: Confusing Format**

**Page 18**

### Referring to the Following Paragraph

In general, Section(s) 2.4.1 through 2.4.18 describe a 'range of alternatives' comprised of different combinations of BLM management actions, resource allocations, and allowable uses that BLM has determined are 'reasonable' to consider based the purpose and need for the CCMA RMP/EIS and the issues identified during the public scoping period. Additional management actions or mitigation measures that would be necessary to manage multiple-uses or protect resources (including public health and safety) under the range of alternatives are identified in Sections 2.4.1 – 2.4.18.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 261: Subject: Confusing Format Page 18

1 **Substantive Comment**

**# 262**

3 **Subject: Erroneous Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 **At the end of this Chapter, Section 2.5 identifies** a combination of management actions, resource  
allocations, and allowable uses chosen from among the range of alternatives that represents  
9 BLM’s ‘Preferred Alternative’ for lands administered by the HFO in the CCMA. This method of  
selecting program area emphasis and combinations of management actions for land use planning  
11 is known as the “menu approach” (ref. Section 1.2.2). Alternatives considered but not analyzed in  
detail are discussed in this chapter as well. The analysis of the environmental consequences,  
13 effectiveness of mitigation measures, and the feasibility of implementing the range of alternatives  
is presented in Chapter 4.

15 **Discussion**

17 The statement “At the end of this Chapter, Section 2.5 identifies” is erroneous because  
Section 2.5 is not the end of the chapter.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 262: Subject: Erroneous Statement Page 18**

## Substantive Comment

# 263

**Subject: Confusing Format**

**Page 18**

### Referring to the Following Paragraph

At the end of this Chapter, Section 2.5 identifies a combination of management actions, resource allocations, and allowable uses chosen from among the range of alternatives that represents BLM's 'Preferred Alternative' for lands administered by the HFO in the CCMA. This method of selecting program area emphasis and combinations of management actions for land use planning is known as the "menu approach" (ref. Section 1.2.2). Alternatives considered but not analyzed in detail are discussed in this chapter as well. The analysis of the environmental consequences, effectiveness of mitigation measures, and the feasibility of implementing the range of alternatives is presented in Chapter 4.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

1 **Substantive Comment**

**# 264**

3 **Subject: Confusing Statement**

**Page 18**

5 **Referring to the Following Paragraph**

7 At the end of this Chapter, Section 2.5 identifies a combination of management actions,  
9 resource allocations, and allowable uses chosen from among the range of alternatives that  
11 represents BLM's 'Preferred Alternative' for lands administered by the HFO in the CCMA. This  
13 method of selecting **program area** emphasis and combinations of management actions for  
land use planning is known as the "menu approach" (ref. Section 1.2.2). Alternatives  
considered but not analyzed in detail are discussed in this chapter as well. The analysis of the  
environmental consequences, effectiveness of mitigation measures, and the feasibility of  
implementing the range of alternatives is presented in Chapter 4.

15 **Discussion**

17 This paragraph is confusing because the term "program area" is not explained or described  
19 anywhere in the document or by reference to an external document. The reader cannot  
21 understand this document because it contains undefined and unknown terms. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
29 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

**Substantive Comment - # 264: Subject: Confusing Statement Page 18**

## Substantive Comment

# 265

**Subject: Unusual Formatting**

**Page 19**

### Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative required by NEPA, and would reaffirm current management under the original Hollister RMP (BLM 1984) and its' associated Clear Creek Amendments (1986, 1999, 2006). Alternative A does not take into account the temporary closure of the Serpentine ACEC. Management of recreation opportunities, special status species habitat, and other resources would be maintained at existing levels prior to the May 1, 2008 closure order. This alternative would not modify allowable uses to address emerging issues on public lands; however, this alternative would incorporate new human health risk information into BLM's public outreach and education asbestos hazard information program and new guidance for management of natural and heritage resource, rangelands, energy and minerals, and lands and realty established after the 1984 Hollister RMP, as amended.

### Discussion

Use of italic font implies some kind of emphasis. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

1 **Substantive Comment**

**# 266**

3 **Subject: Confusing Citation**

**Page 19**

5 **Referring to the Following Paragraph**

7 Alternative A represents the ‘No Action’ alternative required by NEPA, and would reaffirm  
9 current management under the original **Hollister RMP (BLM 1984)** and its’ associated Clear  
11 Creek Amendments (1986, 1999, 2006). Alternative A does not take into account the temporary  
13 closure of the Serpentine ACEC. Management of recreation opportunities, special status species  
15 habitat, and other resources would be maintained at existing levels prior to the May 1, 2008  
17 closure order. This alternative would not modify allowable uses to address emerging issues on  
public lands; however, this alternative would incorporate new human health risk information into  
BLM’s public outreach and education asbestos hazard information program and new guidance for  
management of natural and heritage resource, rangelands, energy and minerals, and lands and  
realty established after the **1984 Hollister RMP**, as amended.

17 **Discussion**

19 The reference “Hollister RMP (BLM 1984)” is confusing because no document exists with  
21 that title. Since “agencies should employ writers of clear prose or editors to write, review or  
23 edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author intend to refer  
25 to: BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States  
Department of the Interior, Bureau of Land Management. The public depends on author’s  
accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

27 **Recommendation**

29 The Agency must rewrite the subject document to edit the paragraph to remove the  
31 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
35 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 266: Subject: Confusing Citation Page 19**

## Substantive Comment

# 267

**Subject: Misleading Statement**

**Page 19**

### Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative required by NEPA, and would reaffirm current management under the original Hollister RMP (BLM 1984) and its' associated Clear Creek Amendments (1986, 1999, 2006). Alternative A does not take into account the temporary closure of the Serpentine ACEC. Management of recreation opportunities, special status species habitat, and other resources would be maintained at existing levels prior to the May 1, 2008 closure order. This alternative would not modify allowable uses to address emerging issues on public lands; however, this alternative would incorporate new human health risk information into BLM's public outreach and education asbestos hazard information program and new guidance for management of natural and heritage resource, rangelands, energy and minerals, and lands and realty established after the 1984 Hollister RMP, as amended.

### Discussion

Usage of the term "asbestos" is misleading in reference to the CCMA because the EPA statistics for asbestos etiology are based primarily on amphibole fibers rather than chrysotile fiber. The EPA admits that chrysotile is much less potent, but fails to quantify the variance. Therefore, since the CCMA is proven to be free of natural amphibole fiber, the term chrysotile is accurate, whereas the board all-inclusive "asbestos" is misleading. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 267: Subject: Misleading Statement Page 19**

1 **Substantive Comment**

**# 268**

3 **Subject: Confusing Statement**

**Page 19**

5 **Referring to the Following Paragraph**

7 Alternative B emphasizes maintaining current multiple use opportunities in CCMA, and would  
9 authorize existing uses based on limited annual visitor use days, seasonal use restrictions, and  
11 other mitigation measures to protect public health and safety. Resources management would  
13 focus on **conserving natural and heritage resources that are functioning** and restoring natural  
systems that are degraded. Management would focus on protecting human health and safety by  
restricting season of use and visitor use days/year, applying dust mitigation on major routes, and  
by eliminating camping and staging in the Serpentine ACEC.

15 **Discussion**

17 The phrase "conserving natural and heritage resources that are functioning" is confusing  
19 because the reader cannot understand the meaning of a functioning heritage resource and  
21 the document offers no explanation, therefore this phrase and the associated paragraph are  
23 meaningless. Since "agencies should employ writers of clear prose or editors to write, review  
or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. The public depends on author's  
accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
29 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 268: Subject: Confusing Statement Page 19**

1 **Substantive Comment**

# 269

3 **Subject: Conflicting Statement**

Page 19

5 **Referring to the Following Paragraph**

7 Alternative C emphasizes limited OHV recreation opportunities in the Serpentine ACEC based on  
9 vehicle types, minimum age requirements, and other mitigation measures to protect public health  
11 and safety. Resources management would focus on conserving natural and heritage resources that  
13 are functioning and restoring natural systems that are degraded. Management would focus on  
protecting human health and safety by prohibiting access into the ACEC for visitors under age 18,  
**restricting OHV recreation in the ACEC to motorcycle use only**, increasing restrictions on season  
of use, applying dust mitigation on major routes, and by eliminating camping and staging in the  
Serpentine ACEC.

15 **Discussion**

17 Stating "restricting OHV recreation in the ACEC to motorcycle use only" conflicts with  
19 Alternative C on page 27 which states "ACEC would be limited to full-size vehicles and  
motorcycle use only."

21 **Recommendation**

23 The Agency must edit or delete the conflicting statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

Substantive Comment - # 269: Subject: Conflicting Statement Page 19

1 **Substantive Comment**

# 270

3 **Subject: Confusing Statement**

Page 19

5 **Referring to the Following Paragraph**

7 Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC),  
emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the  
9 ACEC. Vehicle touring in the ACEC would be limited to a **Scenic Route** (Spanish Lake Road)  
from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use  
11 opportunities would be available at destinations with unique scenic, natural or geologic features in  
the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle  
13 touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12  
days/year. Public health and safety risks would be mitigated by restricting access and use during  
15 extreme weather conditions.

17 **Discussion**

19 Capitalization of "Scenic Route" is confusing because it implies a special designation  
suggesting that the term refers to a particular route titled "Scenic Route." Since "agencies  
21 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
23 convey special meaning. The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
25 comprehensible and unambiguous.

27 **Recommendation**

29 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

Substantive Comment - # 270: Subject: Confusing Statement Page 19

1 **Substantive Comment**

# 271

3 **Subject: Erroneous Statement**

Page 19

5 **Referring to the Following Paragraph**

7 Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC),  
emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the  
9 ACEC. Vehicle touring in the ACEC would be limited to a Scenic Route (**Spanish Lake Road**)  
from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use  
11 opportunities would be available at destinations with unique scenic, natural or geologic features in  
the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle  
13 touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12  
days/year. Public health and safety risks would be mitigated by restricting access and use during  
15 extreme weather conditions.

17 **Discussion**

19 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
21 terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
23 depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

1 **Substantive Comment**

**# 272**

3 **Subject:**

**Subjective Phrase**

**Page 19**

5 **Referring to the Following Paragraph**

7 Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC),  
emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the  
9 ACEC. **Vehicle touring** in the ACEC would be limited to a Scenic Route (Spanish Lake Road)  
from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use  
11 opportunities would be available at destinations with unique scenic, natural or geologic features in  
the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle  
13 touring would be limited to less than 5 days/year and **pedestrian activity** limited to less than 12  
days/year. Public health and safety risks would be mitigated by restricting access and use during  
15 extreme weather conditions.

17 **Discussion**

19 The terms "vehicle touring" and "pedestrian activity" is subjective and need further  
clarification. Many people enjoy "pedestrian activity" southeast from Wright Mountain, but do  
21 not consider the drive to that destination as "vehicle touring." Therefore 12-day trips each year  
would not count as part of the 5 days/year vehicle touring limit. Additionally, since pedestrian  
23 activity between Wright Mountain and Joaquin Rocks are outside of the Serpentine ACEC  
activity limitation would not apply to this activity.

25 **Recommendation**

27 The Agency must edit the statement to clarify this statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

**Substantive Comment - # 272: Subjective Phrase Page 19**

1 **Substantive Comment**

# 273

3 **Subject:**

**Subjective Phrase:**

**Page 19**

5 **Referring to the Following Paragraph**

7 Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC),  
emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the  
9 ACEC. Vehicle touring in the ACEC would be limited to a Scenic Route (Spanish Lake Road)  
from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use  
11 opportunities would be available at destinations with unique scenic, natural or geologic features in  
the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle  
13 touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12  
days/year. Public health and safety risks would be mitigated by **restricting access and use during**  
15 **extreme weather conditions.**

17 **Discussion**

19 The phrase "restricting access and use during extreme weather conditions" is subjective  
and requires further explanation because normal weather phenomenon cycles between the  
21 two extremes of winter and summer. Therefore restricting access the seasonal extremes of  
winter and summer prohibits visitor utilization from the subject area during the more pleasant  
23 weather periods of Spring and Autumn. The unusual restriction and prohibitions appear  
peculiar and seem to conflict with the attempt to institute summer closures. Since "agencies  
25 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
27 convey special meaning. The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

29 **Recommendation**

31 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
35 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 274**

3 **Subject: Confusing Statement**

**Page 19**

5 **Referring to the Following Paragraph**

7 Alternative F restricts public access in the Serpentine ACEC to non-motorized recreation only.  
Public access in the Serpentine ACEC would be **limited to foot-traffic only, and non-motorized**  
9 **recreation** opportunities would be emphasized at outstanding locations throughout CCMA. Public  
health and safety risks would be mitigated by restricting access and use during extreme weather  
11 conditions. Allowable use restrictions would minimize and reduce risk to public health and safety;  
and BLM land use authorizations would require terms and conditions to minimize risk to human  
13 health and the environment.

15 **Discussion**

17 The phrase "limited to foot-traffic only, and non-motorized recreation" is confusing  
because it implies that access is by "foot-traffic," but recreation is limited to "non-motorized  
recreation," thus requiring a person to carry their mountain bike during "foot-traffic" access so  
19 that a bicycle, for example, may use it for recreation once access is achieved.

21 **Recommendation**

23 The Agency must edit this paragraph to clarify the precise meaning and intention of this  
alternative. The Agency must rewrite the subject document to remove the discrepant issue  
25 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
27 The final documentation should include corrected recommendations.

**Substantive Comment - # 274: Subject: Confusing Statement Page 19**

1 **Substantive Comment**

**# 275**

3 **Subject:**

**Subjective Phrase**

**Page 19**

5 **Referring to the Following Paragraph**

7 Alternative F restricts public access in the Serpentine ACEC to non-motorized recreation only.  
9 Public access in the Serpentine ACEC would be limited to foot-traffic only, and non-motorized  
11 recreation opportunities would be emphasized at **outstanding locations** throughout CCMA. Public  
13 health and safety risks would be mitigated by restricting access and use during extreme weather  
conditions. Allowable use restrictions would minimize and reduce risk to public health and safety;  
and BLM land use authorizations would require terms and conditions to minimize risk to human  
health and the environment.

15 **Discussion**

17 The phrase "outstanding location" is subjective because it fails to recognize the various  
19 opinions that might define the meaning of "outstanding location." What may be outstanding  
21 to one person may be rather boring to another. To be meaningful, this term needs greater  
23 clarification. Since "agencies should employ writers of clear prose or editors to write, review or  
edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. The public depends on author's  
accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must edit this paragraph to correct the deficiency. The Agency must rewrite  
29 the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
33 final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.  
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**Substantive Comment - # 275: Subject: Subjective Phrase Page 19**

1 **Substantive Comment**

**# 276**

3 **Subject: Confusing Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Alternative G emphasizes public health and safety by prohibiting all public access and entry into  
9 the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-  
11 acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent.  
13 Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts  
15 associated with the temporary closure of the Serpentine ACEC to other management actions  
17 within the range of alternatives for the CCMA RMP/EIS. Allowable use restrictions under  
Alternative G would minimize CCMA visitor exposure to airborne asbestos emissions and  
represent the most effective way to reduce risk to public health and safety. BLM would also  
prohibit other resources uses, such as livestock grazing and energy and minerals development  
under this alternative to ensure overall protection of human health and the environment from  
hazardous airborne asbestos emissions.

19 **Discussion**

21 The phrase "prohibiting all public access and entry into the Serpentine ACEC" is confusing  
23 since none of the area recreation actually enters into the lands in question, except for perhaps  
25 the digging of things like campfire pits. Since "agencies should employ writers of clear prose or  
27 editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
such unusual words, terminology or formatting might convey special meaning. Perhaps the  
author meant prohibiting all public access and entry onto or over the Serpentine ACEC." The  
public depends on author's accuracy and is therefore not at liberty to interpret variant  
meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

29 **Recommendation**

31 The Agency must rewrite the subject document to edit the paragraph to remove the  
33 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
35 Agency must rewrite the subject document to remove the discrepant issue from the  
37 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 277**

3 **Subject: Erroneous Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Alternative G emphasizes public health and safety by prohibiting all public access and entry into  
the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-  
9 acre ACEC that was issued by BLM **under 43 CFR 8364.1 on May 1, 2008 permanent.**  
Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts  
11 associated with the temporary closure of the Serpentine ACEC to other management actions  
within the range of alternatives for the CCMA RMP/EIS. Allowable use restrictions under  
13 Alternative G would minimize CCMA visitor exposure to airborne asbestos emissions and  
represent the most effective way to reduce risk to public health and safety. BLM would also  
15 prohibit other resources uses, such as livestock grazing and energy and minerals development  
under this alternative to ensure overall protection of human health and the environment from  
17 hazardous airborne asbestos emissions.

19 **Discussion**

21 This statement is erroneous because 43 CFR § 8364.1 is not appropriate, nor was it  
intended, for a permanent closure of public lands (48 FR 36382). Regulation 43 CFR § 8364.1 -  
23 Closure and Restrictions is found in Subchapter-H Recreation Programs, Part 8360-Visitor  
Services. Thus the Closure Order, pursuant to 43 C.F.R. Subchapter H-Recreation Programs,  
25 Part 8360-Visitor Services closes only recreation programs and visitor services on public land.  
The authority for Part 8360 is defined in 43 C.F.R. § 8360.0-3 as:

27 The regulations of this part are issued under the provisions of the Federal Land Policy  
and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Sikes Act (16 U.S.C. 670g), the  
29 Taylor Grazing Act (43 U.S.C. 315a), the Wild and Scenic Rivers Act (16 U.S.C. 1281c), the Act  
of September 18, 1960, as amended, (16 U.S.C. 877 et seq.), the Land and Water  
31 Conservation Fund Act (16 U.S.C. 460l-6a) and the National Trails System Act (16 U.S.C.  
1241 et seq.)

33 The Agency cannot use 43 CFR § 8364.1 as an instrument for a permanent closure of public  
lands (48 FR 36382).

35 **Recommendation**

37 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
39 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
41 documentation should include corrected recommendations.

1 **Substantive Comment**

**# 278**

3 **Subject: Confusing Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Alternative G emphasizes public health and safety by prohibiting all public access and entry into  
9 the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-  
11 acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent.  
13 Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts  
15 associated with the temporary closure of the Serpentine ACEC to other management actions  
17 within the range of alternatives for the **CCMA RMP/EIS**. Allowable use restrictions under  
Alternative G would minimize CCMA visitor exposure to airborne asbestos emissions and  
represent the most effective way to reduce risk to public health and safety. BLM would also  
prohibit other resources uses, such as livestock grazing and energy and minerals development  
under this alternative to ensure overall protection of human health and the environment from  
hazardous airborne asbestos emissions.

19 **Discussion**

21 The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure  
about which of the following documents is being referenced:

23 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

25 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
27 Bureau of Land Management.

29 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
Management.

31 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
33 Interior, Bureau of Land Management.

35 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
37 Bureau of Land Management.

39 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

41 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
43 Land Management.

1 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
2 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
3 Land Management.

5 **Recommendation**

7 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
8 statement. The Agency must rewrite the subject document to remove the discrepant issue  
9 from the document. The original discrepancy must not be included or propagated in the final  
10 resource management plan, the final environmental impact study, or the record of decision.  
11 The final documentation should include corrected recommendations.

Substantive Comment - # 278: Subject: Confusing Statement Page 20

1 **Substantive Comment**

**# 279**

3 **Subject: Confusing Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Alternative G emphasizes public health and safety by prohibiting all public access and entry into  
9 the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-  
11 acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent.  
13 Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts  
15 associated with the temporary closure of the Serpentine ACEC to other management actions  
17 within the range of alternatives for the CCMA RMP/EIS. Allowable use restrictions under  
Alternative G would minimize CCMA visitor exposure to airborne **asbestos** emissions and  
represent the most effective way to reduce risk to public health and safety. BLM would also  
prohibit other resources uses, such as livestock grazing and energy and minerals development  
under this alternative to ensure overall protection of human health and the environment from  
hazardous airborne **asbestos** emissions.

19 **Discussion**

21 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
23 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
25 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
27 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
29 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
31 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
33 less potent (EPA 2008), and may, in fact, not be a human health risk.

35 **Recommendation**

37 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
39 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
41 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
43 include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 279: Subject: Confusing Statement Page 20**

1 **Substantive Comment**

**# 280**

3 **Subject: Subjective Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 All the alternatives would place importance on partnerships and agreements with landowners,  
9 permit holders, and other local and state agencies to manage BLM public lands for multiple uses  
on a sustainable basis while providing adequate protection of public health and the environment.

11 **Discussion**

13 The statement “would place importance on partnerships and agreements with  
15 landowners” needs clarification to be meaningful. This statement is subjective because it fails  
17 to illustrated the kinds of agreements being considered. Since “agencies should employ  
19 writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the  
public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author’s accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit the discrepant statement to correct the deficiency by providing  
25 examples of the type of agreements being considered. The Agency must rewrite the subject  
27 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

Substantive Comment - # 280: Subject: Subjective Statement Page 20

1 **Substantive Comment**

# 281

3 **Subject:** Confusing Format

Page 20

5 **Referring to the Following Paragraph**

7 2.2.1 CCMA 'Open' Area Designation

9 **Discussion**

11 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
13 is very confusing. Since "agencies should employ writers of clear prose or editors to write,  
15 review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
17 words, terminology or formatting might convey special meaning. The public depends on  
19 author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
21 Agency must write clear prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must explain any special meaning intended by unusual formatting, or confess  
21 that it is a reflection on poor document management, the lack writing skill or the lack of  
23 competent editing and correct such deficiencies. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
27 not be included or propagated in the final resource management plan, the final  
29 environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

27 **Reference**

29 Generally, written American English uses the following format: Use quotation marks [ " " ]  
31 to set off material that represents quoted or spoken language. Quotation marks also set off the  
33 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
37 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
39 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
41 for technical terms followed by definitions. Italicize punctuation marks immediately following  
43 italicized words. Italicized words also set off the titles of full-length works that are published  
45 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

Substantive Comment - # 281: Subject: Confusing Format Page 20

## Substantive Comment

# 282

**Subject: Confusing Format**

**Page 20**

### Referring to the Following Paragraph

Designation of CCMA as an ‘open’ area for vehicle use is not considered in the range of alternatives, because this type of designation would not meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. 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).

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

## Substantive Comment

# 283

**Subject: Confusing Statement**

**Page 20**

### Referring to the Following Paragraph

Designation of CCMA as an 'open' area for vehicle use is not considered in the range of alternatives, because this type of designation would not meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. 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).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 283: Subject: Confusing Statement Page 20

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 283: Subject: Confusing Statement Page 20**

1 **Substantive Comment**

**# 284**

3 **Subject: Confusing Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Designation of CCMA as an ‘open’ area for vehicle use is not considered in the range of  
alternatives, because this type of designation **would not** meet the purpose and need for this RMP/  
9 EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos  
emissions from BLM management activities. The Federal government has concluded that all  
11 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  
13 Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease  
Registry, Toxicological Profile for Asbestos).

15 **Discussion**

17 The phrase “would not” implies that designation may currently “meet the purpose and  
need for this RMP/EIS,” but will not at a future day. Since “agencies should employ writers of  
19 clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to  
assume that such unusual words, terminology or formatting might convey special meaning.  
21 Perhaps the author meant to state “does not.” The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
23 prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

**Substantive Comment - # 284: Subject: Confusing Statement Page 20**

1 **Substantive Comment**

**# 285**

3 **Subject:** **Needless Bulk**

**Page 20**

5 **Referring to the Following Paragraph**

7 Designation of CCMA as an ‘open’ area for vehicle use is not considered in the range of  
alternatives, because this type of designation would not meet the purpose and need for this RMP/  
9 EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos  
emissions from BLM management activities. **The Federal government has concluded that all  
11 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  
13 Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease  
Registry, Toxicological Profile for Asbestos).**

15 **Discussion**

17 This paragraph contains statements that have already been made. Unnecessary repetition  
suggests that the document serves an indoctrination agenda, rather than development of a  
19 management plan. Agencies shall avoid useless bulk in statements and shall concentrate  
effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless  
21 detail that fails to concentrate on the issues that are truly significant to the action in question  
(40 CFR 1500.1). Agencies shall reduce excessive paperwork by discussing only briefly issues  
23 other than significant ones (40 C.F.R. § 1500.4).

25 **Recommendation**

27 The Agency must delete the discrepant statement to correct the deficiency. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
29 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
31 should include corrected recommendations.

**Substantive Comment - # 285: Subject: Needless Bulk Page 20**



1 **Substantive Comment**

**# 287**

3 **Subject: Confusing Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 **The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and**  
9 **Human Health Risk Assessment**, which concluded that visiting CCMA more than once per year  
11 can put adults and children above EPA’s acceptable risk range for exposure to carcinogens and an  
increased long-term cancer risk from engaging in many of the typical recreational activities at the  
CCMA.

13 **Discussion**

15 This paragraph is misleading because it states that the “purpose and need for the CCMA  
17 RMP/EIS is based” on a singular action of the “EPA Asbestos Exposure and Human Health Risk  
Assessment.” This is inaccurate because the purpose and need as stated on pages 3 and 4 of  
the subject report in three “specific factors,” as referenced below.

19 **1.1 Purpose and Need for the CCMA Resource Management Plan**

21 The need to develop the CCMA RMP arises from numerous changes in circumstances  
23 since the current land use plan decisions were adopted. The existing Resource Management  
Plan (RMP) for the area was adopted in 1984. There have been several amendments to the  
1984 RMP to address public health and safety and resources protection issues in CCMA.  
25 However, many other issues that are emerging on public lands were not addressed in those  
amendments. The following list of specific factors illustrates the need for preparation of an  
updated management plan:

- 27 • The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008)  
29 provides significant new information that must be incorporated into a land use plan to  
evaluate the public health risk associated with BLM land use authorizations.
- 31 • The current management plan does not specifically address listing and/or additional  
33 habitat needs for species protected under the federal 1973 Endangered Species Act (ESA),  
including the California condor, red-legged frog, and tiger salamander.
- 35 • Changes in social and economic conditions in San Benito County, the San Joaquin Valley,  
37 and the entire State of California have led to increased demand for use of public lands for  
recreation and energy production as well as an increased awareness and social value  
placed on the cultural and natural resources in the Planning Area.

39 The subject paragraph is erroneous and misleading, and adds unnecessary repetitive  
discussion and needless detail to the subject section.

41 **Recommendation**

43 The Agency must rewrite the subject document to remove the discrepant issue from the  
45 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 287: Subject: Confusing Statement Page 20**

1 **Substantive Comment**

**# 288**

3 **Subject: Redundant Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Furthermore, management of the CCMA as an 'open' area for OHV recreation is not analyzed in  
9 this document because a large portion of the CCMA has been managed for decades as the  
11 Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure  
13 to asbestos and to emphasize protection other unique values associated with the serpentine soils in  
15 the area. For example, a portion of the ACEC was also designated a Research Natural Area  
(RNA) because of the unique forest assemblage and rare plant habitat contained therein. On  
February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as  
federally threatened under the Endangered Species Act. Following the listing of the primrose, a  
CCMA Amendment (1995) was prepared that designated CCMA a 'Limited' use area for OHV  
recreation to prevent jeopardizing the continued existence of the species.

17 **Discussion**

19 The first sentence of this paragraph is redundant and unnecessary because it is already  
21 discussed in the first paragraph of this section where on the same page, page 20, it states the  
following:

23 Designation of CCMA as an 'open' area for vehicle use is not considered in the range of  
25 alternatives, because this type of designation would not meet the purpose and need for this  
RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne  
asbestos emissions from BLM management activities.

27 The subject adds unnecessary repetitive discussion and needless detail to the subject  
section.

29 **Recommendation**

31 The Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
35 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

## Substantive Comment

# 289

**Subject: Confusing Format**

**Page 20**

### Referring to the Following Paragraph

Furthermore, management of the CCMA as an ‘open’ area for OHV recreation is not analyzed in this document because a large portion of the CCMA has been managed for decades as the Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure to asbestos and to emphasize protection other unique values associated with the serpentine soils in the area. For example, a portion of the ACEC was also designated a Research Natural Area (RNA) because of the unique forest assemblage and rare plant habitat contained therein. On February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as federally threatened under the Endangered Species Act. Following the listing of the primrose, a CCMA Amendment (1995) was prepared that designated CCMA a ‘Limited’ use area for OHV recreation to prevent jeopardizing the continued existence of the species.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

## Substantive Comment

# 290

**Subject: Confusing Statement**

**Page 20**

### Referring to the Following Paragraph

Furthermore, management of the CCMA as an 'open' area for OHV recreation is not analyzed in this document because a large portion of the CCMA has been managed for decades as the Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure to **asbestos** and to emphasize protection other unique values associated with the serpentine soils in the area. For example, a portion of the ACEC was also designated a Research Natural Area (RNA) because of the unique forest assemblage and rare plant habitat contained therein. On February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as federally threatened under the Endangered Species Act. Following the listing of the primrose, a CCMA Amendment (1995) was prepared that designated CCMA a 'Limited' use area for OHV recreation to prevent jeopardizing the continued existence of the species.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 290: Subject: Confusing Statement Page 20

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 290: Subject: Confusing Statement Page 20**

1 **Substantive Comment**

**# 291**

3 **Subject:** **Needless Bulk**

**Page 20**

5 **Referring to the Following Paragraph**

7 Furthermore, management of the CCMA as an ‘open’ area for OHV recreation is not analyzed in  
9 this document because a large portion of the CCMA has been managed for decades as the  
11 Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure  
13 to asbestos and to emphasize protection other unique values associated with the serpentine soils in  
15 the area. For example, a portion of the ACEC was also designated a Research Natural Area  
(RNA) because of the unique forest assemblage and rare plant habitat contained therein. On  
February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as  
federally threatened under the Endangered Species Act. Following the listing of the primrose, a  
CCMA Amendment (1995) was prepared that designated CCMA a ‘Limited’ use area for OHV  
recreation to prevent jeopardizing the continued existence of the species.

17 **Discussion**

19 This paragraph is unnecessary repetitive discussion of material that is full covered in a  
21 previous record of decision (BLM 2006) and hence unnecessary bulk and needless detail to this  
23 draft document. Agencies shall avoid useless bulk in statements and shall concentrate effort  
25 and attention on important issues (40 CFR § 1502.15). Environmental impact statements shall  
27 be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR  
§ 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other  
than significant ones (40 C.F.R. § 1500.4). Agencies shall reduce excessive paperwork by tiering  
from statements of broad scope to those of narrower scope, to eliminate repetitive discussions  
of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§  
1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions  
and avoid duplication (§ 1502.4).

31 **Recommendation**

33 The Agency must rewrite the subject document to remove the discrepant issue from the  
35 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

37 **Reference**

39 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and*  
41 *Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

Substantive Comment - # 291: Subject: Needless Bulk Page 20

1 **Substantive Comment**

# 292

3 **Subject: Confusing Format**

Page 20

5 **Referring to the Following Paragraph**

7 Designation of CCMA as an “open” area for vehicle use would have adverse effects on the values  
9 for which the ACEC/RNA was established and the federally threatened San Benito evening-  
primrose. As a result, this RMP/EIS only considers the ‘Limited’ and ‘Closed’ area designations  
for CCMA public lands.

11 **Discussion**

13 Enclosing this word in quotations is unnecessary and confusing. Since “agencies should  
15 employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
17 special meaning. The public depends on author’s accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
23 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
27 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
35 quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
37 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
39 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 293**

3 **Subject: Confusing Statement**

**Page 20**

5 **Referring to the Following Paragraph**

7 Designation of CCMA as an “open” area for vehicle use would have adverse effects on the values  
9 for **which the ACEC/RNA was established and the federally threatened San Benito evening-primrose**. As a result, this RMP/EIS only considers the ‘Limited’ and ‘Closed’ area designations  
for CCMA public lands.

11 **Discussion**

13 This statement, “which the ACEC/RNA was established and the federally threatened San  
15 Benito evening-primrose” is confusing, perhaps a word is missing. Since “agencies should  
17 employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
19 special meaning. The public depends on author’s accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 293: Subject: Confusing Statement Page 20**

## Substantive Comment

# 294

**Subject: Confusing Format**

**Page 20**

### Referring to the Following Paragraph

Designation of CCMA as an “open” area for vehicle use would have adverse effects on the values for which the ACEC/RNA was established and the federally threatened San Benito evening-primrose. As a result, this RMP/EIS only considers the ‘Limited’ and ‘Closed’ area designations for CCMA public lands.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 294: Subject: Confusing Format Page 20

1 **Substantive Comment**

# 295

3 **Subject: Confusing Statement**

Page 21

5 **Referring to the Following Paragraph**

7 During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM  
9 consider the use of personal protection equipment (PPE) to reduce and minimize risks to public  
11 health and safety from exposure to asbestos. Comments received by the Hollister Field Office  
13 recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from  
15 exposure to airborne asbestos fibers. While using personal protective equipment may reduce your  
17 exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color  
19 coded purple) or an N-100, P-100 or R-100 NIOSH rating. These cartridges are specific for  
21 filtering out asbestos fibers. The most common respirator is a half face, dual cartridge respirator.  
Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece,  
elastic head harness and filter cartridges. However, respirators provide little protection if are not  
fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors  
provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they  
recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the  
lungs to work harder in order to breathe air, and manufacturers recommend checking with a  
medical doctor to ensure that people are physically able to wear a respirator.

23 **Discussion**

25 Using the phrase "exposure to asbestos fibers" is confusing because it implies that the  
27 subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is  
erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit,  
and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being  
misused as a substitute term when the reference to a specific mineral is more appropriate and  
technically correct. According to the United States Geological Survey, "Asbestos is a generic  
name given to six fibrous minerals that have been used in commercial products." The  
definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to  
two mineral groups: serpentines and amphiboles. The serpentine group contains a single  
asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles:  
anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite),  
tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is  
based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that  
chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

39 **Recommendation**

41 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
43 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
45 with the technically accurate, mineral specific, term "chrysotile." Change the phrase to read,  
"exposure to chrysotile fibers." The Agency must rewrite the subject document to remove the  
discrepant issue from the document. The original discrepancy must not be included or  
propagated in the final resource management plan, the final environmental impact study, or  
the record of decision. The final documentation should include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 295: Subject: Confusing Statement Page 21**

1 **Substantive Comment**

# 296

3 **Subject: Confusing Statement**

Page 21

5 **Referring to the Following Paragraph**

7 During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM  
9 consider the use of personal protection equipment (PPE) to reduce and minimize risks to public  
11 health and safety from exposure to asbestos. Comments received by the Hollister Field Office  
13 recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from  
15 exposure to airborne asbestos fibers. **While using personal protective equipment may reduce your  
17 exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color  
19 coded purple) or an N-100, P-100 or R-100 NIOSH rating.** These cartridges are specific for  
21 filtering out asbestos fibers. The most common respirator is a half face, dual cartridge respirator.  
Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece,  
elastic head harness and filter cartridges. However, respirators provide little protection if are not  
fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors  
provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they  
recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the  
lungs to work harder in order to breathe air, and manufacturers recommend checking with a  
medical doctor to ensure that people are physically able to wear a respirator.

23 **Discussion**

25 The statement, "While using personal protective equipment may reduce your exposure to  
27 asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded  
purple) or an N-100, P-100 or R-100 NIOSH rating" is confusing because the statement should  
be rewritten as follows:

29 Respirators rated for protection from particulate fibrous dust utilizing high efficiency  
31 particulate air (HEPA) filters with a National Institute for Occupational Safety and Health  
(NIOSH) 100 rating could reduce personal inhalation exposure to airborne chrysotile fibers.

33 **Recommendation**

35 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
37 Agency must rewrite the subject document to remove the discrepant issue from the  
39 document. The original discrepancy must not be included or propagated in the final resource  
41 management plan, the final environmental impact study, or the record of decision. The final  
43 documentation should include corrected recommendations.  
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## **Substantive Comment**

**# 297**

**Subject:**

**Needless Bulk**

**Page 21**

### **Referring to the Following Paragraph**

During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM consider the use of personal protection equipment (PPE) to reduce and minimize risks to public health and safety from exposure to asbestos. Comments received by the Hollister Field Office recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from exposure to airborne asbestos fibers. While using personal protective equipment may reduce your exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded purple) or an N-100, P-100 or R-100 NIOSH rating. These cartridges are specific for filtering out asbestos fibers. The most common respirator is a half face, dual cartridge respirator. Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece, elastic head harness and filter cartridges. However, respirators provide little protection if are not fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the lungs to work harder in order to breathe air, and manufacturers recommend checking with a medical doctor to ensure that people are physically able to wear a respirator.

### **Discussion**

This paragraph is instructional regarding the proper wearing or use of a respirator. This has nothing to do with the appropriateness of using PPE or the resource management plan or the environmental impact study. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

### **Recommendation**

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 298**

3 **Subject: Erroneous Statement**

**Page 21**

5 **Referring to the Following Paragraph**

7 During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM  
9 consider the use of personal protection equipment (PPE) to reduce and minimize risks to public  
11 health and safety from exposure to asbestos. Comments received by the Hollister Field Office  
13 recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from  
15 exposure to airborne asbestos fibers. While using personal protective equipment may reduce your  
17 exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color  
19 coded purple) or an N-100, P-100 or R-100 NIOSH rating. **These cartridges are specific for  
21 filtering out asbestos fibers.** The most common respirator is a half face, dual cartridge respirator.  
Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece,  
elastic head harness and filter cartridges. However, respirators provide little protection if are not  
fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors  
provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they  
recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the  
lungs to work harder in order to breathe air, and manufacturers recommend checking with a  
medical doctor to ensure that people are physically able to wear a respirator.

23 **Discussion**

25 The statement, "These cartridges are specific for filtering out asbestos fibers" is false  
27 because the series 100 filters are meant for protection against airborne particles, such as silica,  
29 asbestos, and lead. This filter is not exclusively for "asbestos." The N, P or R rating relate to the  
filter's resistance to oil and hence its suitability for different environments. The public depends  
on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

31 **Recommendation**

33 The Agency must edit or delete the Erroneous Statement. The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment**

**# 299**

**Subject:**

**Needless Bulk**

**Page 21**

**Referring to the Following Paragraph**

Other respirators, including paper dust masks available at hardware stores, do not filter out asbestos fibers. Although some “dust masks” can actually be fit tested and can provide a very good fit factor, the Occupational Health and Safety Administration (OSHA) specifically prohibits their use for asbestos and manufacturers also specifically indicate that these masks are not acceptable for asbestos. Moreover, the voluntary use of dust masks in atmospheres documented or known to contain levels of asbestos above the Permissible Exposure Limit (PEL) is unacceptable, and one of the principle foundations of asbestos exposure control is to prevent its spread. Simply using a dust mask does not eliminate the potential for “take home” and subsequent exposure to asbestos.

**Discussion**

This paragraph is instructional regarding the proper wearing or use of a respirator. This has nothing to do with the appropriateness of using PPE or the resource management plan or the environmental impact study. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

**Recommendation**

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 299: Subject: Needless Bulk Page 21

**Substantive Comment**

**# 300**

**Subject:    Needless Bulk**

**Page 21**

**Referring to the Following Paragraph**

Additional personal protection equipment such as eyewear, rubber boots, disposable gloves and coveralls are recommended during asbestos abatement activities to prevent contact with asbestos-containing debris. Once exposed to asbestos containing materials, these PPEs are supposed to be removed properly and disposed of in a designated asbestos waste bag to ensure all asbestos debris remains in the area of contamination and avoid the spread of hazardous asbestos fibers. However, most PPEs quickly get hot and uncomfortable because they do not breathe and as a result, are not appropriate for use during recreational activities in CCMA. Therefore, PPEs are not being considered within the range of alternatives as an option for protection of human health and safety from exposure to asbestos in CCMA.

**Discussion**

This paragraph is instructional regarding the proper wearing or use of a respirator. This has nothing to do with the appropriateness of using PPE or the resource management plan or the environmental impact study. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

**Recommendation**

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 300: Subject: Needless Bulk Page 21**

1 **Substantive Comment**

# 301

3 **Subject: Misleading Statement**

Page 21

5 **Referring to the Following Paragraph**

7 In general, the public interest determination considers whether resource values and public  
9 objectives served by the non-federal lands must equal or exceed those being conveyed, and the  
11 intended use of the conveyed federal land must not substantially conflict with management of  
adjacent federal lands. Based on the criteria set forth by FLPMA, BLM has determined that land  
tenure adjustments (including sales and **exchanges of public or private lands in the Serpentine  
ACEC) are not in the public interest.**

13 **Discussion**

15 The statement “exchanges of public or private lands in the Serpentine ACEC) are not in the  
17 public interest,” is misleading since there is no private lands designated within the ACEC. In  
fact the Bureau of Land Management Land Plat Map clearly show that all private land parcels  
19 are excluded from the ACEC. Therefore it is impossible for the Agency to exchange “private  
lands in the Serpentine ACEC.” Since “agencies should employ writers of clear prose or editors  
21 to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such  
unusual words, terminology or formatting might convey special meaning. The public depends  
23 on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

Substantive Comment - # 301: Subject: Misleading Statement Page 21

1 **Substantive Comment**

**# 302**

3 **Subject: Erroneous Statement**

**Page 22**

5 **Referring to the Following Paragraph**

7 Acquisition of private in-holdings from willing sellers in the Serpentine ACEC to acquire special status species habitat would be in the public interest.

9 **Discussion**

11 The statement "private in-holdings from willing sellers in the Serpentine ACEC" is  
13 erroneous since there is no private lands designated within the ACEC. In fact the Bureau of  
15 Land Management Land Plat Map clearly show that all private land parcels are excluded from  
17 the ACEC. Therefore it is impossible for the Agency to exchange "private lands in the Serpentine  
19 ACEC." Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. The public depends on author's  
accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 302: Subject: Erroneous Statement Page 22**

1 **Substantive Comment**

**# 303**

3 **Subject: Erroneous Statement**

**Page 22**

5 **Referring to the Following Paragraph**

7 Furthermore, conveyances of contaminated **Federal lands** as subject to the provisions of the  
9 Comprehensive Environmental Response and Compensation Liability Act (CERCLA), 42 U.S.C  
11 9620. Because BLM-managed lands in the Serpentine ACEC are known to be contaminated with  
13 asbestos, and remediation of naturally occurring asbestos is not practical or feasible over large  
tracts of land, any sale, lease, or exchange of these lands to be managed for public access and  
multiple use activities is not consistent with the standards set forth under CERCLA and the  
National Contingency Plan for protection of human health and the environment.

15 **Discussion**

17 The subject lands are not technically "Federal lands," but rather "public lands" managed by  
19 a Federal agency. The statement "Federal lands" is erroneous because it implies Federal  
ownership of public lands which is prohibited by the Constitution of the United States and the  
Treaty of Guadalupe Hidalgo, except as provided in Article 1, Section 8 of the Constitution of  
the United States.

21 **Recommendation**

23 The Agency must delete the discrepant statement to correct the deficiency. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 303: Subject: Erroneous Statement Page 22**

1 **Substantive Comment**

**# 304**

3 **Subject: Erroneous Statement**

**Page 22**

5 **Referring to the Following Paragraph**

7 Furthermore, conveyances of contaminated Federal lands as subject to the provisions of the  
Comprehensive Environmental Response and Compensation Liability Act (CERCLA), 42 U.S.C  
9 9620. Because BLM-managed lands in the Serpentine ACEC are known to be contaminated with  
asbestos, and remediation of naturally occurring asbestos is not practical or feasible over large  
11 tracts of land, any sale, lease, or exchange of these lands to be managed for public access and  
multiple use activities is not consistent with the standards set forth under CERCLA and the  
13 National Contingency Plan for protection of human health and the environment.

15 **Discussion**

17 42 U.S.C. §9620 is specifically applicable to "Federal facilities." Lands within the Serpentine  
ACEC do not meet this criteria and are not "facilities" as defined for the section, see 42 U.S.C.  
19 §9601(9). The public depends on author's accuracy and is therefore not at liberty to interpret  
variant meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

21 **Recommendation**

23 The Agency must delete the discrepant statement to correct the deficiency. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
27 should include corrected recommendations.

**Substantive Comment - # 304: Subject: Erroneous Statement Page 22**

1 **Substantive Comment**

**# 305**

3 **Subject: Confusing Statement**

**Page 23**

5 **Referring to the Following Paragraph**

7 Many of the management actions considered in this **DRMP/DEIS** are common to all alternatives.  
9 Resource management actions are considered common to all alternatives if they meet resource  
11 management goals and objectives and they do not conflict with other allowable uses, and resource  
13 allocations or protection measures, including mitigation measures for public health and safety. A  
summary of these actions is provided below. Additional management actions or mitigation  
measures that would be necessary to manage multiple-uses or protect resources under the range of  
alternatives are described in Sections 2.4.1 through 2.4.18.

15 **Discussion**

17 This is the first occurrence the abbreviation "DRMP/DEIS," so it should be proceeded by the  
19 full written term. Since "agencies should employ writers of clear prose or editors to write,  
21 review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
words, terminology or formatting might convey special meaning. The public depends on  
author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 305: Subject: Confusing Statement Page 23**

1 **Substantive Comment**

**# 306**

3 **Subject: Confusing Statement**

**Page 23**

5 **Referring to the Following Paragraph**

7 Many of the management actions considered in this **DRMP/DEIS** are common to all alternatives.  
9 Resource management actions are considered common to all alternatives if they meet resource  
11 management goals and objectives and they do not conflict with other allowable uses, and resource  
13 allocations or protection measures, including mitigation measures for public health and safety. A  
summary of these actions is provided below. Additional management actions or mitigation  
measures that would be necessary to manage multiple-uses or protect resources under the range of  
alternatives are described in Sections 2.4.1 through 2.4.18.

15 **Discussion**

17 The paragraph's reference to "DRMP/DEIS" is confusing because the reader is unsure about  
which of the following documents is being referenced:

19 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
the Interior, Bureau of Land Management.

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
23 Bureau of Land Management.

25 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
27 Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

31 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
33 Bureau of Land Management.

35 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
of Land Management.

37 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast  
of California: Record of Decision*, United States Department of the Interior, Bureau of  
39 Land Management.

41 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
43 Land Management.

**Substantive Comment - # 306: Subject: Confusing Statement Page 23**

1 **Recommendation**

3 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
5 Agency must rewrite the subject document to remove the discrepant issue from the  
7 document. The original discrepancy must not be included or propagated in the final resource  
9 management plan, the final environmental impact study, or the record of decision. The final  
11 documentation should include corrected recommendations.

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**Substantive Comment - # 306: Subject: Confusing Statement Page 23**

1 **Substantive Comment**

**# 307**

3 **Subject: Confusing Statement**

**Page 23**

5 **Referring to the Following Paragraph**

- 7 • Manage CCMA as a **Special Recreation Management Area** (SRMA) to provide specific, structured recreation opportunities (i.e., activity, experience, and benefit opportunities).

9 **Discussion**

11 Designation of the “CCMA as a Special Recreation Management Area” is confusing because  
13 this terminology has not been publicly used in reference to this area since the BLM (1984)  
15 *Hollister Resource Management Plan and Record of Decision*, United States Department of the  
17 Interior, Bureau of Land Management and is thusly lost from the social memory. The Agency  
must explain why this is being revised. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
29 documentation should include corrected recommendations.  
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**Substantive Comment - # 307: Subject: Confusing Statement Page 23**

## Substantive Comment

# 308

**Subject: Confusing Statement**

**Page 23**

### Referring to the Following Paragraph

- Use a combination of best management practices (BMPs) and administrative actions (i.e. supplementary rules) to minimize human health risks from exposure to airborne asbestos fibers and reduce emissions of hazardous air pollutants from BLM land use authorizations and management activities.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 308: Subject: Confusing Statement Page 23

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 309

**Subject: Confusing Statement**

**Page 23**

### Referring to the Following Paragraph

- Augment the existing public asbestos hazard information program through improved signing, hand-outs, advisories, monitoring, public contact, and education programs. Any new information on risks to human health will be incorporated into the educational materials.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 309: Subject: Confusing Statement Page 23

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 309: Subject: Confusing Statement Page 23**

1 **Substantive Comment**

**# 310**

3 **Subject: Confusing Terminology**

**Page 23**

5 **Referring to the Following Paragraph**

- 7 • Manage CWA 303(d)-listed impaired water bodies to meet properly functioning condition (PFC) objectives relative to beneficial uses and total maximum daily loads (TMDLs).

9 **Discussion**

11 Introduction of the term “CWA 303(d)-listed” without explanation is confusing because this  
13 phrase has not been previously used in this document. Using unexplained or ambiguous term  
15 make the document incomprehensible for the public and difficult to review and fails to  
17 facilitate public involvement. The agency shall encourage and facilitate public involvement in  
19 decisions which affect the quality of the human environment (40 C.F.R. § 1500.2). Since  
21 “agencies should employ writers of clear prose or editors to write, review or edit statements”  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or  
27 delete the confusing or discrepant statement to correct the deficiency. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 310: Subject: Confusing Terminology Page 23**

1 **Substantive Comment**

**# 311**

3 **Subject: Erroneous Statement**

**Page 23**

5 **Referring to the Following Paragraph**

- 7 • Authorize rights-of-way to provide reasonable access for private landowners and existing rights-holders.

9 **Discussion**

11 This statement is erroneous because all of the private landowners within the subject area  
13 have easements or rights-of-way based upon either the original Congressional land patent  
15 and/or by public highways. All of the public highways that are within or pass over the subject  
17 lands precede creation of the Bureau of Land Management or the Federal Land Policy  
19 Management Act of 1976. Many of the public highways that are within or pass over the subject  
21 lands existed before California admission to the Union of States and are therefore preserved  
23 by the Treaty of Guadalupe Hidalgo. Other public ways that are within or pass over the subject  
25 lands were created under authority of Revised Statute 2477, and hence remain protect as  
27 public highways immune from Federal impairment. Therefore, the Agency has no authority for  
29 authorizing such "rights-of-way."

31 **Recommendation**

33 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
35 Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or  
37 delete the confusing or discrepant statement to correct the deficiency. The original  
39 discrepancy must not be included or propagated in the final resource management plan, the  
41 final environmental impact study, or the record of decision. The final documentation should  
43 include corrected recommendations.  
45

**Substantive Comment - # 311: Subject: Erroneous Statement Page 23**

1 **Substantive Comment**

**# 312**

3 **Subject: Confusing Statement**

**Page 24**

5 **Referring to the Following Paragraph**

7 The description of alternatives is organized by **resource program** (e.g., air quality, soil resources,  
9 water resources, etc.). The goals and objectives of each resource program are specified, and  
11 specific management actions for each alternative are then presented. Management actions  
specified for each resource program include area-wide actions and actions specific to five  
management zones identified on Maps A-G, if applicable.

13 **Discussion**

15 This paragraph is confusing because the term “resource program” is not explained or  
17 described anywhere in the document or by reference to an external document. The reader  
cannot understand this document because it contains undefined and unknown terms. Since  
19 “agencies should employ writers of clear prose or editors to write, review or edit statements”  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
21 formatting might convey special meaning. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 312: Subject: Confusing Statement Page 24**

1 **Substantive Comment**

**# 313**

3 **Subject: Confusing Statement**

**Page 24**

5 **Referring to the Following Paragraph**

7 The description of alternatives is organized by resource program (e.g., air quality, soil resources,  
9 water resources, etc.). The goals and objectives of each resource program are specified, and  
11 specific management actions for each alternative are then presented. Management actions  
specified for each resource program include area-wide actions and actions specific to **five  
management zones identified on Maps A-G, if applicable.**

13 **Discussion**

15 This paragraph is confusing because the term “five management zones” is not explained or  
17 described anywhere in the document or by reference to an external document. Additionally,  
there are not map designated A-G. Perhaps the author meant Maps A through G and intended  
19 to state Maps A - G, but did not. The reader cannot understand this document because it  
contains undefined and unknown terms. Since “agencies should employ writers of clear prose  
21 or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume  
that such unusual words, terminology or formatting might convey special meaning. The public  
23 depends on author’s accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 313: Subject: Confusing Statement Page 24**

1 **Substantive Comment**

**# 314**

3 **Subject: Confusing Statement**

**Page 24**

5 **Referring to the Following Paragraph**

7 As stated in Section 2.1, this RMP/EIS incorporates guidance provided by numerous laws,  
mandates, policies, and plans. As a result, many of BLM's goals, objectives, and management  
9 actions are applicable to many alternatives or common to all alternatives. These management  
actions are combined, where possible, under the range of alternatives based on the location and  
11 intensity of *Motorized and Non-motorized* activities within CCMA. These include management  
actions for recreation, public health and safety, biological resources, air, water, soils, fire  
13 management, livestock grazing, energy and minerals, cultural and heritage resources,  
paleontological resources, visual resources management, social and economic conditions, and  
15 special designations.

17 **Discussion**

19 Capitalizing and italicizing the terms "*Motorized and Non-motorized*" is confusing because  
these terms are sometime not capitalized or italicized and presenting the terms in various  
21 forms suggests that their respective usage may have different meaning. The public depends  
on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous. Since "agencies  
23 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
25 convey special meaning.

27 **Recommendation**

29 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

**Substantive Comment - # 314: Subject: Confusing Statement Page 24**

1 **Substantive Comment**

**# 315**

3 **Subject: Erroneous Statement**

**Page 24**

5 **Referring to the Following Paragraph**

7 Section 2.1 also states, “BLM will identify one such combination of management actions,  
9 resource allocations, and allowable uses from among the range of alternatives as a ‘Preferred  
11 Alternative’ for lands administered by the HFO in the CCMA. This method of selecting program  
area emphasis and combinations of management actions for land use planning is known as the  
“menu approach” (ref. Section 1.2.2).”

13 **Discussion**

15 The quotation in this paragraph is erroneous because this statement does not occur in  
17 Section 2.1 or at any location in this document. Since “agencies should employ writers of clear  
19 prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to  
assume that such unusual words, terminology or formatting might convey special meaning.  
The public depends on author’s accuracy and is therefore not at liberty to interpret variant  
meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

21 **Recommendation**

23 The Agency must delete the discrepant statement to correct the deficiency. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 315: Subject: Erroneous Statement Page 24**

## Substantive Comment

# 316

**Subject:** Confusing Format

Page 24

### Referring to the Following Paragraph

Section 2.1 also states, “BLM will identify one such combination of management actions, resource allocations, and allowable uses from among the range of alternatives as a ‘Preferred Alternative’ for lands administered by the HFO in the CCMA. This method of selecting program area emphasis and combinations of management actions for land use planning is known as the “menu approach” (ref. Section 1.2.2).”

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 316: Subject: Confusing Format Page 24

1 **Substantive Comment**

**# 317**

3 **Subject: Confusing Format**

**Page 24**

5 **Referring to the Following Paragraph**

7 Section 2.1 also states, "BLM will identify one such combination of management actions,  
resource allocations, and allowable uses from among the range of alternatives as a 'Preferred  
9 Alternative' for lands administered by the HFO in the CCMA. This method of selecting **program**  
**area** emphasis and combinations of management actions for land use planning is known as  
11 the "menu approach" (ref. Section 1.2.2)."

13 **Discussion**

15 This paragraph is confusing because the term "program area" is not explained or described  
anywhere in the document or by reference to an external document. The reader cannot  
17 understand this document because it contains undefined and unknown terms. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
19 formatting might convey special meaning. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
21 prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 317: Subject: Confusing Format Page 24**

1 **Substantive Comment**

**# 318**

3 **Subject: Inconsistent with Goal**

**Page 25**

5 **Referring to the Following Paragraph**

- 7 • Maintain designated CCMA route and trail network (up to 270 miles) for OHV use.

9 **Discussion**

11 "Maintain designated CCMA route," which includes area outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative A, which states:

13 **Management Goal:** Authorize continued OHV recreation and public access in the Serpentine ACEC.

15 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

21 **Recommendation**

23 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 318: Subject: Inconsistent with Goal Page 25**

1 **Substantive Comment**

**# 319**

3 **Subject: Inconsistent with Goal**

**Page 25**

5 **Referring to the Following Paragraph**

- 7 • Maintain the Condon, Tucker, and Cantua zones for hunting and other non-motorized recreation opportunities.

9 **Discussion**

11 The delineated area, which is outside of the Serpentine ACEC, and "non-motorized recreation" are inconsistent with the stated goal for Alternative A, which states:

13 **Management Goal:** Authorize continued OHV recreation and public access in the Serpentine ACEC.

15 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 319: Subject: Inconsistent with Goal Page 25**

1 **Substantive Comment**

**# 320**

3 **Subject: Inconsistent with Goal**

**Page 25**

5 **Referring to the Following Paragraph**

- 7 • Apply dust-suppressant on major routes in CCMA. The initial application will be evaluated for continued use on an annual or semi-annual basis.

9 **Discussion**

11 The "CCMA," which includes area outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative A, which states:

13 **Management Goal:** Authorize continued OHV recreation and public access in the Serpentine ACEC.

15 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 320: Subject: Inconsistent with Goal Page 25**

1 **Substantive Comment**

**# 321**

3 **Subject: Confusing Statement**

**Page 25**

5 **Referring to the Following Paragraph**

- 7 • Enforce Wet Season Closures once 8 inches of annual precipitation has been reached,  
additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period  
9 would result in a three day closure.

11 **Discussion**

13 This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual  
precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or  
15 1 inch within a 72 hour period would result in a three day closure." If this means that the  
subject area will close "once 8 inches of annual precipitation" is reached, then the area closes  
17 once that value is achieved, which normally occurs around December or January.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 321: Subject: Confusing Statement Page 25**

1 **Substantive Comment**

# 322

3 **Subject: Inconsistent with Goal**

Page 25

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers in the Tucker Mtn. area. Acquire state lands and private in-  
holdings from willing sellers through acquisition or exchange.

9 **Discussion**

11 The "CCMA," which includes area outside of the Serpentine ACEC, is inconsistent with the  
stated goal for Alternative A, which states:

13 **Management Goal:** Authorize continued OHV recreation and public access in the  
Serpentine ACEC.

15 Therefore, this alternative is erroneous and unachievable because the "Management  
17 Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
failed to "provide a full and fair discussion of significant environmental impacts" and the  
19 Agency has failed to "inform the decision makers and the public of the reasonable  
alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the  
21 alternative of no action (40 C.F.R. 1502.14(d)).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
27 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

Substantive Comment - # 322: Subject: Inconsistent with Goal Page 25

1 **Substantive Comment**

**# 323**

3 **Subject: Inconsistent with Goal**

**Page 25**

5 **Referring to the Following Paragraph**

7 Energy & Minerals

9 **Discussion**

"Energy & Mineral" is inconsistent with the stated goal for Alternative A, which states:

11 **Management Goal:** Authorize continued OHV recreation and public access in the  
13 Serpentine ACEC.

15 Therefore, this alternative is erroneous and unachievable because the "Management  
17 Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
19 failed to "provide a full and fair discussion of significant environmental impacts" and the  
Agency has failed to "inform the decision makers and the public of the reasonable  
alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the  
alternative of no action (40 C.F.R. 1502.14(d)).

21 **Recommendation**

23 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
25 rewrite the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 323: Subject: Inconsistent with Goal Page 25**

1 **Substantive Comment**

**# 324**

3 **Subject: Erroneous Statement**

**Page 25**

5 **Referring to the Following Paragraph**

7 Allow no mineral leasing or sales within Clear Creek Canyon. Withdraw the RNA and Clear  
Creek Canyon from locatable mineral entry. Energy & Minerals

9 **Discussion**

11 "Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency  
is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to  
13 withdraw public lands from locatable mineral entry is reserved by Congress. This statement is  
misleading and erroneous because it attempt to undermine Congressional authority and  
15 misrepresent Agency jurisdiction under color of law.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
23 documentation should include corrected recommendations.

**Substantive Comment - # 324: Subject: Erroneous Statement Page 25**

1 **Substantive Comment**

**# 325**

3 **Subject: Inconsistent with Goal**

**Page 25**

5 **Referring to the Following Paragraph**

7 Livestock Grazing

9 **Discussion**

"Livestock Grazing" is inconsistent with the stated goal for Alternative A, which states:

11 **Management Goal:** Authorize continued OHV recreation and public access in the  
13 Serpentine ACEC.

15 Therefore, this alternative is erroneous and unachievable because the "Management  
17 Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
19 failed to "provide a full and fair discussion of significant environmental impacts" and the  
Agency has failed to "inform the decision makers and the public of the reasonable  
alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the  
alternative of no action (40 C.F.R. 1502.14(d)).

21 **Recommendation**

23 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
25 rewrite the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 325: Subject: Inconsistent with Goal Page 25**

1 **Substantive Comment**

**# 326**

3 **Subject: Inconsistent with Goal**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Manage the Tucker, Condon, and Cantua zones for hunting and other non-motorized recreation opportunities.

9 **Discussion**

11 The delineated area, which is outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative B, which states:

13 **Management Goal:** Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

17 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 326: Subject: Inconsistent with Goal Page 26**

1 **Substantive Comment**

**# 327**

3 **Subject: Inconsistent Statement**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Authorize access into the Serpentine ACEC by Special Recreation Permits (SRP) only, and  
9 limit visitor use less than 12 days/year for non-motorized activities, and less than 5 days/year  
for motorized use.

11 **Discussion**

13 The statement, "authorize access in the Serpentine ACEC by Special Recreation Permits" is  
inconsistent with the stated goal for Alternative B, which states:

15 **Management Goal:** Authorize OHV recreation and public access in the Serpentine  
ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on  
17 organized events in CCMA.

19 Therefore, this alternative is erroneous and unachievable because the "Management  
Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
21 failed to "provide a full and fair discussion of significant environmental impacts" and the  
Agency has failed to "inform the decision makers and the public of the reasonable  
alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 327: Subject: Inconsistent Statement Page 26**

1 **Substantive Comment**

**# 328**

3 **Subject: Confusing Terminology**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

9 **Discussion**

11 The term “recreation facilities” is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, “recreational programs” or “visitor services”  
15 which are defined and used in Title 43. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 328: Subject: Confusing Terminology Page 26**

1 **Substantive Comment**

**# 329**

3 **Subject: Confusing Statement**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Enforce Wet Season Closures once 8 inches of annual precipitation has been reached,  
9 additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period  
would result in a three day closure.

11 **Discussion**

13 This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual  
15 precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or  
17 1 inch within a 72 hour period would result in a three day closure." If this means that the  
subject area will close "once 8 inches of annual precipitation" is reached, then the area closes  
once that value is achieved, which normally occurs around December or January. If this is  
intended, then the effect of this and the previous statement is to effectively close the subject  
area throughout the year. If that is the intent, then it should be clearly stated rather than  
concealed in confusing statements.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 329: Subject: Confusing Statement Page 26**

1 **Substantive Comment**

**# 330**

3 **Subject: Inconsistent with Goal**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal.

9 **Discussion**

11 "Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal." Disposing of these public lands is inconsistent with the stated goal for Alternative B, which states:

15 **Management Goal:** Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

17 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 330: Subject: Inconsistent with Goal Page 26**

1 **Substantive Comment**

# 331

3 **Subject: Inconsistent with Goal**

Page 26

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers south of CCMA to Coalinga-Los Gatos Road.

9 **Discussion**

The delineated area is inconsistent with the stated goal for Alternative B, which states:

11 **Management Goal:** Authorize OHV recreation and public access in the Serpentine  
ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on  
13 organized events in CCMA.

15 Therefore, this alternative is erroneous and unachievable because the "Management  
Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
17 failed to "provide a full and fair discussion of significant environmental impacts" and the  
Agency has failed to "inform the decision makers and the public of the reasonable  
19 alternatives" (40 C.F.R. § 1502.1).

21 **Recommendation**

23 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
rewrite the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

Substantive Comment - # 331: Subject: Inconsistent with Goal Page 26

1 **Substantive Comment**

**# 332**

3 **Subject: Inconsistent Statement**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

9 **Discussion**

11 "Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC." This statement is inconsistent with the stated goal for Alternative B, which states:

15 **Management Goal:** Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

17 It is also inconsistent with the Bureau of Land Management's interpretation of the  
19 "Comprehensive Environmental Response and Compensation Liability Act (CERCLA), 42 U.S.C 9620" as referenced on Page 22. Therefore, this alternative is erroneous and unachievable  
21 because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant  
23 environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

25 **Recommendation**

27 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
29 rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 332: Subject: Inconsistent Statement Page 26**

1 **Substantive Comment**

**# 333**

3 **Subject: Erroneous Statement**

**Page 26**

5 **Referring to the Following Paragraph**

- 7 • Authorize locatable mineral entry and mineral leasing or sales on public lands in the  
Serpentine ACEC.

9 **Discussion**

11 "Authorize locatable mineral entry ..." The Bureau of Land Management is not authorized  
13 to "authorize locatable mineral entry." This authority is provided in the General Mining Law.  
Authority to withdraw public lands from locatable mineral entry is reserved by Congress.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 333: Subject: Erroneous Statement Page 26**

1 **Substantive Comment**

**# 334**

3 **Subject: Inconsistent Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Designate the entire 75,000 acres CCMA as a “Limited” vehicle use area. Vehicle use in the  
ACEC would be limited to full-size vehicles and motorcycle use only on designated routes  
9 identified on Map C in Appendix I.

11 **Discussion**

13 “Designate the entire 75,000 acres CCMA” is inconsistent with the stated goal for  
Alternative C, which states:

15 **Management Goal:** Authorize limited OHV recreation opportunities in the Serpentine  
ACEC based on vehicle types, minimum age requirements, and other engineering projects to  
17 protect public health and safety.

19 Therefore, this alternative is erroneous and unachievable because the "Management  
Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
failed to "provide a full and fair discussion of significant environmental impacts" and the  
21 Agency has failed to "inform the decision makers and the public of the reasonable  
alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
rewrite the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

**Substantive Comment - # 334: Subject: Inconsistent Statement Page 27**

1 **Substantive Comment**

**# 335**

3 **Subject: Confusing Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Designate the entire 75,000 acres CCMA as a “Limited” vehicle use area. Vehicle use in the  
ACEC would be limited to full-size vehicles and motorcycle use only on designated routes  
9 identified on Map C in Appendix I.

11 **Discussion**

13 This statement, “limited to full-size vehicles and motorcycle use” fails to define “full-size  
vehicle” and seems to exclude other types of licensed vehicles. The Agency lacks authority to  
impair licensed vehicle access on California public highways.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 335: Subject: Confusing Statement Page 27**

1 **Substantive Comment**

**# 336**

3 **Subject: Erroneous Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Designate the entire 75,000 acres CCMA as a “Limited” vehicle use area. Vehicle use in the  
ACEC would be limited to full-size vehicles and motorcycle use only on designated routes  
9 identified on Map C in Appendix I.

11 **Discussion**

13 The statement is erroneous because, as explained in Substantive Comment # 170 on  
page 225, the Agency does not legally assert administrative authority of 75,000 acres.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
19 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
21

**Substantive Comment - # 336: Subject: Erroneous Statement Page 27**

1 **Substantive Comment**

**# 337**

3 **Subject: Contradictory Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Manage the Tucker, Condon, and Cantua zones for non-motorized recreation opportunities.  
9 Vehicle use would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed) routes identified on Map C in Appendix I.

11 **Discussion**

13 The statement "Manage ... for non-motorized ... Vehicle use ... limited to full-size ..." is  
15 incomprehensible, contradictory, and therefore erroneous because no non-motorized full-size  
17 vehicles exist. Such statements or requirements create and unachievable situations. Since  
19 "agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. Agencies shall avoid useless bulk in statements and  
shall concentrate effort and attention on important issues (40 CFR § 1502.15). The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or  
27 delete the confusing or discrepant statement to correct the deficiency. The Agency must  
29 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 337: Subject: Contradictory Statement Page 27**

1 **Substantive Comment**

**# 338**

3 **Subject: Confusing Terminology**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

9 **Discussion**

11 The term "recreation facilities" is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, "recreational programs" or "visitor services"  
15 which are defined and used in Title 43. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 338: Subject: Confusing Terminology Page 27**

1 **Substantive Comment**

**# 339**

3 **Subject: Confusing Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Enforce seasonal use restrictions from December 1st to April 15th annually.

9 **Discussion**

11 The phrase "seasonal use restrictions from December 1st to April 15th annually" needs  
13 additional clarification because the reader is uncertain whether use is restricted to this period,  
15 or if used is prohibited during this period. The Agency failed to clarify the intent of this phrase  
17 thereby leaving enforcement to arbitrary and capricious interpretation that will change from  
19 time-to-time. Without clarification, this phrase is meaningless and unenforceable. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or  
27 delete the confusing or discrepant statement to correct the deficiency. The Agency must  
29 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 339: Subject: Confusing Statement Page 27**

1 **Substantive Comment**

**# 340**

3 **Subject: Confusing Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Enforce Wet Season Closures once 8 inches of annual precipitation has been reached,  
additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period  
9 would result in a three day closure.

11 **Discussion**

13 This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual  
precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or  
15 1 inch within a 72 hour period would result in a three day closure." If this means that the  
subject area will close "once 8 inches of annual precipitation" is reached, then the area closes  
17 once that value is achieved, which normally occurs around December or January. If this is  
intended, then the effect of this and the previous statement is to effectively close the subject  
19 area throughout the year. If that is the intent, then it should be clearly stated rather than  
concealed in confusing statements.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or  
25 delete the confusing or discrepant statement to correct the deficiency. The Agency must  
rewrite the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

**Substantive Comment - # 340: Subject: Confusing Statement Page 27**

1 **Substantive Comment**

**# 341**

3 **Subject: Inconsistent with Goal**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal.

9 **Discussion**

11 "Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal." Disposing of these public lands is inconsistent with the stated goal for Alternative C, which states:

15 **Management Goal:** Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

17 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 341: Subject: Inconsistent with Goal Page 27**

1 **Substantive Comment**

**# 342**

3 **Subject: Inconsistent with Goal**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers south of CCMA to Coalinga-Los Gatos Road.

9 **Discussion**

The delineated area is inconsistent with the stated goal for Alternative C, which states:

11 **Management Goal:** Authorize limited OHV recreation opportunities in the Serpentine  
13 ACEC based on vehicle types, minimum age requirements, and other engineering projects to  
protect public health and safety.

15 Therefore, this alternative is erroneous and unachievable because the "Management  
17 Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has  
failed to "provide a full and fair discussion of significant environmental impacts" and the  
19 Agency has failed to "inform the decision makers and the public of the reasonable  
alternatives" (40 C.F.R. § 1502.1).

21 **Recommendation**

23 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
rewrite the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

**Substantive Comment - # 342: Subject: Inconsistent with Goal Page 27**

1 **Substantive Comment**

**# 343**

3 **Subject: Inconsistent Statement**

**Page 27**

5 **Referring to the Following Paragraph**

7 • Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

9 **Discussion**

11 This statement is inconsistent with the stated goal for Alternative C, which states:

13 **Management Goal:** Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

15 The statement is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22 of the subject report. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 343: Subject: Inconsistent Statement Page 27

1 **Substantive Comment**

**# 344**

3 **Subject: Erroneous Statement**

**Page 27**

5 **Referring to the Following Paragraph**

- 7 • Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

9 **Discussion**

11 "Authorize locatable mineral entry ..." is inconsistent with the stated goal for Alternative C, which states:

13 **Management Goal:** Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

17 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 344: Subject: Erroneous Statement Page 27**

1 **Substantive Comment**

**# 345**

3 **Subject: Erroneous Statement**

**Page 28**

5 **Referring to the Following Paragraph**

- 7 • Develop and maintain approximately 60 miles of routes and trails in the Tucker, Condon, and  
Cantua Zones for **off-highway vehicle (OHV)** recreation.  
9 • Establish new campground, staging area, and **OHV** recreation facilities in the Cantua Zone.

11 **Discussion**

13 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
15 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
17 highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
context of Agency's action. Also see Substantive Comment # 66 on page 98.

19 **Recommendation**

21 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
legally established term "off-road vehicle." The Agency must rewrite the subject document to  
23 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
25 impact study, or the record of decision. The final documentation should include corrected  
recommendations.  
27

**Substantive Comment - # 345: Subject: Erroneous Statement Page 28**

1 **Substantive Comment**

**# 346**

3 **Subject: Confusing Terminology**

**Page 28**

5 **Referring to the Following Paragraph**

- 7 • Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

9 **Discussion**

11 The term “recreation facilities” is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, “recreational programs” or “visitor services”  
15 which are defined and used in Title 43. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
23 documentation should include corrected recommendations.

**Substantive Comment - # 346: Subject: Confusing Terminology Page 28**

1 **Substantive Comment**

**# 347**

3 **Subject: Confusing Statement**

**Page 28**

5 **Referring to the Following Paragraph**

- 7 • Enforce Wet Season Closures once 8 inches of annual precipitation has been reached,  
additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period  
9 would result in a three day closure.

11 **Discussion**

13 This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual  
precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or  
15 1 inch within a 72 hour period would result in a three day closure." If this means that the  
subject area will close "once 8 inches of annual precipitation" is reached, then the area closes  
17 once that value is achieved, which normally occurs around December or January. If this is  
intended, then the effect of this and the previous statement is to effectively close the subject  
19 area throughout the year. If that is the intent, then it should be clearly stated rather than  
concealed in confusing statements.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.

**Substantive Comment - # 347: Subject: Confusing Statement Page 28**

1 **Substantive Comment**

**# 348**

3 **Subject: Inconsistent Statement**

**Page 28**

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road.

9 **Discussion**

11 "Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative D, which states:

13 **Management Goal:** Authorize limited access through the ACEC and limited OHV recreation outside the ACEC.

15 Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the  
17 *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620  
19 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because  
21 the "Management Objectives and Allowable Uses" exceed the delineated goals of the  
23 alternative. The Agency has failed to "provide a full and fair discussion of significant  
25 environmental impacts" and the Agency has failed to "inform the decision makers and the  
27 public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.  
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**Substantive Comment - # 348: Subject: Inconsistent Statement Page 28**

1 **Substantive Comment**

**# 349**

3 **Subject: Inconsistent Statement**

**Page 28**

5 **Referring to the Following Paragraph**

- 7 • Allow mineral leasing or sales on public lands in the Serpentine ACEC.

9 **Discussion**

11 "Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC" is inconsistent with the stated goal for Alternative D, which states:

13 **Management Goal:** Authorize limited access through the ACEC and limited OHV recreation outside the ACEC.

15 Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the  
17 *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620  
19 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because  
21 the "Management Objectives and Allowable Uses" exceed the delineated goals of the  
alternative. The Agency has failed to "provide a full and fair discussion of significant  
environmental impacts" and the Agency has failed to "inform the decision makers and the  
public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 349: Subject: Inconsistent Statement Page 28**

1 **Substantive Comment**

**# 350**

3 **Subject: Erroneous Statement**

**Page 28**

5 **Referring to the Following Paragraph**

- 7 • Withdraw public lands in the Serpentine ACEC from locatable mineral entry.

9 **Discussion**

11 "Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency  
is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to  
13 withdraw public lands from locatable mineral entry is reserved by Congress. This statement is  
misleading and erroneous because it attempt to undermine Congressional authority and  
misrepresent Agency jurisdiction under color of law.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 350: Subject: Erroneous Statement Page 28**

1 **Substantive Comment**

**# 351**

3 **Subject: Erroneous Statement**

**Page 29**

5 **Referring to the Following Paragraph**

- 7 • Develop and maintain transportation facilities (i.e. pull-outs and parking areas) on portions of  
9 T153 and Spanish Lake Road (R11) with high scenic values, and other destinations with  
unique biological, natural and geologic features within CCMA.

11 **Discussion**

13 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
15 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
17 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
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**Substantive Comment - # 351: Subject: Erroneous Statement Page 29**

1 **Substantive Comment**

**# 352**

3 **Subject: Confusing Terminology**

**Page 29**

5 **Referring to the Following Paragraph**

- 7 • Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

9 **Discussion**

11 The term “recreation facilities” is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, “recreational programs” or “visitor services”  
15 which are defined and used in Title 43. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 352: Subject: Confusing Terminology Page 29**

1 **Substantive Comment**

**# 353**

3 **Subject: Inconsistent Statement**

**Page 29**

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers in the Serpentine ACEC, Tucker Mtn. area and south of CCMA to Coalinga-Los Gatos Road.

9 **Discussion**

11 "Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative E, which states:

13 **Management Goal:** Authorize limited access through the Serpentine ACEC and non-motorized recreation opportunities throughout CCMA. OHV recreation would not be authorized in the ACEC.

17 Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

25 **Recommendation**

27 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 353: Subject: Inconsistent Statement Page 29

1 **Substantive Comment**

**# 354**

3 **Subject: Inconsistent with Goal**

**Page 29**

5 **Referring to the Following Paragraph**

- 7 • Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal.

9 **Discussion**

11 "Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal" is inconsistent with the stated goal for Alternative E, which states:

13 **Management Goal:** Authorize limited access through the Serpentine ACEC and non-motorized recreation opportunities throughout CCMA. OHV recreation would not be authorized in the ACEC.

17 Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 354: Subject: Inconsistent with Goal Page 29**

1 **Substantive Comment**

**# 355**

3 **Subject: Erroneous Statement**

**Page 29**

5 **Referring to the Following Paragraph**

- 7 • Allow no mineral leasing or sales on public lands in the Serpentine ACEC. Withdraw public lands in the Serpentine ACEC from locatable mineral entry.

9 **Discussion**

11 "Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency  
13 is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to  
15 withdraw public lands from locatable mineral entry is reserved by Congress. This statement is  
misleading and erroneous because it attempt to undermine Congressional authority and  
misrepresent Agency jurisdiction under color of law.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.  
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**Substantive Comment - # 355: Subject: Erroneous Statement Page 29**

1 **Substantive Comment**

**# 356**

3 **Subject: Misleading Statement**

**Page 30**

5 **Referring to the Following Paragraph**

7 Management Goal: Restrict public access and non-motorized recreation inside the Serpentine ACEC.

9 **Discussion**

11 The management goal for Alternative F, "Restrict public access and non-motorized  
13 recreation inside the Serpentine ACEC," is confusing and misleading. Restricting public access  
15 and recreation to "inside the Serpentine ACEC" conflicts with the RMP "Purpose and Need for  
17 the CCMA Resource Management Plan" as delineated on pages 3 and 4. Since "agencies  
19 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
convey special meaning. The public depends on author's accuracy and is therefore not at  
liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 356: Subject: Misleading Statement Page 30**

1 **Substantive Comment**

**# 357**

3 **Subject: Misleading Statement**

**Page 30**

5 **Referring to the Following Paragraph**

- 7 • Designate the Tucker, Cantua, and San Benito River Zones as “Closed” vehicle use areas.

9 **Discussion**

11 “Designate the ... San Benito River Zones as 'Closed' vehicle use areas” is misleading  
13 because most the lands within this zone is private land over which the Agency has no  
15 authority. Additionally, California public highways designated as county roads paralleled the  
17 portion of the San Benito River that passes through public land. Therefore, this alternative is  
erroneous and unachievable because the "Management Objectives and Allowable Uses"  
exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair  
discussion of significant environmental impacts" and the Agency has failed to "inform the  
decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

19 **Recommendation**

21 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
23 rewrite the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
27 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 357: Subject: Misleading Statement Page 30**

1 **Substantive Comment**

**# 358**

3 **Subject: Confusing Terminology**

**Page 30**

5 **Referring to the Following Paragraph**

- 7 • Develop visitor use facilities for non-motorized recreation in the Cantua and Tucker zones.

9 **Discussion**

11 The term “visitor use facilities” is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, “recreational programs” or “visitor services”  
15 which are defined and used in Title 43. The public depends on author’s accuracy and is  
17 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
19 prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

**Substantive Comment - # 358: Subject: Confusing Terminology Page 30**

1 **Substantive Comment**

**# 359**

3 **Subject: Confusing Terminology**

**Page 30**

5 **Referring to the Following Paragraph**

- 7 • Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

9 **Discussion**

11 The term “recreation facilities” is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, “recreational programs” or “visitor services”  
15 which are defined and used in Title 43. The public depends on author’s accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 359: Subject: Confusing Terminology Page 30**

1 **Substantive Comment**

**# 360**

3 **Subject: Inconsistent Statement**

**Page 30**

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers in the Serpentine ACEC, Tucker Zone, and south of CCMA to Coalinga-Los Gatos Road.

9 **Discussion**

11 "Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative F, which states:

13 **Management Goal:** Restrict public access and non-motorized recreation inside the Serpentine ACEC.

15 Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the  
17 *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620  
19 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because  
21 the "Management Objectives and Allowable Uses" exceed the delineated goals of the  
23 alternative. The Agency has failed to "provide a full and fair discussion of significant  
25 environmental impacts" and the Agency has failed to "inform the decision makers and the  
27 public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.  
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**Substantive Comment - # 360: Subject: Inconsistent Statement Page 30**

1 **Substantive Comment**

**# 361**

3 **Subject: Erroneous Statement**

**Page 30**

5 **Referring to the Following Paragraph**

- 7 • Prohibit mineral leasing or sales on public lands in the Serpentine ACEC. Withdraw public lands in the Serpentine ACEC from mineral exploration and development.

9 **Discussion**

11 "Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency  
13 is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to  
15 withdraw public lands from locatable mineral entry is reserved by Congress. This statement is  
misleading and erroneous because it attempt to undermine Congressional authority and  
misrepresent Agency jurisdiction under color of law.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 361: Subject: Erroneous Statement Page 30**

1 **Substantive Comment**

**# 362**

3 **Subject: Unknown Term**

**Page 30**

5 **Referring to the Following Paragraph**

- 7 • Modify TGA allotment boundaries to exclude livestock grazing in the Serpentine ACEC.

9 **Discussion**

11 The term "TGA allotment" is undefined and hence meaningless to the public thus making  
13 the document incomprehensible. Since "agencies should employ writers of clear prose or  
15 editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
such unusual words, terminology or formatting might convey special meaning. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 362: Subject: Unknown Term Page 30**

1 **Substantive Comment**

**# 363**

3 **Subject: Misleading Statement**

**Page 31**

5 **Referring to the Following Paragraph**

7 Management Goal: Restrict public access and entry inside the Serpentine ACEC.

9 **Discussion**

11 The management goal for Alternative F, "Restrict public access and non-motorized  
13 recreation inside the Serpentine ACEC," is confusing and misleading. Restricting public access  
15 and recreation to "inside the Serpentine ACEC" conflicts with the RMP "Purpose and Need for  
17 the CCMA Resource Management Plan" as delineated on pages 3 and 4. Since "agencies  
19 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
convey special meaning. Perhaps the author intention was to prohibit access and entry inside  
the Serpentine ACEC, but this cannot be interpreted from the statement. The public depends  
on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 363: Subject: Misleading Statement Page 31**

1 **Substantive Comment**

**# 364**

3 **Subject: Erroneous Statement**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Make the current temporary closure order issued by BLM on May 1, 2008 permanent by  
9 designating the entire Serpentine ACEC as “Closed” to vehicle use, and prohibit all forms of  
public entry into the 30,000– acre area of serpentine soils high in asbestos fibers.

11 **Discussion**

13 The statement, “Make the current temporary closure order issued by BLM on May 1, 2008  
15 permanent by designating the entire Serpentine ACEC as “Closed” to vehicle use, and prohibit  
17 all forms of public entry ...” is false. The current CCMA closure, pursuant to 43 CFR Subchapter  
19 H-Recreation Programs, Part 8360-Visitor Services, (43 CFR 8364.1) pertains to recreation  
visitor service and has no authority over non-recreational activities. The closure of Visitor  
Services (43 C.F.R. § 8364.1) cannot condemn private property or impair preexisting rights of  
private landowners to access, utilize or enjoy their property, nor their rights of ingress and  
egress.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 364: Subject: Erroneous Statement Page 31**

## Substantive Comment

# 365

**Subject: Confusing Statement**

**Page 31**

### Referring to the Following Paragraph

- Make the current temporary closure order issued by BLM on May 1, 2008 permanent by designating the entire Serpentine ACEC as “Closed” to vehicle use, and prohibit all forms of public entry into the 30,000–acre area of serpentine soils high in asbestos fibers.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.
- EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 365: Subject: Confusing Statement Page 31

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 366**

3 **Subject: Erroneous Statement**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Authorize access into the Serpentine ACEC for existing rights-holders, private property  
9 owners, and scientific studies, research, and education from accredited institutions and  
individuals, on a case-by-case basis. Access authorizations would stipulate health and safety  
requirements, as appropriate.

11 **Discussion**

13 The statement "Authorize access into the Serpentine ACEC for existing rights-holders,  
15 private property owners, and scientific studies, research, and education from accredited  
institutions and individuals, on a case-by-case basis. Access authorizations would stipulate  
17 health and safety requirements, as appropriate," is misleading and exceeds the Agency's  
authority. Many of the "existing rights-holder" and "private property owners" have rights  
19 superior to Bureau of Land Management's authority and hence, "authorized access" is  
unnecessary or illegal, and violate their inalienable rights protected by the United State  
21 Constitution, California State law, Federal law, and/or Presidential authority affixed in the  
original land patent. Additionally, all private land within the subject area is statutorily excluded  
from the ACEC definition.

23 **Recommendation**

25 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 366: Subject: Erroneous Statement Page 31**

1 **Substantive Comment**

**# 367**

3 **Subject: Misleading Statement**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Designate the Tucker, Cantua, and San Benito River Zones as “Closed” vehicle use areas.

9 **Discussion**

11 “Designate the ... San Benito River Zones as 'Closed' vehicle use areas” is misleading  
13 because most the lands within this zone is private land over which the Agency has no  
15 authority. Additionally, California public highways designated as county roads paralleled the  
17 portion of the San Benito River that passes through public land. Therefore, this alternative is  
erroneous and unachievable because the "Management Objectives and Allowable Uses"  
exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair  
discussion of significant environmental impacts" and the Agency has failed to "inform the  
decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

19 **Recommendation**

21 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
23 rewrite the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
27 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 367: Subject: Misleading Statement Page 31**

1 **Substantive Comment**

**# 368**

3 **Subject: Confusing Terminology**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Maintain and/or improve visitor use facilities to protect human health through surface hardening and other dust suppression techniques.

9 **Discussion**

11 The term "visitor use facilities" is not defined or well represented within Title 43. To avoid  
13 confusion, the Agency should use terms such as, "recreational programs" or "visitor services"  
15 which are defined and used in Title 43. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 368: Subject: Confusing Terminology Page 31**

1 **Substantive Comment**

**# 369**

3 **Subject: Misleading Statement**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Stipulate health and safety requirements for rights-of-ways on BLM-administered lands in the Serpentine ACEC on a case-by-case basis.

9 **Discussion**

11 The statement "Stipulate health and safety requirements for rights-of-ways on BLM-  
13 administered lands in the Serpentine ACEC on a case-by-case basis" is misleading because it  
15 fails to recognize preexisting California public highways that pass over the Serpentine ACEC in  
various places. The Agency lacks authority to impair public use of California highways, hence  
that statement is meaningless and unachievable.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.  
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**Substantive Comment - # 369: Subject: Misleading Statement Page 31**

1 **Substantive Comment**

**# 370**

3 **Subject: Inconsistent Statement**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Acquire lands from willing sellers in the Serpentine ACEC, Tucker Mtn. area and south of  
9 CCMA to Coalinga-Los Gatos Road.

9 **Discussion**

11 "Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-  
13 Los Gatos Road" is inconsistent with the stated goal for Alternative G, which states:

13 **Management Goal:** Restrict public access and entry inside the Serpentine ACEC.

15 Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the  
17 *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620  
19 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because  
21 the "Management Objectives and Allowable Uses" exceed the delineated goals of the  
23 alternative. The Agency has failed to "provide a full and fair discussion of significant  
25 environmental impacts" and the Agency has failed to "inform the decision makers and the  
27 public of the reasonable alternatives" (40 C.F.R. § 1502.1).

23 **Recommendation**

25 The Agency must rewrite this alternative to correct the deficiency. The Agency must  
27 rewrite the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.  
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**Substantive Comment - # 370: Subject: Inconsistent Statement Page 31**

1 **Substantive Comment**

**# 371**

3 **Subject: Erroneous Statement**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Prohibit mineral leasing or sales on all public lands in the CCMA. Withdraw all BLM-administered lands in CCMA from locatable mineral entry.

9 **Discussion**

11 "Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency  
13 is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to  
15 withdraw public lands from locatable mineral entry is reserved by Congress. This statement is  
misleading and erroneous because it attempt to undermine Congressional authority and  
misrepresent Agency jurisdiction under color of law.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.  
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**Substantive Comment - # 371: Subject: Erroneous Statement Page 31**

1 **Substantive Comment**

**# 372**

3 **Subject: Unknown Term**

**Page 31**

5 **Referring to the Following Paragraph**

- 7 • Modify TGA allotment boundaries to exclude livestock grazing in the entire CCMA.

9 **Discussion**

11 The term "TGA allotment" is undefined and hence meaningless to the public thus making  
13 the document incomprehensible. Since "agencies should employ writers of clear prose or  
15 editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
such unusual words, terminology or formatting might convey special meaning. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 372: Subject: Unknown Term Page 31**

1 **Substantive Comment**

**# 373**

3 **Subject: Conflicting Statement**

**Page 34**

5 **Referring to the Following Paragraph**

- 7 • Establish and manage intensive-use areas, where the presence of high quality natural  
resources and the current or potential demand warrants intensive management practices to  
9 protect areas for their scientific, educational, and/or recreational values while accommodating  
anticipated increases in recreational activities in specific areas.

11 **Discussion**

13 The statement, "anticipated increases in recreational activities in specific areas" conflicts  
with the "CCMA Visitor Use" data presented on page 135 which shows decreasing CCMA  
15 visitation. Therefore, without explanation, the "anticipated increases" appears erroneous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
21 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
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**Substantive Comment - # 373: Subject: Conflicting Statement Page 34**

1 **Substantive Comment**

**# 374**

3 **Subject: Erroneous Statement**

**Page 36**

5 **Referring to the Following Paragraph**

7 REC-USE-E1. Provide access on the Scenic Route along T153 and **Spanish Lake Road** (R11) in  
the Serpentine ACEC for day use by full-size vehicles only.

9 **Discussion**

11 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
13 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
15 to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
17 therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 374: Subject: Erroneous Statement Page 36**

## Substantive Comment

# 375

**Subject:** Confusing Statement

Page 37

### Referring to the Following Paragraph

REC-USE-G1. Designate the Serpentine ACEC “Closed” to all forms of public entry on 30,000-acres of serpentine soils high in asbestos fibers.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.
- EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 375: Subject: Confusing Statement Page 37**

1 **Substantive Comment**

**# 376**

3 **Subject: Misleading Statement**

**Page 37**

5 **Referring to the Following Paragraph**

7 REC-VIS-A5. Install signs identifying the CCMA as a Limited Use Area with all vehicle travel  
restricted to designated open routes. Clearly mark and identify the designated route network. Post  
9 public/private land boundaries where trespass is a problem.

11 **Discussion**

13 The statement, "vehicle travel restricted to designated open routes" is misleading because  
some of the routes throughout the ACEC are California public highways (county roads). Hence  
the phrase should read, "vehicle travel restricted to designated open routes or country roads."

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 376: Subject: Misleading Statement Page 37**

1 **Substantive Comment**

**# 377**

3 **Subject: Inappropriate Control of Public Highway**

**Page 37**

5 **Referring to the Following Paragraph**

7 REC-VIS-A6. Develop vehicular (four-wheel drive) access from North Hill into the San Carlos Bolsa area. Install gates to control seasonal access and trespass onto private land.

9 **Discussion**

11 The highway between San Carlos Camp (historic) and the Balsa is marked on historic maps  
13 as the "Wagon Trail" and provided a public way between the Idria / San Carlos camps and the  
15 San Joaquin Valley. This public highway was probably established during the Mexican Period  
17 as a way between the Cantua and Hernandez communities. It is the most likely route used by  
19 the "horse gang" when the established the Aurora Silver Mine (Iddings 2008:6). This highway  
was clearly established as a graded "wagon trail" under Revised Statute 2477 as delineated on  
the 1897 San Benito County map. While re-grading this public highway corridor would  
improve vehicle access to the Bolsa, it would be inappropriate for a Federal agency to gate a  
California Public Highway.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

29 **Reference**

31 Iddings, Ray (2008) *The New Idria Story Told as it Happened*, Three Rocks Research.

**Substantive Comment - # 377: Subject: Inappropriate Control of Public Highway Page 37**

## Substantive Comment

# 378

**Subject: Confusing Statement**

**Page 39**

### Referring to the Following Paragraph

REC-VIS-EF3. Maintain existing visitor use facilities outside the Serpentine ACEC, and mitigate human health risk from asbestos emissions from facilities inside the Serpentine ACEC through dust suppression or surface hardening techniques.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 378: Subject: Confusing Statement Page 39

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 379

**Subject:** Confusing Statement

Page 39

### Referring to the Following Paragraph

REC-INT-A2. Continue outreach and education program to create public and visitor awareness of human health risks from exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 379: Subject: Confusing Statement Page 39

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 379: Subject: Confusing Statement Page 39**

1 **Substantive Comment**

**# 380**

3 **Subject: Confusing Statement**

**Page 39**

5 **Referring to the Following Paragraph**

7 REC-INT-A4. Provide an information kiosk near the main entrance (ref. map/app.). The kiosk  
9 would be located to encourage visitors to stop and view information provided. The kiosk would  
11 contain a map and information concerning: asbestos health hazards, OHV use designations, fire  
13 prevention, regulations, natural resources of the area, emergency assistance, and BLM Hollister  
Field Office phone number and address. Other agency/user groups' endorsement of management  
strategies (also indicating that facilities have been provided using Green Sticker funds) will be  
incorporated into signing.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
19 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
21 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
23 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
29 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
35 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
39 include corrected recommendations.

41 **Reference**

- 43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 380: Subject: Confusing Statement Page 39**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 380: Subject: Confusing Statement Page 39**

## Substantive Comment

# 381

**Subject: Confusing Statement**

**Page 40**

### Referring to the Following Paragraph

REC-INT-BG1. Provide recreation information such as maps, brochures, and educational opportunities to enhance visitors' experience on BLM public lands. Incorporate the best available information concerning: asbestos health hazards, OHV use designations, fire prevention, BLM regulations, and natural resources of the area into educational materials and on all maps, brochures, and kiosks.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 382**

3 **Subject: Confusing Statement**

**Page 40**

5 **Referring to the Following Paragraph**

7 The goals for hazardous materials and public safety are to (1) protect public health and safety and  
9 environmental resources by minimizing environmental contamination from past and present land  
11 uses (i.e., abandoned mine lands) on public lands and BLM-owned and operated facilities; (2)  
13 comply with Federal, State, and local hazardous materials management laws and regulations; (3)  
15 maintain the health of ecosystems through assessment, cleanup, and restoration of contaminated  
17 lands; (4) manage the costs, risks, and liabilities associated with hazardous materials so that the  
19 responsible parties and not the government bear the brunt of financial liabilities; (5) integrate  
21 environmental protection and compliance with all environmental statutes into BLM activities.

15 **Discussion**

17 The statement, "the goals for hazardous materials and public safety are to ..." is confusing.  
19 If the goal is "for hazardous materials ..." then it may be fine. However, if the phrase  
21 "hazardous materials and public safety" as to reintroduce the section heading, then perhaps it  
23 should read, "the goals for the section, Hazardous Materials and Public Safety, are to ..." Since  
25 "agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 382: Subject: Confusing Statement Page 40**

1 **Substantive Comment**

# 383

3 **Subject: Confusing Statement**

Page 41

5 **Referring to the Following Paragraph**

7 HAZ-A6. Comply with all provisions of the Monterey Bay Unified Air Pollution Control  
District's remote location exemption (for CCMA) from the ATCM regulation for control of  
9 airborne asbestos emissions relating to construction, road maintenance, and grading  
activities.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
17 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
19 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
21 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
23 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
25 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
31 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
45 Protection Agency, Science Advisory Board.

Substantive Comment - # 383: Subject: Confusing Statement Page 41

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 384**

3 **Subject: Confusing Statement**

**Page 41**

5 **Referring to the Following Paragraph**

7 HAZ-BG1. Restrict the type of activity and the number visits for that activity as the primary means to control risk to public from asbestos exposure.

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
29 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- 41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 385**

3 **Subject: Confusing Statement**

**Page 41**

5 **Referring to the Following Paragraph**

7 HAZ-BG3. Reduce emissions at staging areas, other recreation facilities, and on major routes  
with dust suppression and surface hardening techniques as needed. The techniques include, but  
9 are not limited to, paving, base rock, chip seal, or applications of surfactants (i.e. biodegradable  
liquid copolymers) to stabilize and solidify soils or aggregates and control erosion.

11 **Discussion**

13 The term "recreation facilities" is not defined or well represented within Title 43. To avoid  
15 confusion, the Agency should use terms such as, "recreational programs" or "visitor services"  
17 which are defined and used in Title 43. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 385: Subject: Confusing Statement Page 41**

## Substantive Comment

# 386

**Subject:** Confusing Statement

Page 41

### Referring to the Following Paragraph

HAZ-BG4. , Issue supplementary rules to minimize exposure to hazardous materials and airborne asbestos fibers, considering technical and budgetary constraints and overall effectiveness of the human health and safety mitigation measures identified below.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 386: Subject: Confusing Statement Page 41

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 387**

3 **Subject: Confusing Statement**

**Page 41**

5 **Referring to the Following Paragraph**

- 7 • Require signed waivers of liability to indemnify BLM against risk of tort claims associated with CCMA visitor use and exposure to airborne asbestos fibers.

9 **Discussion**

11 The statement, "... with CCMA visitor use and exposure to airborne asbestos fibers ..." is  
13 confusing because the EPA study, focused on the serpentine ACEC. Since "agencies should  
15 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
17 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. Perhaps the author meant ACEC instead of CCMA. The public depends on  
author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 387: Subject: Confusing Statement Page 41**

1 **Substantive Comment**

**# 388**

3 **Subject: Erroneous Statement**

**Page 42**

5 **Referring to the Following Paragraph**

7 TRANS-A1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle  
9 use in the Planning Area is limited to designated routes identified on Map A in Appendix I, and  
designated ‘open play areas’ (i.e. barrens) identified in the 2006 Record of Decision for the  
CCMA RMP Amendment and Route Designation.

11 **Discussion**

13 The statement, “Vehicle use in the Planning Area is limited to designated routes identified  
15 on Map A in Appendix I” is erroneous because it conflicts with the “Planning Area” defined on  
Page 1 the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal,  
17 state, and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction.” Portions of the Planning  
19 Area contains public and private ways over which The Bureau of Land Management has no  
jurisdiction or authority to designate route usage with non BLM managed lands within the  
Planning Area.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 388: Subject: Erroneous Statement Page 42**

1 **Substantive Comment**

**# 389**

3 **Subject: Erroneous Statement**

**Page 42**

5 **Referring to the Following Paragraph**

7 TRANS-A1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle  
9 use in the Planning Area is limited to designated routes identified on Map A in Appendix I, and  
designated ‘open play areas’ (i.e. barrens) identified in the 2006 Record of Decision for the  
CCMA RMP Amendment and Route Designation.

11 **Discussion**

13 The statement is erroneous because, as explained in Substantive Comment # 170 on  
15 page 225, the Agency does not legally assert administrative authority of 75,000 acres.

**Recommendation**

17 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
19 must rewrite the subject document to remove the discrepant issue from the document. The  
21 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 389: Subject: Erroneous Statement Page 42**

1 **Substantive Comment**

**# 390**

3 **Subject: Confusing Format**

**Page 42**

5 **Referring to the Following Paragraph**

7 TRANS-A1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle  
9 use in the Planning Area is limited to designated routes identified on Map A in Appendix I, and  
designated ‘open play areas’ (i.e. barrens) identified in the 2006 Record of Decision for the  
CCMA RMP Amendment and Route Designation.

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
15 is very confusing. Since “agencies should employ writers of clear prose or editors to write,  
review or edit statements” (40 C.F.R. 1502.8), the general public is left to assume that such  
17 unusual formatting might convey special meaning. The public depends on author’s accuracy  
and is therefore not at liberty to interpret variant meanings, therefore the Agency must write  
clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
23 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
27 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
39 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 391**

3 **Subject: Confusing Format**

**Page 42**

5 **Referring to the Following Paragraph**

7 TRANS-A2. All routes not designated 'open or limited', are designated as 'closed'. OHV use is authorized only on designated 'open or limited' routes which are signed for use.

9 **Discussion**

11 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
13 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
15 management, the lack writing skill or the lack of competent editing. Since "agencies should  
17 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
19 the public is left to assume that such unusual words, terminology or formatting might convey  
21 special meaning. The public depends on author's accuracy and is therefore not at liberty to  
23 interpret variant meanings, therefore the Agency must write clear prose that is  
25 comprehensible and unambiguous.

19 **Recommendation**

21 The Bureau of Land Management must explain any special meaning intended by unusual  
23 formatting, or confess that it is a reflection on poor document management, the lack writing  
25 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
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35 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
39 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
41 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
43 for technical terms followed by definitions. Italicize punctuation marks immediately following  
45 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 392

3 **Subject: Confusing Format**

Page 42

5 **Referring to the Following Paragraph**

7 TRANS-A2. All routes not designated 'open or limited', are designated as 'closed'. OHV use is authorized only on designated 'open or limited' routes which are signed for use.

9 **Discussion**

11 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
13 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
15 management, the lack writing skill or the lack of competent editing. Since "agencies should  
17 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
19 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
25 formatting, or confess that it is a reflection on poor document management, the lack writing  
27 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
35 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
37 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
39 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 393**

3 **Subject: Confusing Format**

**Page 43**

5 **Referring to the Following Paragraph**

7 TRANS-A5. Designated 'closed' routes will be selected and prioritized for restoration and reclamation.

9 **Discussion**

11 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
13 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
15 management, the lack writing skill or the lack of competent editing. Since "agencies should  
17 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
19 the public is left to assume that such unusual words, terminology or formatting might convey  
21 special meaning. The public depends on author's accuracy and is therefore not at liberty to  
23 interpret variant meanings, therefore the Agency must write clear prose that is  
25 comprehensible and unambiguous.

19 **Recommendation**

21 The Bureau of Land Management must explain any special meaning intended by unusual  
23 formatting, or confess that it is a reflection on poor document management, the lack writing  
25 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
35 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
39 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
41 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
43 for technical terms followed by definitions. Italicize punctuation marks immediately following  
45 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 394**

3 **Subject:** **Needless Detail**

**Page 43**

5 **Referring to the Following Paragraph**

7 “Minor realignment” is defined as a change of no more than ¼ linear mile of an individual  
9 designated route. This could include the opening of an existing previously closed route that serves  
11 the same access need as the route that is to be realigned. It could also involve re-routes of a  
segment of a route, to avoid the above mentioned resource conflicts. All new construction will  
undergo environmental review and NEPA compliance. All realignments and re-routes will be  
documented in the official record and kept on file at the BLM Field Office.

13 **Discussion**

15 This statement asserts needless detail that fails to concentrate on the issues that are truly  
17 significant to the action in question (40 CRF 1500.1). Agencies shall avoid useless bulk in  
statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

19 **Recommendation**

21 The Agency must delete this paragraph or move it to the Glossary section beginning on  
23 page 572. The Agency must rewrite the subject document to remove the discrepant issue from  
the document. The original discrepancy must not be included or propagated in the final  
25 resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 394: Subject: Needless Detail Page 43**

1 **Substantive Comment**

**# 395**

3 **Subject: Erroneous Statement**

**Page 44**

5 **Referring to the Following Paragraph**

7 TRANS-A10. Construct fence and barriers to protect boundaries and preclude unauthorized  
9 motorized access and trespass into the RNA. Complete corridor fencing of **Spanish Lake Road**  
(R11) through the RNA.

11 **Discussion**

13 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
15 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
17 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
19 terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must rewrite the subject document to edit the paragraph to remove the  
25 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 395: Subject: Erroneous Statement Page 44**

## Substantive Comment

# 396

**Subject:** Confusing Statement

Page 45

### Referring to the Following Paragraph

- Work on open routes will be done when soil moisture is sufficient to adequately compact the tread and prevent visible airborne asbestos emissions. If work is to be done under dry season conditions, then water will be added in sufficient quantities to maintain adequate soil moisture. Upon mechanical disturbance by the treads of track driven equipment, the soil will be re-compacted in six-inch or less lifts.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 397**

3 **Subject: Confusing Format**

**Page 45**

5 **Referring to the Following Paragraph**

- 7 • Implement measures to minimize off-site sediment transport from barren areas through repair  
9 of erosion scars, construction of drainage improvements, sediment control and trapping  
treatments, and re-vegetation of vegetative buffers. Designated 'closed' barrens will be  
selected and prioritized for restoration and reclamation employing these same techniques.

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
15 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
management, the lack writing skill or the lack of competent editing. Since "agencies should  
17 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
19 special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
25 formatting, or confess that it is a reflection on poor document management, the lack writing  
skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
35 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
37 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
39 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
41 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 398**

3 **Subject: Erroneous Statement**

**Page 45**

5 **Referring to the Following Paragraph**

7 TRANS-B1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle  
9 use in the Planning Area would be limited to designated routes identified on Map B in Appendix  
I.

11 **Discussion**

13 The statement, “Vehicle use in the Planning Area would be limited to designated routes” is  
erroneous because it conflicts with the “Planning Area” defined on Page 1 the same report.  
15 Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state, and private lands  
in southern San Benito County and western Fresno County in Central California shown on Map  
17 1 in Appendix I regardless of jurisdiction.” Portions of the Planning Area contains public and  
private ways over which the Agency has no jurisdiction or authority to designate route usage  
with non BLM managed lands within the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
25 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 398: Subject: Erroneous Statement Page 45**

1 **Substantive Comment**

**# 399**

3 **Subject: Confusing Statement**

**Page 46**

5 **Referring to the Following Paragraph**

7 TRANS-C1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle  
9 use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated  
11 routes identified on Map C in Appendix I. Vehicle use in the Tucker, Condon, and Cantua zones  
would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed)  
routes identified on Map C in Appendix I.

13 **Discussion**

15 “Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on  
17 designated routes identified on Map C in Appendix I. Vehicle use in the Tucker, Condon, and  
19 Cantua zones would be limited to full-size vehicles and ATV/UTV use only on designated (and  
proposed) routes ...” This statement limits vehicle use within the ACEC to “full-size vehicles.”  
The term “full-size vehicle” should be defined. Whereas motorcycle use is restricted to  
“designated routes.” However, all licensed vehicle is permitted on California county highways.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 399: Subject: Confusing Statement Page 46**

1 **Substantive Comment**

**# 400**

3 **Subject: Erroneous Statement**

**Page 46**

5 **Referring to the Following Paragraph**

7 TRANS-C1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle  
9 use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated  
11 routes identified on Map C in Appendix I. Vehicle use in the Tucker, Condon, and Cantua zones  
would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed)  
routes identified on Map C in Appendix I.

13 **Discussion**

15 The statement is erroneous because, as explained in Substantive Comment # 170 on  
page 225, the Agency does not legally assert administrative authority of 75,000 acres.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 400: Subject: Erroneous Statement Page 46**

1 **Substantive Comment**

**# 401**

3 **Subject: Erroneous Statement**

**Page 46**

5 **Referring to the Following Paragraph**

7 **TRANS-C2.** Develop and maintain approximately 150 miles of routes and single track trails in  
the Serpentine ACEC for **off-highway vehicle (OHV)** recreation following inventory, soil loss  
9 assessment, and resources screening using route designation criteria described in Appendix II.

11 **Discussion**

13 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
15 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
17 highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
context of Agency's action. Also see Substantive Comment # 66 on page 98.

19 **Recommendation**

21 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
23 legally established term "off-road vehicle." The Agency must rewrite the subject document to  
remove the discrepant issue from the document. The original discrepancy must not be  
25 included or propagated in the final resource management plan, the final environmental  
impact study, or the record of decision. The final documentation should include corrected  
27 recommendations.

1 **Substantive Comment**

**# 402**

3 **Subject: Erroneous Statement**

**Page 46**

5 **Referring to the Following Paragraph**

7 **TRANS-D2.** Develop and maintain approximately 60 miles of routes and trails in the Condon,  
Tucker, and Cantua Zones for **off-highway vehicle (OHV)** recreation following inventory, soil  
9 loss assessment, and resources screening using route designation criteria described in Appendix  
II.

11 **Discussion**

13 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
15 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
17 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
context of Agency's action. Also see Substantive Comment # 66 on page 98.

19 **Recommendation**

21 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
23 rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
legally established term "off-road vehicle." The Agency must rewrite the subject document to  
25 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
27 impact study, or the record of decision. The final documentation should include corrected  
recommendations.

**Substantive Comment - # 402: Subject: Erroneous Statement Page 46**

1 **Substantive Comment**

**# 403**

3 **Subject: Erroneous Statement**

**Page 47**

5 **Referring to the Following Paragraph**

7 TRANS-E2. Develop and maintain transportation facilities (i.e. pull-outs and parking areas) on  
portions of T153 and **Spanish Lake Road** (R11) with high scenic values, and other destinations  
9 with unique biological, natural and geologic features within CCMA.

11 **Discussion**

13 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
15 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
17 to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
27

**Substantive Comment - # 403: Subject: Erroneous Statement Page 47**

1 **Substantive Comment**

**# 404**

3 **Subject: Inappropriate Control of Public Highway**

**Page 47**

5 **Referring to the Following Paragraph**

7 TRANS-FG3. Decommission Clear Creek Road (R1), and reclaim closed roads to protect sensitive resources, reduce sediment transport, and control erosion.

9 **Discussion**

11 Clear Creek Road is a California public highway that supports trade and commerce in southern San Benito County and western Fresno County. This public highway was clearly  
13 established as a graded road under Revised Statute 2477 as delineated on the 1897 San Benito County map. This public highway provides public right-of-way access to private lands within  
15 the subject area and connects between the Coalinga Road in Hernandez Valley and the New Idria Road in Vallencitos. Closing this public highway increases the travel distance between  
17 those destinations by nearly 100 miles, thus adding significantly to travel time and cost. It is inappropriate for a Federal agency to close an historic California Public Highway.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 404: Subject: Inappropriate Control of Public Highway Page 47**

1 **Substantive Comment**

**# 405**

3 **Subject: Confusing Statement**

**Page 51**

5 **Referring to the Following Paragraph**

7 HAB-A10. Protect the unique vegetation at Spanish Lake from camping and vehicle use. Develop the Agua Buena spring site for the enhancement of wildlife habitat.

9 **Discussion**

11 The statement, "develop the Agua Buena spring site for the enhancement of wildlife  
13 habitat" is confusing because it is the only spring, out of the hundreds of spring sites within  
15 the subject area chosen for "enhancement of wildlife habitat." This spring feeds an historic  
17 pond, once associated with a homestead cabin, which already provides water for an abundant  
19 diversity of area wildlife habitat. Spring site management for "enhancement of wildlife  
habitat" should also consider additional springs sites, such as the head of Sawmill Creek, the  
headwaters of San Carlos Creek, the head of the East Fork, Sampson Creek, the Wonder Mine,  
the Spanish Mine, the Alpine Mine, Picacho, Archer Camp, Rita Mine, and the numerous other  
spring sites within the subject area.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 405: Subject: Confusing Statement Page 51**

1 **Substantive Comment**

**# 406**

3 **Subject: Misleading Statement**

**Page 52**

5 **Referring to the Following Paragraph**

7 HAB-BF3. Mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate.

9 **Discussion**

11 The statement, "mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate" is misleading because it implies that  
13 federal agencies, such as the Bureau of Land Management are competent to make such decision while ignoring the fact that these man-made barriers, such as Hernandez Dam, were  
15 constructed by federal agencies.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 406: Subject: Misleading Statement Page 52**

1 **Substantive Comment**

**# 407**

3 **Subject: Erroneous Statement**

**Page 52**

5 **Referring to the Following Paragraph**

7 HAB-G1. Remove non-functioning water improvements (e.g., guzzlers) and evaluate the use of  
functioning man-made water sources in the Serpentine ACEC.

9 **Discussion**

11 The statement, "use of functioning man-made water sources in the Serpentine ACEC" is  
13 erroneous because humans do not make water. All water sources within the region are from  
precipitation or natural springs.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 407: Subject: Erroneous Statement Page 52**

1 **Substantive Comment**

**# 408**

3 **Subject: Misleading Statement**

**Page 52**

5 **Referring to the Following Paragraph**

7 HAB-G2. Cooperate with the CDFG to reintroduce, release, and/or restore populations of native  
9 fish and wildlife species into historic and occupied ranges with suitable habitat outside the  
Serpentine ACEC.

11 **Discussion**

13 The statement, "cooperate with the CDFG to reintroduce, release, and/or restore  
15 populations of native fish" is misleading because the construction of the Hernandez Dam by a  
17 federal agency on the San Benito River destroyed salmon and trout habitat within the subject  
area. These habitats can only be restored by deconstruction or modification of the Hernandez  
Dam facility.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 408: Subject: Misleading Statement Page 52**

1 **Substantive Comment**

**# 409**

3 **Subject: Erroneous Statement**

**Page 54**

5 **Referring to the Following Paragraph**

7 1. Monitoring will record direct disturbance to CAGE, CAGE habitat, and CAGE potential  
9 habitat by **off-highway vehicle** use, including but not limited to tire tracks, trampling of  
plants, soil compaction, soil displacement, seed displacement, and soil erosion and  
sedimentation.

11 **Discussion**

13 The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the  
15 Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R.  
17 § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title  
43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off  
highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the  
context of Agency's action. Also see Substantive Comment # 66 on page 98.

19 **Recommendation**

21 To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must  
23 rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the  
legally established term "off-road vehicle." The Agency must rewrite the subject document to  
25 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
27 impact study, or the record of decision. The final documentation should include corrected  
recommendations.

**Substantive Comment - # 409: Subject: Erroneous Statement Page 54**

1 **Substantive Comment**

**# 410**

3 **Subject: Confusing Statement**

**Page 57**

5 **Referring to the Following Paragraph**

7 AIR-A3. Abate dust during project implementation to maintain ambient air levels for toxic air contaminants and naturally occurring asbestos.

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
29 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- 41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 410: Subject: Confusing Statement Page 57**

1 **Substantive Comment**

# 411

3 **Subject: Confusing Statement**

Page 57

5 **Referring to the Following Paragraph**

7 AIR-A5. Comply with all provisions of the California Air Resources Board (CARB) Airborne  
Toxic Control Measures (ATCM) regulation for control of airborne asbestos emissions relating  
9 to construction, road maintenance, and grading activities.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
17 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
19 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
21 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
23 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
25 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
31 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
45 Protection Agency, Science Advisory Board.

Substantive Comment - # 411: Subject: Confusing Statement Page 57

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 411: Subject: Confusing Statement Page 57**

## Substantive Comment

# 412

**Subject:** Confusing Statement

Page 57

### Referring to the Following Paragraph

AIR-BG1. Incorporate mitigation measures in Appendix V for activities and projects on BLM lands in order to reduce airborne asbestos emissions and comply with applicable Federal, State, and local air quality regulations.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 412: Subject: Confusing Statement Page 57

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 412: Subject: Confusing Statement Page 57**

1 **Substantive Comment**

**# 413**

3 **Subject: Confusing Format**

**Page 58**

5 **Referring to the Following Paragraph**

7 SOIL-A10. Prioritize designated 'closed' routes for restoration and reclamation to allow them  
return to a natural state.

9 **Discussion**

11 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Does this have a special meaning, or is it a reflection on poor document  
13 management, the lack writing skill or the lack of competent editing. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
15 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author's accuracy and is therefore not at liberty to  
17 interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

19 **Recommendation**

21 The Bureau of Land Management must explain any special meaning intended by unusual  
formatting, or confess that it is a reflection on poor document management, the lack writing  
23 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
33 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
35 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
37 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
39 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

**Substantive Comment - # 413: Subject: Confusing Format Page 58**

1 **Substantive Comment**

**# 414**

3 **Subject: Confusing Format**

**Page 58**

5 **Referring to the Following Paragraph**

7 SOIL-A11. Prioritize designated 'closed' barrens for restoration and reclamation to minimize off-  
site sediment transport from barren areas through repair of erosion scars, construction of drainage  
9 improvements, sediment control and trapping treatments, and re-vegetation of vegetative buffers.

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Does this have a special meaning, or is it a reflection on poor document  
15 management, the lack writing skill or the lack of competent editing. Since "agencies should  
employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
17 the public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author's accuracy and is therefore not at liberty to  
19 interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
formatting, or confess that it is a reflection on poor document management, the lack writing  
25 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
39 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
41 always applied consistently throughout the document.

1 **Substantive Comment**

**# 415**

3 **Subject: Conflicting Statement**

**Page 61**

5 **Referring to the Following Paragraph**

- 7 • Manage the Serpentine ACEC to reduce human health risks and special status species associated with the serpentine soils of the New Idria Formation.

9 **Discussion**

11 The statement, "Manage the Serpentine ACEC to reduce human health risks and special  
13 status species associated with the serpentine soils of the New Idria Formation" conflicts with  
15 the goal of protecting "special status species." Since "agencies should employ writers of clear  
17 prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
19 assume that such unusual words, terminology or formatting might convey special meaning.  
Perhaps the sentence is poorly constructed. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous. "Manage the Serpentine ACEC to reduce ...  
special status species ..." is counter to the goal of protecting "special status species."

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 415: Subject: Conflicting Statement Page 61**

## Substantive Comment

# 416

**Subject: Confusing Statement**

**Page 61**

### Referring to the Following Paragraph

ACEC-A1. Designate the area of serpentine soils high in asbestos fiber and the Clear Creek watershed as the Clear Creek Serpentine ACEC (30,000 acres). Maintain 4,147-acre designation of the San Benito Mountain Research Natural Area (RNA).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 416: Subject: Confusing Statement Page 61

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 416: Subject: Confusing Statement Page 61**

1 **Substantive Comment**

**# 417**

3 **Subject: Confusing Statement**

**Page 61**

5 **Referring to the Following Paragraph**

7 ACEC-A3. Intensify the current asbestos awareness program through signing, pamphlets, and individual user contacts.

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
29 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- 41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 417: Subject: Confusing Statement Page 61**

## Substantive Comment

# 418

**Subject:** Confusing Statement

Page 62

### Referring to the Following Paragraph

ACEC-A5. Asbestos Hazard

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 418: Subject: Confusing Statement Page 62

## Substantive Comment

# 419

**Subject: Confusing Statement**

**Page 62**

### Referring to the Following Paragraph

- Provide asbestos hazard pamphlet/brochure to Central California motorcycle shops, sporting goods stores, etc. Issue news releases highlighting the area's asbestos hazard at least twice annually. Provide asbestos warning signs at all roads and trails entering the serpentine area.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 419: Subject: Confusing Statement Page 62

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 419: Subject: Confusing Statement Page 62**

## Substantive Comment

# 420

**Subject: Confusing Statement**

**Page 62**

### Referring to the Following Paragraph

- Designate asbestos mine areas as closed to motorized vehicle use. Access for mining operations would be granted under 43 CFR 3809 Plans of Operation (see Energy and Minerals).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 420: Subject: Confusing Statement Page 62

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 420: Subject: Confusing Statement Page 62**

## Substantive Comment

# 421

**Subject:** Confusing Statement

Page 62

### Referring to the Following Paragraph

- Post boundaries of asbestos mining areas as closed to OHV.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 421: Subject: Confusing Statement Page 62

## Substantive Comment

# 422

**Subject:** Confusing Statement

Page 62

### Referring to the Following Paragraph

- Continue providing information on the asbestos hazard by distributing the CCMA map and other hand-out materials.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 422: Subject: Confusing Statement Page 62

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 422: Subject: Confusing Statement Page 62**

## Substantive Comment

# 423

**Subject: Confusing Statement**

**Page 62**

### Referring to the Following Paragraph

ACEC-BG1. Maintain the area of serpentine soils high in asbestos fiber and the Clear Creek watershed as the Clear Creek Serpentine ACEC (30,000 acres). Maintain 4,147-acre designation of the San Benito Mountain Research Natural Area (RNA).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 423: Subject: Confusing Statement Page 62

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 423: Subject: Confusing Statement Page 62**

1 **Substantive Comment**

**# 424**

3 **Subject: Erroneous Statement**

**Page 80**

5 **Referring to the Following Paragraph**

7 LTEN-A2. Acquire private lands in Sections 16 and 36 (T 18 S., R 12 E.) and private inholdings  
through acquisition or land exchange. Acquisition of private inholdings has priority over  
9 acquisition of state owned sections.

11 **Discussion**

13 The statement, "Acquire private lands in Sections 16 and 36 (T 18 S., R 12 E.) and private  
inholdings through acquisition or land exchange" is erroneous because there is no private  
lands in Section 16 and 36 (T 18 S., R 12 E.). These are California State owned lands.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 424: Subject: Erroneous Statement Page 80**

1 **Substantive Comment**

**# 425**

3 **Subject: Misleading Statement**

**Page 80**

5 **Referring to the Following Paragraph**

7 LTEN-A3. Acquire, through exchange or purchase, state lands and private inholdings in the Byles Canyon/ Tucker Mountain, San Carlos Bolsa, as well as the remainder of the management area.

9 **Discussion**

11 The statement, "Acquire, through exchange or purchase, state lands and private  
13 inholdings in the Byles Canyon/Tucker Mountain, San Carlos Bolsa," is misleading because  
there is no State lands in Byles Canyon/ Tucker Mountain, San Carlos Bolsa.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
19 Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 425: Subject: Misleading Statement Page 80**

1 **Substantive Comment**

**# 426**

3 **Subject: Misleading Statement**

**Page 83**

5 **Referring to the Following Paragraph**

7 LUSE-BF6. Honor valid existing rights and easements that have been acquired through land acquisitions. Enter rights-of-way into LR2000 to ensure proper recording.

9 **Discussion**

11 The statement, "Honor valid existing rights and easements that have been acquired through land acquisitions.," is misleading because the Agency is required by law to honor existing rights and easements and to do otherwise would be unlawful.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 426: Subject: Misleading Statement Page 83**

1 **Substantive Comment**

**# 427**

3 **Subject: Misleading Statement**

**Page 83**

5 **Referring to the Following Paragraph**

7 LUSE-BF8. Authorize rights-of-way to provide reasonable access for private landowners in CCMA.

9 **Discussion**

11 The statement, "Authorize rights-of-way to provide reasonable access for private  
13 landowners in CCMA," is misleading because these right-of-ways are already provided by  
15 historic public highways constructed and graded in the late 1800s under Revised Statute 2477.  
The Agency is required by law to honor these existing rights and easements and to do  
otherwise would be unlawful.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 427: Subject: Misleading Statement Page 83**

## Substantive Comment

# 428

**Subject: Confusing Statement**

**Page 84**

### Referring to the Following Paragraph

In determining the appropriate land use for CCMA, BLM considered the planning criteria identified in Section 1.4 with an emphasis on managing risk to employees and the public. The Preferred Alternative would limit use that 1) creates high levels of asbestos emissions, 2) creates increased opportunity for human exposure to asbestos, and 3) creates a need to conduct intensive management in areas with high concentrations of asbestos.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

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- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 428: Subject: Confusing Statement Page 84**

1 **Substantive Comment**

**# 429**

3 **Subject: Confusing Statement**

**Page 84**

5 **Referring to the Following Paragraph**

7 Of the action alternatives, Alternative E represents the BLM's preferred management approach to  
recreation and travel management in CCMA that meets the purpose and need for this RMP/EIS by  
9 emphasizing limited opportunities for visitor use and limited types of use allowed within the  
Serpentine ACEC. It proposes to provide alternate routes for access to public lands surrounding  
11 the ACEC that would not require the public to drive through the ACEC and would create  
additional recreation opportunities in the surrounding management zones. The limited annual  
13 visitor use days would still allow for the public to experience the scenic, biological, cultural and  
geologic features of the Serpentine ACEC within EPA's acceptable risk range for exposure to  
15 asbestos, and with less BLM infrastructure and support needs. This alternative would also provide  
for improving habitat for endangered species, improved riparian habitat, and an opportunity to  
17 reduce soil loss and erosion in areas that are contributing to water quality issues in Clear Creek  
and the San Benito River.

19 **Discussion**

21 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
23 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
25 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
27 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
29 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
31 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
33 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

35 **Recommendation**

37 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
39 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
41 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
43 include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 429: Subject: Confusing Statement Page 84**

1 **Substantive Comment**

**# 430**

3 **Subject: Erroneous Statement**

**Page 85**

5 **Referring to the Following Paragraph**

7 REC-USE-E1. Provide access on the Scenic Route along T153 and **Spanish Lake Road** (R11) in  
the Serpentine ACEC for day use by full-size vehicles only.

9 **Discussion**

11 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
13 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
15 to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
17 therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 430: Subject: Erroneous Statement Page 85**

1 **Substantive Comment**

# 431

3 **Subject: Confusing Statement**

Page 85

5 **Referring to the Following Paragraph**

7 REC-INT-A2. Continue outreach and education program to create public and visitor awareness of human health risks from exposure to airborne asbestos fibers in CCMA.

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
29 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- 41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 431: Subject: Confusing Statement Page 85**

## Substantive Comment

# 432

**Subject: Confusing Statement**

**Page 85**

### Referring to the Following Paragraph

REC-INT-BG1. Provide recreation information such as maps, brochures, and educational opportunities to enhance visitors' experience on BLM public lands. Incorporate the best available information concerning: asbestos health hazards, OHV use designations, fire prevention, BLM regulations, and natural resources of the area into educational materials and on all maps, brochures, and kiosks.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 433

**Subject:** Confusing Statement

Page 86

### Referring to the Following Paragraph

HAZ-A6. Comply with all provisions of the Monterey Bay Unified Air Pollution Control District's remote location exemption (for CCMA) from the ATCM regulation for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 433: Subject: Confusing Statement Page 86

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 433: Subject: Confusing Statement Page 86**

1 **Substantive Comment**

**# 434**

3 **Subject: Confusing Statement**

**Page 86**

5 **Referring to the Following Paragraph**

7 HAZ-BG1. Restrict the type of activity and the number visits for that activity as the primary means to control risk to public from asbestos exposure.

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
29 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

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43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 434: Subject: Confusing Statement Page 86**

## Substantive Comment

# 435

**Subject: Confusing Statement**

**Page 86**

### Referring to the Following Paragraph

HAZ-BG4. Considering technical and budgetary constraints, and overall effectiveness of the human health and safety mitigation measures identified below, issue supplementary rules to minimize exposure to hazardous materials and airborne asbestos fibers.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 435: Subject: Confusing Statement Page 86

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 436

**Subject:** Confusing Statement

Page 86

### Referring to the Following Paragraph

- Require signed waivers of liability to indemnify BLM against risk of tort claims associated with CCMA visitor use and exposure to airborne asbestos fibers.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 436: Subject: Confusing Statement Page 86

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 436: Subject: Confusing Statement Page 86**

1 **Substantive Comment**

**# 437**

3 **Subject: Erroneous Statement**

**Page 87**

5 **Referring to the Following Paragraph**

7 TRANS-E2. Develop and maintain transportation facilities (i.e. pull-outs and parking areas) on  
9 portions of T153 and **Spanish Lake Road** (R11) with high scenic values, and other destinations  
with unique biological, natural and geologic features within CCMA.

11 **Discussion**

13 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
15 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
17 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must rewrite the subject document to edit the paragraph to remove the  
23 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 437: Subject: Erroneous Statement Page 87**

1 **Substantive Comment**

**# 438**

3 **Subject: Inappropriate Control of Public Highway**

**Page 87**

5 **Referring to the Following Paragraph**

7 TRANS-FG3. Decommission Clear Creek Road (R1), and reclaim closed roads to protect sensitive resources, reduce sediment transport, and control erosion.

9 **Discussion**

11 Clear Creek Road is a California public highway that supports trade and commerce in southern San Benito County and western Fresno County. This public highway was clearly  
13 established as a graded road under Revised Statute 2477 as delineated on the 1897 San Benito County map. This public highway provides public right-of-way access to private lands within  
15 the subject area and connects between the Coalinga Road in Hernandez Valley and the New Idria Road in Vallencitos. Closing this public highway increases the travel distance between  
17 those destinations by nearly 100 miles, thus adding significantly to travel time and cost. It is inappropriate for a Federal agency to close an historic California Public Highway.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 438: Subject: Inappropriate Control of Public Highway Page 87**

1 **Substantive Comment**

**# 439**

3 **Subject: Misleading Statement**

**Page 89**

5 **Referring to the Following Paragraph**

7 HAB-BF3. Mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate.

9 **Discussion**

11 The statement, "mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate" is misleading because it implies that  
13 federal agencies, such as the Bureau of Land Management are competent to make such decision while ignoring the fact that these man-made barriers, such as Hernandez Dam, were  
15 constructed by other federal agencies.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 439: Subject: Misleading Statement Page 89**

## Substantive Comment

# 440

**Subject: Confusing Statement**

**Page 90**

### Referring to the Following Paragraph

AIR-BG1. Incorporate mitigation measures in Appendix V for activities and projects on BLM lands in order to reduce airborne asbestos emissions and comply with applicable Federal, State, and local air quality regulations.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 440: Subject: Confusing Statement Page 90

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 440: Subject: Confusing Statement Page 90**

## Substantive Comment

# 441

**Subject: Confusing Statement**

**Page 91**

### Referring to the Following Paragraph

ACEC-BG1. Maintain the area of serpentine soils high in asbestos fiber and the Clear Creek watershed as the Clear Creek Serpentine ACEC (30,000 acres). Maintain 4,147-acre designation of the San Benito Mountain Research Natural Area (RNA).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 441: Subject: Confusing Statement Page 91

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 441: Subject: Confusing Statement Page 91**

1 **Substantive Comment**

**# 442**

3 **Subject: Misleading Statement**

**Page 96**

5 **Referring to the Following Paragraph**

7 LUSE-BF6. Honor valid existing rights and easements that have been acquired through land acquisitions. Enter rights-of-way into LR2000 to ensure proper recording.

9 **Discussion**

11 The statement, "Honor valid existing rights and easements that have been acquired  
13 through land acquisitions.," is misleading because the Agency is required by law to honor  
existing rights and easements and to do otherwise would be unlawful.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
19 Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 442: Subject: Misleading Statement Page 96**

1 **Substantive Comment**

**# 443**

3 **Subject: Misleading Statement**

**Page 96**

5 **Referring to the Following Paragraph**

7 LUSE-BF8. Authorize rights-of-way to provide reasonable access for private landowners in CCMA.

9 **Discussion**

11 The statement, "Authorize rights-of-way to provide reasonable access for private  
13 landowners in CCMA," is misleading because these right-of-ways are already provided by  
15 historic public highways constructed and graded in the late 1800s under Revised Statute 2477.  
The Agency is required by law to honor these existing rights and easements and to do  
otherwise would be unlawful.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 443: Subject: Misleading Statement Page 96**

1 **Substantive Comment**

**# 444**

3 **Subject: Confusing Statement**

**Page 97**

5 **Referring to the Following Paragraph**

7 The Comparison of Impacts Tables (2.6-1 - 2.6-14) below summarize the impacts on the  
resources of CCMA by alternative, as assessed in the detailed analysis in Chapter 4. See Chapter  
9 4 for more specific details. Negligible impacts are predicted from any of the alternatives to prime  
and unique farmlands, floodplains, wild and scenic rivers, and wilderness. Under all alternatives,  
11 the Serpentine ACEC designation would be maintained for the 30,000-acre area with high  
concentrations of asbestos fibers. Since the analysis of impacts for all of the resources within the  
13 CCMA is done in the context of impacts to human health and safety and the environment from  
asbestos emissions, an analysis covering impacts to the ACEC values would be duplicative.  
15 Therefore, a separate analysis was not conducted for impacts to the values for which the ACEC  
was established.

17 **Discussion**

19 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
21 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
23 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
29 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
31 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

33 **Recommendation**

35 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
37 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
39 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
41 include corrected recommendations.

43 **Reference**

45 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 444: Subject: Confusing Statement Page 97**

## Substantive Comment

# 445

**Subject: Confusing Statement**

**Page 97**

### Referring to the Following Paragraph

Under the Non-motorized Alternatives (F and G), BLM would reduce asbestos emissions by limiting allowable uses to foot traffic only inside the ACEC (Alt. F) or minimize human health risks from exposure to asbestos by prohibiting all public use and entry in the ACEC (Alt G). In other words, Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 445: Subject: Confusing Statement Page 97

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 445: Subject: Confusing Statement Page 97**

1 **Substantive Comment**

# 446

3 **Subject: Confusing Statement**

Page 99

5 **Referring to the Following Paragraph**

7 Under all the alternatives, BLM would continue to ensure proper handling of hazardous materials  
9 and wastes; identify mine-related, illegal dumps and other public land hazards, eliminating or  
11 mitigating them as soon as possible; and identify and resolve mining-related trespasses, especially  
13 public safety conflicts occurring with visitor use. Under Alternative A, the No Action Alternative,  
15 BLM would continue current hazardous material management activities as outlined in the 1984  
17 Hollister RMP and associated CCMA amendments. Implementation of Alternatives B and C  
19 would emphasize health and safety mitigation measures at visitor use facilities and improvements  
21 on major routes to minimize exposure to asbestos. Alternative B would limit the number of annual  
23 visitor use days to less than 12 days for non-motorized and less than 5 days for motorized  
25 activities. Alternative C includes restrictions on allowable uses by limiting vehicle types on routes  
27 and trails, and by limiting OHV recreation in CCMA to visitors age eighteen and older to  
minimize exposure to asbestos. Alternatives D and E would only authorize motorized access on  
major routes in the ACEC. Alternatives E and F would authorize access in the Serpentine ACEC  
by permit only and limit the number of annual visitor use days based on excess lifetime cancer  
risk of proposed recreation activities. Alternative F would also restrict allowable uses in the  
Serpentine ACEC to foot-traffic and other non-motorized recreation activities. Alternative G  
would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM  
under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G  
provides a baseline for comparison of the impacts associated with the temporary closure of the  
Serpentine ACEC to other management actions within the range of alternatives for the CCMA  
RMP/EIS

29 **Discussion**

31 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
33 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
35 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
37 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
39 term when the reference to a specific mineral is more appropriate and technically correct.  
41 According to the United States Geological Survey, "Asbestos is a generic name given to six  
43 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

Substantive Comment - # 446: Subject: Confusing Statement Page 99

1 **Recommendation**

3 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
5 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
7 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
9 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

11 **Reference**

13 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

15 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

17 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
19 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

21 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
23 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 446: Subject: Confusing Statement Page 99

## Substantive Comment

# 447

**Subject:** Confusing Statement

Page 100 & 101

### Referring to the Following Paragraph

Table 2.6-2 Comparison of Impacts to Public Health and Safety and Hazardous Materials

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

1 **Substantive Comment**

# 448

3 **Subject: Erroneous Statement**

Page 102

5 **Referring to the Following Paragraph**

7 Under the seven alternatives, impacts to travel management and vehicle use opportunities would  
9 vary, depending on the Alternative's travel management plan. Alternatives A and B would  
11 continue current travel management practices; vehicle use on all BLM lands would be limited to  
13 designated routes and barrens, unless posted otherwise, and new trails would be constructed, up to  
15 a total of 270 miles. Alternatives A and B would emphasize recreational opportunities, and would  
17 have the greatest recreational benefit to the motorized community. Alternative B would limit  
19 travel by seasonal duration in consideration of human health and safety. Alternative C would  
provide basic access to the public while providing limited OHV use specific to motorcycles in an  
attempt to mitigate dust exposure. Alternative D would restrict access within the ACEC while  
developing other areas within CCMA for OHV travel. Alternative E would provide for access  
along T153/**Spanish Lake Road** only and would be the most restrictive for active ACEC  
motorized travel, with other areas outside the ACEC developed for non-motorized access.  
Alternative F would limit the public within the ACEC to pedestrian travel. Alternative G would  
prohibit any access by the public into the ACEC.

21 **Discussion**

23 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
25 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
27 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
29 therefore the Agency must write clear prose that is comprehensible and unambiguous.

31 **Recommendation**

33 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
35 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
37 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment**

**# 449**

**Subject: Misleading Statement**

**Page 105**

**Referring to the Following Paragraph**

Table 2.6-3 (cont.) Route Mileage by Alternative

Designation	Alt. A	Alt. B	Alt. C	Alt. D	Alt. E	Alt. F	Alt. G
<b>Serpentine ACEC /Hazardous Asbestos Area</b>							
Closed	--	--	42	172	199	227	227
Open	227	227	185	55	28	0	0
<b>Condon Peak &amp; San Benito River Zone(s)</b>							
Closed	--	--	--	--	--	--	--
Open	15	15	15	15	15	15	15
<b>Cantua Zone</b>							
Closed	--	--	--	--	--	--	--
Open	--	--	--	30	15	--	--
<b>Tucker Mountain Zone</b>							
Closed	--	--	--	--	--	--	--
Open	--	--	--	15	--	--	--

**Discussion**

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complimentarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

**Recommendation**

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 449: Subject: Misleading Statement Page 105**

## Substantive Comment

# 450

**Subject:** Confusing Statement

Page 115 & 116

### Referring to the Following Paragraph

Table 2.6-4 Comparison of Impacts to Air Quality

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 450: Subject: Confusing Statement Page 115 & 116

1 **Substantive Comment**

**# 451**

3 **Subject: Misleading Statement**

**Page 119**

5 **Referring to the Following Paragraph**

7 The existing special designations within the CCMA include the 30,000-acre Serpentine ACEC,  
9 which encompasses 4,147-acre San Benito Mountain RNA and WSA (1,500-acres). The  
11 boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria  
serpentine formation based on human health risks associated with exposure to asbestos within the  
serpentine soils. This ACEC is also referred to frequently as the Hazardous Asbestos Area  
(HAA).

13 **Discussion**

15 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
17 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
19 additional quick document search indicates that the first published use of the phrase  
"Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
21 during the past twenty years. In all occurrences, the phrase is included complimentarily to  
emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
23 growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
25 simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
than actually exist. This statement asserts needless detail that fails to concentrate on the issues  
27 that are truly significant to the action in question (40 CRF 1500.1).

29 **Recommendation**

31 The Agency must strike this phrase from the Resource Management Plan and the  
Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
33 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 451: Subject: Misleading Statement Page 119**

## Substantive Comment

# 452

**Subject: Confusing Statement**

**Page 119**

### Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. The existing special designations highlight areas where special management attention is needed to protect public health and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes from natural hazards. Therefore, no changes or modifications to the special designation areas in CCMA were considered in the range of alternatives for the CCMA RMP/EIS.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 452: Subject: Confusing Statement Page 119

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 452: Subject: Confusing Statement Page 119**

1 **Substantive Comment**

**# 453**

3 **Subject: Confusing Statement**

**Page 120**

5 **Referring to the Following Paragraph**

7 Table 2.6-7 Comparison of Impacts to Special Designation Areas

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
13 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
17 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
23 fibrous minerals that have been used in commercial products." The definition is expanded  
25 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
29 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
31 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
33 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
29 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
31 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

35 **Reference**

37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

43 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
45 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

1 **Substantive Comment**

**# 454**

3 **Subject: Erroneous Statement**

**Page 130**

5 **Referring to the Following Paragraph**

- 7 • The Planning Area includes all lands within the boundaries of the within the Clear Creek  
9 Management Area (CCMA), including privately owned lands and State and Federal lands,  
including those administered by the BLM HFO.

11 **Discussion**

13 The statement, "The Planning Area includes all lands within the boundaries of the within  
15 the Clear Creek Management Area (CCMA) ..." is erroneous because it conflicts with the  
17 "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this  
RMP/EIS includes all federal, state, and private lands in southern San Benito County and  
western Fresno County in Central California shown on Map 1 in Appendix I regardless of  
jurisdiction."

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.  
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**Substantive Comment - # 454: Subject: Erroneous Statement Page 130**

1 **Substantive Comment**

**# 455**

3 **Subject: Confusing Format**

**Page 132**

5 **Referring to the Following Paragraph**

7 BLM administered lands in the CCMA support a variety of recreational opportunities, including  
9 hiking, hunting, hobby gem and mineral collections (commonly referred to as ‘rockhounding’),  
11 and hundreds of miles of OHV use trails. Over the past 20 years, motorized vehicle use has been  
13 more closely managed as a result of increasing demand, the listing of threatened and endangered  
species, and public health and safety hazards associated with abandoned mine lands. Permanent  
and temporary closures have also increased awareness of environmental issues and public interest  
and involvement in management of recreation resources on public lands.

15 **Discussion**

17 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
19 is very confusing. Since “agencies should employ writers of clear prose or editors to write,  
21 review or edit statements” (40 C.F.R. 1502.8), the general public is left to assume that such  
unusual formatting might convey special meaning. The public depends on author’s accuracy  
and is therefore not at liberty to interpret variant meanings, therefore the Agency must write  
clear prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must explain any special meaning intended by unusual formatting, or confess  
27 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
29 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

33 **Reference**

35 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
37 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
39 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
41 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
43 always applied consistently throughout the document.

1 **Substantive Comment**

**# 456**

3 **Subject: Erroneous Statement**

**Page 132**

5 **Referring to the Following Paragraph**

7 Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part  
8340 "Off-Road Vehicles," and Subpart 8342, "Designation of Roads and Trails." The off-  
9 highway vehicle (OHV) regulations apply to use of routes by the general public. Certain other  
routes may be open to private landholders, and grazing or other permittees, to meet specific  
11 access needs and/or legal rights.

13 **Discussion**

15 The statement, "Vehicle use in the Planning Area is managed under the direction and  
authority in 43 CFR Part 8340 'Off-Road Vehicles,' and Subpart 8342, 'Designation of Roads and  
17 Trails'" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same  
report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private  
19 lands in southern San Benito County and western Fresno County in Central California shown  
on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" is defined  
"regardless of jurisdiction," then authority is not restricted to "43 CFR 8340," but would also  
21 include various State laws as applicable to jurisdictional authority.

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.

**Substantive Comment - # 456: Subject: Erroneous Statement Page 132**

## Substantive Comment

# 457

**Subject:** Confusing Statement

Page 136

### Referring to the Following Paragraph

Hobby gem and minerals collection (rock-hounding) and hunting would also continue to be popular activities in CCMA. Both would probably be subject to more restrictions due to human health risks from exposure to asbestos in CCMA. Areas outside the Serpentine ACEC will likely become more popular as BLM implements public health and safety measures. Volunteers could play a greater role in the development and maintenance of these areas.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 457: Subject: Confusing Statement Page 136**

## Substantive Comment

# 458

**Subject:** Confusing Statement

Page 137

### Referring to the Following Paragraph

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, the Condon Peak trailhead, and at the main entrances to the CCMA. Posted information details upcoming events, campfire requirements, asbestos warnings, and user maps showing routes and other geographic points of interest.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 459**

3 **Subject: Erroneous Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 As managers of the nation’s public lands, **the BLM is responsible for the health and safety of**  
9 **visitors to public lands.** The HFO engages in hazardous material emergency response actions,  
11 hazardous waste site evaluations, and prioritization of site remediation activities in accordance  
13 with Federal, State, and local laws and regulations. Remediation is typically done in coordination  
15 with the U.S. Environmental Protection Agency, California environmental regulatory agencies  
such as the Department of Toxic Substances Control and the Regional Water Quality Control  
Boards, counties, and potentially responsible parties (both public and private). This section  
addresses hazardous materials management on BLM public lands in CCMA, as well as associated  
risks to the public health and safety.

17 **Discussion**

19 The statement “... BLM is responsible for the health and safety of visitors to public lands” is  
erroneous because no statutory authority assigns general “health and safety responsibility to  
the Bureau of Land Management (43 USC § 2).

21 **Recommendation**

23 The Agency must edit the erroneous statement to delete the erroneous phrase “the BLM is  
25 responsible for the health and safety of visitors to public lands.” The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 459: Subject: Erroneous Statement Page 140**

1 **Substantive Comment**

**# 460**

3 **Subject: Inaccurate Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Historically, public lands located within the CCMA were used for mining of mercury and  
9 asbestos, locating communication sites on mountain tops, and other resource uses like timber  
harvesting. More recently, CCMA public lands have been subject to numerous unauthorized and  
illegal activities, such as dumping of household and toxic wastes and marijuana cultivation.

11 **Discussion**

13 The statement, "... used for mining of mercury and asbestos ..." is misleading because  
15 mercury and asbestos are refined commercial product that were not mined, but rather refined  
from cinnabar and chrysotile, which was mined.

17 **Recommendation**

19 The Agency must edit or delete the inaccurate statement. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
23 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 460: Subject: Inaccurate Statement Page 140**

1 **Substantive Comment**

**# 461**

3 **Subject: Inaccurate Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Historically, public lands located within the CCMA were used for mining of mercury and  
9 asbestos, locating communication sites on mountain tops, and other resource uses like timber  
11 harvesting. More recently, CCMA public lands have been subject to numerous unauthorized and  
13 illegal activities, such as dumping of household and toxic wastes and marijuana cultivation.

11 **Discussion**

13 The statement, "Historically, public lands located within the CCMA were used for ...  
15 locating communication sites on mountain tops ..." is misleading because communication  
17 sites are currently facilitated on public land within the subject area.

17 **Recommendation**

19 The Agency must edit or delete the inaccurate statement. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.  
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**Substantive Comment - # 461: Subject: Inaccurate Statement Page 140**

1 **Substantive Comment**

**# 462**

3 **Subject: Erroneous Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Due to environmental and human health risks concerns associated with the presence of asbestos in  
9 the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were  
11 designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under  
13 the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special  
Designations) for more information on the Serpentine ACEC designation. Use of these lands,  
both legally and illegally, has resulted in the release of hazardous substances and the creation of  
hazardous waste sites.

15 **Discussion**

17 The statement, "Due to environmental and human health risks concerns ..." is erroneous  
19 because the Bureau of Land Management lacks statutory authority for "human health risks."  
Although 42 U.S.C. § 1702 define the meaning for an "areas of critical environmental concern,"  
it does not include the words "human" or "health" in that definition.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 462: Subject: Erroneous Statement Page 140**

1 **Substantive Comment**

**# 463**

3 **Subject: Confusing Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Due to environmental and human health risks concerns associated with the presence of asbestos in  
9 the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were  
11 designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under  
13 the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special  
Designations) for more information on the Serpentine ACEC designation. Use of these lands,  
both legally and illegally, has resulted in the release of hazardous substances and the creation of  
hazardous waste sites.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
19 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
21 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
23 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
25 term when the reference to a specific mineral is more appropriate and technically correct.  
27 According to the United States Geological Survey, "Asbestos is a generic name given to six  
29 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
35 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
37 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 463: Subject: Confusing Statement Page 140**

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 463: Subject: Confusing Statement Page 140**

1 **Substantive Comment**

**# 464**

3 **Subject: Confusing Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Due to environmental and human health risks concerns associated with the presence of asbestos in  
9 the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were  
11 designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under  
13 the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special  
Designations) for more information on the Serpentine ACEC designation. Use of these lands,  
both legally and illegally, has resulted in the release of hazardous substances and the creation of  
hazardous waste sites.

15 **Discussion**

17 This paragraph is unbalanced or is missing words or punctuation. Since "agencies should  
19 employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8),  
the public is left to assume that such unusual words, terminology or formatting might convey  
21 special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must correct the error or delete the statement. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 464: Subject: Confusing Statement Page 140**

1 **Substantive Comment**

**# 465**

3 **Subject: Erroneous Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Due to environmental and human health risks concerns associated with the presence of asbestos in  
9 the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were  
11 designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under  
13 the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special  
Designations) for more information on the Serpentine ACEC designation. Use of these lands,  
both legally and illegally, has resulted in the release of hazardous substances and the creation of  
hazardous waste sites.

15 **Discussion**

17 The statement, "has resulted in the release of hazardous substances and the creation of  
19 hazardous waste sites ..." is erroneous because the subject minerals are all natural to the  
geographic region. Since "agencies should employ writers of clear prose or editors to write,  
review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
words, terminology or formatting might convey special meaning.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 465: Subject: Erroneous Statement Page 140**

1 **Substantive Comment**

**# 466**

3 **Subject: Erroneous Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 Located within the Serpentine ACEC, is the Atlas Asbestos Mine Superfund Site, which added to  
9 the National Priorities List in 1983. As EPA was finalizing its approach to the cleanup of the Atlas  
11 site in 1991, they identified the need to evaluate BLM's management of CCMA and evaluate the  
13 overall protection of human health and the environment. As a result, BLM developed a health risk  
assessment in 1992 to further determine what management actions were necessary to limit public  
risk to asbestos and incorporated the results into the 1995 CCMA RMP Amendment, and it's  
associated Record of Decision (1999).

15 **Discussion**

17 The statement, "As EPA was finalizing its approach to the cleanup of the Atlas site ..." is  
19 erroneous because the EPA did not conduct physical cleanup of the Atlas site. Clean up was  
conducted by Northrop Grumman corporation under a Consent Decree (United States v. Atlas  
Corporation and Vinnell Mining and Minebals Corporation - 57 FR 29333).

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 466: Subject: Erroneous Statement Page 140**

## Substantive Comment

# 467

**Subject: Confusing Statement**

Page 140

### Referring to the Following Paragraph

Located within the Serpentine ACEC, is the Atlas Asbestos Mine Superfund Site, which added to the National Priorities List in 1983. As EPA was finalizing its approach to the cleanup of the Atlas site in 1991, they identified the need to evaluate BLM's management of CCMA and evaluate the overall protection of human health and the environment. As a result, BLM developed a health risk assessment in 1992 to further determine what management actions were necessary to limit public risk to asbestos and incorporated the results into the 1995 CCMA RMP Amendment, and its associated Record of Decision (1999).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 467: Subject: Confusing Statement Page 140

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 467: Subject: Confusing Statement Page 140**

## Substantive Comment

# 468

**Subject:** Confusing Statement

Page 140

### Referring to the Following Paragraph

Located within the Serpentine ACEC, is the Atlas Asbestos Mine Superfund Site, which added to the National Priorities List in 1983. As EPA was finalizing its approach to the cleanup of the Atlas site in 1991, they identified the need to evaluate BLM's management of CCMA and evaluate the overall protection of human health and the environment. As a result, BLM developed a health risk assessment in 1992 to further determine what management actions were necessary to limit public risk to asbestos and incorporated the results into the 1995 CCMA RMP Amendment, and it's associated Record of Decision (1999).

### Discussion

"It's" should be "its." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 468: Subject: Confusing Statement Page 140

1 **Substantive Comment**

**# 469**

3 **Subject: Erroneous Statement**

**Page 140**

5 **Referring to the Following Paragraph**

7 The principal Federal regulatory agency for setting laws and guidelines for hazardous materials is  
9 the U.S. Environmental Protection Agency (EPA). Key Federal laws and regulations pertaining to  
hazardous materials associated with the Planning Area include the:

11 **Discussion**

13 The statement, "The principal Federal regulatory agency for setting laws and guidelines for  
15 hazardous materials is the U.S. Environmental Protection Agency (EPA)" is false because the  
United States Constitution states that only Congress shall make law (Article I, Section 8). The  
subject laws were passed by Congress and administered by the Environmental Protection  
Agency.

17 **Recommendation**

19 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
21 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
23 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 469: Subject: Erroneous Statement Page 140**

1 **Substantive Comment**

**# 470**

3 **Subject: Misleading Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 Within the Planning Area, the hazardous materials of most concern are primarily a result of a  
9 numerous historic mine sites and their associated retort piles that contain tailings of mercury and  
11 asbestos, in addition to many other heavy metals, such as nickel and cadmium. CCMA public  
13 lands are also subject to illegal dumping of hazardous materials such as used tires and autos,  
household waste, and industrial wastes, as well as waste from illicit drug operations. There are no  
specific target ranges; however target shooting does occur regularly in CCMA and on adjacent  
private lands at Mexican Flats. Occasionally, target shooting that involves the use of “e-waste”  
such as old computers or televisions occurs in scattered remote locations.

15 **Discussion**

17 The statement, “Within the Planning Area, the hazardous materials of most concern are  
19 primarily a result of a numerous historic mine sites and their associated retort piles that  
21 contain tailings of mercury and asbestos, in addition to many other heavy metals, such as  
nickel and cadmium” is misleading for several reasons. First the region is considered the  
world’s forth largest deposit of cinnabar, the ore from which mercury is processed. Secondly,  
the area is also well known for small deposits of native mercury. Thirdly, the purpose of  
retorting was to remove the mercury from the ore so that the mercury could be sold at market.  
The so called “retort piles” are the rock waste product from which most of the mercury was  
25 been removed. Fourthly, while some commercial asbestos insulation was imported into the  
area for insulating retorts, this asbestos was not processed in these retorts. Finally, this  
27 statement, hazardous materials of most concern are primarily a result of a numerous historic  
mine sites” ignores the fact that the EPA study ACEC designation are based upon “naturally  
29 occurring asbestos,” not “mine sites.”

31 **Recommendation**

33 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

1 **Substantive Comment**

**# 471**

3 **Subject: Misleading Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 Within the Planning Area, the hazardous materials of most concern are primarily a result of a  
9 numerous historic mine sites and their associated retort piles that contain tailings of mercury and  
11 asbestos, in addition to many other heavy metals, such as nickel and cadmium. CCMA public  
13 lands are also subject to illegal dumping of hazardous materials such as used tires and autos,  
household waste, and industrial wastes, as well as waste from illicit drug operations. There are no  
specific target ranges; however target shooting does occur regularly in CCMA and on adjacent  
private lands at Mexican Flats. Occasionally, target shooting that involves the use of “e-waste”  
such as old computers or televisions occurs in scattered remote locations.

15 **Discussion**

17 The statement, “however target shooting does occur regularly in CCMA and on adjacent  
19 private lands at Mexican Flats” is misleading because it fails to mention that the “target  
shooting” at “Mexican Flats” is criminal trespass activity.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 471: Subject: Misleading Statement Page 141**

## Substantive Comment

# 472

**Subject:** Confusing Statement

Page 141

### Referring to the Following Paragraph

3.2.3.1 Naturally Occurring Asbestos

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

1 **Substantive Comment**

**# 473**

3 **Subject: Inaccurate Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 In the mid-1950's, an investigation by the California Division of Mines and Geology indicated  
9 that the serpentine matrix of the New Idria Formation was mainly chrysotile asbestos. 'Asbestos'  
11 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.

13 **Discussion**

15 The statement, "In the mid-1950's, an investigation by the California Division of Mines and  
17 Geology indicated that the serpentine matrix of the New Idria Formation was mainly chrysotile  
19 asbestos" is misleading because the author fails to cite the source of this statement. While the  
21 sentence is probably copied from the EPA Superfund Record of Decision: Atlas Asbestos Mine  
(1991:5), even that source fails to cite a source for this statement. The author should not simply  
echo unsubstantiated statements without checking their source. To maintain credibility, the  
author must cite the source for this statement or modify the statement to cite an existing  
source document.

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 473: Subject: Inaccurate Statement Page 141**

## Substantive Comment

# 474

**Subject: Confusing Format**

**Page 141**

### Referring to the Following Paragraph

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 a thermal insulation, chemical and thermal stability, and high tensile strength.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 474: Subject: Confusing Format Page 141

1 **Substantive Comment**

**# 475**

3 **Subject: Redundant Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 The New Idria Formation covers approximately 30,000 acres and was designated as the  
9 Serpentine Area of Critical Environmental Concern (ACEC) in 1984 based on the health concerns  
11 associated with exposure to naturally occurring asbestos, and because of the unique vegetation  
and forest types associated with serpentine formation. This area is also referred to as the  
Hazardous Asbestos Area (HAA).

13 **Discussion**

15 This statement has been made several times in this document. It is confusing and  
17 unnecessary to continually repeat. Since "agencies should employ writers of clear prose or  
19 editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
21 such unusual words, terminology or formatting might convey special meaning.  
23 Environmental impact statements shall be kept concise and shall be no longer than absolutely  
necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork  
by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4). Agencies shall  
avoid useless bulk in statements and shall concentrate effort and attention on important  
issues (40 CFR § 1502.15).

25 **Recommendation**

27 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
29 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 475: Subject: Redundant Statement Page 141**

1 **Substantive Comment**

**# 476**

3 **Subject: Misleading Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 The New Idria Formation covers approximately 30,000 acres and was designated as the  
9 Serpentine Area of Critical Environmental Concern (ACEC) in 1984 based on the health concerns  
11 associated with exposure to naturally occurring asbestos, and because of the unique vegetation  
and forest types associated with serpentine formation. This area is also referred to as the  
Hazardous Asbestos Area (HAA).

13 **Discussion**

15 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
17 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
19 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
21 additional quick document search indicates that the first published use of the phrase  
23 "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
25 and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
during the past twenty years. In all occurrences, the phrase is included complimentarily to  
emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
than actually exist.

27 **Recommendation**

29 The Agency must strike this phrase from the Resource Management Plan and the  
31 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
33 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 476: Subject: Misleading Statement Page 141**

1 **Substantive Comment**

**# 477**

3 **Subject: Inaccurate Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 Asbestos is a known human carcinogen and exposure to airborne asbestos poses a health and  
9 safety risk because persons breathing the air may breathe in asbestos fibers. Continued exposure  
11 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, and mesothelioma. The  
boundaries of the ACEC were defined by mapping of serpentine soils derived from the New Idria  
Formation.

13 **Discussion**

15 The statement 'Asbestos is a known human carcinogen and exposure to airborne asbestos  
17 poses a health and safety risk ...' is inaccurate and misleading because it fail to reflect current  
EPA opinion. The Environmental Protection Agency (EPA) currently relies on a risk assessment  
19 model completed in 1986. However, the EPA is updating its asbestos risk assessment method  
to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that  
21 chrysotile poses very little risk as compared with amphibole asbestos minerals. The EPA's  
Office of Solid Waste and Emergency Response (OSWER) asked EPA's Science Advisory Board  
(SAB) to consider a new proposed approach for assessing cancer potency factors for exposure  
23 to asbestos based upon differences in cancer potency of different mineral types and fiber  
sizes. The SAB Asbestos Committee issued a report on EPA's Proposed Approach for  
25 Estimation of Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos, on  
November 14, 2008. In their final draft report to EPA, Berman & Crump concluded chrysotile is  
27 approximately 800 times less capable of causing mesothelioma than amosite or crocidolite,  
thus supporting the hypothesis that one cannot experience enough chrysotile exposure in a  
29 lifetime to cause asbestos related disease.

31 **Recommendation**

33 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

1 **Substantive Comment**

**# 478**

3 **Subject: Misleading Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 In 1962, the Atlas Division of the Atlas Corporation began construction of an asbestos mine and  
9 mill within the boundaries of the CCMA that was in operation until 1979. The mining activity  
11 included digging the asbestos ore out of surface pits and then milling the ore. The by-products  
13 (tailings) of the milling process were bulldozed into piles near the asbestos mill. The resulting  
15 fluvial and airborne 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.

17 **Discussion**

19 Discussion of EPA superfund sites within the context of CCMA asbestos is misleading  
21 because the superfund designation is based on the EPA’s 1986 assessment criteria. The  
23 statement fails to reflect the fact that the EPA is updating its asbestos risk assessment method  
25 to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that  
chrysotile poses very little risk as compared with amphibole asbestos minerals. These sites  
would not rise to the National Priorities List (superfund) level if assessed with the proposed  
methodology using the Bin-Specific Cancer Potency Factor for Inhalation Exposure to  
Asbestos.

27 **Recommendation**

29 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 478: Subject: Misleading Statement Page 141**

## Substantive Comment

# 479

**Subject:** Confusing Statement

Page 141

### Referring to the Following Paragraph

Air sampling investigations conducted by EPA to address asbestos air pollution transport indicated that asbestos concentrations were similar within the North Central Coast air basin and San Joaquin Valley air basin. However, the localized on-site generation and inhalation of airborne asbestos was determined by both EPA and BLM to be a potential problem from motorized vehicle use in the CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 479: Subject: Confusing Statement Page 141**

1 **Substantive Comment**

**# 480**

3 **Subject: Confusing Statement**

**Page 141**

5 **Referring to the Following Paragraph**

7 In 1991, U.S. EPA signed the Record of Decision (ROD) selecting the cleanup remedy for the  
9 Atlas Asbestos Mine Superfund site in San Benito and Fresno counties, California. In the ROD,  
11 EPA noted that it was not proposing any action for the Clear Creek Management Area (CCMA),  
13 one of the Atlas site's four geographic areas. Instead, EPA stated that it would evaluate whether  
the United States Department of Interior Bureau of Land Management's (BLM) plans for  
management of CCMA were adequate to protect public health from exposure to asbestos found in  
the area.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
19 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
21 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
23 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
27 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
29 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
35 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
37 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 480: Subject: Confusing Statement Page 141**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 480: Subject: Confusing Statement Page 141**

1 **Substantive Comment**

# 481

3 **Subject: Misleading Statement**

Page 142

5 **Referring to the Following Paragraph**

7 In 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the  
9 site from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human  
11 health risk assessment for the CCMA. The goal of the assessment was to use current asbestos  
recreational activities and the potential cancer risks associated with those exposures.

13 **Discussion**

15 The statement, "The goal of the assessment was to use current asbestos sampling and  
17 analytical techniques to update a 1992 BLM Human Health Risk Assessment ..." is misleading  
19 because it fails to cite the dated 1986 assessment criteria being used to conduct the study. The  
statement should be corrected to read something like: The goal of the assessment was to use  
the EPA's 1986 health assessment document for asbestos (EPA 1986) sampling and analytical  
techniques to update a 1992 BLM Human Health Risk Assessment ..."

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 EPA (1986) *Airborne Asbestos Health Assessment Update*, United States Environmental  
33 Protection Agency.

Substantive Comment - # 481: Subject: Misleading Statement Page 142

1 **Substantive Comment**

# 482

3 **Subject: Erroneous Statement**

Page 142

5 **Referring to the Following Paragraph**

7 The activity-based sampling showed that activities which disturbed the soil recorded significantly  
9 elevated asbestos levels in the breathing zone. Motorcycle riding, ATV riding, and SUV driving/  
11 riding had the highest exposure concentrations, in some cases exceeding even the U.S.  
13 Occupational Safety and Health Administration (OSHA) 30-minute Excursion Limit for asbestos.  
15 Only hiking was near ambient asbestos concentrations. For Overall OHV Riding, combining  
17 motorcycling, ATV driving/riding, and SUV driving/riding, trailing riders had significantly  
19 higher exposures than lead riders. Chrysotile asbestos was the predominant asbestos type found in  
21 the air samples, but almost 8% of the phase contrast microscopy equivalent (PCME) asbestos  
23 fibers detected belonged to the amphibole asbestos group. **When the sampling results were  
25 evaluated by the general meteorological conditions of the dates sampling was conducted, “dry”,  
27 “moist”, and “wet”, it was observed that asbestos air concentrations were only reduced when it  
29 was actively raining.** Additionally, comparison of samples collected at the same time by the same  
31 individual wearing sampling cassettes set at different heights to simulate adult and child breathing  
33 zones showed that the child exposure concentrations exceeded that of the adult sample  
35 approximately 64% of the time.

23 **Discussion**

25 The statement, “When the sampling results were evaluated by the general meteorological  
27 conditions of the dates sampling was conducted, ‘dry’, ‘moist’, and ‘wet’, it was observed that  
29 asbestos air concentrations were only reduced when it was actively raining” is erroneous  
31 because the “moist” designation refers to their November (2nd & 3rd) event (EPA 2008:4-8)  
33 during which period soil conditions were actually dry (EPA 2008:Appendix F). Note that the  
35 EPA used the United States Department of Agriculture Natural Resource Conservation Service  
“Estimating Soil Moisture by Feel and Appearance” method (EPA 2008:4-6). The  
meteorological data shows that although the humidity increased on November 3<sup>rd</sup>, it did not  
begin to rain until the evening after the EPA was finished (HDZC1 2004). These conditions  
cannot be designated as “moist” because the air and soil were dry on the first day of EPA  
testing and the soil remained dry throughout the second (final) day.

37 **Recommendation**

39 The Agency must edit this paragraph to accurately reflect the dry conditions that existed  
41 during the period that the EPA designed as “moist.” The Agency must rewrite the subject  
43 document to remove the discrepant issue from the document. The original discrepancy must  
45 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment," U.S. Environmental Protection Agency.

5 HDZC1 (2004) "Past Weather Conditions for HDZC1" Hernandez, California Department of  
Water Resources.

7 USDA (1998) "Estimating Soil Moisture by Feel and Appearance," Program Aid Number  
9 1619, United States Department of Agriculture, Natural Resources Conservation  
Service.

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1 **Substantive Comment**

# 483

3 **Subject: Confusing Statement**

Page 142

5 **Referring to the Following Paragraph**

7 The activity-based sampling showed that activities which disturbed the soil recorded significantly  
9 elevated asbestos levels in the breathing zone. Motorcycle riding, ATV riding, and SUV driving/  
11 riding had the highest exposure concentrations, in some cases exceeding even the U.S.  
13 Occupational Safety and Health Administration (OSHA) 30-minute Excursion Limit for asbestos.  
15 Only hiking was near ambient asbestos concentrations. For Overall OHV Riding, combining  
17 motorcycling, ATV driving/riding, and SUV driving/riding, trailing riders had significantly  
19 higher exposures than lead riders. Chrysotile asbestos was the predominant asbestos type found in  
21 the air samples, but almost 8% of the phase contrast microscopy equivalent (PCME) asbestos  
fibers detected belonged to the amphibole asbestos group. When the sampling results were  
evaluated by the general meteorological conditions of the dates sampling was conducted, “dry”,  
“moist”, and “wet”, it was observed that asbestos air concentrations were only reduced when it  
was actively raining. Additionally, comparison of samples collected at the same time by the same  
individual wearing sampling cassettes set at different heights to simulate adult and child breathing  
zones showed that the child exposure concentrations exceeded that of the adult sample  
approximately 64% of the time.

23 **Discussion**

25 Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC  
27 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
29 free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute  
31 term when the reference to a specific mineral is more appropriate and technically correct.  
33 According to the United States Geological Survey, “Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products.” The definition is expanded  
35 further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups:  
37 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

39 **Recommendation**

41 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
43 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos”  
45 with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 483: Subject: Confusing Statement Page 142**

1 **Substantive Comment**

**# 484**

3 **Subject: Speculative Statement**

**Page 142**

5 **Referring to the Following Paragraph**

7 When the activity-based sampling asbestos concentrations were applied into typical use scenarios  
and excess lifetime cancer risks were estimated, the EPA report found that using the EPA  
9 Integrated Risk Information System (IRIS) toxicity value for asbestos, making five or more visits  
to CCMA per year over a 30-year period to participate in recreational scenarios of Weekend  
11 Riding, Day Use Riding, Weekend Hunting, or Combined Riding/Fence Building could put  
recreational users at an excess lifetime cancer risk above EPA's acceptable risk range of  $1 \times 10^{-4}$   
13 (1 in 10,000) to  $1 \times 10^{-6}$  (1 in 1,000,000). The highest IRIS risk estimation, 2 in 1,000 ( $2 \times 10^{-3}$ ),  
was based on the 95% upper confidence limit exposure concentration for 12 visits per year for the  
15 recreational Weekend Rider (EPA 2008).

17 **Discussion**

19 This paragraph is *prima facie*, self-evident, speculation based upon usage of the terms  
"were estimated" and "could put," thus implying a degree of doubt to any conclusion that  
21 might be asserted from this paragraph. The EPA asbestos risk assessment is based on 1986  
data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is  
23 much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must delete this paragraph because it fail to present the conclusive scientific  
data and because it fails to state or explain the EPA's doubts, or why the EPA has suppressed  
scientific data and internal opinions which to this paragraph. The Agency must rewrite the  
29 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

33 **Reference**

35 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

37 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
39 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

1 **Substantive Comment**

# 485

3 **Subject: Speculative Statement**

Page 142

5 **Referring to the Following Paragraph**

7 Using the State of California Office of Environmental Health Hazard Assessment (OEHHA)  
toxicity value for asbestos, even one visit per year for recreational scenarios of Weekend Riding,  
9 Day Use Riding, Weekend Hunting, or Combined Riding/Fence Building put users above EPA's  
acceptable risk range. The higher risks reflect the fact that the OEHHA asbestos toxicity value is  
11 8 times larger than the value in IRIS. At the high end of the risk range, excess lifetime cancer risk  
estimations using the OEHHA toxicity value and the 95% upper confidence limit concentration  
13 indicate that recreational users riding motorcycles 12 weekends per year could have as much as a  
1 in 100 ( $1 \times 10^{-2}$ ) lifetime chance of developing asbestos related cancer.

15 **Discussion**

17 This paragraph is *prima facie*, self-evident, speculation based upon usage of the terms  
and "could have," thus implying a degree of doubt to any conclusion that might be asserted  
19 from this paragraph. The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and  
fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA  
21 2008), and may, in fact, not be a human health risk.

23 **Recommendation**

25 The Agency must delete this paragraph because it fail to present the conclusive scientific  
data and because it fails to state or explain the EPA's doubts, or why the EPA has suppressed  
27 scientific data and internal opinions which to this paragraph. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

33 **Reference**

35 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

37 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
39 Protection Agency, Science Advisory Board.

1 **Substantive Comment**

**# 486**

3 **Subject: Misleading Statement**

**Page 143**

5 **Referring to the Following Paragraph**

7 On the other hand, the EPA risk calculations may underestimate the risk because take-home  
9 exposures and non-cancer health effects were not considered. Asbestos can adhere to equipment,  
11 clothes, and the interior and exterior of vehicles, and can be tracked out of CCMA resulting in  
13 future exposures to CCMA users, families, and communities. The offsite exposure could increase  
15 the risk, proportional to the time of exposure and the concentration of asbestos tracked offsite.  
17 Perhaps most important, there is currently no reference value for calculating non-cancer risks  
from asbestos exposures and non-cancer risks were therefore not addressed in the EPA  
assessment. However, epidemiological studies indicate that non-cancer respiratory health effects  
from exposure to asbestos can be significant and in some studies exceed the cancer cases.  
Therefore, the general probability of developing disease from exposure related to activities at  
Clear Creek may be underestimated in the EPA risk estimations.

19 **Discussion**

21 This paragraph is misleading because it implies that although the "EPA risk calculations  
23 may underestimate the risk," that it is only because it fails to account for other deleterious  
25 effects. However, such implication, or assumption, is erroneous because the statement ignores  
the fact that the EPA risk model drastically overestimates cancer related diseases by factors of  
50 to 150 times (Camus *et al* 2002: 95).

27 **Recommendation**

29 The Agency must delete this paragraph because it implies outcome that is contrary to the  
31 scientific evidence. The Agency must rewrite the subject document to remove the discrepant  
issue from the document. The original discrepancy must not be included or propagated in the  
final resource management plan, the final environmental impact study, or the record of  
decision. The final documentation should include corrected recommendations.

33 **Reference**

35 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women  
37 Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"  
*Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 486: Subject: Misleading Statement Page 143

1 **Substantive Comment**

**# 487**

3 **Subject: Confusing Statement**

**Page 143**

5 **Referring to the Following Paragraph**

7 The Activity Causes the Exposure – The concentration of asbestos in the breathing zone is directly related to the degree that an activity disturbs the soil and creates dust.

9 **Discussion**

11 Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos”  
29 with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.
- 41 EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental  
43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 488**

3 **Subject: Confusing Statement**

**Page 143**

5 **Referring to the Following Paragraph**

- 7 • Children Are of Special Concern – In a majority of the samples, the concentration of asbestos  
9 measured in the child’s breathing zone exceeded the asbestos concentration in the companion  
adult sample. Further, a child’s life expectancy exceeds the latency period for asbestos-related  
disease.

11 **Discussion**

13 Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC  
15 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
17 free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
19 According to the United States Geological Survey, “Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products.” The definition is expanded  
21 further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
23 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
25 actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos”  
31 with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

37 **Reference**

- 39 Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.  
41 EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection  
Agency.  
43 EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental  
45 Protection Agency, Science Advisory Board.

**Substantive Comment - # 488: Subject: Confusing Statement Page 143**

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 489**

3 **Subject: Inaccurate Statement**

**Page 143**

5 **Referring to the Following Paragraph**

7 Asbestos is a known human carcinogen. Despite the uncertainties inherent in risk assessment, the  
9 evaluation of asbestos exposures and risks at the Clear Creek Management Area led EPA to  
conclude:

11 **Discussion**

13 The statement 'Asbestos is a known human carcinogen and exposure to airborne asbestos  
15 poses a health and safety risk ...' is inaccurate and misleading because it fail to reflect current  
17 EPA opinion. The Environmental Protection Agency (EPA) currently relies on a risk assessment  
19 model completed in 1986. However, the EPA is updating its asbestos risk assessment method  
21 to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that  
23 chrysotile poses very little risk as compared with amphibole asbestos minerals. The EPA's  
25 Office of Solid Waste and Emergency Response (OSWER) asked EPA's Science Advisory Board  
(SAB) to consider a new proposed approach for assessing cancer potency factors for exposure  
27 to asbestos based upon differences in cancer potency of different mineral types and fiber  
sizes. The SAB Asbestos Committee issued a report on EPA's Proposed Approach for  
Estimation of Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos, on  
November 14, 2008. In their final draft report to EPA, Berman & Crump concluded chrysotile is  
approximately 800 times less capable of causing mesothelioma than amosite or crocidolite,  
thus supporting the hypothesis that one cannot experience enough chrysotile exposure in a  
lifetime to cause asbestos related disease.

29 **Recommendation**

31 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
33 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 489: Subject: Inaccurate Statement Page 143**

1 **Substantive Comment**

**# 490**

3 **Subject: Redundant Statement**

**Page 143**

5 **Referring to the Following Paragraph**

7 In response to the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM  
9 issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within  
11 the CCMA's Serpentine ACEC to all public use and entry. The closure order was published in the  
13 Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land  
15 users from human health risks associated with exposure to airborne asbestos in the CCMA while  
17 the BLM completes this Resource Management Plan.

13 **Discussion**

15 This is statement has been previously asserted in the subject document. Such redundancy  
17 is not concentrating on the issues that are truly significant to the action in question (40 C.F.R. §  
19 1500.1(b)). Since "agencies should employ writers of clear prose or editors to write, review or  
21 edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
23 terminology or formatting might convey special meaning. Environmental impact statements  
25 shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA  
(40 CFR § 1502.2). This statement asserts needless detail that fails to concentrate on the issues  
that are truly significant to the action in question (40 CRF 1500.1). Agencies shall reduce  
excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. §  
1500.4). Agencies shall avoid useless bulk in statements and shall concentrate effort and  
attention on important issues (40 CFR § 1502.15).

27 **Recommendation**

29 The Agency must delete the needlessly redundant statement. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.  
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**Substantive Comment - # 490: Subject: Redundant Statement Page 143**

1 **Substantive Comment**

**# 491**

3 **Subject: Misleading Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 Over the years, substantial marijuana garden encampments have been discovered by law  
9 enforcement authorities in CCMA. Law enforcement confiscate the illegal product, but large  
11 amounts of solid waste, garbage, food, clothing, fertilizers, pesticides, and batteries remain on  
public lands. Many of these types of waste also contain hazardous materials that are a potential  
source of contamination of the air, water, and soil resources in CCMA. Similar waste piles are  
dispersed throughout CCMA due to illegal dumping of household chemicals and solid waste.

13 **Discussion**

15 The statement, "Over the years, substantial marijuana garden encampments have been  
17 discovered by law enforcement authorities in CCMA." is misleading because it fails to mention  
That is, restrictions on recreational access to certain areas, make those areas safer, and hence  
19 more attractive to marijuana growers.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
27 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 491: Subject: Misleading Statement Page 144**

1 **Substantive Comment**

**# 492**

3 **Subject: Misleading Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 Some acid mine drainage has been characterized with respect to the mines located in this  
management area. Hazards associated with these mines include open shafts and adits, tailings  
9 piles, and abandoned equipment. Other hazardous materials of concern that may be found in the  
CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos  
11 tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources  
of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine  
13 lands in CCMA are identified below.

15 **Discussion**

17 The statement, "Some acid mine drainage has been characterized with respect to the  
mines located in this management area" is misleading because it fails to mention that there is  
only one small seasonal occurrence of acid mine drainage within the Agency's jurisdiction.  
19 When an agency is evaluating reasonably foreseeable significant adverse effects on the  
human environment in an environmental impact statement and there is incomplete or  
21 unavailable information, the agency shall always make clear that such information is lacking  
(40 C.F.R. § 1502.22).

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

**Substantive Comment - # 492: Subject: Misleading Statement Page 144**

1 **Substantive Comment**

**# 493**

3 **Subject: Misleading Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 Some acid mine drainage has been characterized with respect to the mines located in this  
management area. Hazards associated with these mines include open shafts and adits, tailings  
9 piles, and abandoned equipment. Other hazardous materials of concern that may be found in the  
CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos  
11 tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources  
of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine  
13 lands in CCMA are identified below.

15 **Discussion**

17 The statement, "Other hazardous materials of concern that may be found in the CCMA  
abandoned mine land" is misleading because it confesses, by use of the word "may" that the  
Agency has not properly inventoried their management resources. When an agency is  
19 evaluating reasonably foreseeable significant adverse effects on the human environment in an  
environmental impact statement and there is incomplete or unavailable information, the  
21 agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

**Substantive Comment - # 493: Subject: Misleading Statement Page 144**

1 **Substantive Comment**

**# 494**

3 **Subject: Misleading Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 Some acid mine drainage has been characterized with respect to the mines located in this  
management area. Hazards associated with these mines include open shafts and adits, tailings  
9 piles, and abandoned equipment. Other hazardous materials of concern that may be found in the  
CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos  
11 tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources  
of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine  
13 lands in CCMA are identified below.

15 **Discussion**

17 The statement, "... include cinnabar (mercury ore) deposits and piles of asbestos tailings  
that have been dispersed throughout the region by wind, water, and anthropogenic sources  
19 of disturbances ..." is misleading for several reasons. First the region is considered the world's  
forth largest deposit of cinnabar, the ore from which mercury is processed. Secondly, the area  
is also well known for small deposits of native mercury. Secondly, the region is well known for  
21 its large natural deposit of serpentine, which contains chrysotile.

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

**Substantive Comment - # 494: Subject: Misleading Statement Page 144**

1 **Substantive Comment**

**# 495**

3 **Subject: Erroneous Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 Some acid mine drainage has been characterized with respect to the mines located in this  
management area. Hazards associated with these mines include open shafts and adits, tailings  
9 piles, and abandoned equipment. Other hazardous materials of concern that may be found in the  
CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos  
11 tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources  
of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine  
13 lands in CCMA are identified below.

15 **Discussion**

17 The statement, "Current conditions and BLM goals for reclamation of some abandoned  
mine lands in CCMA are identified below" is false because the listed projects are completed  
19 projects and because no "goals" are actually identified.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 495: Subject: Erroneous Statement Page 144**

1 **Substantive Comment**

**# 496**

3 **Subject: Misleading Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 The Aurora mine was active from 1853 up to the 1950's. Historic photographs of the mine  
9 showed that several structures and an improved water source for the mine along with two large  
11 metal water tanks. These structures and the furnace used to retort the ore were previously  
removed, so no above ground structures were left when restoration activities began in the summer  
of 2000.

13 **Discussion**

15 The statement, "These structures and the furnace used to retort the ore were previously  
17 removed, so no above ground structures were left when restoration activities began in the  
19 summer of 2000" is misleading because it fails to include mention that the Agency destroyed  
critical historic resources, such as the original rotary kiln. When an agency is evaluating  
reasonably foreseeable significant adverse effects on the human environment in an  
environmental impact statement and there is incomplete or unavailable information, the  
agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 496: Subject: Misleading Statement Page 144**

1 **Substantive Comment**

**# 497**

3 **Subject: Erroneous Statement**

**Page 144**

5 **Referring to the Following Paragraph**

7 Remediation of the site included the removal of 8,000 cubic yards of mercury retort waste rock  
9 (calcines) and placement into a repository located nearby. All unearthed mining debris was also  
11 placed into the repository. The disturbed areas were recontoured and capped with two to three feet  
13 of non-mercury native soil. Native plant seeds from the adjacent vegetated areas were spread out  
under several inches of weed-free rice straw. Rice straw hay bales were staked in the ground to  
control erosion and allow for the germination of the native plants. However, severe winter storms  
have caused the ephemeral drainage that was recontoured through the site to overflow and cut into  
the cap material causing additional erosion concerns.

15 **Discussion**

17 The statement "However, severe winter storms have caused the ephemeral drainage that  
19 was recontoured through the site to overflow and cut into the cap material causing additional  
erosion concerns" is false because it implies that the normal weather cycle was some "severe."  
21 Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
23 terminology or formatting might convey special meaning. The public depends on author's  
accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
must write clear prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
29 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 497: Subject: Erroneous Statement Page 144**

## Substantive Comment

# 498

**Subject: Confusing Statement**

**Page 145**

### Referring to the Following Paragraph

Following the discovery of San Benito evening primrose in 1960 (*Camissonia benitensis*; CABE) and subsequent listing by the Fish and Wildlife Service as Threatened in 1985, the BLM began making efforts to protect the species' habitat. Habitat protection efforts included establishing formal campgrounds and staging areas and fencing habitat to exclude OHV and other recreation impacts. Formal campgrounds established included Jade Mill. Upper Jade Mill campground is underlain by nonserpentine soils and thus, BLM first identified the Jade Mill site for development of recreation facilities in the Hollister RMP (BLM, 1984). Subsequently, BLM's policy has been modified to not encourage use within Jade Mill area due to the asbestos hazard. However, the Upper Jade Mill site remains a favorite camping location and consistently receives heavy use.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 498: Subject: Confusing Statement Page 145

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 498: Subject: Confusing Statement Page 145**

1 **Substantive Comment**

**# 499**

3 **Subject: Erroneous Statement**

**Page 145**

5 **Referring to the Following Paragraph**

7 The Xanadu Mil Site was a small commercial operation within a riparian zone that produced very  
9 little calcines. However, the site was very heavily used by the visiting public for camping and  
11 target shooting, and the retort area was contaminated with mercury. The remediation plan called  
for the removal and on-site encapsulation of the milling retort oven debris, contaminated soils and  
building remnants.

13 **Discussion**

15 The statement is erroneous because the Xanadu Mil Site does not exist. Since "agencies  
17 should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
19 convey special meaning. Perhaps a word is misspelled and author meant "The Xanadu Mill  
Site." The public depends on author's accuracy and is therefore not at liberty to interpret  
variant meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 499: Subject: Erroneous Statement Page 145**

1 **Substantive Comment**

**# 500**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 Travel and transportation management is aimed at providing adequate public and administrative  
9 access to BLM lands for visitor use and for management of those lands, while regulating travel to  
11 protect public safety, prevent damage to resources, and resolve conflicts among users. Central to  
travel management are OHV designations. All public lands are required to be designated as open,  
limited, or closed to motorized vehicle access (43 CFR 8342.1).

13 **Discussion**

15 The statement, "All public lands are required to be designated as open, limited, or closed to  
17 motorized vehicle access (43 CFR 8342.1)" is false because it incorrectly quotes 43 CFR 8342.1,  
which correctly states:

19 "The authorized officer shall designate all public lands as either open, limited, or closed  
to off-road vehicles."

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 500: Subject: Erroneous Statement Page 147**

1 **Substantive Comment**

**# 501**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 Areas designated as “open” have primarily been selected for intensive motorized vehicle  
recreation and do not have compelling resource protection needs, user conflicts, or public safety  
9 issues that warrant limiting cross-country use. On lands designated as “limited”, cross-country  
travel is prohibited and travel is limited to designated “open” routes. The network of routes  
11 available and the terms and conditions of use on those roads and trails are usually identified on  
published maps. In areas designated as closed, no motorized or vehicle use is permitted. Cross-  
13 country travel by foot or horse is usually permitted in all areas regardless of route designation.

15 **Discussion**

17 The statement, “On lands designated as “limited”, cross-country travel is prohibited and  
travel is limited to designated “open” routes” is false because 43 CFR 8342.1 does not pertain  
19 to all “travel,” but rather specifically to off road vehicle use.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 501: Subject: Erroneous Statement Page 147**

1 **Substantive Comment**

**# 502**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 Areas designated as “open” have primarily been selected for intensive motorized vehicle  
recreation and do not have compelling resource protection needs, user conflicts, or public safety  
9 issues that warrant limiting cross-country use. On lands designated as “limited”, cross-country  
travel is prohibited and travel is limited to designated “open” routes. The network of routes  
11 available and the terms and conditions of use on those roads and trails are usually identified on  
published maps. In areas designated as closed, no motorized or vehicle use is permitted. Cross-  
13 country travel by foot or horse is usually permitted in all areas regardless of route designation.

15 **Discussion**

17 The statement, “On lands designated as “limited”, cross-country travel is prohibited and  
travel is limited to designated “open” routes” is false because 43 CFR 8342.1 does not pertain  
19 to all “travel,” but rather to off road vehicle use.

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 502: Subject: Erroneous Statement Page 147**

1 **Substantive Comment**

**# 503**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part  
8340 "Off-Road Vehicles," and Subpart 8342, "Designation of Roads and Trails." The off-  
9 highway vehicle (OHV) regulations apply to use of routes by the general public. Certain other  
routes may be open to private landholders, and grazing or other permittees, to meet specific  
11 access needs and/or legal rights.

13 **Discussion**

15 The statement, "Vehicle use in the Planning Area is managed under the direction and  
authority in 43 CFR Part 8340 'Off-Road Vehicles,' and Subpart 8342, 'Designation of Roads and  
17 Trails'" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same  
report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private  
19 lands in southern San Benito County and western Fresno County in Central California shown  
on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" is defined  
"regardless of jurisdiction," then authority is not restricted to "43 CFR 8340," but would also  
21 include various State laws as applicable to jurisdictional authority.

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.

**Substantive Comment - # 503: Subject: Erroneous Statement Page 147**

1 **Substantive Comment**

**# 504**

3 **Subject: Misleading Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part  
8340 “Off-Road Vehicles,” and Subpart 8342, “Designation of Roads and Trails.” The off-  
9 highway vehicle (OHV) regulations apply to use of routes by the general public. Certain other  
routes may be open to private landholders, and grazing or other permittees, to meet specific  
11 access needs and/or legal rights.

13 **Discussion**

15 The statement, “The off-highway vehicle (OHV) regulations apply to use of routes by the  
general public” is inaccurate and misleading because 43 CFR Part 8340 is more accurately a  
17 subpart of 43 CFR Subchapter H —Recreation Programs. Thus implying that the regulation  
applies to the “general public” is false. The regulation applies to “recreation programs.”

19 **Recommendation**

21 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

**Substantive Comment - # 504: Subject: Misleading Statement Page 147**

1 **Substantive Comment**

**# 505**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 A network of Federal, State, and County roads provide access to the Planning Area. Currently,  
9 public lands in the area are generally accessible by motorized vehicles to agency personnel (for  
11 resource management), to commercial enterprise (for use or extraction of public resources), and  
13 to the general public (for recreation and enjoyment of public lands). The population in the  
15 Planning Area is overwhelmingly urban, and rural areas are becoming increasingly less common  
as urbanization expands, especially in the San Francisco Bay Area, Central Coast communities,  
and in the San Joaquin Valley. Therefore, the wildland experiences in the Clear Creek  
Management Area are increasingly valuable as the supply of open space decreases in the region.

15 **Discussion**

17 The statement, "... and to the general public (for recreation and enjoyment of public  
19 lands)" is false because it implies that the general public use is exclusively for "recreation and  
21 enjoyment." The Agency and its employees should be reminded that their office exist at the  
23 please of the People (the "general public") who are the taxpaying citizens whose labor pay  
wages to these public employees. The general public also use public lands for other than  
recreation.

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

Substantive Comment - # 505: Subject: Erroneous Statement Page 147

1 **Substantive Comment**

**# 506**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 A network of Federal, State, and County roads provide access to the Planning Area. Currently,  
9 public lands in the area are generally accessible by motorized vehicles to agency personnel (for  
11 resource management), to commercial enterprise (for use or extraction of public resources), and  
13 to the general public (for recreation and enjoyment of public lands). The population in the  
15 Planning Area is overwhelmingly urban, and rural areas are becoming increasingly less common  
as urbanization expands, especially in the San Francisco Bay Area, Central Coast communities,  
and in the San Joaquin Valley. Therefore, the wildland experiences in the Clear Creek  
Management Area are increasingly valuable as the supply of open space decreases in the region.

15 **Discussion**

17 The statement, "The population in the Planning Area is overwhelmingly urban, and rural  
19 areas are becoming increasingly less common as urbanization expands, especially in the San  
Francisco Bay Area, Central Coast communities, and in the San Joaquin Valley" is erroneous  
because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states:  
21 "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern  
San Benito County and western Fresno County in Central California shown on Map 1 in  
23 Appendix I regardless of jurisdiction." The "the San Francisco Bay Area, Central Coast  
communities" and most of the "San Joaquin Valley" are outside of the Planning Area.

25 **Recommendation**

27 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
29 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
31 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

1 **Substantive Comment**

**# 507**

3 **Subject: Erroneous Statement**

**Page 147**

5 **Referring to the Following Paragraph**

7 There is a need to balance access to public lands with resource management and protection,  
including public health and safety. Areas where there is no public motorized access or access can  
9 be improved include the Condon, Tucker, and Cantua management zones. In southern Fresno  
County, the BLM-managed portion of Joaquin Ridge is an area with limited roads, where public  
11 access is restricted by private lands and BLM-locked gates. As a result, there has been a trend of  
route proliferation, redundancy, and frequent trespasses and other unauthorized uses on BLM and  
13 private lands in the region.

15 **Discussion**

17 The statement, "In southern Fresno County, the BLM-managed portion of Joaquin Ridge is  
an area with limited roads, where public access is restricted by private lands and BLM-locked  
19 gates" is false because Joaquin Rocks is accessible by a public highway that traverses Joaquin  
Ridge between Idria Peak and Joaquin Rocks. This highway is clearly marked on early historic  
21 maps. The Agency blocked this public highway with a gate at Wright Mountain.

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 507: Subject: Erroneous Statement Page 147**

1 **Substantive Comment**

**# 508**

3 **Subject: Confusing Format**

**Page 148**

5 **Referring to the Following Paragraph**

7 In 1999, CCMA was designated a “Limited” OHV use area available for motorized recreation on  
designated routes and trails. In 2006, BLM approved the CCMA RMP Amendment for Route  
9 Designation, which identified “open” routes and trails on CCMA public lands. Therefore, the  
baseline for the analysis of impacts from BLM transportation management actions is limited to  
11 routes on public lands designated ‘open’ in the 2006 ROD.

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Since “agencies should employ writers of clear prose or editors to write,  
17 review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual  
words, terminology or formatting might convey special meaning. The public depends on  
19 author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
formatting, or confess that it is a reflection on poor document management, the lack writing  
25 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
39 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
41 always applied consistently throughout the document.



1 **Substantive Comment**

**# 510**

3 **Subject: Management Confession**

**Page 149**

5 **Referring to the Following Paragraph**

7 The non-project related portion of a work day takes approximately 6 hours. That means only 4  
9 hours of actual mission critical work is accomplished during a 10 hour work day. This typically  
11 doubles or triples the time necessary to complete projects. Frequently, a 12-14 hour work day is  
13 utilized to offset the logistical issues surrounding the accomplishment of work within CCMA.  
While making for a more efficient CCMA work schedule, cost is greatly increased through  
overtime compensation. Decontamination facility maintenance and employee health monitoring  
also greatly contribute to project costs.

15 **Discussion**

17 This is a time-management issue and illustrates the fact that BLM Hollister field office  
19 management is unable to properly coordinate or manage field work. This statement asserts  
21 needless detail that fails to concentrate on the issues that are truly significant to the action in  
question (40 CRF 1500.1). Agencies shall avoid useless bulk in statements and shall  
concentrate effort and attention on important issues (40 CFR § 1502.15).

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 510: Subject: Management Confession Page 149**

## Substantive Comment

# 511

**Subject: Confusing Format**

**Page 149**

### Referring to the Following Paragraph

The US Forest Service prepared a report in June 2005 titled Off-Highway Vehicle Recreation in the United States, Regions and States: A National Report from the National Survey on Recreation and the Environment (NSRE). According to this report, driving motor vehicles ‘off-road’ became one of the fastest growing activities in the country from 1982 to 2000-01. Growth in OHV use from an earlier study conducted in 1994-1995 and a 1999 -2000 NSRE report, showed a 32-percent increase. This represented growth from about 27.3 million OHV users in 1994-1995 to about 36.0 million in 1999-2000 (USDA 2005). The 2005 study reports “a slightly higher growth rate continued from 1999-2000 to the most recent NSRE interviewing period in late 2004. This resulted in growth in the number of OHV participants during that time period from 36.0 million to 51.0 million, a 42 percent increase.” Further, the study determined there has been consistent growth in OHV use between 1999 and 2004, with conservative estimates on OHV use from the combined or pooled NSRE 1999-2004 sample of more than 73,000 individuals to arrive at an estimate of 39.7 million OHV participants, 18.6 percent of the population, or almost 1-in-5 people age 16 and older.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and

1 for technical terms followed by definitions. Italicize punctuation marks immediately following  
3 italicized words. Italicized words also set off the titles of full-length works that are published  
5 separately. While other format and usage rules might be applied to a document, such rules are  
7 always applied consistently throughout the document.  
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1 **Substantive Comment**

**# 512**

3 **Subject: Contradictory Statement**

**Page 149**

5 **Referring to the Following Paragraph**

7 Nevertheless, urban sprawl has increased recreational use on BLM lands near urban zones. This  
has led to overcrowding of some recreation areas, accompanied by a deterioration of resources.  
9 With the state areas being heavily impacted and open areas harder to find, the BLM lands will  
likely see increased legal and illegal OHV use. The OHV-related environmental impacts from  
11 increasing OHV use on the CCMA route network would affect soil erosion, damage to vegetation,  
wildlife habitat fragmentation, and the spread of invasive species. Unauthorized OHV use is also  
13 likely to damage riparian zones and habitat for threatened or endangered species.

15 **Discussion**

17 The statement, "The OHV-related environmental impacts from increasing OHV use on the  
CCMA route network ..." conflicts with the data presented in Table 3.8-1 on page 135, which  
shows that OHV use is decreasing rather than increasing.

19 **Recommendation**

21 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
23 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 512: Subject: Contradictory Statement Page 149**

1 **Substantive Comment**

**# 513**

3 **Subject: Contradictory Statement**

**Page 153**

5 **Referring to the Following Paragraph**

7 Vegetation resource is essential for, or adds aesthetic value to, livestock grazing, wildlife habitat,  
9 soil stability, recreation, hunting, and sightseeing. The Planning Area consists of structurally and  
11 compositionally diverse plant communities that include barrens completely devoid of vegetation,  
13 grasslands, chaparral, oak woodland, and conifer forest. Variations in climate, terrain, geology,  
15 and soils support a mosaic of unique plant communities and rare species. The 1995 Clear Creek  
17 Management Area Proposed Resource Management Plan Amendment and Final Environmental  
Impact Statement identified 23 special status and sensitive plant species occurring within the  
Clear Creek Management Area that require special management attention. Threats to vegetation  
resources include unauthorized off-highway vehicle (OHV) travel, inappropriate livestock  
grazing, surface disturbances from mineral extraction, and noxious and invasive weed  
establishment.

19 **Discussion**

21 The statement, "The Planning Area consists of structurally and compositionally diverse  
23 plant communities that include barrens completely devoid of vegetation ..." is contradictory  
25 because it suggests the "barrens completely devoid of vegetation" are among the "diverse  
27 plant communities." Since "agencies should employ writers of clear prose or editors to write,  
review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
words, terminology or formatting might convey special meaning. The public depends on  
author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

29 **Recommendation**

31 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
33 the subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 514**

3 **Subject: Conflicting Data**

**Page 153**

5 **Referring to the Following Paragraph**

7 The CCMA overlays two primary geologic units including 1) the New Idria serpentine mass,  
9 which forms the core of the management area (32,000 acres total), and 2) a nonserpentine  
11 sedimentary rock complex which surrounds the serpentine mass (42,000 acres total). The  
13 Serpentine ACEC boundary encompasses the New Idria serpentine mass. The Tucker, San Benito  
15 River, Condon, and Cantua Zones are composed almost entirely of the nonserpentine sedimentary  
17 rock complex. Topography is rugged with an elevation range of 1,830 at Pine Canyon to 5,241  
19 feet on San Benito Mountain. The climate, like most of California is classified as Mediterranean,  
21 punctuated by cool, wet winters and hot, dry summers. Annual precipitation occurs primarily as  
23 winter rain with some snow occurring most years at the highest elevations on San Benito  
25 Mountain. Average annual precipitation in the CCMA is 12 inches.

17 **Discussion**

19 The statement, "Mountain. Average annual precipitation in the CCMA is 12 inches"  
21 conflicts with other statements in this report, such as Page 219, "Ninety percent of the  
23 precipitation (approximately 17 inches ... " The statement, "Mountain. Average annual  
25 precipitation in the CCMA is 12 inches" needs more explanation and a citation because  
27 according to the average annual precipitation, derived from the previous ten years, on the  
29 southern slope of Joaquin Ridge, including Los Gatos Creek is about 40.5 cm [16.0 in.]; eastern  
slope precipitation averages about 27.3 cm [10.8 in.] according to the California Data  
Exchange Center, Department of Water Resources. Compilation of historic Station Data from  
HDZ (Hernandez), SRI (Santa Rita Peak), and JQN (Joaquin Ridge [east base]). [http://  
cdec.water.ca.gov/](http://cdec.water.ca.gov/). While the overall annual average is about 12 inches, greater delineation of  
this data is useful as it relates better to the area's topography.

31 **Recommendation**

33 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
35 the subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
39 final environmental impact study, or the record of decision. The final documentation should  
41 include corrected recommendations.  
43  
45

1 **Substantive Comment**

**# 515**

3 **Subject: Inaccurate Statement**

**Page 159**

5 **Referring to the Following Paragraph**

7 Vegetation of the CCMA, particularly the Serpentine ACEC, has a long history of human use and  
9 impacts. Mining for cinnabar (mercury ore), chromite (chromium ore), asbestos and other  
11 minerals since the 1850's, has removed vegetation over large areas. Trees were cut for mine  
13 timbers and building construction (Figure 4) and chaparral was cut as cord wood (Figure 5) to fuel  
15 the cinnabar retorts (Sloane, 1914) at New Idria which operated from 1854 to 1974. More recent  
17 impacts to vegetation (post-1950) have occurred from OHV recreation (Figure 6). Massive  
19 disturbances caused by mining, particularly for cinnabar and asbestos, eclipses the vegetation loss  
due to OHV impacts (Figure 7). Although, one might surmise that the barren landscapes of the  
New Idria serpentine mass are due to mining or other human impacts, most of the barrens are in  
fact natural. Serpentine soils are extremely stressful to plant establishment and productivity due to  
abnormally low nutrient levels and toxic levels of heavy metals (Kruckeberg, 1984; Brooks,  
1987). The uniquely-adapted plant species and abundance of barrens found on the New Idria  
serpentine mass are a testament to the harsh growing conditions imposed by serpentine soils  
(Figure 8).

21 **Discussion**

23 The statement, "Mining for cinnabar (mercury ore), chromite (chromium ore), asbestos and  
25 other minerals ..." Cinnabar, chromite and chrysotile were mined, therefore the statement of  
27 ores should be parallel and read as, "Mining for cinnabar (mercury ore), chromite (chromium  
ore), chrysotile (asbestos) and other minerals ..."

**Recommendation**

29 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 516**

3 **Subject: Confusing Statement**

**Page 161**

5 **Referring to the Following Paragraph**

7 Figure 7. Vegetation loss from cinnabar (left) and asbestos (right) mining within the Serpentine ACEC.

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
13 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
17 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
23 fibrous minerals that have been used in commercial products." The definition is expanded  
25 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
31 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
- 41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
43 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 516: Subject: Confusing Statement Page 161**

1 **Substantive Comment**

**# 517**

3 **Subject: Confusing Statement**

**Page 164**

5 **Referring to the Following Paragraph**

7 This section describes the fish and wildlife resources within the Planning Area. Clear Creek  
9 Management Area contains a subset of inner Coast Range habitats as well as unique ecosystems  
11 associated with serpentine soils. San Benito Mountain is a sky island that has long been regarded  
as a unique vegetative zone due to the co-occurrence of Coulter, Jeffrey pines, foothill pines, and  
incense cedar. Table 3.5-1 identifies the habitat types and associated species.

13 **Discussion**

15 The statement, "San Benito Mountain is a sky island that has long been regarded as a  
17 unique vegetative ..." is confusing because it uses the unusual terminology "sky island." The  
19 term should italicized and explained, or better yet, avoided. Since "agencies should employ  
21 writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the  
public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 517: Subject: Confusing Statement Page 164**

1 **Substantive Comment**

**# 518**

3 **Subject: Confusing Statement**

**Page 165**

5 **Referring to the Following Paragraph**

7 Mule deer herd populations are thought to be either stable or in decline as a result of foraging  
habitat senescence and drought. In past years, local prescribed burning may have contributed to  
9 temporary increases in deer herd numbers, but the overall trend is flat or downtrending.

11 **Discussion**

13 The statement, "... as a result of foraging habitat senescence and drought" is confusing  
because it may be missing a comma after the word habitat. Since "agencies should employ  
15 writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the  
public is left to assume that such unusual words, terminology or formatting might convey  
17 special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
23 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 518: Subject: Confusing Statement Page 165**

1 **Substantive Comment**

**# 519**

3 **Subject: Erroneous Statement**

**Page 169**

5 **Referring to the Following Paragraph**

7 CCMA provides habitat for small game, nongame, and fur-bearing mammals throughout the  
9 Planning Area. Suitable habitat for such species typically includes understory for shelter and a  
11 mix of grass and herb species for forage (for the herbivorous species). Depending on species,  
13 presence of water may or may not be crucial. Small game include desert cottontail rabbit  
15 (Sylvilagus auduboni), brush rabbit (Sylvilagus bachmani), blacktailed jackrabbit (Lepus  
17 californicus), and western gray squirrel (Sciurus griseus). Nongame species include bobcat (Lynx  
rufus), coyote (Canis latrans), and California ground squirrel (Spermophilus beecheyi). Species  
classified by CDFG as fur-bearing species that occur in the Planning Area are limited to the gray  
fox (Urocyon cinereoargenteus), raccoon (Procyon lotor), and American badger (Taxidea taxus).  
BLM rangers have observed deer hunters taking squirrel during drought years when deer are  
scarce.

19 **Discussion**

21 The statement, "CCMA provides habitat for small game, nongame, and fur-bearing  
23 mammals throughout the Planning Area." is erroneous because it conflicts with the "Planning  
25 Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS  
includes all federal, state, and private lands in southern San Benito County and western Fresno  
County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The  
CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all  
areas of the Planning Area.

27 **Recommendation**

29 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
31 must rewrite the subject document to remove the discrepant issue from the document. The  
33 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

1 **Substantive Comment**

**# 520**

3 **Subject: Inaccurate Statement**

**Page 171**

5 **Referring to the Following Paragraph**

7 Table 3.5-3 Wildlife Habitat Conditions in the Planning Area

9 **Discussion**

11 The statement, "Wildlife Habitat Conditions in the Planning Area, is inaccurate because it  
13 does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area"  
15 within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page  
17 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in  
southern San Benito County and western Fresno County in Central California shown on Map 1  
in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area,  
therefore the CCMA cannot provide habitat for all areas of the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 520: Subject: Inaccurate Statement Page 171**

1 **Substantive Comment**

**# 521**

3 **Subject: Inaccurate Statement**

**Page 178**

5 **Referring to the Following Paragraph**

7 Table 3.6-1 Special Status Plants and Habitats Occurring within the Planning Area.

9 **Discussion**

11 The statement, "Special Status Plants and Habitats Occurring within the Planning Area" is  
13 inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the  
15 term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1  
17 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion  
of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning  
Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 521: Subject: Inaccurate Statement Page 178**

1 **Substantive Comment**

**# 522**

3 **Subject: Inaccurate Statement**

**Page 183**

5 **Referring to the Following Paragraph**

7 Table 3.6-2 Other Plant Species of Concern and Habitats Occurring within the Planning Area.

9 **Discussion**

11 The statement, "Other Plant Species of Concern and Habitats Occurring within the  
13 Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the  
15 CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area"  
17 defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes  
all federal, state, and private lands in southern San Benito County and western Fresno County  
in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is  
only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of  
the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.  
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**Substantive Comment - # 522: Subject: Inaccurate Statement Page 183**

1 **Substantive Comment**

**# 523**

3 **Subject: Inaccurate Statement**

**Page 184**

5 **Referring to the Following Paragraph**

7 No federally listed fish species occur within the Planning Area. One California (fish) species of  
9 special concern may occur within the Planning Area, as presented in Table 3.6-3. The Monterey  
roach is thought to be in decline rangewide, partly through the action of dams, which may lead to  
increased competition from hitch (*Lavinia exilicauda*).

11 **Discussion**

13 The statement, "No federally listed fish species occur within the Planning Area" is  
15 inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the  
term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1  
17 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
and private lands in southern San Benito County and western Fresno County in Central  
19 California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion  
of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning  
Area.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 523: Subject: Inaccurate Statement Page 184**

1 **Substantive Comment**

**# 524**

3 **Subject: Inaccurate Statement**

**Page 184**

5 **Referring to the Following Paragraph**

7 Table 3.6-3 Special Status Fish Occurring within the Planning Area

9 **Discussion**

11 The statement, "Special Status Fish Occurring within the Planning Area" is inaccurate  
because it does not apply to the Planning Area, but rather to the CCMA. Use of the term  
"Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the  
13 same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and  
private lands in southern San Benito County and western Fresno County in Central California  
15 shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the  
Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

17 **Recommendation**

19 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
21 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
23 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 524: Subject: Inaccurate Statement Page 184**

1 **Substantive Comment**

**# 525**

3 **Subject: Inaccurate Statement**

**Page 184**

5 **Referring to the Following Paragraph**

7 Table 3.6-4 Special Status Invertebrates Occurring within the Planning Area

9 **Discussion**

11 The statement, "Special Status Invertebrates Occurring within the Planning Area" is  
13 inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the  
15 term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1  
17 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion  
of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning  
Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 525: Subject: Inaccurate Statement Page 184**

1 **Substantive Comment**

**# 526**

3 **Subject: Inaccurate Statement**

**Page 185**

5 **Referring to the Following Paragraph**

7 One BLM sensitive amphibian species occurs within the Planning Area: the foothill yellow-  
legged frog. Table 3.6-5 lists the species, its status as a State species of special concern. Foothill  
9 yellow-legged frogs are locally abundant within the many streams of the CCMA (Figure 4), but  
its abundance is dependent on complex stream environments that allow them to choose optimal  
11 oviposition sites. Populations downstream from reservoirs are particularly susceptible to local  
extirpation due to non-natural pulsed flows. Siltation is also a potential problem because it can  
13 occlude the cobble-bottomed stream habitat frogs prefer. No other sensitive amphibians are  
known to occur or potentially occur in the planning area.

15 **Discussion**

17 The statement, "One BLM sensitive amphibian species occurs within the Planning Area" is  
inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the  
19 term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1  
the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
21 and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion  
23 of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning  
Area.

25 **Recommendation**

27 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
29 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
31 should include corrected recommendations.

**Substantive Comment - # 526: Subject: Inaccurate Statement Page 185**

1 **Substantive Comment**

**# 527**

3 **Subject: Inaccurate Statement**

**Page 185**

5 **Referring to the Following Paragraph**

7 Table 3.6-5 Special Status Amphibians Occurring within the Planning Area

9 **Discussion**

11 The statement, "Special Status Amphibians Occurring within the Planning Area" is  
13 inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the  
15 term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1  
17 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion  
of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning  
Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 527: Subject: Inaccurate Statement Page 185**

1 **Substantive Comment**

**# 528**

3 **Subject: Inaccurate Statement**

**Page 186**

5 **Referring to the Following Paragraph**

7 The four sensitive reptiles known to occur within the Planning Area are presented in Table 3.6-6.  
8 All four are protected by CDFG and cannot be handled without a scientific collecting permit.  
9 Threats to reptiles include direct mortality and habitat loss due to OHV activity, as well as  
10 predation from mesomammals such as raccoons (*Procyon lotor*) whose populations may be  
11 artificially increased by presence of garbage and hand feeding by the public. Coast horned lizards  
12 (*Phrynosoma coronatum frontale*) are at risk due to the replacement of native ant species by the  
13 inedible Argentine fire ant (*Linepithema humile*). California legless lizards (*Anniella pulchra*) are  
14 particularly vulnerable to disturbances that reduce shrubs and associated leaf litter from the sandy  
15 soils they inhabit. Two-striped garter snakes (*Thamnophis hammondi*) are comparatively robust  
16 but are dependent on healthy riparian systems with sustainable populations of fish. Southwestern  
17 pond turtles require pools and associated riparian structure and also needs undisturbed sandy  
18 uplands in which to bury eggs in late spring, and are at risk from vehicular traffic when moving  
19 from aquatic habitat to upland nesting sites.

21 **Discussion**

23 The statement, "The four sensitive reptiles known to occur within the Planning Area" is  
24 inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the  
25 term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1  
26 of the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
27 and private lands in southern San Benito County and western Fresno County in Central  
28 California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion  
29 of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning  
30 Area.

31 **Recommendation**

33 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
34 must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
36 plan, the final environmental impact study, or the record of decision. The final documentation  
37 should include corrected recommendations.

1 **Substantive Comment**

**# 529**

3 **Subject: Inaccurate Statement**

**Page 186**

5 **Referring to the Following Paragraph**

7 Table 3.6-6 Special Status Reptiles Occurring within the Planning Area

9 **Discussion**

11 The statement, "Special Status Reptiles Occurring within the Planning Area" is inaccurate  
13 because it does not apply to the Planning Area, but rather to the CCMA. Use of the term  
15 "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the  
17 same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and  
private lands in southern San Benito County and western Fresno County in Central California  
shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the  
Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 529: Subject: Inaccurate Statement Page 186**

1 **Substantive Comment**

**# 530**

3 **Subject: Inaccurate Statement**

**Page 188**

5 **Referring to the Following Paragraph**

7 Table 3.6-8 Special Status Mammals Occurring or Potentially Occurring within the Planning Area

9 **Discussion**

11 The statement, "Special Status Mammals Occurring or Potentially Occurring within the  
13 Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the  
15 CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area"  
17 defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes  
all federal, state, and private lands in southern San Benito County and western Fresno County  
in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is  
only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of  
the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.  
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**Substantive Comment - # 530: Subject: Inaccurate Statement Page 188**

1 **Substantive Comment**

**# 531**

3 **Subject: Inaccurate Statement**

**Page 190**

5 **Referring to the Following Paragraph**

7 As identified in the purpose and need (Section 1.1) for this RMP/EIS, the major air quality  
9 concern in the CCMA is the release of airborne asbestos emissions that pose a risk to human  
11 health and the environment when CCMA soils are disturbed from visitor use activities in the  
Serpentine ACEC. Six types of ‘asbestos’ are classified as a hazardous air pollutant under the  
Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of  
asbestos most commonly found in CCMA soils.

13 **Discussion**

15 The statement, “... the major air quality concern in the CCMA is the release of airborne  
17 asbestos emissions ...” is inaccurate because Section 1.1 does not discuss “air quality” as part  
of the “Purpose and Need for the CCMA Resource Management Plan.”

19 **Recommendation**

21 The Agency must correct this flaw or delete the entire statement. The Agency must  
23 rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The  
final documentation should include corrected recommendations.

**Substantive Comment - # 531: Subject: Inaccurate Statement Page 190**

1 **Substantive Comment**

**# 532**

3 **Subject: Erroneous Statement**

**Page 190**

5 **Referring to the Following Paragraph**

7 As identified in the purpose and need (Section 1.1) for this RMP/EIS, the major air quality  
9 concern in the CCMA is the release of airborne asbestos emissions that pose a risk to human  
11 health and the environment when CCMA soils are disturbed from visitor use activities in the  
Serpentine ACEC. Six types of 'asbestos' are classified as a hazardous air pollutant under the  
Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of  
asbestos most commonly found in CCMA soils.

13 **Discussion**

15 The statement, "Six types of 'asbestos' are classified as a hazardous air pollutant under the  
17 Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of  
19 asbestos most commonly found in CCMA soils" because the Clean Air Act Amendments of  
1990 Section 112(b) does not classify "six type of asbestos. The Act only list the word  
"asbestos" and it does not list the word "chrysotile."

21 **Recommendation**

23 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 532: Subject: Erroneous Statement Page 190**

1 **Substantive Comment**

# 533

3 **Subject: Confusing Format**

Page 190

5 **Referring to the Following Paragraph**

7 As identified in the purpose and need (Section 1.1) for this RMP/EIS, the major air quality  
9 concern in the CCMA is the release of airborne asbestos emissions that pose a risk to human  
11 health and the environment when CCMA soils are disturbed from visitor use activities in the  
Serpentine ACEC. Six types of ‘asbestos’ are classified as a hazardous air pollutant under the  
Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of  
asbestos most commonly found in CCMA soils.

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
17 is very confusing. Since “agencies should employ writers of clear prose or editors to write,  
review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual  
19 words, terminology or formatting might convey special meaning. The public depends on  
author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
25 formatting, or confess that it is a reflection on poor document management, the lack writing  
skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
35 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
37 quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
39 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
41 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

## Substantive Comment

# 534

**Subject:** Confusing Statement

Page 190

### Referring to the Following Paragraph

In order to evaluate overall protection of human health and the environment in this RMP/EIS, hazardous air pollutants and the human health risk from exposure to airborne asbestos emissions are addressed under “Hazardous Materials and Public Health and Safety” in Sections 2.4.2, 3.2, and 4.2. The remainder of the affected environment discussion for air quality is based on the total Vehicle Miles Traveled (VMT) by approximately 35,000 visitors/year in the 75,000-acre CCMA and is not directly related to the selection of a particular route network.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.

Substantive Comment - # 534: Subject: Confusing Statement Page 190

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 534: Subject: Confusing Statement Page 190**

1 **Substantive Comment**

**# 535**

3 **Subject: Confusing Statement**

**Page 190**

5 **Referring to the Following Paragraph**

7 In order to evaluate overall protection of human health and the environment in this RMP/EIS,  
9 hazardous air pollutants and the human health risk from exposure to airborne asbestos emissions  
11 are addressed under “Hazardous Materials and Public Health and Safety” in Sections 2.4.2, 3.2,  
and 4.2. The remainder of the affected environment discussion for air quality is based on the total  
Vehicle Miles Traveled (VMT) by approximately 35,000 visitors/year in the 75,000-acre CCMA  
and is not directly related to the selection of a particular route network.

13 **Discussion**

15 The statement is erroneous because, as explained in Substantive Comment # 170 on  
17 page 225, the Agency does not legally assert administrative authority of 75,000 acres.

**Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 535: Subject: Confusing Statement Page 190**

1 **Substantive Comment**

**# 536**

3 **Subject: Irrelevant Statement**

**Page 190**

5 **Referring to the Following Paragraph**

7 For the purpose of monitoring and regulating air quality, the state of California has been divided  
into 15 air basins based on meteorological and geographic similarities. **Whenever practical,**  
9 **political boundary lines also affect the location of air basin boundaries.** The two air basins  
encompassing CCMA are the North Central Coast and the San Joaquin Valley. There are two  
11 regional air quality boards that oversee these air basins: Monterey Bay Unified Air Pollution  
Control Board (MBUAPCD) and the San Joaquin Valley Unified Air Pollution Control Board  
13 (SJVUAPCD). The North Central Coast Air Basin (NCCAB) includes Monterey, Santa Cruz and  
San Benito Counties. A portion of western Fresno County is located in the CCMA is located in  
15 the SJVAB.

17 **Discussion**

19 The statement, "Whenever practical, political boundary lines also affect the location of air  
basin boundaries" is irrelevant to the paragraph and distracts from the subject. Since  
"agencies should employ writers of clear prose or editors to write, review or edit statements"  
21 (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
formatting might convey special meaning. The public depends on author's accuracy and is  
23 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

**Substantive Comment - # 536: Subject: Irrelevant Statement Page 190**

1 **Substantive Comment**

**# 537**

3 **Subject: Undefined Term**

**Page 190**

5 **Referring to the Following Paragraph**

7 For the purpose of monitoring and regulating air quality, the state of California has been divided  
9 into 15 air basins based on meteorological and geographic similarities. Whenever practical,  
11 political boundary lines also affect the location of air basin boundaries. The two air basins  
13 encompassing CCMA are the North Central Coast and the San Joaquin Valley. There are two  
15 regional air quality boards that oversee these air basins: Monterey Bay Unified Air Pollution  
Control Board (MBUAPCD) and the San Joaquin Valley Unified Air Pollution Control Board  
(SJVUAPCD). The North Central Coast Air Basin (NCCAB) includes Monterey, Santa Cruz and  
San Benito Counties. A portion of western Fresno County is located in the CCMA is located in  
the SJVAB.

17 **Discussion**

19 The acronym, "SJVAB" is undefined making the sentence incomprehensible. Since  
21 "agencies should employ writers of clear prose or editors to write, review or edit statements"  
(40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or  
23 formatting might convey special meaning. The public depends on author's accuracy and is  
therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

25 **Recommendation**

27 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
29 the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 537: Subject: Undefined Term Page 190**

1 **Substantive Comment**

**# 538**

3 **Subject: Confusing Statement**

**Page 190**

5 **Referring to the Following Paragraph**

7 Other air quality concerns in the air basins within the CCMA are ground-level ozone and  
9 particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>). The air pollutant concentrations of ozone and particulate  
11 matter recorded by monitoring stations in these air basins do not meet State of California ozone  
13 air quality standards. Ozone is not a directly emitted pollutant; it forms in the presence of sunlight  
15 from oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROGs). Ambient air concentrations of  
17 particulate matter, measured as respirable particulate matter (PM<sub>10</sub>) and fine particulate matter  
(PM<sub>2.5</sub>), also are found above Federal and State standards. Particulate matter is directly emitted to  
the atmosphere by travel on paved and unpaved roads and surfaces, from combustion of fuels,  
waste burning, and agricultural practices; it is also indirectly emitted from the reaction of gases  
that result in the formation of smog.

19 **Discussion**

21 The statement, "Particulate matter is directly emitted to the atmosphere by travel on  
23 paved and unpaved roads and surfaces, from combustion of fuels ..." is confusing because it  
25 suggests that all forms of "travel on paved and unpaved roads and surfaces," including  
perhaps walking, bicycling and swimming causes particulate matter emission directly into the  
atmosphere. The statement then includes "combustion of fuels," such as, we might assume,  
means operating a motorized vehicle or cooking on a gas stove.

27 **Recommendation**

29 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.  
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1 **Substantive Comment**

**# 539**

3 **Subject: Unsubstantiated Statement**

**Page 191**

5 **Referring to the Following Paragraph**

7 PM<sub>10</sub> in the atmosphere can be caused by both environmental factors and human activities.  
Human activities that contribute to PM<sub>10</sub> emissions in CCMA include combustion sources,  
9 fugitive dust sources, and off-highway vehicle (OHV) travel on un-paved roads and barrens. The  
2002 Estimated Annual Average Emissions (CARB) for San Benito County, indicate a total of  
11 6.31 tons per day of PM<sub>10</sub> emissions from unpaved road sources, however it is likely that these  
estimates do not account for emissions from the CCMA. The other pollutants associated with  
13 exhaust from motorized vehicles are: Reactive Organic Gases (ROG), Nitrogen Oxides (NOX),  
and Carbon Monoxide (CO). For Off-Road Recreational Vehicles (Other Mobile Sources), the  
15 2002 Estimated Annual Average Emissions (CARB) for San Benito County, from these pollutants  
in tons per day is, ROG/0.03 and CO/0.34. Since the San Joaquin Valley Air Pollution Control  
17 Board adopted a PM<sub>10</sub> reduction plan effective December 1993, all land-use decisions for the  
CCMA will need to conform to this plan.

19 **Discussion**

21 The statement, "The 2002 Estimated Annual Average Emissions (CARB) for San Benito  
23 County, indicate a total of 6.31 tons per day of PM<sub>10</sub> emissions from unpaved road sources,  
however it is likely that these estimates do not account for emissions from the CCMA" contains  
25 an unsubstantiated comment that appears to be speculation by the author. The comment, "...  
however it is likely that these estimates do not account for emissions from the CCMA" need  
27 explanation or supporting evidence. The public depends on author's accuracy and is therefore  
not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is  
29 comprehensible and unambiguous.

31 **Recommendation**

33 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.  
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**Substantive Comment - # 539: Subject: Unsubstantiated Statement Page 191**

1 **Substantive Comment**

**# 540**

3 **Subject: Unsubstantiated Statement**

**Page 191**

5 **Referring to the Following Paragraph**

7 The US EPA has established new NAAQ standard for PM<sub>2.5</sub> emissions. These fine particles have  
9 been implicated as an increased health risk. Sources for PM<sub>2.5</sub> emissions mostly consist of  
11 chemical compounds from combustion processes in vehicles. However, natural processes and  
13 human activities, such as motorized vehicle operation, easily erode serpentine rocks bearing  
15 asbestos (Wrucke 1995). Vehicle travel on unpaved serpentine roads and trails can also generate  
17 asbestos emissions and other fine dust of less than ten microns (PM<sub>10</sub>), all of which can  
negatively impact air quality. The BLM's National Science and Technology Center prepared an  
Air Conformity Analysis and updated PM emission inventory for the CCMA based on soil type,  
silt loading, and vehicle type to analyze the impacts to air quality from the Proposed CCMA RMP  
Amendment and Final EIS for Route Designation (2005). This data quantifies the PM<sub>10</sub> and  
PM<sub>2.5</sub> contribution from vehicles under the no action alternative and is located in Appendix IX.

19 **Discussion**

21 The statement, "Sources for PM<sub>2.5</sub> emissions mostly consist of chemical compounds from  
23 combustion processes in vehicles" is an unsubstantiated comment that appears to be  
speculation by the author. The comment needs further explanation or supporting evidence.  
25 The public depends on author's accuracy and is therefore not at liberty to interpret variant  
meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

27 **Recommendation**

29 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
33 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 540: Subject: Unsubstantiated Statement Page 191**

1 **Substantive Comment**

# 541

3 **Subject:** **Needless Details**

Page 194 & 195

5 **Referring to the following Section on pages:**

7 Section 3.7.5 Climate Change

9 **Discussion**

11 This section contain needless details that fail to concentrate on issues that are truly  
13 significant to the action in question (40 C.F.R. § 1500.1(b)). Estimating climate change trends is  
15 speculative and beyond the scope of the goals and objective listed in the Purpose and Needs  
17 section (pages 3 & 4) of the subject report. Recent exposure of the conspiracy by leading  
scientists at the Climate Research Unit at the University of East Anglia, England showed that  
they falsified data and suppressed academic debate in order to exaggerate the possible threat  
of anthropogenic global warming. These are the same scientists who edit and control the  
content of the reports of the Intergovernmental Panel on Climate Change.

19 **Recommendation**

21 The Agency must delete nescient speculative information, and needless details that fail to  
23 concentrate on the issue that are truly significant to the action in question (40 C.F.R. §  
25 1500.1(b)), and issues that are beyond the scope of the goals and objective listed in the  
27 Purpose and Needs section (pages 3 & 4) of the subject report.  
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Substantive Comment - # 541: Subject: Needless Details Page 194 & 195

1 **Substantive Comment**

**# 542**

3 **Subject: Erroneous Statement**

**Page 197**

5 **Referring to the Following Paragraph**

- 7 • Alquist-Priolo Earthquake Fault Zoning Act of 1972 (Public Resources Code, Section 2621 et  
9 seq.). The Alquist-Priolo Earthquake Fault Zoning Act of 1972 applies to development  
projects, and is designed to protect the health and safety of people from geologic hazards.

11 **Discussion**

13 The statement, "The Alquist-Priolo Earthquake Fault Zoning Act of 1972 applies to  
15 development projects, and is designed to protect the health and safety of people from  
geologic hazards" is false because the purpose of The Alquist-Priolo Earthquake Fault Zoning  
Act is as follows:

17 California Codes, Public Resources Code, Section 2621.5. (a) It is the purpose of this  
chapter to provide for the adoption and administration of zoning laws, ordinances, rules, and  
19 regulations by cities and counties in implementation of the general plan that is in effect in any  
city or county. The Legislature declares that this chapter is intended to provide policies and  
21 criteria to assist cities, counties, and state agencies in the exercise of their responsibility to  
prohibit the location of developments and structures for human occupancy across the trace of  
23 active faults. Further, it is the intent of this chapter to provide the citizens of the state with  
increased safety and to minimize the loss of life during and immediately following  
25 earthquakes by facilitating seismic retrofitting to strengthen buildings, including historical  
buildings, against ground shaking.

27 (b) This chapter is applicable to any project, as defined in Section 2621.6, which is located  
within a delineated earthquake fault zone, upon issuance of the official earthquake fault zones  
29 maps to affected local jurisdictions, except as provided in Section 2621.7.

31 (c) The implementation of this chapter shall be pursuant to policies and criteria established  
and adopted by the board.

33 **Recommendation**

35 The Agency must correct or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
39 include corrected recommendations.

**Substantive Comment - # 542: Subject: Erroneous Statement Page 197**

1 **Substantive Comment**

**# 543**

3 **Subject: Undefined Acronym**

**Page 197**

5 **Referring to the Following Paragraph**

- 7 • General Plans and/or SOAR Initiatives. The General Plan from local cities and counties may  
9 provide regulations or guidelines relating to seismic hazards and soil resources as it applies to  
agriculture.

11 **Discussion**

13 The acronym "SOAR" is undefined and there meaningless. Since "agencies should employ  
15 writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the  
17 public is left to assume that such unusual words, terminology or formatting might convey  
special meaning. The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must define or delete the undefined acronym. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
27 final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.  
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**Substantive Comment - # 543: Subject: Undefined Acronym Page 197**

1 **Substantive Comment**

**# 544**

3 **Subject: Confusing Statement**

**Page 197**

5 **Referring to the Following Paragraph**

7 The Planning Area is within the California Coast Ranges of the Pacific Border Physiographic  
Province. CCMA is located in the southernmost extension of the Diablo Range between the San  
9 Andreas Fault zone to the west and the San Joaquin valley to the east. Topography is rugged with  
an elevation range of 1,830 at Pine Canyon to 5,241 feet on San Benito Mountain.

11 **Discussion**

13 The statement, "The Planning Area is within the California Coast Ranges of the Pacific  
Border Physiographic Province" is confusing because it uses uncommon terminology. The  
15 Agency should rewrite the statement using a more common geomorphic reference, such as:

17 Wagner, D.L. 2002. *California Geomorphic Provinces*, Note 36. California Geological Survey.  
Based on Olaf P. Jenkins' Geomorphic Map of California, State of California, Department  
19 of Natural Resources, 1938, Bulletin, Number 158, Plate 2.

21 **Recommendation**

The statement might then be rephrased something like:

23 California Geological Survey developed a map, based on geology, faults, topographic  
relief and climate, that divides the state into eleven geomorphic provinces (Wagner 2002).  
25 The planning area is located in the interior portion of the south central region of the Coast  
Ranges geomorphic province at the boundary of the Great Valley province in the southern  
27 Diablo Mountain Range.

29 The Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 544: Subject: Confusing Statement Page 197**

1 **Substantive Comment**

**# 545**

3 **Subject: Inaccurate Statement**

**Page 197**

5 **Referring to the Following Paragraph**

7 The New Idria serpentine mass was formed from peridotite (harzburgite or dunite) which has  
8 been completely mineralogically-altered, sheared, and crushed to yield a nearly incoherent mass  
9 of serpentinite (Coleman, 1986; Coleman, 1996). The serpentinization and shearing process also  
10 produced abundant chrysotile asbestos widely disseminated throughout the serpentine mass. As  
11 such, the New Idria serpentine mass contains one of the largest reserves of chrysotile asbestos in  
12 North America (Merritt, 1962).

13 **Discussion**

15 The statement, "The serpentinization and shearing process also produced abundant  
16 chrysotile asbestos widely disseminated throughout the serpentine mass" is inaccurate  
17 because it implies that the mineral "chrysotile" is a commercial asbestos product while in its  
18 natural state. The statement ignores the fact that chrysotile must first be mined and milled before  
19 being packaged as a commercial asbestos product. There is no mineral called "asbestos."

21 **Recommendation**

23 The Agency must correct or delete the inaccurate reference to natural mineral chrysotile  
24 contained in a natural serpentine deposit as a commercially ready asbestos product. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
26 document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
28 documentation should include corrected recommendations.

**Substantive Comment - # 545: Subject: Inaccurate Statement Page 197**

1 **Substantive Comment**

**# 546**

3 **Subject: Redundant Statement**

**Page 198**

5 **Referring to the Following Paragraph**

7 The poor structural integrity of the New Idria serpentine mass has resulted in an unstable terrain  
9 composed of low, rounded hills that have a high tendency to slide when slopes become over-  
11 steepened. Evidence of this unstable terrain is represented by many prehistoric (<30 million years  
13 old; Miocene age) landslides including those which deposited serpentine in the nearby Vallecitos  
15 Valley and Big Blue Hills (Casey and Dickson, 1976). Smaller, more geologically recent  
17 landslides (< 10,000 years old; Holocene age) are indicated by tongues of material that project  
19 outward from the serpentine mass on the northern and eastern boundaries (Cowan and Mansfield,  
1979). The New Idria serpentine mass contains many economically-important minerals including  
cinnabar (mercury sulfide), chromite (iron-chromium oxide), and asbestos, which have all been  
commercially-mined during the past 150 years. The serpentine mass also hosts many rare  
minerals including jadeite, fresnoite, joaquinite, neptunite, and benitoite which are highly valued  
by gem and mineral collectors. The privately-owned Gem Mine within the CCMA is the only  
known source of gem-grade benitoite in the world.

21 **Discussion**

23 The following statement is redundant and makes the document confusing and larger than  
25 necessary: "The serpentine mass also hosts many rare minerals including jadeite, fresnoite,  
27 joaquinite, neptunite, and benitoite which are highly valued by gem and mineral collectors.  
29 The privately-owned Gem Mine within the CCMA is the only known source of gem-grade  
benitoite in the world." The Agency should edit or delete text redundancy to reduce the size of  
the document and improve readability. Additionally, this is needless details that fail to  
concentrate on issues that are truly significant to the action in question (40 C.F.R. § 1500.1(b)).

31 **Recommendation**

33 The Agency must delete needless details that fail to concentrate on issues that are truly  
35 significant to the action in question. The Agency must rewrite the subject document to  
37 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
impact study, or the record of decision. The final documentation should include corrected  
recommendations.

1 **Substantive Comment**

**# 547**

3 **Subject: Inaccurate Statement**

**Page 198**

5 **Referring to the Following Paragraph**

7 The poor structural integrity of the New Idria serpentine mass has resulted in an unstable terrain  
9 composed of low, rounded hills that have a high tendency to slide when slopes become over-  
11 steepened. Evidence of this unstable terrain is represented by many prehistoric (<30 million years  
13 old; Miocene age) landslides including those which deposited serpentine in the nearby Vallecitos  
15 Valley and Big Blue Hills (Casey and Dickson, 1976). Smaller, more geologically recent  
17 landslides (< 10,000 years old; Holocene age) are indicated by tongues of material that project  
19 outward from the serpentine mass on the northern and eastern boundaries (Cowan and Mansfield,  
1979). The New Idria serpentine mass contains many economically-important minerals including  
cinnabar (mercury sulfide), chromite (iron-chromium oxide), and asbestos, which have all been  
commercially-mined during the past 150 years. The serpentine mass also hosts many rare  
minerals including jadeite, fresnoite, joaquinite, neptunite, and benitoite which are highly valued  
by gem and mineral collectors. The privately-owned Gem Mine within the CCMA is the only  
known source of gem-grade benitoite in the world.

21 **Discussion**

23 The statement, "Mining for cinnabar (mercury sulfide), chromite (iron-chromium oxide),  
25 asbestos and other minerals ..." Cinnabar, chromite and chrysotile were mined, therefore the  
statement of ores should be parallel and read as, "Mining for cinnabar (mercury ore), chromite  
(chromium ore), chrysotile (asbestos) and other minerals ..."

27 **Recommendation**

29 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 548**

3 **Subject: Inaccurate Statement**

**Page 198**

5 **Referring to the Following Paragraph**

7 Soil type varies greatly throughout the CCMA and is strongly influenced by parent material  
9 (bedrock type), topography, local precipitation, and vegetation cover. Like, the geologic units,  
11 soil type may also be divided into those derived from serpentine and those derived from  
13 nonserpentine parent materials such as sandstone and shale. Since the serpentine-derived soils of  
15 the CCMA are derived from the asbestos-rich New Idria serpentine mass, those soils typically  
17 contain high concentrations of asbestos. In general, soil types may be grouped as “serpentine  
19 soils” and “nonserpentine soils.” Map 5 in Appendix I shows the distribution of soil series within  
21 the CCMA. The Serpentine ACEC Zone consists almost entirely of serpentine soils, whereas the  
23 Tucker, San Benito River, Condon, and Cantua Zones located outside of the Serpentine ACEC,  
25 consist primarily of nonserpentine soils. Table 3.8-1 below summarizes all of the soil series found  
within the CCMA and how they are categorized for analysis as “serpentine soils” and  
“nonserpentine soils.”

19 **Discussion**

21 The statement, “Since the serpentine-derived soils of the CCMA are derived from the  
23 asbestos-rich New Idria serpentine mass, those soils typically contain high concentrations of  
25 asbestos” is inaccurate because it implies that the soils contain commercial asbestos products.  
The statement ignores the fact that chrysotile must first be mined and milled before being  
packaged as a commercial asbestos product. There is no mineral called “asbestos.”

27 **Recommendation**

29 The Agency must correct or delete the inaccurate reference to commercially ready asbestos  
31 product and instead use the serpentine or chrysotile reference. The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original discrepancy  
must not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should include  
corrected recommendations.

**Substantive Comment - # 548: Subject: Inaccurate Statement Page 198**

1 **Substantive Comment**

# 549

3 **Subject: Erroneous Statement**

Page 200

5 **Referring to the Following Statement**

7 The Atravesada and Henneke serpentine soil series are especially vulnerable to erosion due to  
8 sparse vegetative cover. **Erosion assessment of serpentine barrens within the CCMA was**  
9 **conducted by PTI Environmental Services (1993) and Dynamac Corporation Environmental**  
10 **Services (1998).** The PTI (1993) study focused exclusively on the Clear Creek watershed. Clear  
11 Creek is classified as an impaired watershed due to excessively high sediment rates and elevated  
12 mercury levels. Erosion factors including soil type, slope, vegetative cover, and road/trail type  
13 and concentration per unit area were used to estimate erosion rates for subwatersheds within the  
14 Clear Creek watershed. That study identified nine subwatersheds out of a total of forty-one, which  
15 had estimated erosion rates of more than 3,000 yd<sup>3</sup>/year (Figure 1). Most of the subwatersheds  
16 were rated at between 1,000 and 3,000 yd<sup>3</sup>/year. PTI's best management practice  
17 recommendations for erosion and sediment control included limiting OHV access to soils having  
18 high erosion risk and structural erosion controls such as water energy dissipaters and sediment  
19 retention catchments.

21 **Discussion**

23 The statement, "Erosion assessment of serpentine barrens within the CCMA was  
24 conducted by PTI Environmental Services (1993) and Dynamac Corporation Environmental  
25 Services (1998)" is erroneous because there is no corporation named "Dynamac Corporation  
26 Environmental Services." Perhaps the author meant to reference "Dynamac Corporation," a  
27 company that performs "environmental services." Since "agencies should employ writers of  
28 clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
29 assume that such unusual words, terminology or formatting might convey special meaning.  
30 Perhaps the word is misspelled and author meant "priorities." The public depends on author's  
31 accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency  
32 must write clear prose that is comprehensible and unambiguous.

33 **Recommendation**

35 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
36 Agency must rewrite the subject document to remove the discrepant issue from the  
37 document. The original discrepancy must not be included or propagated in the final resource  
38 management plan, the final environmental impact study, or the record of decision. The final  
39 documentation should include corrected recommendations.

1 **Substantive Comment**

**# 550**

3 **Subject: Misleading Statement**

**Page 200**

5 **Referring to the Following Paragraph**

7 The Atravesada and Henneke serpentine soil series are especially vulnerable to erosion due to  
9 sparse vegetative cover. Erosion assessment of serpentine barrens within the CCMA was  
11 conducted by PTI Environmental Services (1993) and Dynamac Corporation Environmental  
13 Services (1998). The PTI (1993) study focused exclusively on the Clear Creek watershed. Clear  
15 Creek is classified as an impaired watershed due to excessively high sediment rates and elevated  
17 mercury levels. Erosion factors including soil type, slope, vegetative cover, and road/trail type  
19 and concentration per unit area were used to estimate erosion rates for subwatersheds within the  
Clear Creek watershed. That study identified nine subwatersheds out of a total of forty-one, which  
had estimated erosion rates of more than 3,000 yd<sup>3</sup>/year (Figure 1). Most of the subwatersheds  
were rated at between 1,000 and 3,000 yd<sup>3</sup>/year. PTI's best management practice  
recommendations for erosion and sediment control included limiting OHV access to soils having  
high erosion risk and structural erosion controls such as water energy dissipaters and sediment  
retention catchments.

21 **Discussion**

23 The statement, "PTI's best management practice recommendations for erosion and  
25 sediment control included limiting OHV access to soils having high erosion risk and structural  
27 erosion controls such as water energy dissipaters and sediment retention catchments" is  
misleading within the section context which is discussing "soil erosion." The statement is  
attempting to conclude or imply that OHV access is the source of soil erosion.

29 **Recommendation**

31 The Agency must delete this statement from this paragraph. The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 550: Subject: Misleading Statement Page 200**

1 **Substantive Comment**

**# 551**

3 **Subject: Erroneous Statement**

**Page 204**

5 **Referring to the Following Paragraph**

7 Water resources refer to all surface water runoff into rivers and creeks within the CCMA and the  
9 values that this water provides to people, wildlife, and vegetation. The San Benito River is  
11 impounded by a dam, forming the Hernandez Reservoir, approximately six miles north of the  
13 mouth of Clear Creek. The Hernandez Reservoir provides for groundwater recharge for northern  
15 San Benito County. The State of California Regional Water Control Boards (CRWCB) with  
jurisdiction over water resources in the CCMA, as authorized by the Environmental Protection  
Agency under the Clean Water Act are: the Central Valley Regional Water Control Board and the  
Central Coast Regional Water Control Board. The former agency oversees all waters flowing into  
the Central Valley, known collectively as the “West Side Streams”, and the latter agency oversees  
those waters within the CCMA that flow into the San Benito River.

17 **Discussion**

19 The statement, “The San Benito River is impounded by a dam, forming the Hernandez  
21 Reservoir, approximately six miles north of the mouth of Clear Creek” is false because the  
linear distance between the mouth of Clear Creek and the Hernandez Reservoir dam is  
approximately 4.0 miles.

23 **Recommendation**

25 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 551: Subject: Erroneous Statement Page 204**

1 **Substantive Comment**

**# 552**

3 **Subject: Inaccurate Statement**

**Page 204**

5 **Referring to the Following Paragraph**

7 The Planning Area is encompassed by two hydrologic regions: Central Coast and San Joaquin  
9 River. Approximately 11 waters and 43 National Wetlands Inventory mapped wetlands exist  
within the Planning Area. These aquatic areas function to recharge aquifers, slow flood waters,  
and assimilate and neutralize some pollutants before they enter rivers and lakes.

11 **Discussion**

13 The statement, "The Planning Area is encompassed by two hydrologic regions: Central  
15 Coast and San Joaquin River. Approximately 11 waters and 43 National Wetlands Inventory  
mapped wetlands exist within the Planning Area." is inaccurate because it does not apply to  
17 the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context  
conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The  
19 Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San  
Benito County and western Fresno County in Central California shown on Map 1 in Appendix I  
regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the  
21 CCMA cannot provide habitat for all areas of the Planning Area.

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.

**Substantive Comment - # 552: Subject: Inaccurate Statement Page 204**

1 **Substantive Comment**

**# 553**

3 **Subject: Erroneous Statement**

**Page 204**

5 **Referring to the Following Paragraph**

7 Water demand exceeds water supply in many areas throughout the Planning Area, though more  
commonly east of the coast range. Watershed function and improved water quality is key to  
9 increasing water supply to support various resource needs within the Planning Area.

11 **Discussion**

13 The statement, "Water demand exceeds water supply in many areas throughout the  
Planning Area" is false because water demand does not exceed water supply "throughout the  
Planning Area."

15 **Recommendation**

17 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
19 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
21 include corrected recommendations.

**Substantive Comment - # 553: Subject: Erroneous Statement Page 204**

1 **Substantive Comment**

**# 554**

3 **Subject: Erroneous Statement**

**Page 204**

5 **Referring to the Following Paragraph**

- 7 • U.S. Clean Water Act (33 USC 1251) – aims to restore and maintain the chemical, physical, and biological integrity of the Waters of the United States.

9 **Discussion**

11 The statement, "U.S. Clean Water Act" is erroneous because the Act is properly title:  
13 "Federal Water Pollution Control Act" and is commonly referred at the "Clean Water Act," not  
15 the "U.S. ..." The public depends on author's accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.  
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**Substantive Comment - # 554: Subject: Erroneous Statement Page 204**

1 **Substantive Comment**

**# 555**

3 **Subject: Erroneous Statement**

**Page 205**

5 **Referring to the Following Paragraph**

7 The Planning Area encompasses eleven watersheds located within the CCMA: Clear Creek,  
Larios Creek, Upper San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua  
9 Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroyo Leona Creek, and White Creek. These  
areas represent distinct watersheds, often with extreme geographic, topographic, and  
11 mineralogical variability. The watersheds are drained by higher order perennial streams that, with  
the exception of White Creek and Diaz Creek, descend from San Benito Mountain. White Creek  
13 descends from Wright Mountain and flows to the southeast, converging with Diaz Creek and then  
with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga and thence drains into a  
15 landlocked basin in the southern San Joaquin Valley. Clear Creek and Picacho Creek converge  
with the San Benito River, which discharges into the Pajaro River watershed, which drains into  
17 Monterey Bay. Larios Creek and both forks of San Carlos Creek flow to the north where they  
discharge to Silver Creek and thence into the Panoche Creek watershed, which drains into the San  
19 Joaquin River, which empties into San Francisco Bay.

21 **Discussion**

23 The statement, "The Planning Area encompasses eleven watersheds located within the  
CCMA" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same  
report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private  
25 lands in southern San Benito County and western Fresno County in Central California shown  
on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning  
27 Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

29 **Recommendation**

31 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
33 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
35 should include corrected recommendations.

1 **Substantive Comment**

**# 556**

3 **Subject: Inaccurate Statement**

**Page 205**

5 **Referring to the Following Paragraph**

7 The Planning Area encompasses eleven watersheds located within the CCMA: Clear Creek,  
8 Larios Creek, Upper San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua  
9 Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroyo Leona Creek, and White Creek. These  
10 areas represent distinct watersheds, often with extreme geographic, topographic, and  
11 mineralogical variability. The watersheds are drained by higher order perennial streams that, with  
12 the exception of White Creek and Diaz Creek, descend from San Benito Mountain. White Creek  
13 descends from Wright Mountain and flows to the southeast, converging with Diaz Creek and then  
14 with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga and thence drains into a  
15 landlocked basin in the southern San Joaquin Valley. Clear Creek and Picacho Creek converge  
16 with the San Benito River, which discharges into the Pajaro River watershed, which drains into  
17 Monterey Bay. Larios Creek and both forks of San Carlos Creek flow to the north where they  
18 discharge to Silver Creek and thence into the Panoche Creek watershed, which drains into the San  
19 Joaquin River, which empties into San Francisco Bay.

21 **Discussion**

22 The statement, "White Creek descends from Wright Mountain" is inaccurate because White  
23 Creek descends from Condon Peak and Joaquin Ridge.

25 **Recommendation**

26 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
28 discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
30 include corrected recommendations.  
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1 **Substantive Comment**

**# 557**

3 **Subject: Erroneous Statement**

**Page 205**

5 **Referring to the Following Paragraph**

7 The Planning Area encompasses eleven watersheds located within the CCMA: Clear Creek,  
Larious Creek, Upper San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua  
9 Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroyo Leona Creek, and White Creek. These  
areas represent distinct watersheds, often with extreme geographic, topographic, and  
11 mineralogical variability. The watersheds are drained by higher order perennial streams that, with  
the exception of White Creek and Diaz Creek, descend from San Benito Mountain. White Creek  
13 descends from Wright Mountain and flows to the southeast, converging with Diaz Creek and then  
with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga and thence drains into a  
15 landlocked basin in the southern San Joaquin Valley. Clear Creek and Picacho Creek converge  
with the San Benito River, which discharges into the Pajaro River watershed, which drains into  
17 Monterey Bay. Larious Creek and both forks of San Carlos Creek flow to the north where they  
discharge to Silver Creek and thence into the Panoche Creek watershed, which drains into the San  
19 Joaquin River, which empties into San Francisco Bay.

21 **Discussion**

23 The statement, "then with Los Gatos Creek, which flows into Arroyo Pasajero near  
Coalinga" is erroneous because the name "Arroyo Pasajero" was rejected by the U.S. Board of  
Geographic Names.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

1 **Substantive Comment**

**# 558**

3 **Subject: Misleading Statement**

**Page 205**

5 **Referring to the Following Paragraph**

7 The topography of the CCMA is dominated by convex gently sloping ridges, with slopes  
9 becoming quite steep as they approach the stream channels and inner gorges. Elevations within  
11 the CCMA range from approximately 2,500 feet at the mouth of the drainage to 5,000 feet along  
13 the crest of the Diablo Range. The ridges and slopes are dominated by naturally occurring areas of  
15 serpentinite soils forming complexes of barren areas interspersed with chaparral and conifers.  
17 Climate within the Planning Area is Mediterranean with cool, wet winters and hot, dry summers;  
there is commonly a water supply surplus in the winter and deficit during the summer (Cal Alive  
2005). Annual precipitation varies across the Planning Area from 8 inches on the drier eastern  
side of the Diablo Mountains to 40 inches in Hernandez Valley.; the predominant form of  
precipitation is rainfall (CARA 2005). Water demand exceeds water supply in many areas  
throughout the Planning Area.

19 **Discussion**

21 The statement, "Annual precipitation varies across the Planning Area from 8 inches on the  
23 drier eastern side of the Diablo Mountains to 40 inches in Hernandez Valley" is misleading  
because "40 inches in Hernandez Valley" is an unusual season and far for average.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
29 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 558: Subject: Misleading Statement Page 205**

1 **Substantive Comment**

**# 559**

3 **Subject: Erroneous Statement**

**Page 205**

5 **Referring to the Following Paragraph**

7 The serpentine watershed and riparian areas in the CCMA have been subject to widespread  
9 surface disturbances over the last century. In general, the watershed conditions observed in the  
11 CCMA reflect naturally high rates of erosion that have been accelerated by human impacts. These  
13 watershed conditions result from a long history of surface disturbance, beginning in the mid-  
15 1850, from road construction, logging, and mineral exploration and extraction, and in more recent  
17 times by off-road vehicle travel and recreation. These watersheds have high erosion rates due to  
19 the steep, unstable slopes which are composed of soft sheared serpentine bedrock. Since the mid-  
21 1970's motorized vehicle recreation has been the dominant public use within the area. Road  
23 maintenance operations and techniques also influence erosion and sedimentation rates.  
25 Maintenance of the route network is based on, to prioritize the work and determine the  
27 appropriate measures to reduce erosion and off-site sedimentation impacts, and to provide for safe  
29 motorized access.

19 **Discussion**

21 The statement, "The serpentine watershed and riparian areas in the CCMA have been  
23 subject to widespread surface disturbances over the last century." is erroneous because the  
25 period of "widespread surface disturbances" more correctly spans a century and a half.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
29 subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
33 final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.  
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**Substantive Comment - # 559: Subject: Erroneous Statement Page 205**

1 **Substantive Comment**

**# 560**

3 **Subject: Inaccurate Statement**

**Page 206**

5 **Referring to the Following Paragraph**

7 Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality  
9 study (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams  
11 from 15 abandoned mines. Soil and water sampling was completed below, at, and above each of  
13 the mined areas. Results from this study produced important findings. The background  
15 concentration of metals detected in soils tended to be above stated standards, and is consistent  
17 with the natural geochemistry of the area. However, differences in the water samples taken from  
19 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.

19 **Discussion**

21 The statement, "Because heavy metals and asbestos are concerns in this area," is inaccurate  
23 because it implies that the soils contain commercial asbestos products. The statement ignores  
25 the fact that chrysotile must first be mined and milled before being packaged as a commercial  
asbestos product. There is no mineral called "asbestos."

27 **Recommendation**

29 The Agency must correct or delete the inaccurate reference to commercially ready  
31 asbestos product and instead use the serpentine or chrysotile reference. The Agency must  
33 rewrite the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 560: Subject: Inaccurate Statement Page 206**

1 **Substantive Comment**

**# 561**

3 **Subject: Erroneous Statement**

**Page 206**

5 **Referring to the Following Statement**

7 Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality  
9 study (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams  
11 from 15 abandoned mines. Soil and water sampling was completed below, at, and above each of  
13 the mined areas. Results from this study produced important findings. The background  
15 concentration of metals detected in soils tended to be above stated standards, and is consistent  
17 with the natural geochemistry of the area. However, differences in the water samples taken from  
19 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.

19 **Discussion**

21 This paragraph is erroneous because the citation reference "Dynamac, 1998" does not  
23 discuss "the magnitude of heavy metals being deposited into streams from 15 abandoned  
25 mines" and therefore invalidates the entire paragraph. The citation, "Dynamac, 1998," as listed  
27 in the "6.0 References" section (page 559), refers to: Dynamac Corporation Environmental  
Services, 1998 Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek  
Management Area. Dynamac Corporation Environmental Services. Rockville, Maryland. 81 pp.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 562

3 **Subject: Erroneous Statement**

Page 206

5 **Referring to the Following Statement**

7 To evaluate the potential threat to human health, BLM compared the results of surface water  
9 analyses (Dynamac, 1998) to Federal drinking water regulations. From six mine sites, down  
11 gradient surface water samples contained concentrations of antimony, cadmium, chromium,  
13 mercury, and nickel that exceeded the Maximum Contaminant Levels (MCLs). On Clear Creek  
15 and the San Benito River, where multiple sampling points were established, cumulative,  
17 increasing concentrations did not appear to occur. Mine sites in the San Carlos and Larious Creek  
19 watersheds were the only locations where metals were detected at concentrations three times the  
21 background levels. In general, the metal concentrations detected in the Clear Creek watershed  
23 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.

25 **Discussion**

27 This paragraph is erroneous because the citation reference "Dynamac, 1998" does not  
29 discuss "the magnitude of heavy metals being deposited into streams from 15 abandoned  
mines" and therefore invalidates the entire paragraph. The citation, "Dynamac, 1998," as listed  
in the "6.0 References" section (page 559), refers to: Dynamac Corporation Environmental  
Services, 1998 Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek  
Management Area. Dynamac Corporation Environmental Services. Rockville, Maryland. 81 pp.

33 **Recommendation**

35 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
37 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
39 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 563**

3 **Subject: Misleading Statement**

**Page 206**

5 **Referring to the Following Paragraph**

7 Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality  
9 study (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams  
11 from 15 abandoned mines. Soil and water sampling was completed below, at, and above each of  
13 the mined areas. Results from this study produced important findings. The background  
15 concentration of metals detected in soils tended to be above stated standards, and is consistent  
17 with the natural geochemistry of the area. However, differences in the water samples taken from  
19 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.

19 **Discussion**

21 The statement, "However, differences in the water samples taken from below and above  
23 mined sites indicated that disturbed areas are contributing to metal concentrations over and  
25 above the naturally high levels" is misleading because it fails to recognize that mining sites are  
27 purposely located where the mineral naturally exists. While mineral extraction certainly  
29 disturbed the natural balance of a location, it is unreasonable to assume that mineral  
extraction was adding mineral to the deposit location. Now that the area has been disturbed  
by mineral extraction and a large portion of the mineral has been removed, it is difficult to  
extrapolated what the original (natural) background mineral level was. A high mineral surface  
deposit is probably what led the original prospector to begin mining a specific location.

31 **Recommendation**

33 The Agency must edit or delete the misleading statement. The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
39 final environmental impact study, or the record of decision. The final documentation should  
41 include corrected recommendations.  
43  
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**Substantive Comment - # 563: Subject: Misleading Statement Page 206**

1 **Substantive Comment**

**# 564**

3 **Subject: Inaccurate Statement**

**Page 208**

5 **Referring to the Following Paragraph**

7 Table 3.9-2 Watershed Assessments or Reports within the Planning Area

9 **Discussion**

11 The statement, "Watershed Assessments or Reports within the Planning Area" is inaccurate  
13 because it does not apply to the Planning Area, but rather to the CCMA. Use of the term  
15 "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the  
17 same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and  
private lands in southern San Benito County and western Fresno County in Central California  
shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the  
Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 564: Subject: Inaccurate Statement Page 208**

1 **Substantive Comment**

**# 565**

3 **Subject: Misleading Statement**

**Page 209**

5 **Referring to the Following Paragraph**

7 The Arroyo Pasajero Watershed has a contrast of between 22 and 8 inches of annual rainfall from  
9 the upper and lower portions of the watershed. Severe incision, stream bank cutting, stream bank  
11 meandering, and lateral erosion affect riparian function within the watershed area and occur  
13 primarily during high intensity runoff and are exacerbated by heavy grazing in the riparian area.  
Tamarisk trees, which are a problematic noxious plant species throughout the west, continue to  
influence channel flow by deflecting the flow toward channel banks and increasing channel  
meander but also impede lateral bank erosion.

15 **Discussion**

17 The statement, "The Arroyo Pasajero Watershed" is misleading because the name "Arroyo  
19 Pasajero" was rejected by the U.S. Board of Geographic Names. Although this term reflects its  
usage in the Arroyo Pasajero Watershed Management Plan, it needs further explanation to be  
better understood by the general public.

21 **Recommendation**

23 The Agency must edit or delete the misleading statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 565: Subject: Misleading Statement Page 209**

1 **Substantive Comment**

**# 566**

3 **Subject: Misleading Statement**

**Page 205**

5 **Referring to the Following Paragraph**

7 Most streams within the Cantua Creek watershed are ephemeral with a few reaches of intermittent  
9 flows also occurring. Runoff from these drainages has historically resulted in transport of  
11 sediment and selenium, boron, salts, and other trace elements during large runoff events onto the  
alluvial fan area and into the California Aqueduct. Localized areas of incision, bank failures and  
gulying increase erosion within the watersheds.

13 **Discussion**

15 The statement, "The Localized areas of incision, bank failures and gulying increase erosion  
17 within the watersheds." is misleading because it provides no explanation for the areas of  
"incision, bank failures and gulying" thus it may cause a reader to assume the natural  
processes of this drainage are anthropogenic.

19 **Recommendation**

21 The Agency must edit or delete the misleading statement. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 566: Subject: Misleading Statement Page 205**

1 **Substantive Comment**

# 567

3 **Subject: Confusing Format**

Page 210

5 **Referring to the Following Paragraph**

7 The U.S. Fish and Wildlife Service's National Wetland Inventory lists 44 wetlands (excluding  
streams and rivers) within the boundaries of CCMA. Wetland types include Freshwater Emergent  
9 Wetlands, Freshwater Forested/Shrub Wetlands, Freshwater Ponds, Lakes, and miscellaneous  
water bodies categorized as 'Other.' Wetlands range in size from approximately 0.06 to 62 acres  
11 in size, excluding Hernandez Reservoir, an impoundment on the San Benito River, which borders  
the NW corner of CCMA and which is approximately 400 acres in size.

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Since "agencies should employ writers of clear prose or editors to write,  
17 review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
words, terminology or formatting might convey special meaning. The public depends on  
19 author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
formatting, or confess that it is a reflection on poor document management, the lack writing  
25 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
29 include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
to set off material that represents quoted or spoken language. Quotation marks also set off the  
35 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
enclose quoted material within other quoted material. Periods and commas go inside  
37 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
39 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
41 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 568**

3 **Subject: Misleading Statement**

**Page 214**

5 **Referring to the Following Paragraph**

7 In 1984, the BLM designated approximately 30,000 acres of the New Idria Serpentine Formation  
9 within the CCMA as the Clear Creek Serpentine Area of Critical Environmental Concern  
11 (ACEC). This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Areas of  
13 Critical Environmental Concern are areas of concern where special management attention is  
15 required to protect and prevent irreparable damage to important historic, cultural or scenic values,  
fish and wildlife resources or other natural systems or processes, or to protect life and safety from  
natural hazards. This Serpentine ACEC was designated because of the health concerns associated  
with the naturally occurring asbestos within the serpentine soils and because of the unique  
vegetation and forest types associated with serpentine soil.

17 **Discussion**

19 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
21 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
23 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
25 additional quick document search indicates that the first published use of the phrase  
27 "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
29 and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
during the past twenty years. In all occurrences, the phrase is included complimentarily to  
emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
than actually exist.

31 **Recommendation**

33 The Agency must strike this phrase from the Resource Management Plan and the  
35 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
37 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

# 569

3 **Subject: Inaccurate Statement**

Page 214

5 **Referring to the Following Paragraph**

7 In 1984, the BLM designated approximately 30,000 acres of the New Idria Serpentine Formation  
9 within the CCMA as the Clear Creek Serpentine Area of Critical Environmental Concern  
11 (ACEC). This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Areas of  
13 Critical Environmental Concern are areas of concern where special management attention is  
15 required to protect and prevent irreparable damage to important historic, cultural or scenic values,  
fish and wildlife resources or other natural systems or processes, or to protect life and safety from  
natural hazards. This Serpentine ACEC was designated because of the health concerns associated  
with the naturally occurring asbestos within the serpentine soils and because of the unique  
vegetation and forest types associated with serpentine soil.

17 **Discussion**

19 The statement, "naturally occurring asbestos," is inaccurate because it implies that the area  
21 contains commercial asbestos products. Using the word "asbestos" is confusing because it  
23 implies that the subject Serpentine ACEC contains a large volume of all of the asbestos  
25 mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring  
27 chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word  
"asbestos" is being misused as a substitute term when the reference to a specific mineral is  
more appropriate and technically correct. According to the United States Geological Survey,  
"Asbestos is a generic name given to six fibrous minerals that have been used in commercial  
products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These  
fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group  
contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of  
amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos  
(crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk  
assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion  
which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human  
health risk.

35 **Recommendation**

37 The Bureau of Land Management must not imply that the Serpentine ACEC contains a  
39 large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the  
41 generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The  
43 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 569: Subject: Inaccurate Statement Page 214**

1 **Substantive Comment**

# 570

3 **Subject: Inaccurate Statement**

Page 214 & 215

5 **Referring to the Following Paragraph**

7 Human induced changes within this geologically unique area, and the presence of distinctive plant  
9 species associated with the serpentine formation, established the need for special management  
11 attention. Human disturbance to the soils and plants in the Serpentine ACEC is a special  
13 management concern, because throughout the ACEC, soil formation tends to be slow, and the  
15 topsoil shallow. Additionally, plant regeneration is slow, and accelerated erosion from human  
17 activities (such as mining, road building and maintenance, and recreation) has negatively affected  
19 soil and vegetative resources. Minimizing soil erosion and damage to sensitive plant populations  
21 is a management priority. The Serpentine ACEC provides visitors with a variety of recreation  
23 experiences. However, due to the high concentrations of naturally occurring asbestos, public  
25 health concerns persist over the use of this popular recreation area.

17 **Discussion**

19 The statement, "naturally occurring asbestos," is inaccurate because it implies that the area  
21 contains commercial asbestos products. Using the word "asbestos" is confusing because it  
23 implies that the subject Serpentine ACEC contains a large volume of all of the asbestos  
25 mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring  
27 chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word  
29 "asbestos" is being misused as a substitute term when the reference to a specific mineral is  
31 more appropriate and technically correct. According to the United States Geological Survey,  
33 "Asbestos is a generic name given to six fibrous minerals that have been used in commercial  
35 products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These  
37 fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group  
39 contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of  
41 amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos  
43 (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk  
45 assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion  
which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human  
health risk.

35 **Recommendation**

37 The Bureau of Land Management must not imply that the Serpentine ACEC contains a  
39 large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the  
41 generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The  
43 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 570: Subject: Inaccurate Statement Page 214 & 215**

## Substantive Comment

# 571

**Subject: Inaccurate Statement**

**Page 214**

### Referring to the Following Paragraph

The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation, and were delineated using identifiable landmarks, to the extent possible, and reflect the most current BLM policies for management of the public lands.

### Discussion

The statement, "asbestos soils," is inaccurate because it implies that the area contains commercial asbestos products. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Bureau of Land Management must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 571: Subject: Inaccurate Statement Page 214

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 571: Subject: Inaccurate Statement Page 214**

## Substantive Comment

# 572

**Subject: Confusing Format**

**Page 215**

### Referring to the Following Paragraph

The 1999 Record of Decision (ROD) for the CCMA Amendment to the Hollister RMP officially designated the 'Outstanding Natural Area' as the San Benito Mountain 'Research Natural Area' to encourage research and provide protection of the unique conifer forest on and around San Benito Mountain. The ROD (1999) also identified the need to expand the SBMRNA, which was completed in a 2006 ROD for CCMA RMP Amendment and Route Designation, and approved expansion of the boundary of the San Benito Mountain RNA to 4147 acres. Following the 2006 ROD, BLM completed additional fencing to protect the RNA values described below.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 572: Subject: Confusing Format Page 215

## Substantive Comment

# 573

**Subject: Confusing Format**

**Page 215**

### Referring to the Following Paragraph

The 1999 Record of Decision (ROD) for the CCMA Amendment to the Hollister RMP officially designated the 'Outstanding Natural Area' as the San Benito Mountain 'Research Natural Area' to encourage research and provide protection of the unique conifer forest on and around San Benito Mountain. The ROD (1999) also identified the need to expand the SBMRNA, which was completed in a 2006 ROD for CCMA RMP Amendment and Route Designation, and approved expansion of the boundary of the San Benito Mountain RNA to 4147 acres. Following the 2006 ROD, BLM completed additional fencing to protect the RNA values described below.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 573: Subject: Confusing Format Page 215

1 **Substantive Comment**

**# 574**

3 **Subject: Conflicting Data**

**Page 219**

5 **Referring to the Following Paragraph**

7 The CCMA grazing lands have a Mediterranean-type climate, with cool, moist winters and hot,  
dry summers. Ninety percent of the precipitation (approximately 17 inches) comes during the late  
9 fall, winter, and early spring. The growth of forage grass begins with the first fall rains, and  
dormancy occurs in the late spring with soil water depletion.

11 **Discussion**

13 The statement, "Ninety percent of the precipitation (approximately 17 inches ..." conflicts  
with other statements in this report, such as Page 153, "Average annual precipitation in the  
15 CCMA is 12 inches." The statement, "Mountain. Average annual precipitation in the CCMA is  
12 inches" needs more explanation and a citation because according to the average annual  
17 precipitation, derived from the previous ten years, on the southern slope of Joaquin Ridge,  
including Los Gatos Creek is about 40.5 cm [16.0 in.]; eastern slope precipitation averages  
19 about 27.3 cm [10.8 in.] according to the California Data Exchange Center, Department of  
Water Resources. Compilation of historic Station Data from HDZ (Hernandez), SRI (Santa Rita  
21 Peak), and JQN (Joaquin Ridge [east base]). <http://cdec.water.ca.gov/>. While the overall annual  
average is about 12 inches, greater delineation of this data is useful as it relates better to the  
23 area's topography.

25 **Recommendation**

27 The Agency must correct this flaw or delete the entire statement. The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.  
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**Substantive Comment - # 574: Subject: Conflicting Data Page 219**

1 **Substantive Comment**

**# 575**

3 **Subject: Confusing Statement**

**Page 219**

5 **Referring to the Following Paragraph**

7 Forage production for livestock consumption is a historic land use in the Planning Area. The  
9 Hollister RMP, as amended, authorizes 1,354 animal unit months (AUMs), which are leased for  
11 grazing on 22,140 acres of BLM-administered lands on 14 grazing allotments that are within  
13 portions of CCMA and the Serpentine ACEC. All of these lands consist of mixed chaparral and  
15 oak woodland vegetation types, as well as annual grasslands and half-shrub vegetation. Forage  
production, currently for cattle only, consists primarily of annual grasses and forbs that grow  
during the winter and spring, when the weather is cool and wet. Yearlong grazing is common on  
many allotments. Key aspects of managing annual grasslands for livestock production are  
maintenance of residual dry matter and appropriate season of use.

17 **Discussion**

19 The statement, "Forage production for livestock consumption is a historic land use in the  
21 Planning Area" is confusing and meaningless. Since "agencies should employ writers of clear  
23 prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
25 assume that such unusual words, terminology or formatting might convey special meaning.  
The public depends on author's accuracy and is therefore not at liberty to interpret variant  
meanings, therefore the Agency must write clear prose that is comprehensible and  
unambiguous.

27 **Recommendation**

29 The Agency must edit or delete the confusing statement. The Agency must rewrite the  
31 subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.  
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**Substantive Comment - # 575: Subject: Confusing Statement Page 219**

1 **Substantive Comment**

**# 576**

3 **Subject: Conflicting Statement**

**Page 219**

5 **Referring to the Following Paragraph**

7 Vegetation consists mainly of annual grasslands, chaparral, chamise, and oak savannah. Annual  
9 grasses are the important livestock forage. The HFO Planning Area currently consists of four  
management areas (MAs) categorized according to common features, resource issues, or  
management needs.

11 **Discussion**

13 The statement, "The HFO Planning Area currently consists of four management ..." seems  
15 to conflict with the statement on page 130 which states "The Planning Area is divided into five  
17 management zones ..." Since "agencies should employ writers of clear prose or editors to  
19 write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such  
unusual words, terminology or formatting might convey special meaning. The public depends  
on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the conflicting statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 576: Subject: Conflicting Statement Page 219**

1 **Substantive Comment**

**# 577**

3 **Subject: Confusing Statement**

**Page 219**

5 **Referring to the Following Paragraph**

7 The BLM administers its grazing program in California and in the other western States under 43  
CFR 4100. These regulations implement the laws that govern public land grazing, including the  
9 **Taylor Grazing**, Federal Land Policy and Management Act, and Public Rangelands Improvement  
Act.

11 **Discussion**

13 The statement, "Taylor Grazing," is confusing. Since "agencies should employ writers of  
clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to  
15 assume that such unusual words, terminology or formatting might convey special meaning.  
Perhaps the author meant "Taylor Grazing Act." The public depends on author's accuracy and  
17 is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must edit or delete the confusing statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

**Substantive Comment - # 577: Subject: Confusing Statement Page 219**

1 **Substantive Comment**

**# 578**

3 **Subject: Erroneous Statement**

**Page 219**

5 **Referring to the Following Paragraph**

7 The Taylor Grazing Act of 1934 authorizes BLM administration of livestock grazing on public  
9 lands. Currently, the 1984 Hollister RMP provides specific guidance for livestock grazing within  
11 the Planning Area. In accordance with 43 CFR 4180.2, the Central California Rangeland Health  
13 Standards and Guidelines for Livestock Grazing Management was approved on July 13, 2000.  
15 The standards establish four fundamentals for managing rangelands including soils, species,  
17 riparian, and water quality (see subsection 3.11.4). Specific indicators of rangeland health  
determine whether these standards are being met within a grazing allotment, and appropriate  
management corrective action is required if one or more of the standards are not being met. The  
grazing guidelines consist of 18 specific items that provide direction for grazing management.  
The standards describe the conditions needed to promote and sustain rangeland health and apply to  
all land uses in addition to grazing.

19 **Discussion**

21 The statement, "Currently, the 1984 Hollister RMP provides specific guidance for livestock  
23 grazing within the Planning Area" is erroneous because it conflicts with the "Planning Area"  
25 defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes  
27 all federal, state, and private lands in southern San Benito County and western Fresno County  
in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Since the  
"Planning Area" private lands, the Hollister RMP could not "provides specific guidance for  
livestock grazing within the Planning Area" because such "specific guidance" would have also  
included the private lands.

29 **Recommendation**

31 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
33 must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

1 **Substantive Comment**

**# 579**

3 **Subject: Confusing Citation**

**Page 220**

5 **Referring to the Following Paragraph**

7 The 1984 Hollister RMP stated “resource production on public lands is not significant in relation  
9 to the overall economy” (BLM 1984:9). However, a few industries and individuals are  
11 economically dependent on public lands. For example, 11 livestock operations, or 91 percent of  
the lessees in the Planning Area, are dependent on public lands for more than 10 percent of their  
forage needs.

13 **Discussion**

15 The reference, “(BLM 1984)” is confusing because it may be incomplete. Since “agencies  
17 should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R.  
1502.8), the public is left to assume that such unusual words, terminology or formatting might  
19 convey special meaning. Perhaps the author meant to include a complete citation, such as  
(BLM 1984:9). The public depends on author’s accuracy and is therefore not at liberty to  
interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

21 **Recommendation**

23 The Agency must edit or delete the incomplete citation. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 579: Subject: Confusing Citation Page 220**

1 **Substantive Comment**

**# 580**

3 **Subject: Erroneous Statement**

**Page 220**

5 **Referring to the Following Paragraph**

7 The 1984 Hollister RMP stated “resource production on public lands is not significant in relation  
9 to the overall economy” (BLM 1984:9). However, a few industries and individuals are  
11 economically dependent on public lands. For example, 11 livestock operations, or 91 percent of  
the lessees in the Planning Area, are dependent on public lands for more than 10 percent of their  
forage needs.

13 **Discussion**

15 The statement, “For example, 11 livestock operations, or 91 percent of the lessees in the  
17 Planning Area,” is erroneous because it conflicts with the “Planning Area” defined on Page 1  
of the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state,  
and private lands in southern San Benito County and western Fresno County in Central  
19 California shown on Map 1 in Appendix I regardless of jurisdiction.” Since the “Planning Area”  
includes private lands, there are more than “11 livestock operations” within “southern San  
Benito County and western Fresno County.”

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 580: Subject: Erroneous Statement Page 220**

1 **Substantive Comment**

**# 581**

3 **Subject: Outdated Statistical Reference**

**Page 220**

5 **Referring to the Following Paragraph**

7 The overall pattern of livestock production in California is similar to the pattern on HFO public  
9 lands. In 1992 California supported 22,700 livestock operations, which had a total inventory of  
11 over 5.5 million cattle and sheep. During the preceding years from 1987–1992, the number of  
13 beef cattle and sheep operations decreased 14 percent and 20 percent, respectively. While the  
15 numbers of sheep have decreased on sheep operations, the opposite is true for numbers of cattle,  
17 which have increased on cattle operations. The decrease in the number of cattle ranches coupled  
19 with an increase in the number of cattle has been a consistent trend for the past 30 years.

15 **Discussion**

17 The statements, "In 1992 California supported 22,700 livestock operations, which had a  
19 total inventory of over 5.5 million cattle and sheep. During the preceding years from  
21 1987–1992, the number of beef cattle and sheep operations decreased 14 percent and 20  
23 percent, respectively" are twenty years old and probably fail to reflect current statistics.

21 **Recommendation**

23 The Agency must edit or delete the outdated statistical reference. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.  
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**Substantive Comment - # 581: Subject: Outdated Statistical Reference Page 220**

1 **Substantive Comment**

# 582

3 **Subject: Confusing Format**

Page 223

5 **Referring to the Following Paragraph**

7 Based on the Hollister Oil and Gas RMP Amendment (1993), the hydrocarbon mineral potential  
9 for oil and gas in the Serpentine ACEC is classified as 'none' due to the serpentine rocks present.  
11 Although, the other management zones within the CCMA boundary do contain sedimentary  
13 formations that could be suitable for hydrocarbon production and are classified as 'moderate' in  
15 the BLM's Reasonably Foreseeable Development (RFD) Scenario prepared in 2005 (refer to  
17 Appendix VIII).

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
17 is very confusing. Since "agencies should employ writers of clear prose or editors to write,  
19 review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual  
21 words, terminology or formatting might convey special meaning. The public depends on  
23 author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
25 Agency must write clear prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Bureau of Land Management must explain any special meaning intended by unusual  
27 formatting, or confess that it is a reflection on poor document management, the lack writing  
29 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
35 to set off material that represents quoted or spoken language. Quotation marks also set off the  
37 titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
39 enclose quoted material within other quoted material. Periods and commas go inside  
41 quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
43 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
45 for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 583**

3 **Subject: Erroneous Statement**

**Page 223**

5 **Referring to the Following Paragraph**

7 Historically, exploratory oil wells have been drilled on less than 5 percent of the leases issued on  
9 BLM public lands, and only one of every 15 to 20 exploratory wells actually results in the  
11 discovery of oil. As a result, there is currently no oil and gas production within the Planning Area.  
13 The nearest production comes from oil fields near Coalinga and the Vallecitos Valley.

11 **Discussion**

13 The statement, "As a result, there is currently no oil and gas production within the Planning  
15 Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same  
17 report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private  
19 lands in southern San Benito County and western Fresno County in Central California shown  
21 on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" includes private  
23 lands, there is major "oil and gas production within" within "southern San Benito County and  
25 western Fresno County."

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
29 plan, the final environmental impact study, or the record of decision. The final documentation  
31 should include corrected recommendations.  
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1 **Substantive Comment**

**# 584**

3 **Subject: Erroneous Statement**

**Page 223**

5 **Referring to the Following Paragraph**

7 The only active mining on or immediately adjacent to BLM-administered land in the CCMA is  
9 for unique minerals and gemstones (benitoite). Since the 1984 Hollister RMP was prepared,  
11 mining claims in the CCMA have been limited to approximately 12 small claims for casual use  
mineral collection. Casual use means that no mechanized equipment is used and the disturbance  
is limited in size to less than 1 acre.

13 **Discussion**

15 The statement, "Since the 1984 Hollister RMP was prepared, mining claims in the CCMA  
17 have been limited to approximately 12 small claims" is erroneous because according to  
LR2000 (11/20/2009) there are currently at least 30 active mining claims within the CCMA, not  
counting claims abandoned since 1984.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 584: Subject: Erroneous Statement Page 223**

1 **Substantive Comment**

**# 585**

3 **Subject: Erroneous Statement**

**Page 223**

5 **Referring to the Following Paragraph**

7 The only active mining on or immediately adjacent to BLM-administered land in the CCMA is  
9 for unique minerals and gemstones (benitoite). Since the 1984 Hollister RMP was prepared,  
11 mining claims in the CCMA have been limited to approximately 12 small claims for casual use  
mineral collection. Casual use means that no mechanized equipment is used and the disturbance  
in limited in size to less than 1 acre.

13 **Discussion**

15 The statement, "Casual use means that no mechanized equipment is used and the  
disturbance in limited in size to less than 1 acre" is erroneous because 43 C.F.R. §§ 3809.5 and  
3809.21 defines "casual use" as:

17 43 C.F.R. § 3809.5 Casual use means activities ordinarily resulting in no or negligible  
19 disturbance of the public lands or resources.

21 43 C.F.R. § 3809.21 (a) You must submit a complete notice of your operations 15 calendar  
days before you commence exploration causing surface disturbance of 5 acres or less

...

23 **Recommendation**

25 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 585: Subject: Erroneous Statement Page 223**

1 **Substantive Comment**

**# 586**

3 **Subject: Erroneous Statement**

**Page 223**

5 **Referring to the Following Paragraph**

7 In the past 100 years, mining activity in the CCMA has been extensive, starting with the mercury  
9 exploration associated with the gold rush in the mid-1800's. Many of these abandoned mercury  
11 mines were left to erode and degrade surface waters. BLM started an active Abandoned Mine  
13 Land program in the late 1990's. A summary of BLM's efforts to restore water quality by  
restoration of abandoned mercury mines is included in Section 3.2.3.3. In 2004, the Regional  
Water Quality Control Board issued a Total Maximum Daily Load (TMDL) of mercury in the  
CCMA.

15 **Discussion**

17 The statement, "starting with the mercury exploration associated with the gold rush ..." is  
19 erroneous because the exploration was for cinnabar, not native mercury. Although the area  
contains deposits of native mercury, this was not mined because of the expense involved in  
mixing it into brick before processing it in the kiln. Cinnabar did not require this extra step and  
was more economical to mine.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 586: Subject: Erroneous Statement Page 223**

1 **Substantive Comment**

**# 587**

3 **Subject: Erroneous Statement**

**Page 223**

5 **Referring to the Following Paragraph**

7 In the past 100 years, mining activity in the CCMA has been extensive, starting with the mercury  
9 exploration associated with the gold rush in the mid-1800's. Many of these abandoned mercury  
11 mines were left to erode and degrade surface waters. BLM started an active Abandoned Mine  
13 Land program in the late 1990's. A summary of BLM's efforts to restore water quality by  
restoration of abandoned mercury mines is included in Section 3.2.3.3. In 2004, the Regional  
Water Quality Control Board issued a Total Maximum Daily Load (TMDL) of mercury in the  
CCMA.

15 **Discussion**

17 The statement, "Many of these abandoned mercury mines" is erroneous because the  
19 exploration was for cinnabar, not native mercury. Although the area contains deposits of  
native mercury, this was not mined because of the expense involved in mixing it into brick  
before processing it in the kiln. Cinnabar did not require this extra step and was more  
economical to mine.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 587: Subject: Erroneous Statement Page 223**

1 **Substantive Comment**

**# 588**

3 **Subject: Inaccurate Statement**

**Page 224**

5 **Referring to the Following Paragraph**

7 Historically, the region was known as the New Idria Mining district. The New Idria Quicksilver  
9 Mining Company began mining cinnabar and mercury from the region in 1854. Other materials  
11 such as asbestos, magnesite, nickel, and chromium were also extracted (USDI 2005). Mining of  
13 asbestos began in the 1950's and the last active asbestos mine in the U.S. was the KCAC asbestos  
mine. In general, the region was an active mining and ore processing area for over a century.  
Refer to Cultural Resources, Section 3.13.3.3, for more information on historic era energy and  
minerals development.

15 **Discussion**

17 The statement, "Other materials such as asbestos, magnesite, nickel, and chromium were  
19 also extracted." Since the minerals "magnesite, nickel, and chromium" are correctly listed, then  
the list should be parallel and the word asbestos (a commercial product) should be replaced  
with the mineral term chrysotile.

21 **Recommendation**

23 The Agency must edit or delete the inaccurate statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 588: Subject: Inaccurate Statement Page 224**

1 **Substantive Comment**

**# 589**

3 **Subject: Erroneous Statement**

**Page 224**

5 **Referring to the Following Paragraph**

7 Historically, the region was known as the New Idria Mining district. The New Idria Quicksilver  
9 Mining Company began mining cinnabar and mercury from the region in 1854. Other materials  
11 such as asbestos, magnesite, nickel, and chromium were also extracted (USDI 2005). Mining of  
13 asbestos began in the 1950's and the last active asbestos mine in the U.S. was the KCAC asbestos  
mine. In general, the region was an active mining and ore processing area for over a century.  
Refer to Cultural Resources, Section 3.13.3.3, for more information on historic era energy and  
minerals development.

15 **Discussion**

17 The statement, "Mining of asbestos began in the 1950's and the last active asbestos mine  
19 in the U.S. was the KCAC asbestos mine" is erroneous because the King City Asbestos  
Company mined chrysotile which they processed in marketable commercial asbestos at the  
KCAC plant east from King City, California.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 589: Subject: Erroneous Statement Page 224**

1 **Substantive Comment**

**# 590**

3 **Subject: Erroneous Statement**

**Page 224**

5 **Referring to the Following Paragraph**

7 Remediation efforts at the KCAC mine are still underway, and are being monitored by BLM, San  
9 Benito County, and the State of California under the 1976 SMARA regulations. There are many  
11 other abandoned mines and prospects for mercury, of which BLM has undertaken remediation to  
13 reduce the transport of contaminated sediment from impacting CCMA watershed values.  
Abandoned mine lands that have been remediated include the Atlas Superfund Site, Aurora, Jade  
Mill, Alpine, Xanadu, Larious Canyon, Archer, and multiple unnamed retort piles adjacent to  
Clear Creek.

15 **Discussion**

17 The statement, "... prospects for mercury ..." is erroneous because the exploration was for  
19 cinnabar, not native mercury. Although the area contains deposits of native mercury, this was  
not mined because of the expense involved in mixing it into brick before processing it in the  
kiln. Cinnabar did not require this extra step and was more economical to mine.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 590: Subject: Erroneous Statement Page 224**

1 **Substantive Comment**

**# 591**

3 **Subject: Inaccurate Statement**

**Page 234**

5 **Referring to the Following Paragraph**

7 In 1907 a relatively new government agency chartered under the United States Department of  
Agriculture took ownership of a large portion of the CCMA from the United States General Land  
9 Office. This agency was later known as the United States Forest Service (USFS), and created the  
San Benito Division of the Monterey National Forest. Approximately 150,000 acres were set  
11 aside for the new Forest, including all of Sections in T18S, R12E and T19S, R12E and portions  
Sections in T17S, R11/12E; T18S, R10/11/13; T19S, R10/11/13 MDBM. The San Benito  
13 Division of the forest was “located principally in Clear Creek, Saw Mill and Eagle Creeks”  
(Sloane 1914:III,26). Part of the responsibility in managing this new forest reserve was to create a  
15 Plan of Operations, approved in October 1914. The Plan provided basic regional information and  
characterized the natural resources available or being currently utilized.

17 **Discussion**

19 The statement, “In 1907 a relatively new government agency chartered under the United  
States Department of Agriculture took ownership of a large portion of the CCMA from the  
21 United States General Land Office” is inaccurate because the Constitution of the United States  
and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as  
23 provided in Article 1, Section 8 of the Constitution of the United States.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

**Substantive Comment - # 591: Subject: Inaccurate Statement Page 234**

1 **Substantive Comment**

**# 592**

3 **Subject: Erroneous Statement**

**Page 226**

5 **Referring to the Following Paragraph**

7 Oil was discovered early in the Vallecitos Valley in 1886, just north of the CCMA Planning Area.  
9 The California Central Oil Company spent a reported \$20,000 to sink a well that only produced a  
11 “small quantity” of oil and operated for less than two years (Irelan 1888:488). Shell Oil Company  
13 began production in the Vallecitos in 1951. Even though Shell Oil had apparently made contracts  
with some local landowners to sink wells, several parties filed suit in 1957 claiming partial  
ownership of the property and rights to part of the revenue from the oil. These ownership  
challenges were eventually settled in the 1960s (Jackson and Armstrong 2008:12).

15 **Discussion**

17 The statement, “Oil was discovered early in the Vallecitos Valley in 1886, just north of the  
19 CCMA Planning Area” is erroneous because it conflicts with the “Planning Area” defined on  
21 Page 1 the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal,  
23 state, and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction.” Since the Vallecitos Valley  
is located in southern San Benito County and includes federal and private land, then is located  
within the “Planning Area.”

25 **Recommendation**

27 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
29 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 592: Subject: Erroneous Statement Page 226**

1 **Substantive Comment**

**# 593**

3 **Subject: Inaccurate Statement**

**Page 236**

5 **Referring to the Following Paragraph**

7 Historically, the region was known as the New Idria Mining district. Discovered in the late 1840s  
9 – early 1850s by Mexican prospectors, large portions of the CCMA were mined for mercury to  
11 produce quicksilver during the California Gold Rush era. The New Idria Quicksilver Mining  
13 Company began mining in 1854, working a “huge deposit of naturally occurring cinnabar and  
15 native mercury found in the mountains and in the canyon followed by San Carlos Creek” (Iddings  
17 2007a:2). Mercury from the CCMA was vital to gold production in the Sierra Nevada of  
19 California as well as silver mining at the Nevada Comstock Lode (Gilbert 1984:10). 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, and chromium were also extracted (USDI  
2005). The region in general was a historically active mining and ore processing area between  
about 1855 and 1970, and as such, supported a” diverse community of social, civic and industrial  
activity” represented by at least two dozen historic mine and mill sites (Fowkes and Iddings  
2008:13).

21 **Discussion**

23 The statement, “Other materials such as asbestos, magnesite, nickel, and chromium were  
25 also extracted.” Since the minerals “magnesite, nickel, and chromium” are correctly listed, then  
the list should be parallel and the word asbestos (a commercial product) should be replaced  
with the mineral term chrysotile.

27 **Recommendation**

29 The Agency must edit or delete this statement to correct this inaccurate statement. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 593: Subject: Inaccurate Statement Page 236**

1 **Substantive Comment**

**# 594**

3 **Subject: Inaccurate Statement**

**Page 242**

5 **Referring to the following paragraph**

7 By far, cinnabar and mercury was the predominant mineral material historically extracted from  
9 the CCMA region. However, several other important minerals were also mined including  
11 magnesite, chromite, and asbestos. A large magnesite deposit near Sampson Peak was worked  
13 extensively during the early to mid 20th century (Figure 3.13-4). Magnesite was used in flooring  
15 and for electrical insulation applications. The Butler Estate Chromite Mine which opened in 1954  
17 was the largest commercial chromite mine in the CCMA. A small “chromite boom” occurred in  
19 the CCMA during the 1950s-1960s as a reaction to the need for metals in post- World War II  
domestic automobile production. There have been at least three significant asbestos mines in the  
CCMA since the 1950s, namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine),  
the Atlas Mine, and the KCAC Mine (King City Asbestos Company). The Railroad Mine and  
Atlas Mine are located on private land but are surrounded by BLM public land, and both mines  
were designated as EPA Superfund sites under CERCLA. The KCAC Mine is also on private land  
and was the last active asbestos mine in the United States; the mine closed in 2002. Asbestos was  
traditionally used as an insulator material because of its durable “fireproof” nature.

21 **Discussion**

23 The statement, “also mined including magnesite, chromite, and asbestos” Since the  
25 minerals magnesite and chromite are correctly listed, then the list should be parallel and the  
word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

27 **Recommendation**

29 The Agency must edit the statement to replace the word “asbestos” with the word  
31 “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue  
33 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 594: Subject: Inaccurate Statement Page 242**

1 **Substantive Comment**

**# 595**

3 **Subject: Erroneous Statement**

**Page 242**

5 **Referring to the Following Paragraph**

7 By far, cinnabar and mercury was the predominant mineral material historically extracted from  
9 the CCMA region. However, several other important minerals were also mined including  
11 magnesite, chromite, and asbestos. A large magnesite deposit near Sampson Peak was worked  
13 extensively during the early to mid 20th century (Figure 3.13-4). Magnesite was used in flooring  
15 and for electrical insulation applications. The Butler Estate Chromite Mine which opened in 1954  
17 was the largest commercial chromite mine in the CCMA. A small “chromite boom” occurred in  
19 the CCMA during the 1950s-1960s as a reaction to the need for metals in post- World War II  
domestic automobile production. There have been at least three significant asbestos mines in the  
CCMA since the 1950s, namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine),  
the Atlas Mine, and the KCAC Mine (King City Asbestos Company). The Railroad Mine and  
Atlas Mine are located on private land but are surrounded by BLM public land, and both mines  
were designated as EPA Superfund sites under CERCLA. The KCAC Mine is also on private land  
and was the last active asbestos mine in the United States; the mine closed in 2002. Asbestos was  
traditionally used as an insulator material because of its durable “fireproof” nature.

21 **Discussion**

23 The statement, “namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine” is  
25 erroneous because the Johns-Manville mine was not named or associated with the Union  
Carbide Mine. The KCAC mine was previously owned by Union Carbide.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
31 subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 596**

3 **Subject: Erroneous Statement**

**Page 242**

5 **Referring to the Following Paragraph**

7 By far, cinnabar and mercury was the predominant mineral material historically extracted from  
9 the CCMA region. However, several other important minerals were also mined including  
11 magnesite, chromite, and asbestos. A large magnesite deposit near Sampson Peak was worked  
13 extensively during the early to mid 20th century (Figure 3.13-4). Magnesite was used in flooring  
15 and for electrical insulation applications. The Butler Estate Chromite Mine which opened in 1954  
17 was the largest commercial chromite mine in the CCMA. A small “chromite boom” occurred in  
19 the CCMA during the 1950s-1960s as a reaction to the need for metals in post- World War II  
21 domestic automobile production. There have been at least three significant asbestos mines in the  
23 CCMA since the 1950s, namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine),  
25 the Atlas Mine, and the KCAC Mine (King City Asbestos Company). The Railroad Mine and  
27 Atlas Mine are located on private land but are surrounded by BLM public land, and both mines  
29 were designated as EPA Superfund sites under CERCLA. The KCAC Mine is also on private land  
31 and was the last active asbestos mine in the United States; the mine closed in 2002. Asbestos was  
33 traditionally used as an insulator material because of its durable “fireproof” nature.

21 **Discussion**

23 The statement, “The KCAC Mine is also on private land” is erroneous because the KCAC  
25 mine owned mining claims on public land.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
31 subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.  
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**Substantive Comment - # 596: Subject: Erroneous Statement Page 242**

1 **Substantive Comment**

# 597

3 **Subject: Erroneous Statement**

Page 245 & 246

5 **Referring to the Following Paragraph**

7 The CCMA was historically bounded by smaller Planning Area units which the BLM used to  
characterize and manage the region. In addition to the 1975 cultural resources inventory within  
9 the CCMA, these other Planning Area units were also surveyed. Lands in the Laguna Mountain  
Area were cursorily examined in 1980 for cultural resources by inspecting existing vehicle routes  
11 and adjacent areas. The results included the discovery of one “occupation site with midden” on  
BLM land (postulated to be associated with the Chalon Costanoan) and three additional  
13 occupation sites containing “midden, lithics, BRMs, housepits and groundstone,” presumably not  
located on BLM land (USDI 1981:16). In the former Call Mountain-Hernandez Valley  
15 Management Area, the known sites at the time were in poor to good condition; road construction,  
uncontrolled OHV use, and unauthorized artifact collection were the main threats to cultural  
17 resources (USDI 1984:32). Impacts to archeological sites in the former Ciervo Hills-Joaquin  
Rocks Management Area were primarily a result of cattle grazing, road construction, natural  
19 weathering and erosion, unauthorized artifact collection, and uncontrolled OHV use (USDI  
1984).

21 **Discussion**

23 The statement, “The CCMA was historically bounded by smaller Planning Area units which  
the BLM used to characterize and manage the region” is erroneous because it conflicts with  
25 the “Planning Area” defined on Page 1 the same report. Page 1 states: “The Planning Area for  
this RMP/EIS includes all federal, state, and private lands in southern San Benito County and  
27 western Fresno County in Central California shown on Map 1 in Appendix I regardless of  
jurisdiction.” Since there is only one Planning Area it cannot be “bounded by smaller Planning  
29 Area units.”

31 **Recommendation**

33 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
37 should include corrected recommendations.

## Substantive Comment

# 598

**Subject:** Confusing Statement

Page 246

### Referring to the Following Paragraph

(4) asbestos hazard

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

1 **Substantive Comment**

# 599

3 **Subject: Misleading Statement**

Page 250

5 **Referring to the Following Paragraph**

7 The Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) within the Clear  
9 Creek Management Area (CCMA) roughly approximates the boundary for the Hazardous  
11 Asbestos Area (HAA). While there is no stand alone ACEC Management Plan, there are  
13 significant planning issues within the ACEC including cultural resources management. Under the  
15 1986 Clear Creek Management Plan and Decision Record, policies and guidance for the  
17 management of prehistoric (and to a lesser extent historic) resources were established - with an  
19 emphasis on physical and administrative protection and data retrieval as a mitigation measure.  
21 Refer back to Section 3.13.4.1 for more specific information.

15 **Discussion**

17 The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems  
19 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
21 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
23 additional quick document search indicates that the first published use of the phrase  
25 "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan  
27 and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
29 during the past twenty years. In all occurrences, the phrase is included complimentarily to  
31 emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
33 growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
35 chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is  
37 simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger  
39 than actually exist.

29 **Recommendation**

31 The Agency must strike this phrase from the Resource Management Plan and the  
33 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
35 the subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
39 final environmental impact study, or the record of decision. The final documentation should  
41 include corrected recommendations.  
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Substantive Comment - # 599: Subject: Misleading Statement Page 250

## Substantive Comment

# 600

**Subject: Confusing Format**

**Page 254**

### Referring to the Following Paragraph

As a general rule “historic” properties that have achieved significance within the past fifty years are not eligible for listing to the National Register because the Register is “intrinsicly a compilation of the Nation's historic resources that are worthy of preservation” and “does not include properties important solely for their contemporary impact and visibility” [emphasis theirs] (Sherfy and Luce 1998:1). It is nearly impossible and impractical to evaluate the historical impacts or relative value of a property immediately after an event occurs or a building is constructed; the passage of time is necessary “in order to apply the adjective ‘historic’ and to ensure adequate perspective” (Sherfy and Luce 1998:1).

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

## Substantive Comment

# 601

**Subject: Confusing Format**

**Page 154**

### Referring to the Following Paragraph

Naturally, the more recent a property has achieved a recognizable level of significance the more difficult it is to demonstrate its “exceptional importance” (Sherfy and Luce 1998:7). “Exceptional importance” does not necessarily imply a national-level of significance, rather it is a “measure of a property’s importance within the appropriate historic context, whether the geographic scale of that context is local, State, or national” (Sherfy and Luce 1998:8). In the evaluating and justification of “exceptional importance” it is important to remember that the level at which this evaluation is made is “directly related to the geographic level or ‘scale’ of the property’s historic context” (Sherfy and Luce 1998:8).

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ “ ” ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 601: Subject: Confusing Format Page 154

1 **Substantive Comment**

**# 602**

3 **Subject: Erroneous Statement**

**Page 267**

5 **Referring to the Following Paragraph**

7 The CCMA Planning Area is within the Coast Range Physiographic Province of California;  
8 bounded by the Pacific Ocean to the west and the great Central Valley to the east. It is  
9 characterized by northwest-southeast trending faults and mountain ranges (Staebler 1981; USGS  
10 2005). From the Upper Cretaceous time period through the Miocene epoch much of Hollister  
11 Field Office Area was periodically covered by shallow, warm seas which allowed sediment to  
12 wash onto the area from the low-lying continental mass to the east. This is evident in the San  
13 Joaquin Management Area that shows great thickness of Jurassic age or younger marine and  
14 terrestrial sedimentary deposits (Staebler 1981).

15 **Discussion**

17 The statement, "The CCMA Planning Area is within the Coast Range Physiographic  
18 Province of California; bounded by the Pacific Ocean to the west and the great Central Valley  
19 to the east" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the  
20 same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and  
21 private lands in southern San Benito County and western Fresno County in Central California  
22 shown on Map 1 in Appendix I regardless of jurisdiction." The the Pacific Ocean does not  
23 bound against either southern San Benito County and western Fresno County.

25 **Recommendation**

27 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
28 must rewrite the subject document to remove the discrepant issue from the document. The  
29 original discrepancy must not be included or propagated in the final resource management  
30 plan, the final environmental impact study, or the record of decision. The final documentation  
31 should include corrected recommendations.

**Substantive Comment - # 602: Subject: Erroneous Statement Page 267**

1 **Substantive Comment**

**# 603**

3 **Subject: Erroneous Statement**

**Page 268**

5 **Referring to the Following Paragraph**

7 Table 3.14.4.2 - Rock Formations within the CCMA Planning Area and their Paleontological Sensitivity

9 **Discussion**

11 The statement, "Rock Formations within the CCMA Planning Area and their Paleontological Sensitivity" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the  
13 same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and  
15 private lands in southern San Benito County and western Fresno County in Central California  
17 shown on Map 1 in Appendix I regardless of jurisdiction." The definition does not define a  
"CCMA Planning Area," but rather the CCMA is contained within the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 603: Subject: Erroneous Statement Page 268**

1 **Substantive Comment**

**# 604**

3 **Subject: Erroneous Statement**

**Page 270**

5 **Referring to the Following Paragraph**

7 Significant vertebrate fossils have been found east of the CCMA Planning Area on private and  
9 public lands, primarily in locations associated with the Moreno Shale deposits along Cantua  
11 Canyon. Invertebrate fossils have been found in various locations also on private and public lands  
in Los Gatos Creek Canyon south of the CCMA Planning Area. These fossils are associated with  
the sandstone formations outside of the Clear Creek Serpentine ACEC.

13 **Discussion**

15 The statement, "Significant vertebrate fossils have been found east of the CCMA Planning  
17 Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same  
report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private  
19 lands in southern San Benito County and western Fresno County in Central California shown  
on Map 1 in Appendix I regardless of jurisdiction." The definition does not define a "CCMA  
Planning Area," but rather the CCMA is contained within the Planning Area.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
27 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 604: Subject: Erroneous Statement Page 270**

1 **Substantive Comment**

**# 605**

3 **Subject: Erroneous Statement**

**Page 270**

5 **Referring to the Following Paragraph**

7 Fossils are also known to occur throughout the Coalinga and Pleasant Valley areas east of the  
9 Planning Area. For example, an unusual single invertebrate fossil specimen was recovered by a  
volunteer in 2006 on public lands near Black Mountain, east of the CCMA Planning Area.

11 **Discussion**

13 The statement, "Fossils are also known to occur throughout the Coalinga and Pleasant  
15 Valley areas east of the Planning Area" is erroneous because it conflicts with the "Planning  
17 Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS  
includes all federal, state, and private lands in southern San Benito County and western Fresno  
County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Coalinga  
and Pleasant Valley areas contain federal and private lands are located in western Fresno  
County and are therefore within the Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 605: Subject: Erroneous Statement Page 270**

1 **Substantive Comment**

**# 606**

3 **Subject: Incomplete Data**

**Page 272**

5 **Referring to the Following Paragraph**

7 The large population centers near CCMA have implications for public land management because  
9 they represent the potential user and customer base that is within a three-hour drive from CCMA,  
11 but they do not provide a useful context for discussion of socioeconomic conditions. The number  
13 of people and the size of the economy associated with that population dwarf any of the social and  
15 economic contributions that might be made by public land resources. To facilitate discussion of  
17 socioeconomic conditions, the local analysis area for this RMP/EIS will be defined as the Central  
19 Coast and the Southern Diablo Range – each of which focuses on communities most directly  
affected by the CCMA RMP/EIS alternatives. The Central Coast analysis area focuses on  
residents of Santa Clara, Monterey, and Santa Cruz counties; and the Southern Diablo Range  
analysis area includes San Benito, Merced, and Fresno Counties. San Benito and Fresno counties  
encompass CCMA and a large block of contiguous BLM public lands in the Southern Diablo  
Range located west of Interstate 5, north of the town of Coalinga and south of the town of Los  
Banos.

21 **Discussion**

23 The represented data set, which includes Fresno, Merced, Monterey, San Benito, Santa  
25 Clara, and Santa Cruz counties, is insufficient because it fails to consider the entire radius of the  
demographic area, which also includes: San Luis Obispo, Santa Barbara, Kings, Tulare, Kern,  
Madera, Mariposa, Stanislaus counties.

27 **Recommendation**

29 The Agency must correct the deficiency or delete the data set. The Agency must rewrite  
31 the subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 606: Subject: Incomplete Data Page 272**

1 **Substantive Comment**

**# 607**

3 **Subject: Erroneous Statement**

**Page 273**

5 **Referring to the Following Paragraph**

7 Table 3.15-1 indicates the populations in the counties within the Planning Area, in California, and  
9 in the U.S in the years 1990, 2000, and 2004. The population is large because it includes much of  
11 the south San Francisco Bay Area. Almost a quarter of California’s total population resides within  
the Planning Area. The rate of population growth within the Planning Area was about the same as  
that for the entire state from 1990 to 2000 but dropped below the State rate after 2000. For both  
periods, the State and the region

13 **Discussion**

15 The statement, “Table 3.15-1 indicates the populations in the counties within the Planning  
17 Area ...” is erroneous because it includes Fresno, Merced, Monterey, San Benito, Santa Clara,  
and Santa Cruz counties, which fails to conform to the “Planning Area” defined on Page 1 the  
same report.

19 **Recommendation**

21 The Agency must correct or delete the erroneous statement. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 607: Subject: Erroneous Statement Page 273**

1 **Substantive Comment**

**# 608**

3 **Subject: Erroneous Statement**

**Page 273**

5 **Referring to the Following Paragraph**

7 Table 3.15-1 indicates the populations in the counties within the Planning Area, in California, and  
9 in the U.S in the years 1990, 2000, and 2004. The population is large because it includes much of  
11 the south San Francisco Bay Area. Almost a quarter of California's total population resides within  
13 the Planning Area. The rate of population growth within the Planning Area was about the same as  
15 that for the entire state from 1990 to 2000 but dropped below the State rate after 2000. For both  
17 periods, the State and the region

13 **Discussion**

15 The statement, "Almost a quarter of California's total population resides within the  
17 Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1  
19 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
21 and private lands in southern San Benito County and western Fresno County in Central  
23 California shown on Map 1 in Appendix I regardless of jurisdiction." A quarter of California's  
25 total population does not resides within the Planning Area.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
29 plan, the final environmental impact study, or the record of decision. The final documentation  
31 should include corrected recommendations.

**Substantive Comment - # 608: Subject: Erroneous Statement Page 273**

1 **Substantive Comment**

**# 609**

3 **Subject: Erroneous Statement**

**Page 273**

5 **Referring to the Following Paragraph**

7 Table 3.15-1 Total Population, by County, in the Planning Area

9 **Discussion**

11 The statement, "Total Population, by County, in the Planning Area" is erroneous because it  
13 conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The  
15 Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San  
17 Benito County and western Fresno County in Central California shown on Map 1 in Appendix I  
19 regardless of jurisdiction." Table 3.15-1 includes counties that are not part of the Planning  
21 Area.

17 **Recommendation**

19 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
21 must rewrite the subject document to remove the discrepant issue from the document. The  
23 original discrepancy must not be included or propagated in the final resource management  
25 plan, the final environmental impact study, or the record of decision. The final documentation  
27 should include corrected recommendations.  
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**Substantive Comment - # 609: Subject: Erroneous Statement Page 273**

**Substantive Comment**

**# 610**

**Subject: Incomplete Data**

**Page 273**

**Referring to the Following Paragraph**

**Table 3.15-1 Total Population, by County, in the Planning Area**

County	1990	2000	2004	Total % Change	
				1990-00	2000-04
Fresno	670,250	804,333	876,842	20.0	9.0
Merced	179,400	211,245	237,155	17.8	12.3
Monterey	356,797	403,943	425,521	13.2	5.3
San Benito	36,911	53,789	57,353	45.7	6.6
Santa Clara	1,495,296	1,692,759	1,749,365	13.2	3.3
Santa Cruz	229,329	256,488	259,990	11.8	1.4
<b>Total in Area</b>	<b>2,967,983</b>	<b>3,422,557</b>	<b>3,606,266</b>	<b>13.3</b>	<b>5.1</b>
<b>California</b>	<b>29,828,496</b>	<b>34,098,740</b>	<b>36,590,814</b>	<b>14.3</b>	<b>7.3</b>
<b>U.S. (mil.)</b>	<b>248.7</b>	<b>281.4</b>	<b>293.7</b>	<b>13.1</b>	<b>4.4</b>

**Discussion**

The represented data set, which includes Fresno, Merced, Monterey, San Benito, Santa Clara, and Santa Cruz counties, is insufficient because it fails to consider the entire radius of the demographic area, which also includes: San Luis Obispo, Santa Barbara, Kings, Tulare, Kern, Madera, Mariposa, Stanislaus counties.

**Recommendation**

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 610: Subject: Incomplete Data Page 273**

**Substantive Comment**

**# 611**

**Subject: Meaningless Data**

**Page 273**

**Referring to the Following Paragraph**

**Table 3.15-1 Total Population, by County, in the Planning Area**

County	1990	2000	2004	Total % Change	
				1990-00	2000-04
Fresno	670,250	804,333	876,842	20.0	9.0
Merced	179,400	211,245	237,155	17.8	12.3
Monterey	356,797	403,943	425,521	13.2	5.3
San Benito	36,911	53,789	57,353	45.7	6.6
Santa Clara	1,495,296	1,692,759	1,749,365	13.2	3.3
Santa Cruz	229,329	256,488	259,990	11.8	1.4
<b>Total in Area</b>	<b>2,967,983</b>	<b>3,422,557</b>	<b>3,606,266</b>	<b>13.3</b>	<b>5.1</b>
<b>California</b>	<b>29,828,496</b>	<b>34,098,740</b>	<b>36,590,814</b>	<b>14.3</b>	<b>7.3</b>
<b>U.S. (mil.)</b>	<b>248.7</b>	<b>281.4</b>	<b>293.7</b>	<b>13.1</b>	<b>4.4</b>

**Discussion**

The represented data set which compares the eleven year period from 1990 to 2000, to the five period from 2000 to 2004, and overlaps data from the year 2000 is a meaningless presentation. The comparison should be parallel to be meaningful, such as percent of change per year.

**Recommendation**

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 611: Subject: Meaningless Data Page 273

1 **Substantive Comment**

**# 612**

3 **Subject: Confusing Statement**

**Page 274**

5 **Referring to the Following Paragraph**

7 Public lands in CCMA are accessed from the sparsely populated San Benito valley on the west  
9 and the San Joaquin valley on the east. The rather large population totals for Merced and Fresno  
11 Counties mask the relatively smaller populations in the immediate vicinity of CCMA. Tract data  
13 from the 2000 Census indicate that less than 20 percent of Fresno and Merced Counties' one  
15 million residents in 2000 lived in the Interstate 5 Corridor just east of the Diablo Range. This  
17 analysis area grew far more rapidly than the State average, driven by the growth of Hollister and  
19 Los Banos as bedroom communities and population increases in Fresno and other towns in the  
21 central San Joaquin valley.

15 **Discussion**

17 The statement, "Public lands in CCMA are accessed from the sparsely populated San Benito  
19 valley on the west and the San Joaquin valley on the east" is confusing because it references  
21 the unknown "San Benito valley," and fails to consider access from the north and south.

21 **Recommendation**

23 The Agency must correct the statement or delete the confusing or erroneous data. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.  
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**Substantive Comment - # 612: Subject: Confusing Statement Page 274**

**Substantive Comment**

**# 613**

**Subject: Incomplete Data**

**Page 274**

**Referring to the Following Paragraph**

**Table 3.15-2 Populations of Counties and Major Towns  
 in the Local Analysis Areas**

Central Coast					
County	1990	2000	2004	Total % Change	
				1990-00	2000-04
<b>Central Coast</b>					
Monterey	356,797	403,943	425,521	13.2	5.3
Marina	27,550	21,014	19,165	-23.7	-8.8
Monterey	31,800	29,674	30,314	-6.7	2.2
Salinas	107,600	143,776	152,590	33.6	6.1
Seaside	38,950	31,696	33,386	-18.6	5.3
<b>Santa Cruz</b>	<b>229,329</b>	<b>256,488</b>	<b>259,990</b>	<b>11.8</b>	<b>1.4</b>
Santa Cruz	48,800	54,593	56,018	11.9	2.6
Watsonville	30,850	44,265	48,041	43.5	8.5
<b>Total</b>	<b>586,126</b>	<b>660,431</b>	<b>685,511</b>	<b>12.7</b>	<b>3.8</b>
<b>Diablo Range</b>					
Fresno	670,250	804,333	876,842	20.0	9.0
Clovis	49,650	68,468	81,256	37.9	18.7
Coalinga	8,050	16,213	16,735	101.4	3.2
Fresno	350,700	427,652	458,203	21.9	7.1
Reedley	15,650	20,756	21,849	32.6	5.3
Sanger	16,650	18,931	20,612	13.7	8.9
Selma	14,650	19,444	21,881	32.7	12.5
<b>Merced</b>	<b>179,400</b>	<b>211,245</b>	<b>237,155</b>	<b>17.8</b>	<b>12.3</b>
Atwater	22,100	23,113	26,594	4.6	15.1
Los Banos	13,750	25,869	30,898	88.1	19.4
Merced	55,700	63,893	70,415	14.7	10.2
<b>San Benito</b>	<b>36,911</b>	<b>53,789</b>	<b>57,353</b>	<b>45.7</b>	<b>6.6</b>
Hollister	19,000	34,413	36,993	81.1	7.5
<b>Total</b>	<b>886,561</b>	<b>1,069,367</b>	<b>1,171,350</b>	<b>20.6</b>	<b>9.5</b>
<b>California</b>					
California	29,828,496	34,098,740	36,590,814	14.3	7.3

**Discussion**

The represented data set, which includes Fresno, Merced, Monterey, San Benito, Santa Clara, and Santa Cruz counties, is insufficient because it fails to consider the entire radius of the demographic area, which also includes: San Luis Obispo, Santa Barbara, Kings, Tulare, Kern, Madera, Mariposa, Stanislaus counties.

**Recommendation**

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 613: Subject: Incomplete Data Page 274**

**Substantive Comment**

**# 614**

**Subject: Meaningless Data**

**Page 274**

**Referring to the Following Paragraph**

**Table 3.15-2 Populations of Counties and Major Towns  
 in the Local Analysis Areas**

Central Coast					
County	1990	2000	2004	Total % Change	
				1990-00	2000-04
<b>Central Coast</b>					
Monterey	356,797	403,943	425,521	13.2	5.3
Marina	27,550	21,014	19,165	-23.7	-8.8
Monterey	31,800	29,674	30,314	-6.7	2.2
Salinas	107,600	143,776	152,590	33.6	6.1
Seaside	38,950	31,696	33,386	-18.6	5.3
<b>Santa Cruz</b>	<b>229,329</b>	<b>256,488</b>	<b>259,990</b>	<b>11.8</b>	<b>1.4</b>
Santa Cruz	48,800	54,593	56,018	11.9	2.6
Watsonville	30,850	44,265	48,041	43.5	8.5
<b>Total</b>	<b>586,126</b>	<b>660,431</b>	<b>685,511</b>	<b>12.7</b>	<b>3.8</b>
<b>Diablo Range</b>					
Fresno	670,250	804,333	876,842	20.0	9.0
Clovis	49,650	68,468	81,256	37.9	18.7
Coalinga	8,050	16,213	16,735	101.4	3.2
Fresno	350,700	427,652	458,203	21.9	7.1
Reedley	15,650	20,756	21,849	32.6	5.3
Sanger	16,650	18,931	20,612	13.7	8.9
Selma	14,650	19,444	21,881	32.7	12.5
<b>Merced</b>	<b>179,400</b>	<b>211,245</b>	<b>237,155</b>	<b>17.8</b>	<b>12.3</b>
Atwater	22,100	23,113	26,594	4.6	15.1
Los Banos	13,750	25,869	30,898	88.1	19.4
Merced	55,700	63,893	70,415	14.7	10.2
<b>San Benito</b>	<b>36,911</b>	<b>53,789</b>	<b>57,353</b>	<b>45.7</b>	<b>6.6</b>
Hollister	19,000	34,413	36,993	81.1	7.5
<b>Total</b>	<b>886,561</b>	<b>1,069,367</b>	<b>1,171,350</b>	<b>20.6</b>	<b>9.5</b>
California	29,828,496	34,098,740	36,590,814	14.3	7.3

**Discussion**

The represented data set which compares the eleven year period from 1990 to 2000, to the five period from 2000 to 2004, and overlaps data from the year 2000 is a meaningless presentation. The comparison should be parallel to be meaningful, such as percent of change per year.

**Recommendation**

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 614: Subject: Meaningless Data Page 274**

1 **Substantive Comment**

**# 615**

3 **Subject: Irrelevant Data**

**Page 276**

5 **Referring to the Following Paragraph**

7 Employment growth in the Central Coast analysis area seemed to mirror the rate for the State, but  
the experiences of Santa Cruz and Monterey Counties were quite different. Santa Cruz  
9 employment growth was very rapid in the 1980s, began to slow down in the 1990s, and has  
recently been stagnant. Monterey's employment growth lagged that of the State in the 1980s,  
11 slowed down in the 1990s, but then became robust in the first few years of this century.

13 **Discussion**

15 The paragraph containing the statement, "... experiences of Santa Cruz and Monterey  
Counties ..." is irrelevant, confusing and outdated because it present data beyond the scope  
of the Planning Area and uses data that is twenty to thirty years old.

17 **Recommendation**

19 The Agency must update and correct this paragraph or delete the irrelevant, confusing and  
21 outdated material. The Agency must rewrite the subject document to remove the discrepant  
issue from the document. The original discrepancy must not be included or propagated in the  
23 final resource management plan, the final environmental impact study, or the record of  
decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 615: Subject: Irrelevant Data Page 276**

1 **Substantive Comment**

**# 616**

3 **Subject: Irrelevant Data**

**Page 276**

5 **Referring to the Following Paragraph**

7 California's per capita income grew at a slower rate than the U.S. average between 1980 and 2000  
and declined faster between 2000 and 2002. Consequently, the gap in 1980 between California's  
9 very high per capita income and the U.S average has narrowed considerably. The same trend has  
been followed in the Central Coast area despite a surge in personal income in Santa Cruz County  
11 in the 1990s. The Diablo Range area represents an anomaly in that per capita income has declined  
since 1980. A per capita income that was slightly higher than the U.S. average is now less than 75  
13 percent of the national average.

15 **Discussion**

17 The paragraph containing the statement, "... despite a surge in personal income in Santa  
Cruz County in the 1990s ..." is irrelevant, confusing and outdated because it present data  
beyond the scope of the Planning Area and uses data that is twenty to thirty years old.

19 **Recommendation**

21 The Agency must update and correct this paragraph or delete the irrelevant, confusing and  
23 outdated material. The Agency must rewrite the subject document to remove the discrepant  
issue from the document. The original discrepancy must not be included or propagated in the  
25 final resource management plan, the final environmental impact study, or the record of  
decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 616: Subject: Irrelevant Data Page 276**

1 **Substantive Comment**

**# 617**

3 **Subject: Erroneous Statement**

**Page 276**

5 **Referring to the Following Paragraph**

7 The requirements for environmental justice review during the environmental analysis process  
9 were established by Executive Order 12898 (February 11, 1994). That order declares that each  
11 Federal agency is to identify “disproportionately high and adverse human health or environment  
13 effects of its programs, policies, and activities on minority populations and low-income  
15 populations.”

13 **Discussion**

15 The quotation, “disproportionately high and adverse human health or environment effects  
17 of its programs, policies, and activities on minority populations and low-income populations”  
19 is erroneous because it fails to reflect the original text precisely. The original text reads as “...  
21 disproportionately high and adverse human health or environmental effects of its programs,  
23 policies, and activities on minority populations and low-income populations ...”

21 **Recommendation**

23 The Agency must correct this quotation or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
29 plan, the final environmental impact study, or the record of decision. The final documentation  
31 should include corrected recommendations.  
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**Substantive Comment - # 617: Subject: Erroneous Statement Page 276**

1 **Substantive Comment**

**# 618**

3 **Subject: Irrelevant Sentence**

**Page 276**

5 **Referring to the Following Paragraph**

7 Table 3.15-5 describes the results of the 2000 U.S. Census with regard to ethnicity and poverty in  
9 the counties that make up the Central Coast and Diablo Range analysis areas. Most of the counties  
11 share the same general ethnic patterns that the State of California exhibits – a very large Hispanic  
13 population, ranging from 25 to 50 percent of the population; distinct minority populations of  
15 African Americans, generally comprising less than 5 percent of the population; Asian/Pacific  
Islanders, comprising between 5 and 10 percent of the population; and a very small Native  
American population. There are no Native American Tribal lands within the Planning Area. Santa  
Cruz is the county that least represents the State ethnic pattern, with minority populations that are  
all below the State average.

17 **Discussion**

19 The sentence, “Santa Cruz is the county that least represents the State ethnic pattern, with  
21 minority populations that are all below the State average” is irrelevant and confusing because  
its topic is beyond the scope of the Planning Area.

23 **Recommendation**

25 the Agency must edit or delete the irrelevant material. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 618: Subject: Irrelevant Sentence Page 276**

1 **Substantive Comment**

**# 619**

3 **Subject: Confusing Paragraph**

**Page 277**

5 **Referring to the Following Paragraph**

7 The major share of recreation use in the CCMA is concentrated in the Serpentine ACEC, with  
9 over 78,000 visits in 2006 and 2007 combined. Together they account for over 70 percent of the  
11 recreation use on public lands in the Planning Area. (See Section 3.8, "Recreation," for a more  
13 extensive treatment of recreation use). There are two semi-developed campgrounds in the CCMA  
15 that traditionally receive the majority of visitor use from October to May. Compared to the  
17 recreation requirements of the millions of people who reside within 2 hours of other major blocks  
19 of public lands in Central California, the use of CCMA public lands is inconsequential. The same  
21 is true for expenditures related to recreation on CCMA public lands.

15 **Discussion**

17 The paragraph containing the sentence, "The major share of recreation use in the CCMA is  
19 concentrated in the Serpentine ACEC, with over 78,000 visits in 2006 and 2007 combined" is  
21 confusing because present the total visitation population for two period and uses the value to  
23 represent 70 percent of area recreation, and then places that recreation into the October to  
25 May period and then compares that "to the recreation requirements of the millions of people  
27 who reside within 2 hours. The paragraph is simply confusing and meaningless.

23 **Recommendation**

25 The Agency must edit or delete the confusing paragraph. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
31 final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.  
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**Substantive Comment - # 619: Subject: Confusing Paragraph Page 277**

1 **Substantive Comment**

**# 620**

3 **Subject: Irrelevant Paragraph**

**Page 277**

5 **Referring to the Following Paragraph**

7 The California Department of Parks and Recreation recently commissioned a study that was  
9 conducted by California State University, Sacramento's Department of Recreation, Parks and  
11 Tourism Administration from 2007 to 2009. The preliminary findings of the study report that 74.9  
13 million people visit California state parks annually, spending an average of \$4.32 billion per year  
in park-related expenditures. About half of this amount is related to recreation on the California  
Coast, which means the other half of all of the expenditures were made in other regions including  
the Coast Ranges, Sierra-Nevada, and the California Desert.

15 **Discussion**

17 The paragraph containing the sentence "The California Department of Parks and  
19 Recreation recently commissioned ..." is irrelevant and confusing because its topic is beyond  
the scope of the Planning Area.

21 **Recommendation**

23 the Agency must edit or delete the irrelevant material. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 620: Subject: Irrelevant Paragraph Page 277**

1 **Substantive Comment**

**# 621**

3 **Subject: Unsubstantiated Statement**

**Page 278**

5 **Referring to the Following Paragraph**

7 The amount of spending within the CCMA would not be significant given size of the Diablo  
9 region and its economy. However, recreation on public lands in CCMA is still very important to  
11 many sectors of the local economy, and to the many individuals who recreate there. The  
13 motorcycle shops in Hollister rely heavily on off-highway vehicle recreation opportunities in  
15 CCMA, which along with Hollister Hills SVRA, is a primary local OHV resource. Several shop  
owners indicated a very heavy reliance on OHV at CCMA. In addition to hosting several major  
national events such as the Quicksilver and Wild Boar enduros, the area is close enough to several  
hundred thousand residents that it is a popular weekend recreation area. On weekends, the area  
draws visitors from several hours away for a variety of motorized and non-motorized recreation  
activities.

17 **Discussion**

19 The statement, "The amount of spending within the CCMA would not be significant given  
21 size of the Diablo region and its economy" is unsubstantiated because it fails to present  
23 quantified data and hence reflect speculation by the author. Given 78,000 visits during 2006  
and 2006 (page 277), then a rough estimate could suggest that CCMA recreation may easily  
contribute ten million annual dollar to local Hollister, King City or Coalinga businesses, without  
counting the value of their recreational equipment. Certainly this value is speculative, but  
given the absence of contrary data, it shows the necessity for the Agency to determine  
quantified estimates for CCMA's recreation's economic contribution to the local economies.

27 **Recommendation**

29 The Agency must edit the sentence to include quantified data or delete the sentence. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 622**

3 **Subject: Confusing Statement**

**Page 278**

5 **Referring to the Following Paragraph**

7 The amount of spending within the CCMA would not be significant given size of the Diablo  
9 region and its economy. However, recreation on public lands in CCMA is still very important to  
11 many sectors of the local economy, and to the many individuals who recreate there. The  
13 motorcycle shops in Hollister rely heavily on off-highway vehicle recreation opportunities in  
15 CCMA, which along with Hollister Hills SVRA, is a primary local OHV resource. Several shop  
owners indicated a very heavy reliance on OHV at CCMA. In addition to hosting several major  
national events such as the Quicksilver and Wild Boar enduros, the area is close enough to several  
hundred thousand residents that it is a popular weekend recreation area. On weekends, the area  
draws visitors from several hours away for a variety of motorized and non-motorized recreation  
activities.

17 **Discussion**

19 The statement, "... the area is close enough to several hundred thousand residents that it  
21 is a popular weekend recreation area ..." is confusing and meaningless. The statement implies  
the area "weekend recreation" is popular only because it is "close enough to several hundred  
thousand residents" while ignoring the areas other attributes.

23 **Recommendation**

25 The Agency must edit or delete the confusing statement. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 622: Subject: Confusing Statement Page 278**

1 **Substantive Comment**

**# 623**

3 **Subject: Erroneous Statement**

**Page 278**

5 **Referring to the Following Paragraph**

7 Other forms of recreation at CCMA include hunting, rock-hounding, and hiking. The area is  
9 highly valued by these visitors as well as the OHV community because it is nearby, because it  
11 offers varied terrain, and because there are no comparable properties that allow public access in  
the vicinity. The CCMA is also frequently said to be valued as a place to get away from the stress  
of population and traffic.

13 **Discussion**

15 The statement, "The area is highly valued by these visitors as well as the OHV community  
17 because it is nearby, because it offers varied terrain, and because there are no comparable  
properties that allow public access in the vicinity" is erroneous because it fails to recognize  
that visitors also enjoy this public land because it is the people's land, and because a unique  
environment unmatched anywhere in California.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 623: Subject: Erroneous Statement Page 278**

1 **Substantive Comment**

**# 624**

3 **Subject: Unsubstantiated Statement**

**Page 278**

5 **Referring to the Following Paragraph**

7 Hunting is an important recreation activity on public lands in the Diablo Range. Upland game  
9 birds (chukar, quail), black-tailed deer, and wild pig are all hunted there. The southern part of the  
11 Range is in an area called “the pig triangle” (King City to Paso Robles to Coalinga) because of the  
number of pigs taken there every year. Hunters come here from throughout the state, and they  
purchase some supplies and equipment locally in support of their hunting. However, the only  
economic sector that clearly benefits from hunting in the Diablo Range is the hunting clubs.

13 **Discussion**

15 The statement, “However, the only economic sector that clearly benefits from hunting in  
17 the Diablo Range is the hunting clubs.” is unsubstantiated speculation because it fails to  
present quantified data in support, and hence reflect speculation by the author. The statement  
ignores that hunter may be purchasing addition supplies in the locals communities of  
19 Hollister, King City or Coalinga.

21 **Recommendation**

23 The Agency must edit the sentence to include quantified data or delete the  
25 unsubstantiated statement. The Agency must rewrite the subject document to remove the  
discrepant issue from the document. The original discrepancy must not be included or  
27 propagated in the final resource management plan, the final environmental impact study, or  
the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 624: Subject: Unsubstantiated Statement Page 278**

1 **Substantive Comment**

**# 625**

3 **Subject: Misleading Statement**

**Page 278**

5 **Referring to the Following Paragraph**

7 Beyond any financial contribution, the public lands in the Central Coast and Diablo Range, like  
9 those in CCMA, provide places for local residents and others to get away from the very densely  
11 populated communities in this part of California. The area is accessible for day trips to the more  
than 8 million residents of the Bay Area and the Central Valley, and it provides a sense of  
isolation that is difficult to find elsewhere in the region.

13 **Discussion**

15 The statement, "The area is accessible for day trips to the more than 8 million residents of  
17 the Bay Area and the Central Valley, and it provides a sense of isolation that is difficult to find  
elsewhere in the region" is misleading because it suggests that the area is suitable for day trip  
recreation while ignoring that round-trip drive time consumes about six hours, thus making  
the area more attractive camping.

19 **Recommendation**

21 The Agency must edit the sentence to include supporting data or delete the misleading  
23 statement. The Agency must rewrite the subject document to remove the discrepant issue  
from the document. The original discrepancy must not be included or propagated in the final  
25 resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 625: Subject: Misleading Statement Page 278**

1 **Substantive Comment**

**# 626**

3 **Subject: Erroneous Statement**

**Page 281**

5 **Referring to the Following Paragraph**

7 Public land management activities and resource uses contribute only marginal revenues to local  
9 and State governments, based on the very limited Federal revenue from grazing fees, oil and gas  
11 royalties, and fees for recreation special use permits. Payment in Lieu of Taxes (PILT) based on  
13 BLM land ownership in the entire 12 county Hollister Field Office, contributed about \$225,000 to  
15 local government revenues in 2004, which comprises a very small portion of these governments  
17 total revenues. As with other quantifiable economic indicators such as personal income, the  
19 public land resources in the CCMA are simply too small relative to other public revenue  
21 generators to make a significant contribution.

15 **Discussion**

17 The concept of Bureau of Land Management land ownership is erroneous because the  
19 Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal  
21 ownership of land except as provided in Article 1, Section 8 of the Constitution of the United  
23 States.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.

**Substantive Comment - # 626: Subject: Erroneous Statement Page 281**

1 **Substantive Comment**

**# 627**

3 **Subject: Erroneous Statement**

**Page 282**

5 **Referring to the Following Paragraph**

7 A recurrent theme in most discussions of public lands in the CCMA was their function as a place  
9 to escape, to get away from the stress of population. Visitors to CCMA from the Bay Area must  
11 drive several hours, but then may spend an entire day riding, hiking, or rockhounding without  
13 seeing another person. An important element of this feeling of escape is that experiences on  
15 public lands are far less regulated, far less structured, than those at other recreation sites. There  
17 are a number of State Parks in the Planning Area, for example, but they are heavily used,  
sometimes requiring reservations, and often with a single focus, such as motorcycling, that  
requires intense regulation to manage its use safely. The downside to the remoteness of areas such  
as the CCMA is that many illegal activities such as poaching, trespassing, and marijuana  
cultivation are more prevalent.

17 **Discussion**

19 The statement, "There are a number of State Parks in the Planning Area" is erroneous  
21 because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states:  
23 "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern  
San Benito County and western Fresno County in Central California shown on Map 1 in  
Appendix I regardless of jurisdiction." There are no State Parks within the Planning Area.

25 **Recommendation**

27 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
29 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
31 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

Substantive Comment - # 627: Subject: Erroneous Statement Page 282

1 **Substantive Comment**

**# 628**

3 **Subject: Erroneous Statement**

**Page 286**

5 **Referring to the Following Paragraph**

7 Of course, the predominant feature in the Southern Diablo Range is Joaquin Ridge, culminating at  
9 Joaquin Rocks, and Black Mountain. These arid foothills in the rain shadow of the Diablo Range  
11 are characterized by annual grassland/shrub vegetation and the steep chaparral and oak-covered  
slopes of the Diablo Range. Although Joaquin Ridge and Joaquin Rocks are outside the CCMA  
RMP 'planning area', BLM will consider potential effects on these resources in the CCMA RMP.

13 **Discussion**

15 The statement, "Although Joaquin Ridge and Joaquin Rocks are outside the CCMA RMP  
17 'planning area' ..." is erroneous because it conflicts with the "Planning Area" defined on Page 1  
19 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state,  
and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction." The definition only  
21 provides one Planning Area, it does not include a "CCMA RMP planning area." Additionally,  
"Joaquin Ridge and Joaquin Rocks" are located in western Fresno County and are therefore  
within the Planning Area."

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
27 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
29 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 628: Subject: Erroneous Statement Page 286**

## Substantive Comment

# 629

**Subject:** Confusing Format

Page 286

### Referring to the Following Paragraph

Of course, the predominant feature in the Southern Diablo Range is Joaquin Ridge, culminating at Joaquin Rocks, and Black Mountain. These arid foothills in the rain shadow of the Diablo Range are characterized by annual grassland/shrub vegetation and the steep chaparral and oak-covered slopes of the Diablo Range. Although Joaquin Ridge and Joaquin Rocks are outside the CCMA RMP 'planning area', BLM will consider potential effects on these resources in the CCMA RMP.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 629: Subject: Confusing Format Page 286

1 **Substantive Comment**

**# 630**

3 **Subject: Erroneous Statement**

**Page 290**

5 **Referring to the Following Paragraph**

7 Fire risk is the probability that wildfire will start from natural or human-caused ignitions. Fire  
9 hazard is the presence of ignitable fuel coupled with the influences of terrain and weather. The  
11 nature of fuels, terrain, and weather conditions combine to dictate fire behavior, rate of spread,  
13 and intensity. Wildland fuel attributes refer to both dead and live vegetation and include such  
15 factors as density, bed depth, continuity, loading, vertical arrangement, and moisture content. In  
17 the wildland urban interface (WUI), structures are also potential fuel. Fire tends to burn more  
19 rapidly and intensely upslope than on level terrain. Also, weather conditions such as high ambient  
temperatures, low relative humidity, and windy conditions favor fire ignition and erratic fire  
behavior. The Hollister Field Office (HFO) strategy for wildfire management is to reduce the risk  
of unwanted fire in the Planning Area by managing wildland fuel and reducing human-caused  
ignitions. To develop the most effective management strategy, the Planning Area is divided into  
eight fire management units (FMU) based on geography and fuel type (see Map 6 in Appendix I).  
The FMUs differ in fuel type, acreage, and land use (see Table 3.17-1).

21 **Discussion**

23 The statement, "The Hollister Field Office (HFO) strategy for wildfire management is to  
25 reduce the risk of unwanted fire in the Planning Area by managing wildland fuel and reducing  
27 human-caused ignitions" is erroneous because it conflicts with the "Planning Area" defined on  
29 Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal,  
state, and private lands in southern San Benito County and western Fresno County in Central  
California shown on Map 1 in Appendix I regardless of jurisdiction." The Hollister Field Office  
has no jurisdiction or ability to assert "strategy for wildfire management" on non-public lands  
within the Planning Area.

31 **Recommendation**

33 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
35 must rewrite the subject document to remove the discrepant issue from the document. The  
37 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

1 **Substantive Comment**

**# 631**

3 **Subject: Conflicting Statement**

**Page 290**

5 **Referring to the Following Paragraph**

7 Fire risk is the probability that wildfire will start from natural or human-caused ignitions. Fire  
9 hazard is the presence of ignitable fuel coupled with the influences of terrain and weather. The  
11 nature of fuels, terrain, and weather conditions combine to dictate fire behavior, rate of spread,  
13 and intensity. Wildland fuel attributes refer to both dead and live vegetation and include such  
15 factors as density, bed depth, continuity, loading, vertical arrangement, and moisture content. In  
17 the wildland urban interface (WUI), structures are also potential fuel. Fire tends to burn more  
19 rapidly and intensely upslope than on level terrain. Also, weather conditions such as high ambient  
temperatures, low relative humidity, and windy conditions favor fire ignition and erratic fire  
behavior. The Hollister Field Office (HFO) strategy for wildfire management is to reduce the risk  
of unwanted fire in the Planning Area by managing wildland fuel and reducing human-caused  
ignitions. To develop the most effective management strategy, the Planning Area is divided into  
eight fire management units (FMU) based on geography and fuel type (see Map 6 in Appendix I).  
The FMUs differ in fuel type, acreage, and land use (see Table 3.17-1).

21 **Discussion**

23 The statement, "Planning Area is divided into eight fire management units ..." seems to  
25 conflict with the statement on page 130 which states "The Planning Area is divided into five  
management zones ..."

27 **Recommendation**

29 The Agency must correct this discrepancy, or delete the conflicting statement. The Agency  
31 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 631: Subject: Conflicting Statement Page 290**

1 **Substantive Comment**

**# 632**

3 **Subject: Inaccurate Statement**

**Page 290**

5 **Referring to the Following Paragraph**

7 Table 3.17-1 Fire Management Units (FMU) in the Planning Area

9 **Discussion**

11 The statement, "Fire Management Units (FMU) in the Planning Area" is inaccurate because  
13 it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area"  
15 within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page  
17 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in  
southern San Benito County and western Fresno County in Central California shown on Map 1  
in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area,  
therefore Fire Management Units within the CCMA cannot include the entire Planning Area.

19 **Recommendation**

21 The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency  
23 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 632: Subject: Inaccurate Statement Page 290**

1 **Substantive Comment**

**# 633**

3 **Subject: Erroneous Statement**

**Page 290**

5 **Referring to the Following Paragraph**

7 The Bureau of Land Management (BLM) is responsible for wildland fire and fuel management in  
the Planning Area. The HFO, under a mutual aid agreement with the California Department of  
9 Forestry and Fire Protection (CALFIRE), provides appropriate management response (AMR) for  
all wildland fires within the HFO. CALFIRE is responsible for actual fire suppression on HFO  
11 lands. The HFO currently manages wildland and prescriptive fire through the 1984 Hollister RMP  
and 2008 Fire Management Plan (FMP).

13 **Discussion**

15 The statement, "The Bureau of Land Management (BLM) is responsible for wildland fire and  
fuel management in the Planning Area" is erroneous because it conflicts with the "Planning  
17 Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS  
includes all federal, state, and private lands in southern San Benito County and western Fresno  
19 County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The  
Hollister Field Office has no jurisdiction or ability to assert responsibility for wildfire or fuel  
21 management on non-public lands within the Planning Area.

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
29 should include corrected recommendations.

**Substantive Comment - # 633: Subject: Erroneous Statement Page 290**

1 **Substantive Comment**

**# 634**

3 **Subject: Erroneous Statement**

**Page 295**

5 **Referring to the Following Paragraph**

7 Federal Land Policy and Management Act of 1976 (FLPMA)– Lands are to be retained in Federal  
ownership, unless it is determined that disposal of a particular parcel will serve the national  
9 interest. Land use plans should avoid prescribing the method of disposal, acquisition, or property  
interest to be acquired.

11 **Discussion**

13 The concept of Federal land ownership is erroneous because the Constitution of the  
United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land  
15 except as provided in Article 1, Section 8 of the Constitution of the United States.

17 **Recommendation**

19 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
21 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
23 include corrected recommendations.

**Substantive Comment - # 634: Subject: Erroneous Statement Page 295**

1 **Substantive Comment**

**# 635**

3 **Subject: Erroneous Statement**

**Page 296**

5 **Referring to the Following Paragraph**

7 The HFO administers approximately 63,000 acres of public land located in 2 counties. There are  
9 an additional 3,500 acres of private land with Federal ownership of the subsurface minerals, also  
11 known as “split-estate.” Adjacent landowners include private holdings and the federal, state,  
13 county, or local governments. Consolidation of federal lands through exchange or disposal per  
FLPMA and as amended in the Federal Land Transaction Facilitation Act (FLTFA) would require  
consideration of suitability criteria, multiple-use values, and consistency with other HFO  
management objectives and plans.

15 **Discussion**

17 The concept of Federal land ownership is erroneous because the Constitution of the  
19 United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land  
except as provided in Article 1, Section 8 of the Constitution of the United States.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 635: Subject: Erroneous Statement Page 296**

1 **Substantive Comment**

**# 636**

3 **Subject: Erroneous Statement**

**Page 296**

5 **Referring to the Following Paragraph**

7 The trend in land exchanges have allowed for more efficient and better management of resource  
9 values on BLM lands with contiguous ownership. Acquisition of non-federal lands has improved  
11 public access, provided additional protection for threatened and endangered species habitat,  
13 reduced the potential for trespass, and improved the management and protection of cultural and  
15 rangeland resources. Land disposals have relieved BLM of the administrative burden of managing  
isolated parcels of federal lands. Long-term benefits include the reduction of encroachment onto  
public lands from the surrounding private property and increasing the local property tax rolls of  
additional private lands.

15 **Discussion**

17 The concept of Bureau of Land Management land ownership is erroneous because the  
19 Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal  
ownership of land except as provided in Article 1, Section 8 of the Constitution of the United  
States.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 636: Subject: Erroneous Statement Page 296**

1 **Substantive Comment**

**# 637**

3 **Subject: Erroneous Statement**

**Page 296**

5 **Referring to the Following Paragraph**

7 Public lands transferred from BLM ownership are made subject to existing ROWs. ROWs closed  
through the disposal of public lands tend to be for small access roads rather than the larger utility  
9 ROWs. Lands that should be considered for disposal are scattered parcels that are difficult to  
manage, parcels that are continually threatened with encroachment or parcels without public  
11 access. No lands will be made available for disposal that will compromise the management  
objectives for the CCMA.

13 **Discussion**

15 The concept of Bureau of Land Management land ownership is erroneous because the  
17 Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal  
ownership of land except as provided in Article 1, Section 8 of the Constitution of the United  
States.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 637: Subject: Erroneous Statement Page 296**

1 **Substantive Comment**

**# 638**

3 **Subject: Erroneous Statement**

**Page 297**

5 **Referring to the Following Paragraph**

7 Requests for ROW or construction of utility sites and related facilities outside of designated or  
9 established corridors are considered on a case-by-case basis (this would include additional costs  
11 for mitigation). Communication sites are authorized under FLPMA according to BLM's ROW  
13 policy. The CCMA has several mountaintops that are well suited for communication sites. There  
15 are presently seven communications sites located on or near San Benito Mountain, Santa Rita  
17 Peak, Spanish Lake, Sampson Peak and Sampson Creek Ridge. Existing utility corridors are  
19 located along **Spanish Lake Road** in the northeast portion of the CCMA.

15 **Discussion**

17 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
19 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
21 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
23 terminology or formatting might convey special meaning. Perhaps the author meant to refer  
25 to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
27 depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
29 therefore the Agency must write clear prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must rewrite the subject document to edit the paragraph to remove the  
27 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.

**Substantive Comment - # 638: Subject: Erroneous Statement Page 297**

## Substantive Comment

# 639

**Subject: Confusing Statement**

**Page 298**

### Referring to the Following Paragraph

Currently, the Serpentine ACEC is not a right-of-way avoidance area (areas to be avoided but may be available for location of right-of-ways with special stipulations and areas which are not available for location of right-of-ways under any conditions). However, this type of restriction would be consistent with BLM's management objectives to minimize asbestos exposure and reduce asbestos emissions in the ACEC. Terms and conditions that may apply to right-of-way corridors or avoidance areas, including best management practices to minimize environmental impacts would be necessary to maintain resource values and protect public health and safety.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 639: Subject: Confusing Statement Page 298

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 639: Subject: Confusing Statement Page 298**



1 **Substantive Comment**

# 641

3 **Subject:** **Needless Bulk**

Page 301

5 **Referring to the Following Paragraph**

7 40 CFR 1508.25 and the Council on Environmental Quality (CEQ) regulations require evaluation  
9 of an action’s potential to contribute to “cumulative” environmental impacts during the land use  
11 planning process. A cumulative impact is defined as: “The impact on the environment which  
13 results from the incremental impact of the action when added to other past, present, or reasonably  
15 foreseeable future actions, regardless of what agency or person undertakes such other actions.  
Cumulative impacts can result from individually minor but collectively significant actions taking  
place over a period of time. Cumulative impacts can result from similar projects or actions, as  
well as from projects or actions that have similar impacts” (40 CFR 1508.7). Cumulative impacts  
are also addressed in this chapter. The objective of cumulative impact analysis is to evaluate the  
significance of the proposed action’s contribution to cumulative environmental impacts.

17 **Discussion**

19 This paragraph contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates  
21 unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by  
reference to 40 CFR 1508.7 (40 C.F.R. § 1502.21).

23 **Recommendation**

25 The Agency must edit the subject paragraph to reduce the extraneous background data by  
27 making reference to appropriate documents. The Agency must rewrite the subject document  
to remove the discrepant issue from the document. The original discrepancy must not be  
29 included or propagated in the final resource management plan, the final environmental  
impact study, or the record of decision. The final documentation should include corrected  
recommendations.

Substantive Comment - # 641: Subject: Needless Bulk Page 301

## Substantive Comment

# 642

**Subject: Misleading Statement**

**Page 302**

### Referring to the Following Paragraph

Impacts are quantified where possible. Impacts are sometimes described using ranges of potential impacts or in qualitative terms. In the absence of quantitative data, impacts are described based on the professional judgment of the interdisciplinary team of technical specialists using the best available information. Impacts analysis based on incomplete or unavailable information is identified where applicable in this chapter. **In particular, uncertainties with regards to human health risks associated with asbestos and the impacts of public health and safety management actions are addressed in Section 4.2, Hazardous Materials and Public Health and Safety.**

### Discussion

This paragraph is misleading because emphasizing the statement "In particular, uncertainties with regards to human health risks associated with asbestos and the impacts of public health and safety management actions are addressed in Section 4.2, Hazardous Materials and Public Health and Safety" that the actual health risk may be more deleterious. However, such implication, or assumption, is erroneous because the statement ignores the fact that the EPA risk model drastically overestimates cancer related diseases by factors of 50 to 150 times (Camus et al 2002: 95). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must remove unnecessary emphasis from this statement or delete this paragraph because it implies outcome that is contrary to the scientific evidence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 642: Subject: Misleading Statement Page 302

1 **Substantive Comment**

**# 643**

3 **Subject: Confusing Statement**

**Page 302**

5 **Referring to the Following Paragraph**

7 Impacts are quantified where possible. Impacts are sometimes described using ranges of potential  
9 impacts or in qualitative terms. In the absence of quantitative data, impacts are described based on  
11 the professional judgment of the interdisciplinary team of technical specialists using the best  
13 available information. Impacts analysis based on incomplete or unavailable information is  
identified where applicable in this chapter. In particular, uncertainties with regards to human  
health risks associated with asbestos and the impacts of public health and safety management  
actions are addressed in Section 4.2, Hazardous Materials and Public Health and Safety.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
19 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
21 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
23 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
25 term when the reference to a specific mineral is more appropriate and technically correct.  
27 According to the United States Geological Survey, "Asbestos is a generic name given to six  
29 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
35 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
37 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 643: Subject: Confusing Statement Page 302**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 643: Subject: Confusing Statement Page 302**

1 **Substantive Comment**

**# 644**

3 **Subject: Erroneous Statement**

**Page 302**

5 **Referring to the Following Paragraph**

- 7 • The level of activity on BLM-administered land is expected to increase, based on historical  
9 trends, population increases, and statements of interest in land use by individuals and industry  
organizations. This includes ongoing reasonable access to private land or interests.

11 **Discussion**

13 The statement, "The level of activity on BLM-administered land is expected to increase" is  
erroneous because it is contrary to the Agency's statistic showing a significant reduction in  
CCMA visitor use (see page 135 of subject report).

15 **Recommendation**

17 The Agency must correct this assumption to agree with their own visitor use statistic, or  
19 they must explain why they expect an increase in visitor population in face of the contrary  
historic trend. The Agency must rewrite the subject document to remove the discrepant issue  
21 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
23 The final documentation should include corrected recommendations.

**Substantive Comment - # 644: Subject: Erroneous Statement Page 302**

1 **Substantive Comment**

**# 645**

3 **Subject: Speculative Statement**

**Page 302**

5 **Referring to the Following Paragraph**

- 7 • Climate change will affect the planning area and likely result in warmer and drier conditions.

9 **Discussion**

11 Estimating climate change trends is speculative and beyond the scope of the goals and  
13 objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. Recent  
15 exposure of the conspiracy by leading scientists at the Climate Research Unit at the University  
17 of East Anglia, England showed that they falsified data and suppressed academic debate in  
19 order to exaggerate the possible threat of anthropogenic global warming. These are the same  
scientists who edit and control the content of the reports of the Intergovernmental Panel on  
Climate Change. Agencies shall insure the professional integrity, including scientific integrity,  
of the discussions and analyses in environmental impact statements. They shall identify any  
methodologies used and shall make explicit reference by footnote to the scientific and other  
sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

21 **Recommendation**

23 The Agency must delete nescient speculative information (40 C.F.R. § 1502.24), and  
25 needless details that fail to concentrate on the issue that are truly significant to the action in  
27 question (40 C.F.R. § 1500.1(b)), and issues that are beyond the scope of the goals and  
29 objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 645: Subject: Speculative Statement Page 302**

1 **Substantive Comment**

**# 646**

3 **Subject: Unnecessary Repetition**

**Page 304**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9 • The goals for recreation management are to (1) provide a variety of experiences and settings  
11 for a diversity of users and to meet potential changes in demand while minimizing conflicts  
13 with adjacent property owners and among user groups; (2) provide a range of recreational use  
15 opportunities while protecting sensitive natural and cultural resources from human intrusion;  
and (3) promote sharing of ideas, resources, and expertise to increase the public's appreciation and  
understanding of natural and cultural resources on BLM public lands; and (4) disseminate  
information that will foster responsible behavior in order to achieve the highest possible  
environmental quality on BLM public lands.

17 **Discussion**

19 Restating the goals from page 34 of the subject report, when a simple reference would  
21 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
C.F.R. § 1500.1(b)).

23 **Recommendation**

25 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
27 the issues that are truly significant to the action in question. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
29 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 646: Subject: Unnecessary Repetition Page 304**

1 **Substantive Comment**

# 647

3 **Subject: Confusing Statement**

Page 304

5 **Referring to the Following Paragraph**

7 The alternatives analyzed in the CCMA RMP were developed based on public scoping and  
9 comments from Federal, State, Tribal, and local agencies, and in response to the purpose and  
11 need, as identified in Chapter 1. These alternatives provide a reasonable range of recreational  
opportunities to consider, as allowable uses and other restrictions are stratified among Motorized  
(A, B, C, D, E) and Non-motorized Alternatives (F and G) in order to evaluate overall protection  
of human health and the environment.

13 **Discussion**

15 The paragraph's reference to "the CCMA RMP" is confusing because the reader is unsure  
about which of the following "CCMA RMP" is being referenced:

17 BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of  
19 the Interior, Bureau of Land Management.

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

23 BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the  
Clear Creek Management Area*, United States Department of the Interior, Bureau of Land  
25 Management.

27 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
29 Interior, Bureau of Land Management.

31 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

33 BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and  
Route Designation Record of Decision*, United States Department of the Interior, Bureau  
35 of Land Management.

37 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
39 Land Management.

41 **Recommendation**

43 The Agency must edit the paragraph remove ambiguity or delete the confusing statement.  
45 The Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 648**

3 **Subject: Confusing Statement**

**Page 304**

5 **Referring to the Following Paragraph**

7 The alternatives analyzed in the CCMA RMP were developed based on public scoping and  
9 comments from Federal, State, Tribal, and local agencies, and in response to the purpose and  
11 need, as identified in Chapter 1. These alternatives provide a reasonable range of recreational  
opportunities to consider, as allowable uses and other restrictions are stratified among Motorized  
(A, B, C, D, E) and Non-motorized Alternatives (F and G) in order to evaluate overall protection  
of human health and the environment.

13 **Discussion**

15 The statement is confusing because it contains unexplained unusual formatting or unusual  
17 capitalization. Since "agencies should employ writers of clear prose or editors to write, review  
or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual  
formatting might convey special meaning.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
23 that it is a reflection on poor document management, the lack writing skill or the lack of  
competent editing and correct such deficiencies. The Agency must rewrite the subject  
25 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
27 environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
39 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 649

3 **Subject:** Confusing Statement

Page 304

5 **Referring to the Following Paragraph**

7 The range of alternatives in the Draft CCMA RMP/EIS considers a variety of management  
actions to address human health risks from exposure to asbestos to CCMA recreational visitors.  
9 Under Alternative A (No Action), there would be no change to the type of allowable uses and  
recreation opportunities on BLM-managed lands in CCMA; although, BLM would use a  
11 combination of best available control technologies (BACTs) and administrative actions (i.e.  
supplemental rules) to manage human health and safety risk from exposure to asbestos in CCMA,  
13 and augment the existing public asbestos hazard information program through improved signing,  
hand-outs, advisories, monitoring, public contact, and education programs with new information  
15 from the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment incorporated  
into these materials.

17 **Discussion**

19 The paragraph's reference to "the Draft CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "Draft CCMA RMP/EIS" is being referenced:

21 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
23 *Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

25 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
27 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

29 **Recommendation**

31 The Agency must edit the paragraph remove ambiguity or delete the confusing statement.  
The Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.

Substantive Comment - # 649: Subject: Confusing Statement Page 304

1 **Substantive Comment**

**# 650**

3 **Subject: Confusing Statement**

**Page 302**

5 **Referring to the Following Paragraph**

7 The range of alternatives in the Draft CCMA RMP/EIS considers a variety of management  
actions to address human health risks from exposure to asbestos to CCMA recreational visitors.  
9 Under Alternative A (No Action), there would be no change to the type of allowable uses and  
recreation opportunities on BLM-managed lands in CCMA; although, BLM would use a  
11 combination of best available control technologies (BACTs) and administrative actions (i.e.  
supplemental rules) to manage human health and safety risk from exposure to asbestos in CCMA,  
13 and augment the existing public asbestos hazard information program through improved signing,  
hand-outs, advisories, monitoring, public contact, and education programs with new information  
15 from the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment incorporated  
into these materials.

17 **Discussion**

19 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
21 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
23 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
29 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
31 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

33 **Recommendation**

35 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
37 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
39 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
41 include corrected recommendations.

43 **Reference**

45 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 650: Subject: Confusing Statement Page 302**

1 **Substantive Comment**

# 651

3 **Subject: Confusing Statement**

Page 304

5 **Referring to the Following Paragraph**

7 Among the Motorized Alternatives (B, C, D, E) considered in the CCMA RMP/EIS, Alternative  
9 B and C would continue to provide vehicular access and OHV recreation at existing locations;  
11 although, certain allowable uses, competitive events, and commercial activities within the  
13 Serpentine ACEC would be restricted. Similarly, under Alternatives D and E, BLM would allow  
15 Motorized access through the ACEC, but the emphasis would be focused on establishing and  
17 managing motorized and non-motorized recreation use areas to provide appropriate recreation  
19 opportunities on BLM-managed lands outside of the ACEC.

15 **Discussion**

17 The statement is confusing because it contains unexplained unusual formatting or unusual  
19 capitalization. Since "agencies should employ writers of clear prose or editors to write, review  
or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual  
formatting might convey special meaning.

21 **Recommendation**

23 The Agency must explain any special meaning intended by unusual formatting, or confess  
25 that it is a reflection on poor document management, the lack writing skill or the lack of  
27 competent editing and correct such deficiencies. The Agency must rewrite the subject  
29 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

31 **Reference**

33 Generally, written American English uses the following format: Use quotation marks [ " " ]  
35 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
39 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
41 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

# 652

3 **Subject:** Confusing Statement

Page 304

5 **Referring to the Following Paragraph**

7 Among the Motorized Alternatives (B, C, D, E) considered in the CCMA RMP/EIS, Alternative  
9 B and C would continue to provide vehicular access and OHV recreation at existing locations;  
11 although, certain allowable uses, competitive events, and commercial activities within the  
13 Serpentine ACEC would be restricted. Similarly, under Alternatives D and E, BLM would allow  
Motorized access through the ACEC, but the emphasis would be focused on establishing and  
managing motorized and non-motorized recreation use areas to provide appropriate recreation  
opportunities on BLM-managed lands outside of the ACEC.

15 **Discussion**

17 The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "CCMA RMP/EIS" is being referenced:

19 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
21 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

23 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact*  
Statement for the Clear Creek Management Area, United States Department of the  
Interior, Bureau of Land Management.

25 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment*  
27 *and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*  
31 *Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

33 **Recommendation**

35 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
37 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
39 The final documentation should include corrected recommendations.

1 **Substantive Comment**

# 653

3 **Subject: Confusing Statement**

Page 305

5 **Referring to the Following Paragraph**

7 Under the Non-motorized Alternatives (F and G), BLM would reduce asbestos emissions by  
9 limiting allowable uses to foot traffic only inside the ACEC (Alt. F) or minimize human health  
11 risks from exposure to asbestos by prohibiting all public use and entry in the ACEC (Alt G).  
Under these alternatives, public access would only be authorized inside the ACEC and the San  
Benito Mountain RNA for scientific research and education.

13 **Discussion**

15 The statement is confusing because it contains unexplained unusual formatting or unusual  
17 capitalization. Since "agencies should employ writers of clear prose or editors to write, review  
or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual  
formatting might convey special meaning.

19 **Recommendation**

21 The Agency must explain any special meaning intended by unusual formatting, or confess  
23 that it is a reflection on poor document management, the lack writing skill or the lack of  
25 competent editing and correct such deficiencies. The Agency must rewrite the subject  
27 document to remove the discrepant issue from the document. The original discrepancy must  
not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ " " ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to  
35 enclose quoted material within other quoted material. Periods and commas go inside  
quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar  
37 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
for technical terms followed by definitions. Italicize punctuation marks immediately following  
italicized words. Italicized words also set off the titles of full-length works that are published  
39 separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

## Substantive Comment

# 654

**Subject: Confusing Statement**

**Page 305**

### Referring to the Following Paragraph

Under the Non-motorized Alternatives (F and G), BLM would reduce asbestos emissions by limiting allowable uses to foot traffic only inside the ACEC (Alt. F) or minimize human health risks from exposure to asbestos by prohibiting all public use and entry in the ACEC (Alt G). Under these alternatives, public access would only be authorized inside the ACEC and the San Benito Mountain RNA for scientific research and education.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 656**

3 **Subject: Confusing Terminology**

**Page 305**

5 **Referring to the Following Paragraph**

7 Under all alternatives, except G, the CCMA would be managed as a SRMA and would have some  
9 inherent management emphasis as to the type of recreation that occurs within the different  
11 management zones. Under these alternatives, non-motorized recreation activities such as hiking,  
13 hunting, and rock-hounding would be allowed throughout the CCMA. Mountain bike and  
equestrian use opportunities would also be available; although, they would be limited to routes  
and trails on BLM-managed lands outside the Serpentine ACEC under alternatives E, F, and G  
because of health risk concerns from exposure to asbestos emissions that would be similar to  
riding a motorcycle or ATV.

15 **Discussion**

17 The sentence "... non-motorized recreation activities such as hiking, hunting, and rock-  
19 hounding would be allowed ..." implies that the term "rock-hounding" is always associated  
with recreation. However, Merriam-Webster Online Dictionary defines "Rock Hound" as "1) a  
21 specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily  
recreational.

23 **Recommendation**

25 The Agency must edit the phrase to clarify the meaning or delete the flawed  
27 characterization. The Agency must rewrite the subject document to remove the discrepant  
issue from the document. The original discrepancy must not be included or propagated in the  
29 final resource management plan, the final environmental impact study, or the record of  
decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 656: Subject: Confusing Terminology Page 305**

## Substantive Comment

# 657

**Subject: Confusing Statement**

**Page 305**

### Referring to the Following Paragraph

Under all alternatives, except G, the CCMA would be managed as a SRMA and would have some inherent management emphasis as to the type of recreation that occurs within the different management zones. Under these alternatives, non-motorized recreation activities such as hiking, hunting, and rock-hounding would be allowed throughout the CCMA. Mountain bike and equestrian use opportunities would also be available; although, they would be limited to routes and trails on BLM-managed lands outside the Serpentine ACEC under alternatives E, F, and G because of health risk concerns from exposure to asbestos emissions that would be similar to riding a motorcycle or ATV.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 657: Subject: Confusing Statement Page 305

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 657: Subject: Confusing Statement Page 305**

1 **Substantive Comment**

**# 658**

3 **Subject: Irrelevant Statement**

**Page 305**

5 **Referring to the Following Paragraph**

7 Camping within the Serpentine ACEC would be prohibited inside the ACEC under all the  
alternatives. The broad spectrum of existing recreational opportunities currently meets the needs  
9 and demands of visitors; although additional opportunities for recreation would be needed in the  
future, especially in areas closer to urban centers, as the population in California continues to  
11 grow. Therefore, other recreation facilities would be developed outside the Serpentine ACEC  
under Alternatives B-F.

13 **Discussion**

15 The paragraph contains a statement that is irrelevant to the Purpose and Need within the  
context of the planning area.

17 “... although additional opportunities for recreation would be needed in the future,  
19 especially in areas closer to urban centers ...”

21 This paragraph contains a needless detail that is not truly significant to the action in  
question (40 C.F.R. §§ 1500.1(b), 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§  
1502.2, 1502.15, 1502.16).

23 **Recommendation**

25 The Agency must edit the subject paragraph to delete needless detail that is not truly  
27 significant to the action in question. Specifically, the Agency should delete the phrase “...  
especially in areas closer to urban centers ...” The Agency must rewrite the subject document  
29 to remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
31 impact study, or the record of decision. The final documentation should include corrected  
recommendations.

**Substantive Comment - # 658: Subject: Irrelevant Statement Page 305**

1 **Substantive Comment**

**# 659**

3 **Subject: Erroneous Statement**

**Page 305**

5 **Referring to the Following Paragraph**

7 Recreational use of public lands can be expected to increase as population grows, not only in the  
9 Central Coast and Diablo Range areas that support local use but also throughout the HFO and  
11 California. If recreation use were to grow at a rate proportional to projected population growth in  
the Central Coast and Diablo Range areas, over 50,000 annual visits would be expected,  
compared to the 43,000 visitor use days recorded in 2006.

13 **Discussion**

15 This paragraph is erroneous because it is contrary to the Agency's statistic showing a  
significant reduction in CCMA visitor use (see page 135 of subject report).

17 **Recommendation**

19 The Agency must delete the erroneous paragraph, or they must explain why they expect  
21 an increase in visitor population in face of the contrary historic trend. The Agency must rewrite  
23 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 659: Subject: Erroneous Statement Page 305**

1 **Substantive Comment**

**# 660**

3 **Subject: Erroneous Statement**

**Page 305**

5 **Referring to the Following Paragraph**

7 Increased visitor use would place higher demands on the recreation infrastructure and increase  
9 demand for developed and maintained facilities, access points (trailheads), comprehensive trail  
11 maps, and trail maintenance. Increased use would also place more demand on management  
13 resources, natural resources, and trail system infrastructure. Current observations are that OHV  
use at CCMA is not increasing at the rate of other OHV areas, although publicity and population  
growth would be expected to contribute to slight increases in CCMA visitor use over the life of  
this plan.

15 **Discussion**

17 This paragraph is erroneous because it is contrary to the Agency's statistic showing a  
significant reduction in CCMA visitor use (see page 135 of subject report).

19 **Recommendation**

21 The Agency must delete the erroneous paragraph, or they must explain why they expect  
23 an increase in visitor population in face of the contrary historic trend. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 660: Subject: Erroneous Statement Page 305**

1 **Substantive Comment**

**# 661**

3 **Subject: Erroneous Statement**

**Page 305**

5 **Referring to the Following Paragraph**

7 Management actions associated with mineral and energy development may preclude recreational  
9 activity at certain locations and times. Currently, recreation users are restricted from entering  
11 public lands that are part of the Atlas and KCAC mine sites. Active and inactive mine sites have  
13 negative impact on the viewshed of the area for recreation users. Increased traffic associated with  
active mine operations would increase asbestos emissions and pose an additional health risk to  
recreation users. Existing hard rock mining claims and newly established claims will prohibit  
access to public lands by amateur rockhounding enthusiasts.

15 **Discussion**

17 This paragraph contains an erroneous because is states "... inactive mine sites have  
19 negative impact on the viewshed of the area for recreation users ..." which is false because  
many visitor enjoy historic mining sites.

21 **Recommendation**

23 The Agency must correct or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 661: Subject: Erroneous Statement Page 305**

1 **Substantive Comment**

**# 662**

3 **Subject: Erroneous Statement**

**Page 305**

5 **Referring to the Following Paragraph**

7 Management actions associated with mineral and energy development may preclude recreational  
9 activity at certain locations and times. Currently, recreation users are restricted from entering  
11 public lands that are part of the Atlas and KCAC mine sites. Active and inactive mine sites have  
13 negative impact on the viewshed of the area for recreation users. Increased traffic associated with  
recreation users. Existing hard rock mining claims and newly established claims will prohibit  
access to public lands by amateur rockhounding enthusiasts.

15 **Discussion**

17 This paragraph contains an erroneous because it states "Increased traffic associated with  
19 active mine operations would increase asbestos emissions and pose an additional health risk  
to recreation users" which is false because possible mining claim might also include non-  
serpentine geology.

21 **Recommendation**

23 The Agency must correct or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 662: Subject: Erroneous Statement Page 305**

1 **Substantive Comment**

**# 663**

3 **Subject: Erroneous Statement**

**Page 305**

5 **Referring to the Following Paragraph**

7 Management actions associated with mineral and energy development may preclude recreational  
9 activity at certain locations and times. Currently, recreation users are restricted from entering  
11 public lands that are part of the Atlas and KCAC mine sites. Active and inactive mine sites have  
13 negative impact on the viewshed of the area for recreation users. Increased traffic associated with  
recreation users. Existing hard rock mining claims and newly established claims will prohibit  
access to public lands by amateur rockhounding enthusiasts.

15 **Discussion**

17 This paragraph contains an erroneous because is states "Existing hard rock mining claims  
19 and newly established claims will prohibit access to public lands by amateur rockhounding  
enthusiasts" which is false because such mining claim might also invite visitation by "amateur  
rockhounding enthusiasts."

21 **Recommendation**

23 The Agency must correct or delete the erroneous statement. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 663: Subject: Erroneous Statement Page 305**

1 **Substantive Comment**

# 664

3 **Subject: Confusing Statement**

Page 306

5 **Referring to the Following Paragraph**

7 Under all alternatives, BLM's management presence on public lands would continue to be  
9 improved through the use of signs, boundary markers, and outdoor displays. Educational and  
11 interpretive activities in and of themselves would not directly affect public services. The use of  
13 exhibits and interpretive facilities is an important and positive mechanism to educate CCMA  
15 visitors and conduct outreach regarding environmental stewardship and human health risks from  
17 exposure to asbestos. Web-based and print media would also be effective tools for assisting  
recreationists in planning visits to the public lands. Establishing expected behaviors and actions  
before a visitor arrives is the best way to minimize health risks and conflicts between users/  
individual recreationists and natural/cultural resources. If use patterns change based upon the  
selected alternative, new visitor use patterns will need to be ascertained so that education and  
interpretation materials can be tailored to better serve the new activities.

19 **Discussion**

21 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
23 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
25 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
27 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
29 term when the reference to a specific mineral is more appropriate and technically correct.  
31 According to the United States Geological Survey, "Asbestos is a generic name given to six  
33 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

35 **Recommendation**

37 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
39 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
41 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
43 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 664: Subject: Confusing Statement Page 306**

1 **Substantive Comment**

**# 665**

3 **Subject: Unnecessary Repetition**

**Page 308**

5 **Referring to the Following Paragraph**

7 Increased visitor use would place higher demands on the recreation infrastructure and increase  
9 demand for developed and maintained facilities, access points (trailheads), comprehensive trail  
11 maps, and trail maintenance. Increased use would also place more demand on management  
13 resources, natural resources, and trail system infrastructure. Current observations are that OHV  
use at CCMA is not increasing at the rate of other OHV areas, although publicity and population  
growth would be expected to contribute to slight increases in CCMA visitor use over the life of  
this plan.

15 **Discussion**

17 This paragraph is unnecessary redundant statement already posted on page 305.  
Unnecessary repetition adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and  
needless detail (40 C.F.R. § 1500.1(b)).

19 **Recommendation**

21 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
23 the issues that are truly significant to the action in question. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

**Substantive Comment - # 665: Subject: Unnecessary Repetition Page 308**

1 **Substantive Comment**

**# 666**

3 **Subject: Erroneous Statement**

**Page 308**

5 **Referring to the Following Paragraph**

7 Increased visitor use would place higher demands on the recreation infrastructure and increase  
9 demand for developed and maintained facilities, access points (trailheads), comprehensive trail  
11 maps, and trail maintenance. Increased use would also place more demand on management  
13 resources, natural resources, and trail system infrastructure. Current observations are that OHV  
use at CCMA is not increasing at the rate of other OHV areas, although publicity and population  
growth would be expected to contribute to slight increases in CCMA visitor use over the life of  
this plan.

15 **Discussion**

17 This paragraph is erroneous because it is contrary to the Agency's statistic showing a  
significant reduction in CCMA visitor use (see page 135 of subject report).

19 **Recommendation**

21 The Agency must delete the erroneous paragraph, or they must explain why they expect  
23 an increase in visitor population in face of the contrary historic trend. The Agency must rewrite  
25 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 666: Subject: Erroneous Statement Page 308**

## Substantive Comment

# 667

**Subject:** Confusing Statement

Page 308

### Referring to the Following Paragraph

Hobby gem and minerals collection (rock-hounding) and hunting would also continue to be popular activities in CCMA. Both would probably be subject to more restrictions due to human health risks from exposure to asbestos in CCMA. Areas outside the Serpentine ACEC will likely become more popular as BLM implements public health and safety measures. Volunteers could play a greater role in the development and maintenance of these areas.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 668**

3 **Subject: Confusing Statement**

**Page 308**

5 **Referring to the Following Paragraph**

7 Development of trails as well as installation of any other visitor facilities may become necessary  
9 to manage public use and meet recreation opportunity demands in the CCMA's San Benito  
11 Mountain Research Natural Area. Such infrastructure would require greater law enforcement  
presence, as well as increased demand for non-motorized trail use and improved facilities outside  
the Serpentine ACEC.

13 **Discussion**

15 This paragraph is confusing because it contains contradictory information. The San Benito  
17 Mountain Research Natural Area is located within the ACEC and development of trails and  
other visitor facilities would be contrary it being designated a "natural area."

19 **Recommendation**

21 The Agency must edit or delete the confusing statement. The Agency must rewrite the  
23 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 668: Subject: Confusing Statement Page 308**

1 **Substantive Comment**

**# 669**

3 **Subject: Erroneous Statement**

**Page 308**

5 **Referring to the Following Paragraph**

7 Under Alternative A, user conflicts would continue to be an issue in areas where there is  
9 competition for non-motorized and motorized use on roads and trails and at other recreation  
11 facilities, such as campgrounds. Individual conflicts are temporary and localized, but would  
13 continue to have major long-term adverse effects on non-motorized recreationist and private  
landowners that are negatively impacted by safety hazards, noise, and large crowds associated  
with OHV use in CCMA. Whereas, impacts to motorized recreationist and OHV recreation would  
be negligible, even as recreation demand grows, because of the size of the designated OHV route  
network and the existing recreation facilities.

15 **Discussion**

17 This paragraph contains an erroneous phrase, "... even as recreation demand grows ..."  
19 because it is contrary to the Agency's statistic showing a significant reduction in CCMA visitor  
use (see page 135 of subject report).

21 **Recommendation**

23 The Agency must delete the erroneous phrase, or they must explain why they expect an  
25 increase in visitor population in face of the contrary historic trend. The Agency must rewrite  
27 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 669: Subject: Erroneous Statement Page 308**

1 **Substantive Comment**

**# 670**

3 **Subject: Confusing Statement**

**Page 308**

5 **Referring to the Following Paragraph**

7 Under this alternative, the use of boundary postings and outdoor kiosk/display sites would be  
9 encouraged. The Hollister Field Office would continue to provide outreach and education through  
11 publications and field contacts to create public awareness of human health risks from exposure to  
airborne asbestos fibers in CCMA. By incorporating the best available information on human  
health risks from CCMA recreation activities, BLM's interpretation and education program  
would provide minor long-term benefits to public health and safety.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
17 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
23 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
25 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
27 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
33 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
37 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
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**Substantive Comment - # 670: Subject: Confusing Statement Page 308**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 670: Subject: Confusing Statement Page 308**

1 **Substantive Comment**

**# 671**

3 **Subject: Erroneous Statement**

**Page 309**

5 **Referring to the Following Paragraph**

7 Major energy and mineral exploration/development is unlikely within CCMA under Alternative  
9 A based on the underlying geology and health and safety concerns associated with the presence of  
11 asbestos. However, past mining activities have adversely impacted the viewshed and have created  
asbestos emissions in association with road construction and vehicle traffic. Currently all hard  
rock mining is casual use. No plans of operations are on file. The atlas and KCAC asbestos mines  
are fenced and no public access is allowed.

13 **Discussion**

15 The statement, "Major energy and mineral exploration/development is unlikely within  
17 CCMA under Alternative A based on the underlying geology ..." which is contained in this  
19 paragraph is erroneous because is the geology, which could attract mineral exploration and  
extraction. However, the current marketability of area minerals is low, thus there is no  
economic incentive for mineral development.

21 **Recommendation**

23 The Agency must edit this statement to correct its deficiency, or delete the erroneous  
25 statement. The Agency must rewrite the subject document to remove the discrepant issue  
27 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 671: Subject: Erroneous Statement Page 309**

## Substantive Comment

# 672

**Subject:** Confusing Statement

Page 309

### Referring to the Following Paragraph

Major energy and mineral exploration/development is unlikely within CCMA under Alternative A based on the underlying geology and health and safety concerns associated with the presence of asbestos. However, past mining activities have adversely impacted the viewshed and have created asbestos emissions in association with road construction and vehicle traffic. Currently all hard rock mining is casual use. No plans of operations are on file. The atlas and KCAC asbestos mines are fenced and no public access is allowed.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 672: Subject: Confusing Statement Page 309

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 672: Subject: Confusing Statement Page 309**

1 **Substantive Comment**

**# 673**

3 **Subject: Erroneous Statement**

**Page 309**

5 **Referring to the Following Paragraph**

7 Lode claims in the area conflict with recreation opportunities. Rockhounds can recreate on sites  
with active lode claim. Development mine operations will create conflicts with other uses due to  
9 increased equipment use and potential for higher asbestos emissions.

11 **Discussion**

13 The statement, "Lode claims in the area conflict with recreation opportunities" which is  
contained in this paragraph is erroneous because all of the current claims are classified as  
casual use (43 C.F.R. §§ 3809.5, 3809.10). However, the claim holder cannot prevent others  
15 from crossing his or her claim for uses recognized under the Multiple Surface Use Act of 1955  
(30 U.S.C. §§ 611-615) or engaging in lawful recreational activities provided that they do not  
17 interfere with the claim holder's operations (United States v. Curtis-Nevada Mines, Inc., 415 F.  
Supp. 1373 [E.D. Cal. 1976]. Affirmed in part, revised in part, 611 F. 2nd 1277 [9th Cir. 1980]).

19 **Recommendation**

21 The Agency must edit this statement to correct its deficiency, or delete the erroneous  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
23 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
25 The final documentation should include corrected recommendations.

**Substantive Comment - # 673: Subject: Erroneous Statement Page 309**

1 **Substantive Comment**

**# 674**

3 **Subject: Conflicting Statement**

**Page 309**

5 **Referring to the Following Paragraph**

7 Lode claims in the area conflict with recreation opportunities. Rockhounds can recreate on sites  
with active lode claim. Development mine operations will create conflicts with other uses due to  
9 increased equipment use and potential for higher asbestos emissions.

11 **Discussion**

13 The statement, "Rockhounds can recreate on sites with active lode claim" which is  
15 contained in this paragraph is conflicting because while the claim holder cannot prevent  
others from crossing his or her claim for uses recognized under the Multiple Surface Use Act of  
17 1955 (30 U.S.C. §§ 611-615) or engaging in lawful recreational activities provided that they do  
not interfere with the claim holder's operations (United States v. Curtis-Nevada Mines, Inc., 415  
19 F. Supp. 1373 [E.D. Cal. 1976]. Affirmed in part, revised in part, 611 F. 2nd 1277 [9th Cir. 1980]),  
a claim holder does have the right to prevent others from prospecting and mining on the  
claim, except by invitation.

21 **Recommendation**

23 The Agency must edit this statement to correct its deficiency, or delete the conflicting  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
25 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
27 The final documentation should include corrected recommendations.

**Substantive Comment - # 674: Subject: Conflicting Statement Page 309**

## Substantive Comment

# 675

**Subject:** Confusing Statement

Page 309

### Referring to the Following Paragraph

Lode claims in the area conflict with recreation opportunities. Rockhounds can recreate on sites with active lode claim. Development mine operations will create conflicts with other uses due to increased equipment use and potential for higher asbestos emissions.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 675: Subject: Confusing Statement Page 309

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 675: Subject: Confusing Statement Page 309**

1 **Substantive Comment**

**# 676**

3 **Subject: Unnecessary Repetition**

**Page 310**

5 **Referring to the Following Paragraph**

7 Alternative A provides adequate protection of these resources. If a special resource is encountered  
or if a special study is under way, recreation may be restricted from that area for a limited time.  
9 The restricted area would likely be small, and a fence or barrier would be erected. This impact  
would generally be localized and short-term and would not result in any noticeable changes to  
11 recreation use or opportunity.

13 **Discussion**

15 This paragraph is unnecessary redundant statement already posted on page 307.  
Unnecessary repetition adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and  
needless detail (40 C.F.R. § 1500.1(b)).

17 **Recommendation**

19 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
21 the issues that are truly significant to the action in question. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
25 include corrected recommendations.

**Substantive Comment - # 676: Subject: Unnecessary Repetition Page 310**

## Substantive Comment

# 677

**Subject: Confusing Statement**

**Page 310 & 311**

### Referring to the Following Paragraph

Under Alternatives B, C, D, E, F, and G, special recreation permits (SRPs) would only be authorized outside the ACEC to further reduce asbestos exposure and emissions associated with organized events. The restrictions on SRPs for organized events in the ACEC would have major long-term negative impacts on OHV clubs and groups that have historically held competitive motorcycle races, jeep tours, and other events; as well as any other organizations or clubs that promote group activities in the Serpentine ACEC because of the lost opportunity for fundraising and events sanctioned by the American Motorcycle Association.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 677: Subject: Confusing Statement Page 310 & 311

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 677: Subject: Confusing Statement Page 310 & 311**

1 **Substantive Comment**

**# 678**

3 **Subject: Confusing Statement**

**Page 311**

5 **Referring to the Following Paragraph**

7 As a result of the varying levels of recreation management and differences in allowable uses from  
9 Alternative A, all of these alternatives would have some potential for adverse effects on existing  
11 recreation resources. In particular, each of these alternatives would prohibit staging for  
13 recreational activities and overnight camping in the ACEC, with the exception of visitor use at  
15 Jade Mill for camping under all alternatives. Although the purpose and need for this RMP/EIS is  
17 basewd on minimizing and reducing human health risk assicaited with asbestos exposure, Upper  
19 Jade Mill campground is underlain by nonserpentine soils. BLM first identified the Jade Mill site  
21 for development of recreation facilities in the Hollister RMP (BLM, 1984); and as a result, the  
23 Upper Jade Mill site remains a favorite camping location and consistently receives heavy use.

17 **Discussion**

19 This paragraph contains the statement, "Although the purpose and need for this RMP/EIS  
21 is basewd on minimizing and reducing human health risk assicaited with asbestos exposure,  
23 Upper Jade Mill campground is underlain by nonserpentine soils" is confusing because it  
25 contains the unknown words, "basewd" and "assicaited." Since "agencies should employ  
27 writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the  
29 general public is left to assume that such unusual words might convey special meaning.

25 **Recommendation**

27 The Agency must explain unusual words, correct spelling errors, or delete confusing  
29 statements. The Agency must rewrite the subject document to remove the discrepant issue  
31 from the document. The original discrepancy must not be included or propagated in the final  
33 resource management plan, the final environmental impact study, or the record of decision.  
35 The final documentation should include corrected recommendations.  
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**Substantive Comment - # 678: Subject: Confusing Statement Page 311**

## Substantive Comment

# 679

**Subject:** Confusing Statement

Page 311

### Referring to the Following Paragraph

Under these alternatives, the Hollister Field Office would provide recreation information such as maps, brochures, and educational opportunities to enhance visitors' experience on BLM public lands, incorporate the best available information concerning: asbestos health hazards, OHV use designations, fire prevention, BLM regulations, and natural resources of the area into educational materials and on all maps, brochures, and kiosks. By incorporating the best available information on human health risks from CCMA recreation activities and other BLM regulations, the Hollister Field office interpretation and education program would provide moderate long-term benefits to CCMA recreation visitors.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 679: Subject: Confusing Statement Page 311

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 679: Subject: Confusing Statement Page 311**

## Substantive Comment

# 680

**Subject: Confusing Statement**

**Page 313**

### Referring to the Following Paragraph

Under this alternative, BLM would require permits for access into the Serpentine ACEC to limit annual visitor use days in order to reduce asbestos exposure to acceptable risk levels. Based on the potential for excess lifetime cancer risk calculated in EPA's risk assessment, motorized access would be limited to less than 5 days/year, and non-motorized access would be limited to less than 12 days/year. The requirement to obtain access permits for authorized recreation activities in the ACEC would have moderate long-term negative effects on recreation resources in the ACEC because the opportunities for motorized and non-motorized would be substantially reduced, even though they would continue to be available in the ACEC.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 680: Subject: Confusing Statement Page 313

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 680: Subject: Confusing Statement Page 313**

1 **Substantive Comment**

# 681

3 **Subject: Confusing Statement**

Page 313 & 314

5 **Referring to the Following Paragraph**

7 Major energy and mineral exploration/development is unlikely within CCMA based on the  
underlying geology and health and safety concerns associated with the presence of asbestos.  
9 However, under this alternative the area would be open to lode claims and the development of a  
mine operation would potentially have long-term adverse impacts to recreation in CCMA because  
11 mine development would preclude recreation use in mined areas and would generally increase  
asbestos exposure and emissions in the Serpentine ACEC.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
17 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
21 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
23 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
25 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
27 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
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Substantive Comment - # 681: Subject: Confusing Statement Page 313 & 314

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 681: Subject: Confusing Statement Page 313 & 314**

1 **Substantive Comment**

**# 682**

3 **Subject: Confusing Format**

**Page 314**

5 **Referring to the Following Paragraph**

7 The Dry Season Use Restrictions would be extended from April 15th through December 1st,  
9 which would further reduce the visitor use season by 12 weeks and limit access to CCMA more  
11 than 60% of the year. Wet Season Use Restrictions would continue using established or improved  
13 methods as they become available. Under this alternative, visitors will be limited in their use by  
15 days/year based on the EPA and BLM risk assessment models and activity-based air sampling  
17 data gathered during the ‘wet season’, which is the time of year CCMA is open to the public.

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
17 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
19 management, the lack writing skill or the lack of competent editing.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
29 documentation should include corrected recommendations.  
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1 **Substantive Comment**

# 683

3 **Subject: Confusing Statement**

Page 315

5 **Referring to the Following Paragraph**

7 Mineral leasing or sales within the Serpentine ACEC would not adversely to recreation  
opportunities under this alternative. The withdrawal of public lands in the ACEC from locatable  
9 mineral entry would have long term beneficial impacts to recreation by reducing use conflicts  
between mine operations and recreationists. Conflicts for gem and mineral collection, increased  
11 asbestos emissions due to mine operations, and adverse impacts to the viewshed would be  
avoided.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
17 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
21 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
23 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
25 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
27 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
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Substantive Comment - # 683: Subject: Confusing Statement Page 315

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 683: Subject: Confusing Statement Page 315**

1 **Substantive Comment**

**# 684**

3 **Subject: Erroneous Statement**

**Page 316**

5 **Referring to the Following Paragraph**

7 Alternative E would allow motorized access inside the ACEC for full-size vehicles from the  
9 CCMA entrance near New Idria on **Spanish Lake Road** to Wright Mountain. Access would be  
11 authorized by permit only for less than 5 days/year for vehicle access and less than 12 days/year  
for pedestrian use. Gates would be installed where necessary to control access. Facilities such as  
pull-outs and parking areas would be developed in areas exhibiting unique recreational values,  
such as SBMRNA/WSA, Wright Mountain, and other scenic points of interest.

13 **Discussion**

15 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
17 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
19 to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
21 therefore the Agency must write clear prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 684: Subject: Erroneous Statement Page 316**

1 **Substantive Comment**

**# 685**

3 **Subject: Misleading Statement**

**Page 316**

5 **Referring to the Following Paragraph**

7 Special recreation permits for hobby gem and mineral collection would be issued on a case-by-  
case basis. Under this alternative, the requirement to obtain a special recreation permit for  
9 rockhounding would have negligible impact on CCMA visitors because the opportunities for  
hobby gem and mineral collection would continue to be available in the ACEC.

11 **Discussion**

13 The paragraphs is misleading because it assumes that all gem and mineral collection, and  
rockhounding is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as  
15 "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily  
recreational. Some mineralogical collecting and prospecting conducted in the area is  
17 occupationally related and hence not recreational.

19 **Recommendation**

21 The Agency must edit or delete the misleading statement to correct this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
25 documentation should include corrected recommendations.

**Substantive Comment - # 685: Subject: Misleading Statement Page 316**

1 **Substantive Comment**

**# 686**

3 **Subject: Erroneous Statement**

**Page 317**

5 **Referring to the Following Paragraph**

7 Transportation and access would be severely limited in scope throughout the Serpentine ACEC,  
with pedestrian access the only available option outside of the **Spanish Lake Road** corridor. New  
9 opportunities would become available as developed in the surrounding zones.

11 **Discussion**

13 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
15 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the author meant to refer  
17 to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

19 **Recommendation**

21 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
27

**Substantive Comment - # 686: Subject: Erroneous Statement Page 317**

1 **Substantive Comment**

**# 687**

3 **Subject: Misleading Statement**

**Page 318**

5 **Referring to the Following Paragraph**

7 Under this alternative, hobby gem and mineral collection would be authorized within the  
9 Serpentine ACEC by permit only. The requirement to obtain permits for hobby gem and mineral  
11 collection would have minor short term negative effects on visitors that must learn to acquire the  
13 necessary approval before visiting CCMA. On the other hand, health and safety mitigation  
measures that limit annual visitor use days would have moderate long-term adverse impacts on  
these recreation visitors because the opportunity for rockhounding in the Serpentine ACEC would  
be restricted to approximately 12 days/year

15 **Discussion**

17 The paragraphs is misleading because it assumes that all gem and mineral collection, and  
19 rockhounding is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as  
"1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily  
recreational. Some mineralogical collecting and prospecting conducted in the area is  
occupationally related and hence not recreational.

21 **Recommendation**

23 The Agency must edit or delete the misleading statement to correct this deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 687: Subject: Misleading Statement Page 318**

1 **Substantive Comment**

# 688

3 **Subject: Confusing Statement**

Page 319

5 **Referring to the Following Paragraph**

7 Cumulative effects of BLM's land use decisions vary among the range of alternatives, though the  
9 proposed limits on allowable uses and BLM management actions to reduce human health risk  
11 from exposure to asbestos in CCMA would all have some adverse impacts on recreation resources  
13 in the Planning Area, as restrictions on visitor use, particularly within the Serpentine ACEC,  
15 would send recreationists to other BLM areas or to other County, State or Federal recreation  
17 areas. Alternatives A, B, C, and D would have moderate beneficial cumulative effects on  
recreation resources in the region because they would continue to allow OHV recreation and  
motorized access for non-motorized recreation opportunities in the Serpentine ACEC and other  
management zones within CCMA. The opportunities available in CCMA for OHV recreation  
would benefit recreation users in the region and resources within other recreation areas by  
dispersing the impacts of motorized and non-motorized recreation on public lands.

19 **Discussion**

21 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
23 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
25 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
27 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
29 term when the reference to a specific mineral is more appropriate and technically correct.  
31 According to the United States Geological Survey, "Asbestos is a generic name given to six  
33 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

35 **Recommendation**

37 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
39 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
41 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
43 subject document to remove the discrepant issue from the document. The original  
45 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 688: Subject: Confusing Statement Page 319**

1 **Substantive Comment**

**# 689**

3 **Subject: Unnecessary Repetition**

**Page 322**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are reiterated here: The goals for  
9 hazardous materials and public safety management are to (1) protect public health and safety and  
11 environmental resources by minimizing environmental contamination from past and present land  
13 uses (i.e., abandoned mine lands) on public lands and on BLM-owned and operated facilities; (2)  
15 comply with Federal, State, and local hazardous materials management laws and regulations; (3)  
maintain the health of ecosystems through assessment, cleanup, and restoration of contaminated  
lands; (4) manage the costs, risks, and liabilities associated with hazardous materials so that the  
responsible parties and not the government bear the brunt of financial liabilities; and (5) integrate  
environmental protection and compliance with all environmental statutes into BLM activities.

17 **Discussion**

19 Restating the goals from page 40 of the subject report, when a simple reference would  
21 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
C.F.R. § 1500.1(b)).

23 **Recommendation**

25 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
27 the issues that are truly significant to the action in question. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 689: Subject: Unnecessary Repetition Page 322**

1 **Substantive Comment**

**# 690**

3 **Subject: Unnecessary Repetition**

**Page 322**

5 **Referring to the Following Paragraph**

7 BLM’s mission to sustain the health diversity and productivity of the public lands for the use and  
9 enjoyment of present and future generations includes efforts to minimize and reduce threats from  
11 releases of hazardous substances that could have an impact on the health, diversity, and  
13 productivity of the public lands as well as on the health and safety of the individuals who utilize  
and work on these lands. In addition, the Federal Land Policy and Management Act of 1976  
requires that BLM actions comply with approved standards for public health and safety. Of  
particular concern to BLM are the safety impacts related to abandoned mines, debris flows, and  
hazardous materials.

15 **Discussion**

17 The “BLM’s mission to sustain the health diversity and productivity of the public lands for  
19 the use and enjoyment of present and future generations” is already stated on pages I and 4 of  
the subject report. Repetition adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15)  
and needless detail (40 C.F.R. § 1500.1(b)) to the subject report.

21 **Recommendation**

23 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
25 the issues that are truly significant to the action in question. The Agency must rewrite the  
27 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 690: Subject: Unnecessary Repetition Page 322**

## Substantive Comment

# 691

**Subject:** Confusing Statement

Page 322

### Referring to the Following Paragraph

Asbestos Exposure Scenarios Under Each Alternative

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

1 **Substantive Comment**

**# 692**

3 **Subject: Erroneous Statement**

**Page 322**

5 **Referring to the Following Paragraph**

7 The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) analyzed excess  
lifetime cancer risk under the current management situation (No Action Alternative) based on the  
9 average number of hours visitors spend in the ACEC conducting different types of recreation  
activities. The same recreation scenarios are presented in this RMP/EIS to estimate human health  
11 risk from exposure to asbestos while conducting different types of recreation activities in the  
Serpentine ACEC under each of the alternatives. BLM modified the number of hours visitors  
13 spend in the ACEC for each recreation scenario based on public scoping information. The  
scenarios were then analyzed by EPA toxicologists to determine the human health risk associated  
15 with each alternative.

17 **Discussion**

19 The statement, "The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA  
2008) analyzed excess lifetime cancer risk under the current management situation" is  
erroneous because the Assessment (EPA 2008) did not analyze "excess lifetime cancer risk."  
21 The Assessment (EPA 2008) collected exposure data for various individual activities that was  
used to calculate risk (EPA 2008:ES1) based on Environmental Health Hazard Assessment  
23 cancer toxicity values for asbestos (EPA 2008:ES3).

25 **Recommendation**

27 The Agency must edit the paragraph to correct or delete the erroneous statement. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.  
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**Substantive Comment - # 692: Subject: Erroneous Statement Page 322**

## Substantive Comment

# 693

**Subject: Confusing Statement**

**Page 322**

### Referring to the Following Paragraph

The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) analyzed excess lifetime cancer risk under the current management situation (No Action Alternative) based on the average number of hours visitors spend in the ACEC conducting different types of recreation activities. The same recreation scenarios are presented in this RMP/EIS to estimate human health risk from exposure to asbestos while conducting different types of recreation activities in the Serpentine ACEC under each of the alternatives. BLM modified the number of hours visitors spend in the ACEC for each recreation scenario based on public scoping information. The scenarios were then analyzed by EPA toxicologists to determine the human health risk associated with each alternative.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 693: Subject: Confusing Statement Page 322

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 693: Subject: Confusing Statement Page 322**

## Substantive Comment

# 694

**Subject: Confusing Statement**

Page 322

### Referring to the Following Paragraph

The following general principles were used to calculate the human health risk from exposure to asbestos by alternative presented in Tables 4.2-2 to 4.2-10.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 694: Subject: Confusing Statement Page 322**

1 **Substantive Comment**

**# 695**

3 **Subject: Erroneous Statement**

**Page 326**

5 **Referring to the Following Paragraph**

7 **The BLM's analysis of public health and safety in this RMP/EIS** is based primarily on the EPA's  
9 CCMA Asbestos Exposure and Human Health Risk Assessment (2008). The EPA report  
11 identifies the limits and constraints of the analysis, which are summarized below This information  
is extremely relevant to evaluating the reasonably foreseeable significant adverse impacts to  
human health and the environment, and is essential to a reasoned choice among the range of  
alternatives in this draft RMP/EIS.

13 **Discussion**

15 The statement "The BLM's analysis of public health and safety in this RMP/EIS" is erroneous  
17 because the Agency has not conducted an "analysis of public health and safety," but has  
instead relied upon a presentation of EPA data and the EPA's estimated human health risk  
assessment.

19 **Recommendation**

21 The Agency must edit this erroneous statement to read such as follows:

23 The BLM's presentation of public health and safety in this RMP/EIS ...

25 The Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 695: Subject: Erroneous Statement Page 326**

1 **Substantive Comment**

# 696

3 **Subject: Erroneous Statement**

Page 326

5 **Referring to the Following Paragraph**

7 The BLM's analysis of public health and safety in this RMP/EIS is based primarily on the EPA's  
9 **CCMA Asbestos Exposure and Human Health Risk Assessment (2008)**. The EPA report  
11 identifies the limits and constraints of the analysis, which are summarized below This information  
is extremely relevant to evaluating the reasonably foreseeable significant adverse impacts to  
human health and the environment, and is essential to a reasoned choice among the range of  
alternatives in this draft RMP/EIS.

13 **Discussion**

15 The statement "health and safety in this RMP/EIS is based primarily on the EPA's CCMA  
17 Asbestos Exposure and Human Health Risk Assessment (2008)" is erroneous because the  
Agency's analysis is not "based primarily on the EPA's CCMA Asbestos Exposure and Human  
19 Health Risk Assessment (2008)," but rather is based exclusively on the EPA's *Clear Creek  
Management Area Asbestos Exposure and Human Health Risk Assessment (2008)*.

21 **Recommendation**

23 The Agency must edit this erroneous statement to read such as follows:

25 The BLM's presentation of public health and safety in this RMP/EIS is based exclusively  
on the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008).

27 The Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 696: Subject: Erroneous Statement Page 326

1 **Substantive Comment**

**# 697**

3 **Subject: Confusing Statement**

**Page 326**

5 **Referring to the Following Paragraph**

7 The BLM's analysis of public health and safety in this RMP/EIS is based primarily on the EPA's  
9 CCMA Asbestos Exposure and Human Health Risk Assessment (2008). The EPA report  
11 identifies the limits and constraints of the analysis, which are summarized below This information  
is extremely relevant to evaluating the reasonably foreseeable significant adverse impacts to  
human health and the environment, and is essential to a reasoned choice among the range of  
alternatives in this draft RMP/EIS.

13 **Discussion**

15 The following statement is confusing because it is a long run-on sentence:

17 The EPA report identifies the limits and constraints of the analysis, which are summarized  
19 below This information is extremely relevant to evaluating the reasonably foreseeable  
significant adverse impacts to human health and the environment, and is essential to a  
reasoned choice among the range of alternatives in this draft RMP/EIS.

21 Since "agencies should employ writers of clear prose or editors to write, review or edit  
23 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
terminology or formatting might convey special meaning. Perhaps the sentence is missing  
punctuation. The public depends on author's accuracy and is therefore not at liberty to  
25 interpret variant meanings, therefore the Agency must write clear prose that is  
comprehensible and unambiguous.

27 **Recommendation**

29 The Agency must edit this confusing statement to correct the ambiguity, such as adding  
31 punctuation to create two sentences, as follows:

33 The EPA report identifies the limits and constraints of the analysis, which are summarized  
below. This information is extremely relevant to evaluating the reasonably foreseeable  
35 significant adverse impacts to human health and the environment, and is essential to a  
reasoned choice among the range of alternatives in this draft RMP/EIS.

37 The Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
39 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

## Substantive Comment

# 698

**Subject: Confusing Statement**

**Page 326**

### Referring to the Following Paragraph

The constraints include areas of uncertainty within the EPA's risk assessment and other incomplete or unavailable information that affect BLM's evaluation of reasonably foreseeable effects on the human environment. In particular, BLM was unable to quantify reductions in human health risk and asbestos emissions from implementation of mitigation measures because reliable data on the effectiveness of surface hardening techniques or dust suppression on roads in CCMA cannot be obtained because of cost and feasibility issues. Therefore, BLM's evaluation of such impacts is based upon theoretical approaches or research methods discussed in the EPA's risk assessment and this RMP/EIS that are generally accepted in the scientific community.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 698: Subject: Confusing Statement Page 326

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 698: Subject: Confusing Statement Page 326**

1 **Substantive Comment**

**# 699**

3 **Subject: Confusing Statement**

**Page 326**

5 **Referring to the Following Paragraph**

7 The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA, 2008) identifies all  
9 relevant areas of uncertainty in order to provide the public and BLM managers an understanding  
of the associated areas of uncertainty to make informed decisions to manage the risk of exposure  
to asbestos in CCMA.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
15 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
17 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
19 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
21 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
23 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
25 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
27 less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
45 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

**Substantive Comment - # 699: Subject: Confusing Statement Page 326**

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 700

**Subject: Erroneous Statement**

**Page 326 & 327**

### Referring to the Following Paragraph

As stated in the executive summary of the risk assessment (EPA, 2008; pg. ES-6):

“The assessment of risk as a probability of an outcome always has unknown values that are estimated in health protective ways to ensure that the risks are neither underestimated nor grossly overestimated. The largest uncertainty in the assessment of risk to users of CCMA is that the risk evaluation only assesses excess lifetime cancer risk. It is known that asbestos causes debilitating and fatal diseases other than cancer, such as respiratory and pleural disease. The non-cancer effects are not quantitatively taken into account in the assessment because there is no asbestos toxicity value for non-cancer health effects, even though non-cancer effects could actually be more significant to total disease outcome from CCMA asbestos exposure. Therefore, the general probability of developing disease from exposure related to activities at Clear Creek may be significantly underestimated in the report. Uncertainties related to the exposure parameters in the CCMA assessment that could cause the estimated risk to be less or greater than the actual risk include: the frequency of exposure and the time actually engaged in dust-generating activities; the effect of the exposures on children; and the representativeness of the areas used for the sampling as accurate models of typical CCMA conditions. One exposure that was not measured, and which could cause the exposure and risk to be higher, is the continued exposure that results when asbestos fibers from CCMA are taken home in vehicles and on equipment. Uncertainty related to the toxicity parameters of the risk characterization includes the application of the IRIS and OEHHA **asbestos toxicity values, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures.** This uncertainty could mean that the actual risks could be much lower than those estimated in the CCMA assessment. Another uncertainty, adjustments for early lifetime childhood exposures, could mean that the actual risks are higher than those estimated in the report.”

### Discussion

Although the quote appears to be reproduced from the original publication, it is none-the-less erroneous because the original text contains an error that is inappropriately being reproduced. The phrase, “... asbestos toxicity values, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures ...” is missing the word “not” in the original text. The word, “not” should be inserted so that a portion of the phrase reads as, “... occupational exposures, not to infrequent ....” The need for the missing word is self-evident from the sentence itself, and from other comments within the subject draft RMP/EIS, such as, second paragraph, page 143. The author of this section should have detected and corrected this error rather than continue its propagation.

### Recommendation

The Agency must correct the erroneous statement in the subject document to include the word “not” so that the correct phrase reads as follows:

1            "... asbestos toxicity values, which were developed from epidemiological studies of  
3            occupational exposures, not to infrequent and episodic recreational exposures."

5            The Agency must rewrite the subject document to remove the discrepant issue from the  
7            document. The original discrepancy must not be included or propagated in the final resource  
9            management plan, the final environmental impact study, or the record of decision. The final  
11            documentation should include corrected recommendations.

**Substantive Comment - # 700: Subject: Erroneous Statement Page 326 & 327**

1 **Substantive Comment**

# 701

3 **Subject: Misleading Statement**

Page 327

5 **Referring to the Following Paragraph**

7 In conclusion, the major uncertainties inherent in the assessment of exposure to asbestos at  
9 CCMA and the resulting estimate of risk include factors that may cause the EPA calculated risks  
11 to be overestimated or underestimated. Nevertheless, the disease potential of asbestos is  
13 recognized by the EPA, the Centers for Disease Control and Prevention (CDC), National Institute  
15 for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration  
(OSHA), the California EPA and Department of Toxic Substances Control (DTSC), the National  
Academy of Sciences, and the World Health Organization (WHO). While there is on-going  
research on the relative potencies of the different mineral forms of asbestos, there is consensus in  
the medical and public health community that both chrysotile and amphibole asbestos cause  
disease.

17 **Discussion**

19 The statement, "EPA calculated risks to be overestimated or underestimated" confesses the  
21 fact that the Agency is relying on erroneous data, and that the EPA data is purely speculative.  
23 The statement also ignores the fact that the EPA risk model drastically overestimates cancer  
25 related diseases by factors of 50 to 150 times (Camus et al 2002: 95). Agencies shall insure the  
professional integrity, including scientific integrity, of the discussions and analyses in  
environmental impact statements. They shall identify any methodologies used and shall make  
explicit reference by footnote to the scientific and other sources relied upon for conclusions in  
the statement (40 C.F.R. § 1502.24).

27 **Recommendation**

29 The Agency must delete reliance on erroneous data that is contrary to the scientific  
31 evidence. The Agency must rewrite the subject document to remove the discrepant issue from  
33 the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

35 **Reference**

37 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women  
39 Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"  
Annals of occupational Hygiene, 46(1):95-98.

## Substantive Comment

# 702

**Subject: Erroneous Statement**

**Page 327**

### Referring to the Following Paragraph

In conclusion, the major uncertainties inherent in the assessment of exposure to asbestos at CCMA and the resulting estimate of risk include factors that may cause the EPA calculated risks to be overestimated or underestimated. Nevertheless, the disease potential of asbestos is recognized by the EPA, the Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), the California EPA and Department of Toxic Substances Control (DTSC), the National Academy of Sciences, and the World Health Organization (WHO). While there is on-going research on the relative potencies of the different mineral forms of asbestos, there is consensus in the medical and public health community that both chrysotile and amphibole asbestos cause disease.

### Discussion

The statement, "there is consensus in the medical and public health community that both chrysotile and amphibole asbestos cause disease" is erroneous because there is no consensus in the medical and public health community that chrysotile causes disease. The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must delete reliance on erroneous data that is contrary to the scientific evidence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.
- Bernstein, David M., Rick Rogers, Paul Smith, and Jörg Chevalier (2006) "The Toxicological Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response," *Inhalation Toxicology*, 18(5):313-332.

1 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women  
3 Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"  
4 *Annals of Occupational Hygiene*, 46(1):95-98.

5 Camus, Michel, Jack Siemiatycki, and Bette Meek (1998) "Nonoccupational Exposure to  
6 Chrysotile Asbestos and the Risk of Lung Cancer," *The New England Journal of Medicine*,  
7 338(22):1565-1571.

8 Dönmez-Altuntas, Hamiyet, Münevver Baran, F. Sema Oymak, Zuhul Hamurcu, Nalan  
9 Imamoglu, Mustafa Özesmi, and Halil Demirtas (2007) "Investigation of micronucleus  
10 frequencies in lymphocytes of inhabitants environmentally exposed to chrysotile  
11 asbestos," *International Journal of Environmental Health Research*, 17(1):45-51.

12 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
13 Agency.

14 Ilgren, E. (2004) "Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part V –  
15 Lack of Amphibole Asbestos Contamination," *Indoor Built Environment*, 13:325-341.

16 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
17 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
18 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

19 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment  
20 Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

1 **Substantive Comment**

**# 703**

3 **Subject: Misleading Statement**

**Page 327**

5 **Referring to the Following Paragraph**

7 4.2.2.3 Epidemiology of Chrysotile Asbestos

9 During development of the CCMA Asbestos Exposure and Human Health Risk Assessment and  
11 scoping meetings for the CCMA RMP/EIS, many public comments expressed concern about the  
13 lack of an epidemiological study specific to CCMA visitors that provides empirical evidence of  
15 asbestos-related disease from exposure while conducting recreational activities.

13 **Discussion**

15 This entire section is very misleading because it presents the topic as relating to the lack of  
17 "empirical evidence of asbestos-related disease" among the CCMA recreating population. The  
19 discussion defends the lack of evidence in the second paragraph by stating "'because the local  
21 population is small, an epidemiological study restricted to this population would probably not  
23 be sensitive enough to detect the incidence of asbestos related disease, even if it is occurring  
25 at an unacceptable rate.' Furthermore, census data shows that California's Central Coast  
27 population is highly transitory and includes visitors or residents that travel from long distances  
29 or move in and out of the area at a rate that would further limit the efficacy of epidemiological  
31 studies of asbestos-related illnesses." The remainder of the section then deflects the  
33 discussion to World Health Organization (WHO) report titled "Chrysotile Asbestos" and to  
35 several generic statements about possible chrysotile etiology. However, it is important to note  
37 that the entire topic avoids mention of the cumulative size of the recreating population, or of  
39 the surrounding resident population, which would by association includes the mining and mill  
41 worker population, the historic resident population, and the surrounding populations near the  
43 cities of the Coalinga and King City mill sites. The BLM / EPA ignore the area demographic  
45 resource because the data set fails to support their research bias and preconceived  
conclusions. Additionally, the BLM / EPA confesses in this section that CCMA chrysotile is not a  
source of any epidemiological significance and hence mutes their entire argument. Agencies  
shall insure the professional integrity, including scientific integrity, of the discussions and  
analyses in environmental impact statements. They shall identify any methodologies used and  
shall make explicit reference by footnote to the scientific and other sources relied upon for  
conclusions in the statement (40 C.F.R. § 1502.24).

37 **Recommendation**

39 The Agency must edit this section to reflect the inadequacy of The CCMA Asbestos  
41 Exposure and Human Health Risk Assessment to show that a CCMA asbestos human health  
43 risk exists. The Agency must rewrite the subject document to remove the discrepant issue  
45 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

**Substantive Comment - # 703: Subject: Misleading Statement Page 327**

1 **Substantive Comment**

**# 704**

3 **Subject: Misleading Statement**

**Page 327**

5 **Referring to the Following Paragraph**

7 The World Health Organization (WHO) report titled “Chrysotile Asbestos” (1998) states under  
9 conclusions and recommendation for protection of human health, “exposure to chrysotile asbestos  
11 poses increased risks for asbestosis, lung cancer and mesothelioma in a dose-dependent manner.  
13 No threshold has been identified for carcinogenic risks.” The WHO report reflects the collective  
15 view of an international group of experts, and was published under the joint sponsorship of the  
17 WHO, the United Nations Environment Programme, and the International Labour Organization;  
19 and produced within the framework of the Inter-Organization Programme for the Sound  
21 Management of Chemicals.

15 **Discussion**

17 Also states on Page 8 & 9: “There is evidence that fibrous tremolite causes mesothelioma in  
19 humans. Since commercial chrysotile may contain fibrous tremolite, it has been hypothesized  
21 that the latter may contribute to the induction of mesotheliomas in some populations  
23 exposed primarily to chrysotile. The extent to which the observed excesses of mesothelioma  
25 might be attributed to the fibrous tremolite content has not been resolved.” Agencies shall  
insure the professional integrity, including scientific integrity, of the discussions and analyses  
in environmental impact statements. They shall identify any methodologies used and shall  
make explicit reference by footnote to the scientific and other sources relied upon for  
conclusions in the statement (40 C.F.R. § 1502.24).

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 704: Subject: Misleading Statement Page 327**

1 **Substantive Comment**

**# 705**

3 **Subject: Misleading Statement**

**Page 327**

5 **Referring to the Following Paragraph**

7 The World Health Organization (WHO) report titled “Chrysotile Asbestos” (1998) states under  
9 conclusions and recommendation for protection of human health, “exposure to chrysotile asbestos  
11 poses increased risks for asbestosis, lung cancer and mesothelioma in a dose-dependent manner.  
13 No threshold has been identified for carcinogenic risks.” The WHO report reflects the collective  
15 view of an international group of experts, and was published under the joint sponsorship of the  
17 WHO, the United Nations Environment Programme, and the International Labour Organization;  
19 and produced within the framework of the Inter-Organization Programme for the Sound  
21 Management of Chemicals.

15 **Discussion**

17 Inside cover of report states:

19 “This report contains the collective views of an international group of experts and does  
21 not necessarily represent the decisions or the stated policy of the United Nations  
23 Environment Programme, the International Labour Organisation, or the World Health  
25 Organization.”

27 Agencies shall insure the professional integrity, including scientific integrity, of the  
discussions and analyses in environmental impact statements. They shall identify any  
methodologies used and shall make explicit reference by footnote to the scientific and other  
sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
35 management plan, the final environmental impact study, or the record of decision. The final  
37 documentation should include corrected recommendations.

## Substantive Comment

# 706

**Subject: Misleading Statement**

**Page 327**

### Referring to the Following Paragraph

The WHO report goes on to say the “estimation of the risk of mesothelioma is complicated in epidemiological studies by factors such as the rarity of the disease, the lack of mortality rates in the populations used as reference, and problems in diagnosis and reporting.” However, the report does claim “there is evidence that fibrous tremolite causes mesothelioma in humans”, and since approximately 8% of EPA’s air samples from the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) contained fibrous tremolite, exposure to asbestos in CCMA may contribute to the induction of mesotheliomas in CCMA visitors, even though they are exposed primarily to chrysotile.

### Discussion

The EPA report, (2008) “Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment,” managed by EPA toxicologist report that “8% of the fibers of the size most closely related to health concerns were amphibole asbestos.” The EPA report tabulates data results in tables H-1 and H-2 listing chrysotile and amphibole mineral. The table identifies several amphibole minerals, such as tremolite and actinolite, and other unidentified mineral, which it list as “other.” However, the table fails to explain if these amphibole minerals are asbestiform fiber or not. A synthesis of the two tables is shown below, where the totals list fiber counts.

Species	Table H-1		Table H-2	
	Totals	Percent	Totals	Percent
Chrysotile	3,225	92.4	27,233	98.5
Amp Asbestos	193	5.5	232	0.8
Amp Other	72	2.1	179	0.7
Total	3,490	100.0	27,644	100.0

Analysis of the EPA table H-1 shows that amphibole asbestos is only 5.5% and only approaches 8% when the unidentified “other” is included in the calculation. The EPA failed to describe the fibril construction of the chrysotile fibers so the actual fiber lengths are unknown. Additionally, the EPA report fails to provide distribution mapping for the amphibole mineral so it is unknown how the material is dispersed across the study area. Since previous geological and mineralogical studies have shown the area is free of naturally occurring amphibole asbestos mineral, the EPA must produce some explanation for finding amphibole asbestos in their study, otherwise the best amphibole asbestos material is contamination from historical deposition. In the absence of better information artifactual deposition is the best explanation since the EPA study area was historically industrialized. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental

1 impact statements. They shall identify any methodologies used and shall make explicit  
reference by footnote to the scientific and other sources relied upon for conclusions in the  
3 statement (40 C.F.R. § 1502.24).

## 5 **Recommendation**

7 The Agency must edit this paragraph to correct these deficiencies, or delete the paragraph.  
The Agency must rewrite the subject document to remove the discrepant issue from the  
9 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
11 documentation should include corrected recommendations.

## 13 **Reference**

- 15 Coleman, R.G. (1957) "Mineralogy and Petrology of the New Idria District, California," PhD  
Dissertation, Stanford University.
- 17 Coleman, R.G. (1961) "Jadeite Deposits of the Clear Creek Area, New Idria District, San  
Benito County, California," *Journal of Petrology*, 2(2):209-247.
- 19 Fowkes, E.J., and R. Iddings (2008) "Geological and Historical Archaeology Phase 1  
Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San  
21 Benito County, California."
- 23 EPA (2008a) "Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment," U.S. Environmental Protection Agency.

Substantive Comment - # 706: Subject: Misleading Statement Page 327

1 **Substantive Comment**

**# 707**

3 **Subject: Misleading Statement**

**Page 328**

5 **Referring to the Following Paragraph**

7 The WHO report (1998) states: “Commercial grades of chrysotile have been associated with an  
9 increased risk of pneumoconiosis<sup>3</sup>, lung cancer and mesothelioma in numerous epidemiological  
11 studies of exposed workers.” Whereas, “the non-malignant diseases associated with exposure to  
13 chrysotile comprise a somewhat complex mixture of clinical and pathological syndromes not  
readily definable for epidemiological study.” Therefore, the primary focus of most  
epidemiological studies has been asbestosis among workers exposed to chrysotile in different  
occupational settings.

15 **Discussion**

17 The document also goes on to state on page 8 & 9: “There is evidence that fibrous tremolite  
19 causes mesothelioma in humans. Since commercial chrysotile may contain fibrous tremolite, it  
has been hypothesized that the latter may contribute to the induction of mesotheliomas in  
some populations exposed primarily to chrysotile. The extent to which the observed excesses  
of mesothelioma might be attributed to the fibrous tremolite content has not been resolved.”  
21 Agencies shall insure the professional integrity, including scientific integrity, of the discussions  
and analyses in environmental impact statements. They shall identify any methodologies used  
23 and shall make explicit reference by footnote to the scientific and other sources relied upon  
for conclusions in the statement (40 C.F.R. § 1502.24).

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 707: Subject: Misleading Statement Page 328**

1 **Substantive Comment**

**# 708**

3 **Subject: Misleading Statement**

**Page 328**

5 **Referring to the Following Paragraph**

7 The WHO report (1998) states: “Commercial grades of chrysotile have been associated with an  
9 increased risk of pneumoconiosis<sup>3</sup>, lung cancer and mesothelioma in numerous epidemiological  
11 studies of exposed workers.” Whereas, “the non-malignant diseases associated with exposure to  
13 chrysotile comprise a somewhat complex mixture of clinical and pathological syndromes not  
readily definable for epidemiological study.” Therefore, the primary focus of most  
epidemiological studies has been asbestosis among workers exposed to chrysotile in different  
occupational settings.

15 **Discussion**

17 Page 8 states” “Estimation of the risk of mesothelioma is complicated in epidemiological  
19 studies by factors such as the rarity of the disease, the lack of mortality rates in the populations  
21 used as reference, and problems in diagnosis and reporting. In many cases, therefore, risks  
23 have not been calculated, and cruder indicators have been used, such as absolute numbers of  
cases and deaths, and ratios of mesothelioma over lung cancers or total deaths.” Agencies  
shall insure the professional integrity, including scientific integrity, of the discussions and  
analyses in environmental impact statements. They shall identify any methodologies used and  
shall make explicit reference by footnote to the scientific and other sources relied upon for  
conclusions in the statement (40 C.F.R. § 1502.24).

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 708: Subject: Misleading Statement Page 328**

1 **Substantive Comment**

# 709

3 **Subject: Confusing Statement**

Page 328

5 **Referring to the Following Paragraph**

7 4.2.2.4 Estimates of Asbestos Emissions Reductions, Cost, Effectiveness, and Feasibility of Mitigation Measures

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
13 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
15 term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six  
17 fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
19 serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
21 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
23 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

25 **Recommendation**

27 The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
29 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should  
33 include corrected recommendations.

35 **Reference**

- 37 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 39 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- 41 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
43 Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 710**

3 **Subject: Confusing Statement**

**Page 328**

5 **Referring to the Following Paragraph**

7 Table 3.3-1 identifies potential mitigation measures for management of transportation and roads  
9 to reduce asbestos emissions. The BLM's analysis of feasibility for implementation of  
11 Alternatives A through G are based on the estimates associated with the cost and effectiveness in  
13 meeting resources management goals and objectives, including reducing and minimizing human  
health risk from exposure to asbestos. These estimates are based on best available information at  
the time the Draft CCMA RMP/EIS was prepared, and are described in more detail under Travel  
and Transportation Management in Chapter 3, Table 3.3-1.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
19 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
21 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
23 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
29 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
31 less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the  
professional integrity, including scientific integrity, of the discussions and analyses in  
33 environmental impact statements. They shall identify any methodologies used and shall make  
explicit reference by footnote to the scientific and other sources relied upon for conclusions in  
the statement (40 C.F.R. § 1502.24).

35 **Recommendation**

37 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
39 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
41 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
43 include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 710: Subject: Confusing Statement Page 328**

1 **Substantive Comment**

# 711

3 **Subject: Confusing Statement**

Page 328

5 **Referring to the Following Paragraph**

7 Table 3.3-1 identifies potential mitigation measures for management of transportation and roads  
9 to reduce asbestos emissions. The BLM's analysis of feasibility for implementation of  
11 Alternatives A through G are based on the estimates associated with the cost and effectiveness in  
13 meeting resources management goals and objectives, including reducing and minimizing human  
health risk from exposure to asbestos. These estimates are based on best available information at  
the time the Draft CCMA RMP/EIS was prepared, and are described in more detail under Travel  
and Transportation Management in Chapter 3, Table 3.3-1.

15 **Discussion**

17 The paragraph's reference to "the Draft CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "Draft CCMA RMP/EIS" is being referenced:

19 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
21 Interior, Bureau of Land Management.

23 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

25 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
27 Land Management.

29 **Recommendation**

31 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
33 statement. The Agency must rewrite the subject document to remove the discrepant issue  
35 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

Substantive Comment - # 711: Subject: Confusing Statement Page 328

## Substantive Comment

# 712

**Subject: Confusing Statement**

**Page 328 & 329**

### Referring to the Following Paragraph

The analysis of cost and effectiveness in reducing asbestos emissions from surface hardening, dust suppression, and a variety of soil stabilizers on CCMA roads treatments and other mitigation measures is presented qualitatively because information on the effectiveness of these mitigation measures specific to CCMA is currently unavailable. Therefore, BLM developed the estimates outlined in Table 3.3-1 based on an EPA evaluation of asbestos mitigation measures prepared in 1981, and a study conducted by the California Department of Toxic Substances Control (DTSC) that briefly evaluated reductions in emissions on roads in areas with serpentine soils.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 712: Subject: Confusing Statement Page 328 & 329

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 712: Subject: Confusing Statement Page 328 & 329**

## Substantive Comment

# 713

**Subject: Confusing Statement**

**Page 329**

### Referring to the Following Paragraph

As a result, BLM anticipates that air sample results would show lower asbestos emissions after the serpentine aggregate on CCMA roads is covered and sealed with the road surfacing materials described in Appendix V; and that dust emissions on those roads would continue to remain low. However, due to the concentrations of asbestos in the serpentine soils in CCMA, weather conditions, and the presence of ‘fugitive dust’ that contains asbestos fibers previously deposited on vegetation, rocks, and soils adjacent to CCMA roads could be re-suspended by wind and air disturbances from passing vehicles would still pose a risk to human health following surface hardening and dust suppression or other mitigation measures on CCMA roads.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.

Substantive Comment - # 713: Subject: Confusing Statement Page 329

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 713: Subject: Confusing Statement Page 329**

## Substantive Comment

# 714

**Subject: Confusing Format**

**Page 329**

### Referring to the Following Paragraph

As a result, BLM anticipates that air sample results would show lower asbestos emissions after the serpentine aggregate on CCMA roads is covered and sealed with the road surfacing materials described in Appendix V; and that dust emissions on those roads would continue to remain low. However, due to the concentrations of asbestos in the serpentine soils in CCMA, weather conditions, and the presence of 'fugitive dust' that contains asbestos fibers previously deposited on vegetation, rocks, and soils adjacent to CCMA roads could be re-suspended by wind and air disturbances from passing vehicles would still pose a risk to human health following surface hardening and dust suppression or other mitigation measures on CCMA roads.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 714: Subject: Confusing Format Page 329

1 **Substantive Comment**

**# 715**

3 **Subject: Confusing Statement**

**Page 329**

5 **Referring to the Following Paragraph**

7 Many of the other mitigation measures considered in the range of alternatives for the CCMA  
9 RMP/EIS are also limited to qualitative analysis because there is no information available on the  
11 effectiveness of such measures as restricting annual visitor use days/year, vehicle types, installing  
13 vehicle wash racks, enforcement of speed limits, indemnification of risk, and other administrative  
15 actions in reducing exposure to asbestos emissions in CCMA. However, the unavailable  
17 information identified above is not critical to making a reasoned analysis of Alternatives A – G  
19 because the estimates outlined in Table 3.3-1, and the qualitative analysis of other mitigation  
measures in Section 4.2.6.2, can be used to inform the BLM and the public on the cost and  
effectiveness of the mitigation measures for public health and safety. Regardless of the location,  
resources conditions, and levels of use on roadways, all mitigation measures on routes in the  
ACEC would have to be monitored and evaluated for effectiveness in reducing asbestos  
emissions to meet the purpose and need of the CCMA RMP/EIS for overall protection of human  
health and the environment.

21 **Discussion**

23 Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC  
25 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
27 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
29 free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute  
31 term when the reference to a specific mineral is more appropriate and technically correct.  
33 According to the United States Geological Survey, “Asbestos is a generic name given to six  
35 fibrous minerals that have been used in commercial products.” The definition is expanded  
further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

37 **Recommendation**

39 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
41 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos”  
43 with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the  
45 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 715: Subject: Confusing Statement Page 329**

## Substantive Comment

# 716

**Subject:** Confusing Statement

Page 329

### Referring to the Following Paragraph

In general, all the hazardous materials and public safety management actions in the range of alternatives would contribute to meeting the BLM's goals and objectives, because they are designed to improve the overall environmental resource protection and public safety for public land uses. However, the No Action Alternative would have major negative impacts to public health and safety by increasing the public's long-term risk of contracting cancer associated with exposure to asbestos from CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 716: Subject: Confusing Statement Page 329

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 716: Subject: Confusing Statement Page 329**

## Substantive Comment

# 717

**Subject: Confusing Statement**

Page 329

### Referring to the Following Paragraph

Alternatives B and C would have minor beneficial impacts to human health and the environment, compared to Alternative A, because Alternatives B and C include administrative management actions and other projects to reduce asbestos emissions in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 717: Subject: Confusing Statement Page 329

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 717: Subject: Confusing Statement Page 329**

1 **Substantive Comment**

**# 718**

3 **Subject: Confusing Statement**

**Page 330**

5 **Referring to the Following Paragraph**

7 Other management actions to minimize asbestos exposure included under alternatives D and E  
9 would result in moderate beneficial impacts to environmental resource protection and public  
11 safety, compared to Alternatives B and C, because of further limits on allowable uses, as well as  
13 other projects to reduce asbestos emissions in CCMA.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
15 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
17 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
21 term when the reference to a specific mineral is more appropriate and technically correct.  
23 According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
27 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
31 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
45 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

Substantive Comment - # 718: Subject: Confusing Statement Page 330

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 719

**Subject: Confusing Statement**

**Page 330**

### Referring to the Following Paragraph

Finally, alternatives F and G would have major long-term benefits to human health and the environment, compared to all the other alternatives, because allowable uses would reduce asbestos emissions to dust generated by foot traffic (Alt. F), or BLM would minimize asbestos exposure by prohibiting all public use and entry into the Serpentine ACEC (Alt. G).

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 719: Subject: Confusing Statement Page 330

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 719: Subject: Confusing Statement Page 330**

1 **Substantive Comment**

**# 720**

3 **Subject: Confusing Statement**

**Page 330**

5 **Referring to the Following Paragraph**

7 4.2.3.1 CCMA Naturally Occurring Asbestos

9 **Discussion**

11 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
13 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
17 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
23 fibrous minerals that have been used in commercial products." The definition is expanded  
25 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the  
professional integrity, including scientific integrity, of the discussions and analyses in  
environmental impact statements. They shall identify any methodologies used and shall make  
explicit reference by footnote to the scientific and other sources relied upon for conclusions in  
the statement (40 C.F.R. § 1502.24).

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
33 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
35 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
37 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
- 45 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 720: Subject: Confusing Statement Page 330**

## Substantive Comment

# 721

**Subject: Misleading Statement**

**Page 330**

### Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

### Discussion

The statement, "Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment" is misleading because it fails to state that asbestos is not a mineralogical definition but a commercial name given to a group of minerals. Perhaps the Agency should consider using the National Institute for Occupational Safety and Health (NIOSH) definition:

"Asbestos" is a generic name given to a fibrous variety of six naturally occurring minerals that have been used for decades in thousands of commercial products. The term "asbestos" is not a mineralogical definition but a commercial name given to a group of minerals that possess high tensile strength, flexibility, resistance to chemical and thermal degradation, and electrical resistance. These minerals have been used in many products, including insulation and fireproofing materials, automotive brakes and textile products, and cement and wallboard materials." ("NIOSH Safety and Health Topic: Asbestos," <http://www.cdc.gov/niosh/topics/asbestos/>.)

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must edit the paragraph to correct or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

## Substantive Comment

# 722

**Subject: Misleading Statement**

**Page 330**

### Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

### Discussion

The statement, "Chrysotile asbestos has long, flexible fibers" is false and misleading because the chrysotile found in the Serpentine ACEC is considered a "short-fiber" mineral. This material was known commercially as "Coalinga Asbestos" or "Calidria™ Asbestos" and "are actually 'pseudofibers' consisting of assemblies of numerous overlapping, weakly bound short fibrils that each only extend over a small part of the length of the fiber (Ilgren 2008a:7). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must edit the paragraph to correct or delete the false or misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

™ Calidria is a registered trademark of Union Carbide Corp.

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Ilgren, Ed (2008a) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber Toxicity'" *Indoor and Built Environment* 17 (1):5-26.

1 Ilgren, Ed (2008b) "Review: The Fiber Width of Coalinga Chrysotile: Reduced Respirability  
3 due to its Thick Nature in an Aerosol and its 'Ultra-Thin' Nature in Aqueous Solution (In  
5 *Vivo*)," *Indoor and Built Environment* 17(1):27-41.  
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**Substantive Comment - # 722: Subject: Misleading Statement Page 330**

## Substantive Comment

# 723

**Subject: Erroneous Statement**

**Page 330**

### Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

### Discussion

The statement, "Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases" is erroneous because it fails to show the growing consensus that chrysotile is substantially less potent than amphibole asbestos fibers. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must edit the paragraph to correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

EPA (2003) *Technical Support Document for a Protocol to Assess Asbestos-Related Risk, Office of Solid Waste and Emergency Response*, U.S. Environmental Protection Agency.

Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials containing asbestos," Health and Safety Commission Paper HSC/06/55, United Kingdom.

Substantive Comment - # 723: Subject: Erroneous Statement Page 330

## Substantive Comment

# 724

**Subject: Misleading Statement**

**Page 330**

### Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

### Discussion

The statement, "They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos" is misleading because it fails to show the growing consensus that mesothelioma is not caused by chrysotile exposure.

### Recommendation

The Agency must edit the paragraph to correct or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

EPA (2003) *Technical Support Document for a Protocol to Assess Asbestos-Related Risk*, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency.

Gibbs, Graham W. and Geoffrey Berry (2007) "Mesothelioma and Asbestos," *Regulatory Toxicology and Pharmacology*.

Substantive Comment - # 724: Subject: Misleading Statement Page 330

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Kave, Ruth and Eun Hye Choi (2007) "Asbestos Exposure: How Risky is it?" A position paper of the American Council on Science and Health.

Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials containing asbestos," Health and Safety Commission Paper HSC/06/55, United Kingdom.

**Substantive Comment - # 724: Subject: Misleading Statement Page 330**

## Substantive Comment

# 725

**Subject: Misleading Statement**

**Page 330**

### Referring to the Following Paragraph

Naturally occurring asbestos refers to those fibrous minerals that are found in the rocks or soil in an area and released into the air by routine human activities or weathering processes. If naturally occurring asbestos is not disturbed and fibers are not released into the air, then it is not a health risk. Asbestos is commonly found in ultramafic rock, including serpentine rock, and near fault zones. The amount of asbestos that is typically present in these rocks ranges from less than 1% up to about 25%, and sometimes more. Asbestos can be released from ultramafic and serpentine rock if the rock is broken or crushed.

### Discussion

The statement, "Naturally occurring asbestos refers to those fibrous minerals that are found in the rocks or soil in an area and released into the air by routine human activities or weathering processes" is misleading because in context of the Serpentine ACEC, the phrase "naturally occurring asbestos" specifically refers to the mineral chrysotile, which according to recent EPA's OSWER (EPA 2003), ATSDR and HSC studies is no longer a serious health risk, whereas the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) was conducted with EPA's older 1986 asbestos risk assessment (EPA 1986).

### Recommendation

The Agency must edit the paragraph to correct or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.
- Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.
- Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2003) *Technical Support Document for a Protocol to Assess Asbestos-Related Risk*, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency.

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Gibbs, Graham W. and Geoffrey Berry (2007) "Mesothelioma and Asbestos," Regulatory Toxicology and Pharmacology.

Kave, Ruth and Eun Hye Choi (2007) "Asbestos Exposure: How Risky is it?" A position paper of the American Council on Science and Health.

Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials containing asbestos," Health and Safety Commission Paper HSC/06/55, United Kingdom.

**Substantive Comment - # 725: Subject: Misleading Statement Page 330**

## Substantive Comment

# 726

**Subject: Confusing Statement**

**Page 330**

### Referring to the Following Paragraph

Asbestos exposure results from breathing in asbestos fibers. If rocks, soil, or products containing asbestos are disturbed, they can release asbestos fibers into the air. These fibers can be breathed into your lungs and could remain there for a lifetime. Asbestos exposure is not a problem if solid asbestos is left alone and not disturbed.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, may not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 726: Subject: Confusing Statement Page 330

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 726: Subject: Confusing Statement Page 330**

1 **Substantive Comment**

**# 727**

3 **Subject: Erroneous Statement**

**Page 330**

5 **Referring to the Following Paragraph**

7 Asbestos exposure results from breathing in asbestos fibers. If rocks, soil, or products containing  
9 asbestos are disturbed, they can release asbestos fibers into the air. These fibers can be breathed  
into your lungs and could remain there for a lifetime. Asbestos exposure is not a problem if solid  
asbestos is left alone and not disturbed.

11 **Discussion**

13 The statement, "These fibers can be breathed into your lungs and could remain there for a  
15 lifetime" is erroneous because the chrysotile found in the Serpentine ACEC, known  
commercially as "Calidria™ Asbestos" has a low biopersistence (Bernstein 2005) and does not  
17 remain in lungs "for a lifetime," as some amphibole asbestos might.

19 **Recommendation**

21 The Agency must edit the paragraph to correct or delete the erroneous statement. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

25 **Reference**

27 <sup>TM</sup> Calidria is a registered trademark of Union Carbide Corp.

29 Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria  
Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence  
31 and Histopathology Examination Following Short-Term Exposure," *Inhalation  
Toxicology*, 17(9):427-449.

**Substantive Comment - # 727: Subject: Erroneous Statement Page 330**

## Substantive Comment

# 728

**Subject: Confusing Statement**

**Page 330**

### Referring to the Following Paragraph

Elements that contribute to human health risks from asbestos exposure include, but are not limited to asbestos type and size of airborne fibers, frequency and duration of exposure to asbestos emissions, time since initial exposure to asbestos emissions, extent of exposure to asbestos emissions, and exposure to other pre-existing lung conditions. In particular cigarette smoking significantly increases risk of cancer associated with asbestos.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 728: Subject: Confusing Statement Page 330**

1 **Substantive Comment**

**# 729**

3 **Subject: Extraneous Background Data**

**Page 331**

5 **Referring to the Following Paragraph**

7 Children have more time to be exposed and develop asbestos-related diseases. Medical experts do  
9 not know whether lung differences may cause a greater amount of asbestos fibers to stay in the  
lungs of a child who breaths in asbestos compared with the amount that stays in the lungs of an  
11 adult. Asbestos-related diseases can be cancerous or non-cancerous. Examples of non-cancerous  
asbestos related disease include asbestosis, which is a scarring of the lungs, and pleural diseases.  
13 Asbestosis is typically caused by very high exposure levels over a prolonged period of time, as  
seen in work-related asbestos exposure. Smoking increases the risk of developing asbestosis.  
15 Some late stage symptoms include progressive shortness of breath, a persistent cough, and chest  
pain. Pleural changes or pleural plaques include thickening and hardening of the pleura (the lining  
17 that covers the lungs and chest cavity). Most people will not have symptoms, but some may have  
decreased lung function. Some people may develop persistent shortness of breath with exercise or  
19 even at rest if they have significantly decreased lung function. Lung cancer is cancer of the lungs  
and lung passages. Cigarette smoking combined with asbestos exposure greatly increases the  
likelihood of lung cancer. Lung cancer caused by smoking or asbestos looks the same. Symptoms  
21 for lung cancer can vary. Some late stage symptoms can include chronic cough, chest pain,  
unexplained weight loss, and coughing up blood. Lung cancer from all causes affects about 61 out  
23 of every 100,000 Americans a year. According to the American Cancer Society, it is the leading  
cause of cancer-related death in both men and women and accounts for about 29% of all cancer  
25 deaths. Asbestos exposure is only one of many potential causes of lung cancer. Cigarette smoking  
is by far the most important risk factor for lung cancer. Cigarette smoking combined with asbestos  
27 exposure greatly increases the likelihood of lung cancer. Mesothelioma is a rare cancer mostly  
associated with asbestos exposure. It occurs in the covering of the lungs and sometimes the lining  
29 of the abdominal cavity. Some late stage symptoms include chest pain, persistent shortness of  
breath, and unexplained weight loss. Mesothelioma is relatively rare. According to the American  
31 Cancer Society, there are about 2,000 – 3,000 new cases per year in this country. It is most  
common in asbestos-related work exposure though it has been observed in certain communities  
33 worldwide where people have had lifetime exposures to naturally occurring asbestos. (DHHS,  
2006).

35 **Discussion**

37 These paragraphs contain extraneous background data (40 C.F.R. § 1500.2(b)) which  
creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served  
39 by reference to the source document (40 C.F.R. § 1502.21).

41 **Recommendation**

43 The Agency must edit the subject paragraph to reduce the extraneous background data by  
making reference to appropriate documents. The Agency must rewrite the subject document  
45 to remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental

1 impact study, or the record of decision. The final documentation should include corrected  
recommendations.

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1 **Substantive Comment**

**# 730**

3 **Subject: Erroneous Statement**

**Page 332**

5 **Referring to the Following Paragraph**

7 Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public  
9 lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas.  
11 Abandoned mines may pose a threat to human health and the environment through the presence of  
13 abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings  
15 piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining  
17 equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated  
19 buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment,  
21 particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if  
23 they are eroding into a stream or creek. Because BLM-managed lands are typically remote and  
25 secluded but must be made available to the public, the management actions to identify and  
27 maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or  
29 mitigate them as soon as possible, would be an over benefit to the environment and public safety.  
31 Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to  
biological habitats for nocturnal species such as bats.

21 **Discussion**

23 The statement, "Abandoned mines, particularly for copper and mercury ores, are scattered  
25 throughout BLM public lands within the Planning Area, especially in the San Joaquin and  
27 Salinas Management Areas" is erroneous because there were no copper mines with the CCMA  
29 area, and because "the San Joaquin and Salinas Management Areas" conflict with the  
"Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this  
RMP/EIS includes all federal, state, and private lands in southern San Benito County and  
western Fresno County in Central California shown on Map 1 in Appendix I regardless of  
jurisdiction."

31 **Recommendation**

33 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
35 must rewrite the subject document to remove the discrepant issue from the document. The  
37 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

1 **Substantive Comment**

# 731

3 **Subject: Erroneous Statement**

Page 332

5 **Referring to the Following Paragraph**

7 Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public  
9 lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas.  
11 Abandoned mines may pose a threat to human health and the environment through the presence of  
13 abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings  
15 piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining  
17 equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated  
19 buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment,  
21 particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if  
23 they are eroding into a stream or creek. Because BLM-managed lands are typically remote and  
25 secluded but must be made available to the public, the management actions to identify and  
27 maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or  
29 mitigate them as soon as possible, would be an over benefit to the environment and public safety.  
Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to  
biological habitats for nocturnal species such as bats.

21 **Discussion**

23 The statement, "Abandoned mines may pose a threat to human health and the  
25 environment through the presence of abandoned hazardous materials, such as cyanide, which  
27 may be found in containers or in tailings piles; acid mine drainage; and containers of diesel fuel  
29 and gasoline for operating the mining equipment" is erroneous because cyanide was not used  
within the CCMA areal mineral extraction, and because CCMA area acid mine drainage (if  
existent) is not pose a direct "human health risk," and because there are no "containers of  
diesel fuel and gasoline for operating the mining equipment" remaining within the CCMA.

31 **Recommendation**

33 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
35 must rewrite the subject document to remove the discrepant issue from the document. The  
37 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

1 **Substantive Comment**

**# 732**

3 **Subject: Erroneous Statement**

**Page 332**

5 **Referring to the Following Paragraph**

7 Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public  
9 lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas.  
11 Abandoned mines may pose a threat to human health and the environment through the presence of  
13 abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings  
15 piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining  
17 equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated  
19 buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment,  
21 particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if  
23 they are eroding into a stream or creek. Because BLM-managed lands are typically remote and  
25 secluded but must be made available to the public, the management actions to identify and  
27 maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or  
29 mitigate them as soon as possible, would be an over benefit to the environment and public safety.  
31 Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to  
33 biological habitats for nocturnal species such as bats.

21 **Discussion**

23 The statement, "Also, physical threats to public safety include open shafts and tunnels,  
25 deteriorated buildings, and mining equipment" is erroneous because there are no public  
27 safety threats from "deteriorated buildings, and mining equipment" remaining within the  
29 Agency's jurisdiction within the planning area.

27 **Recommendation**

29 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
31 must rewrite the subject document to remove the discrepant issue from the document. The  
33 original discrepancy must not be included or propagated in the final resource management  
35 plan, the final environmental impact study, or the record of decision. The final documentation  
37 should include corrected recommendations.

1 **Substantive Comment**

**# 733**

3 **Subject: Erroneous Statement**

**Page 332**

5 **Referring to the Following Paragraph**

7 Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public  
9 lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas.  
11 Abandoned mines may pose a threat to human health and the environment through the presence of  
13 abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings  
15 piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining  
17 equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated  
19 buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment,  
21 particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if  
23 they are eroding into a stream or creek. Because BLM-managed lands are typically remote and  
25 secluded but must be made available to the public, the management actions to identify and  
27 maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or  
29 mitigate them as soon as possible, would be an over benefit to the environment and public safety.  
31 Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to  
33 biological habitats for nocturnal species such as bats.

21 **Discussion**

23 The statement, "Eroding tailings piles may pose a threat to the environment, particularly if  
25 they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if they are  
27 eroding into a stream or creek" is erroneous because "extraction chemicals (e.g., cyanide)" was  
29 not used in area mineral extraction.

27 **Recommendation**

29 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
31 must rewrite the subject document to remove the discrepant issue from the document. The  
33 original discrepancy must not be included or propagated in the final resource management  
35 plan, the final environmental impact study, or the record of decision. The final documentation  
37 should include corrected recommendations.

1 **Substantive Comment**

**# 734**

3 **Subject: Extraneous Data**

**Page 332**

5 **Referring to the Following Paragraph**

7 Oil and gas development activities often require the use of or creation of hazardous materials,  
including drilling muds. Drilling muds may contain various contaminants such as mercury,  
9 cadmium, arsenic, and hydrocarbons, among others, and if not managed correctly can seep into  
surrounding surface and ground water and degrade the quality.

11 **Discussion**

13 These paragraphs contain extraneous data (40 C.F.R. § 1500.2(b)) which creates  
unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) because, according to page 223 of the  
15 subject report, there is no oil or gas development activities within the planning area of the  
CCMA.

17 **Recommendation**

19 The Agency must delete the extraneous. The Agency must rewrite the subject document  
21 to remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
23 impact study, or the record of decision. The final documentation should include corrected  
recommendations.

**Substantive Comment - # 734: Subject: Extraneous Data Page 332**

1 **Substantive Comment**

**# 735**

3 **Subject: Inaccurate Statement**

**Page 332**

5 **Referring to the Following Paragraph**

7 Hard rock mining operations in the CCMA have resulted in mercury, chromium and asbestos  
9 contamination in state waters. Any development of mine operations has potential to result in  
additional contamination to waterways as well potential airborne asbestos emissions.

11 **Discussion**

13 The statement, "mercury, chromium and asbestos" is inaccurate. Since the minerals  
mercury and chromium are correctly listed, then the list should be parallel and the word  
15 asbestos (a commercial product) should be replaced with the mineral term chrysotile.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
21 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 735: Subject: Inaccurate Statement Page 332**

1 **Substantive Comment**

**# 736**

3 **Subject: Extraneous Data**

**Page 332**

5 **Referring to the Following Paragraph**

7 Rangeland use can require the use or storage of hazardous materials such as fuel tanks and various  
9 paints, solvents or thinners. In the event of an accidental spill, the fuel can migrate to into  
surrounding surface and ground water and degrade the water quality.

11 **Discussion**

13 These paragraphs contain extraneous data (40 C.F.R. § 1500.2(b)) which creates  
unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) because there is “use or storage of  
15 hazardous materials such as fuel tanks and various paints, solvents or thinners” within the  
planning area of the CCMA.

17 **Recommendation**

19 The Agency must delete the extraneous data. The Agency must rewrite the subject  
document to remove the discrepant issue from the document. The original discrepancy must  
21 not be included or propagated in the final resource management plan, the final  
environmental impact study, or the record of decision. The final documentation should  
23 include corrected recommendations.

**Substantive Comment - # 736: Subject: Extraneous Data Page 332**

## Substantive Comment

# 737

**Subject: Confusing Statement**

**Page 332**

### Referring to the Following Paragraph

In 2004, as part of the process of evaluating the completeness of the Atlas Mine cleanup for possible delisting from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA. The goal of the assessment was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the excess lifetime cancer risks associated with those exposures.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 737: Subject: Confusing Statement Page 332

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 737: Subject: Confusing Statement Page 332**



## Substantive Comment

# 739

**Subject: Confusing Statement**

**Page 335**

### Referring to the Following Paragraph

Figure 1 shows the individual sample results for each activity and for measurements of CCMA ambient air. The data shows that the activities which typically create the most soil disturbance and dust, motorcycling, ATV driving/riding, and SUV driving/riding, also release the most asbestos into the breathing zone. In some instances, the concentration of asbestos measured in the EPA samples even exceeded what the U.S. Occupational Safety and Health Administration (OSHA) sets for workers as a 30-minute limit for asbestos.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 739: Subject: Confusing Statement Page 335

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 739: Subject: Confusing Statement Page 335**

## Substantive Comment

# 740

**Subject:** Confusing Statement

Page 336

### Referring to the Following Paragraph

Figure 2 shows the results for motorcycle riders in the lead and trailing behind and for ATV and SUV drivers/riders. First trailing drivers/riders encountered higher asbestos air concentrations than lead drivers/riders and second trailing drivers/riders typically encountered higher levels than first trailing drivers/riders. This means that the asbestos levels in the air increased with the larger dust clouds encountered by those riders following one or more riders ahead of them.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 740: Subject: Confusing Statement Page 336**

## Substantive Comment

# 741

**Subject: Confusing Statement**

**Page 337**

### Referring to the Following Paragraph

Figure 3 shows the effect of sampling event weather conditions on asbestos air concentrations. Using rainfall patterns and on-site observations, the September 2004 and 2005 events were determined to be conducted under —dry conditions, with little or no precipitation in the month prior to the event. The November 2004 event was designated as occurring under —moist conditions, with two to three inches of rain in the two weeks before the event. The February 2005 events were conducted under —wet conditions, with rain immediately before and during the events. Based on the sampling results, it appears that only active rainfall reduces asbestos air concentrations, although further study would be needed to define the exact conditions necessary to reduce dust generation and asbestos exposure.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 741: Subject: Confusing Statement Page 337

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 741: Subject: Confusing Statement Page 337**

## Substantive Comment

# 742

**Subject: Erroneous Statement**

**Page 337**

### Referring to the Following Paragraph

Figure 3 shows the effect of sampling event weather conditions on asbestos air concentrations. Using rainfall patterns and on-site observations, the September 2004 and 2005 events were determined to be conducted under —dry conditions, with little or no precipitation in the month prior to the event. The November 2004 event was designated as occurring under —moist conditions, with two to three inches of rain in the two weeks before the event. The February 2005 events were conducted under —wet conditions, with rain immediately before and during the events. Based on the sampling results, it appears that only active rainfall reduces asbestos air concentrations, although further study would be needed to define the exact conditions necessary to reduce dust generation and asbestos exposure.

### Discussion

The statement, “The November 2004 event was designated as occurring under “moist” conditions, with two to three inches of rain in the two weeks before the event” is erroneous because the “moist” designation refers to their November (2nd & 3rd) event (EPA 2008:4-8) during which period soil conditions were actually dry (EPA 2008:Appendix F). Note that the EPA used the United States Department of Agriculture Natural Resource Conservation Service “Estimating Soil Moisture by Feel and Appearance” method (EPA 2008:4-6). The meteorological data shows that although the humidity increased on November 3rd, it did not begin to rain until the evening after the EPA was finished (HDZC1 2004). These conditions cannot be designated as “moist” because the air and soil were dry on the first day of EPA testing and the soil remained dry throughout the second (final) day. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must edit this paragraph to accurately reflect the dry conditions that existed during the period that the EPA designed as “moist.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

EPA (2008) “Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment,” U.S. Environmental Protection Agency.

HDZC1 (2004) “Past Weather Conditions for HDZC1” Hernandez, California Department of Water Resources.

1 USDA (1998) "Estimating Soil Moisture by Feel and Appearance," Program Aid Number  
3 1619, United States Department of Agriculture, Natural Resources Conservation  
5 Service.  
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1 **Substantive Comment**

**# 743**

3 **Subject: Erroneous Statement**

**Page 338**

5 **Referring to the Following Paragraph**

7 **SUV Exposures Were Significant**

9 As shown in Figure 4, driving on the unpaved CCMA access roads resulted in significant measured asbestos air concentrations inside the vehicles, even with the windows closed and the air system set to "recirculate".

11 **Discussion**

13 The statement, "driving on the unpaved CCMA access roads resulted in" is erroneous because according to Figure 1 from the EPA titled Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, only one road (not roads) was driven with SUV (see reproduction of Figure 1 on Figure 1 on page 917).

17 **Recommendation**

19 The Agency must edit this paragraph to change the word "roads" to "road." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 743: Subject: Erroneous Statement Page 338**



## Substantive Comment

# 744

**Subject:** Confusing Statement

Page 338

### Referring to the Following Paragraph

As shown in Figure 4, driving on the unpaved CCMA access roads resulted in significant measured asbestos air concentrations inside the vehicles, even with the windows closed and the air system set to —recirculate.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.
- EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 744: Subject: Confusing Statement Page 338

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 744: Subject: Confusing Statement Page 338**

## Substantive Comment

# 745

**Subject: Confusing Statement**

**Page 339**

### Referring to the Following Paragraph

Figure 5 shows the ratio between the child and adult samples collected at the same time on the same sampler. With the exception of the camping activity, the majority of child exposures exceeded the exposure recorded for the paired adult sample. In total, the asbestos concentration in the child sample exceeded the concentration in the adult sample 64% of the time.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 745: Subject: Confusing Statement Page 339

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 745: Subject: Confusing Statement Page 339**

# Substantive Comment

# 746

**Subject: Misleading Statement**

**Page 339**

## Referring to the Following Paragraph

While chrysotile asbestos was the predominant asbestos mineral type found in the EPA air samples, almost 8% of the PCME fibers were identified as tremolite, actinolite, or another amphibole asbestos mineral. There is an emerging consensus in the scientific community that amphibole asbestos may present an even greater health risk.

## Discussion

The EPA report, (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," managed by EPA toxicologist report that "8% of the fibers of the size most closely related to health concerns were amphibole asbestos." The EPA report tabulates data results in tables H-1 and H-2 listing chrysotile and amphibole mineral. The table identifies several amphibole minerals, such as tremolite and actinolite, and other unidentified mineral, which it list as "other." However, the table fails to explain if these amphibole minerals are asbestiform fiber or not. A synthesis of the two tables is shown below, where the totals list fiber counts.

Species	Table H-1		Table H-2	
	Totals	Percent	Totals	Percent
Chrysotile	3,225	92.4	27,233	98.5
Amp Asbestos	193	5.5	232	0.8
Amp Other	72	2.1	179	0.7
Total	3,490	100.0	27,644	100.0

Analysis of the EPA table H-1 shows that amphibole asbestos is only 5.5% and only approaches 8% when the unidentified "other" is included in the calculation. The EPA failed to describe the fibril construction of the chrysotile fibers so the actual fiber lengths are unknown. Additionally, the EPA report fails to provide distribution mapping for the amphibole mineral so it is unknown how the material is dispersed across the study area. Since previous geological and mineralogical studies have shown the area is free of naturally occurring amphibole asbestos mineral, the EPA must produce some explanation for finding amphibole asbestos in their study, otherwise the best amphibole asbestos material is contamination from historical deposition. In the absence of better information artifactual deposition is the best explanation since the EPA study area was historically industrialized.

## Recommendation

The Agency must edit this paragraph to correct these deficiencies, or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the

1 document. The original discrepancy must not be included or propagated in the final resource  
2 management plan, the final environmental impact study, or the record of decision. The final  
3 documentation should include corrected recommendations.

## 5 Reference

7 Coleman, R.G. (1957) "Mineralogy and Petrology of the New Idria District, California," PhD  
Dissertation, Stanford University.

9 Coleman, R.G. (1961) "Jadeite Deposits of the Clear Creek Area, New Idria District, San  
Benito County, California," *Journal of Petrology*, 2(2):209-247.

11 Fowkes, E.J., and R. Iddings (2008) "Geological and Historical Archaeology Phase 1  
13 Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San  
Benito County, California."

15 EPA (2008a) "Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment," U.S. Environmental Protection Agency.

Substantive Comment - # 746: Subject: Misleading Statement Page 339

1 **Substantive Comment**

**# 747**

3 **Subject: Extraneous Background Data**

**Page 340**

5 **Referring to the Following Paragraph**

7 4.2.4.4 Other Impacts from HAZMAT for Alternative A

9 **Discussion**

11 This entire section contains extraneous background data (40 C.F.R. § 1500.2(b)) which  
creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which is not relevant to the  
planning area within the CCMA context.

13 **Recommendation**

15 The Agency must delete the irrelevant extraneous data. The Agency must rewrite the  
17 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
19 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 747: Subject: Extraneous Background Data Page 340**

1 **Substantive Comment**

**# 748**

3 **Subject: Erroneous Statement**

**Page 340**

5 **Referring to the Following Paragraph**

7 Impacts from land tenure adjustments on public safety would be negligible because BLM cannot  
9 accept lands that are contaminated from hazardous materials and wastes. There would be no  
11 impact to existing right-holders either, as BLM would maintain land use authorizations for private  
landowners and rights-of-way holders.

11 **Discussion**

13 The statement, "There would be no impact to existing right-holders either, as BLM would  
15 maintain land use authorizations for private landowners and rights-of-way holders" is  
erroneous because historic public highways already provide existing right of ways to private  
17 property surrounded by public lands within the CCMA. Authorized access for landowners is  
already guaranteed in law and on the original land title by Presidential signature and no  
19 authorization is needed. The Agency is impotent in the matter of granting access  
authorization and is attempting to convert Rights to a privilege.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 748: Subject: Erroneous Statement Page 340**



1 **Substantive Comment**

**# 750**

3 **Subject: Confusing Statement**

**Page 340**

5 **Referring to the Following Paragraph**

7 It is important to note that the risk assessment of the range of alternatives presents quantitative  
9 estimates of excess cancer risk over a lifetime in a population based on the defined exposure  
11 scenarios and EPA risk assessment data collected for the CCMA Asbestos Exposure and Human  
13 Health Risks Assessment (2008). The scenarios have been designed to represent current and  
15 future exposures for recreational visitors of CCMA. The numbers do not predict individual  
exposures or individual health outcomes. The asbestos concentrations used by BLM in the **CCMA  
RMP/EIS** are based only on asbestos fibers known as phase contrast microscopy equivalent  
(PCME) fibers because they are the fibers whose shape and size have been most closely linked to  
asbestos disease.

17 **Discussion**

19 The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is  
unsure about which of the following "CCMA RMP/EIS" is being referenced:

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
23 Bureau of Land Management.

25 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

27 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
29 Bureau of Land Management.

31 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
33 Land Management.

35 **Recommendation**

37 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
statement. The Agency must rewrite the subject document to remove the discrepant issue  
39 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
41 The final documentation should include corrected recommendations.

## Substantive Comment

# 751

**Subject:** Confusing Statement

Page 340

### Referring to the Following Paragraph

4.2.5.1 CCMA Asbestos Exposure and Human Health Risk

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 751: Subject: Confusing Statement Page 340

## Substantive Comment

# 752

**Subject: Erroneous Statement**

**Page 340**

### Referring to the Following Paragraph

It is important to note that the risk assessment of the range of alternatives presents quantitative estimates of excess cancer risk over a lifetime in a population based on the defined exposure scenarios and EPA risk assessment data collected for the CCMA Asbestos Exposure and Human Health Risks Assessment (2008). The scenarios have been designed to represent current and future exposures for recreational visitors of CCMA. The numbers do not predict individual exposures or individual health outcomes. The asbestos concentrations used by BLM in the CCMA RMP/EIS are based only on asbestos fibers known as phase contrast microscopy equivalent (PCME) fibers because they are the fibers whose shape and size have been most closely linked to asbestos disease.

### Discussion

This statement, "The asbestos concentrations used by BLM in the CCMA RMP/EIS are based only on asbestos fibers known as phase contrast microscopy equivalent (PCME) fibers because they are the fibers whose shape and size have been most closely linked to asbestos disease" is erroneous because it fails to consider the lack of epidemiological data to support asbestos etiology for chrysotile species natural to the CCMA, and the fact that CCMA chrysotile fibers are a unique short-fiber species, and the growing scientific consensus that local chrysotile is in fact harmless. "Coalinga type fibers are actually 'pseudofibers' consisting of assemblies of numerous overlapping, weakly bound short fibrils that each only extend over a small part of the length of the fiber" (Ilgren 2008:7). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

### Recommendation

The Agency must edit this paragraph to correct the deficiency or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Bernstein, David M., Rick Rogers, Paul Smith, and Jörg Chevalier (2006) "The Toxicological Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation

1 Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response,"  
2 *Inhalation Toxicology*, 18(5):313-332.

3 Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women  
4 Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"  
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7 Camus, Michel, Jack Siemiatycki, and Bette Meek (1998) "Nonoccupational Exposure to  
8 Chrysotile Asbestos and the Risk of Lung Cancer," *The New England Journal of Medicine*,  
9 338(22):1565-1571.

11 Dönmez-Altuntas, Hamiyet, Münevver Baran, F. Sema Oymak, Zuhul Hamurcu, Nalan  
12 Imamoglu, Mustafa Özesmi, and Halil Demirtas (2007) "Investigation of micronucleus  
13 frequencies in lymphocytes of inhabitants environmentally exposed to chrysotile  
14 asbestos," *International Journal of Environmental Health Research*, 17(1):45-51.

15 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
16 Agency.

17 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
18 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
19 Protection Agency, Science Advisory Board.

21 Ilgren, E. (2004) "Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part V –  
22 Lack of Amphibole Asbestos Contamination," *Indoor Built Environment*, 13:325-341.

23 Ilgren, Ed (2008) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance  
24 due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber  
25 Toxicity'" *Indoor and Built Environment* 17(1):5-26.

27 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
28 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
29 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

31 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment  
32 Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

Substantive Comment - # 752: Subject: Erroneous Statement Page 340

## Substantive Comment

# 753

**Subject: Confusing Statement**

**Page 341**

### Referring to the Following Paragraph

Based on EPA risk assessment data collected for the CCMA Asbestos Exposure and Human Health Risks Assessment (2008), Alternatives B and C would result in similar risks to human health and safety as under Alternative A. Alternatives D and E would both have similar risk to human health because they both allow for motorized access and non-motorized recreation in the Serpentine ACEC. Alternative F would reduce human health risk from exposure to asbestos more than Alternatives A-E because it would prohibit motorized access in the Serpentine ACEC. However, only Alternative G would truly minimize human health risks from exposure to asbestos in CCMA because it would prohibit public entry into the ACEC, thereby eliminating CCMA visitor exposure to airborne asbestos entirely.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 753: Subject: Confusing Statement Page 341

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 753: Subject: Confusing Statement Page 341**

## Substantive Comment

# 754

**Subject:** Confusing Statement

Page 351

### Referring to the Following Paragraph

Mitigation measures are included in the management actions in Chapter 2. BLM would eliminate or mitigate as soon as possible potential environmental and public safety impacts from exposure to airborne asbestos emissions, illegally dumped hazardous materials, and waste and from abandoned mine sites. Additionally, BLM would seek cost avoidance and/or cost recovery from the legally responsible parties to mitigate BLM funding impacts for cleanup costs of contaminated public lands.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 754: Subject: Confusing Statement Page 351

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 754: Subject: Confusing Statement Page 351**

1 **Substantive Comment**

# 755

3 **Subject: Confusing Statement**

Page 351

5 **Referring to the Following Paragraph**

7 The EPA Risk Assessment Guidelines for Superfund (RAGS) recommends that risks be  
9 calculated using the reasonable maximum exposure (RME) that is expected to occur at a site  
11 under both current and future land-use conditions. Based on national recreational survey data and  
13 statements made by CCMA users, EPA and BLM estimated an RME for the CCMA of 5 visitor  
15 use per year. Some users indicated that they rode for longer periods and more frequently, so the  
17 risk analysis also considers a “high estimate” of 12 visits per year. To provide a low estimate of  
19 exposures and to facilitate the evaluation of the range of alternatives, 1 visit per year was also  
21 incorporated into the CCMA RMP/EIS risk assessment.

15 **Discussion**

17 The paragraph's reference to “the CCMA RMP/EIS” is confusing because the reader is  
19 unsure about which of the following “CCMA RMP/EIS” is being referenced:

21 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

23 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
25 Interior, Bureau of Land Management.

27 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
31 Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

33 **Recommendation**

35 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
37 statement. The Agency must rewrite the subject document to remove the discrepant issue  
39 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 756**

3 **Subject: Misleading Statement**

**Page 352**

5 **Referring to the Following Paragraph**

7 During public scoping, authorization of access into the Serpentine ACEC based on signed waivers  
9 of liability (i.e. indemnification of risk), was identified as a potential mitigation measure to inform  
11 visitors of the health risk associated with exposure to asbestos to determine their own willingness  
13 to accept the risk of exposure to asbestos in CCMA. In other words, this measure would allow  
15 individuals to “ride at their own risk”, and reflects the preferred approach identified by the  
17 majority of the public scoping comments. However, developing a waiver of liability, or  
19 establishing indemnification of risk, would have no beneficial impacts on public health and safety  
because neither approach would actually reduce exposure to airborne asbestos or improve overall  
protection of human health and the environment. Therefore, the potential for waivers of liability or  
indemnification of risk as “stand-alone” mitigation measures for human health and safety do not  
satisfy the purpose and need for the CCMA RMP/EIS. Furthermore, these actions would likely  
have major long-term adverse impacts on human health and the environment due to the  
perception that exposure to airborne asbestos fibers above the acceptable risk range established  
under the EPA Superfund Act is permissible and authorized by the Federal government.

21 **Discussion**

23 This paragraph is misleading because it fails to quantify, and present in perspective, the  
25 actual human health risk associated with asbestos exposure based upon the EPA’s 1986  
27 asbestos risk assessment, which does not reflect the current scientific knowledge regarding  
chrysotile exposure which is significantly less potent.

**Substantive Comment - # 756: Subject: Misleading Statement Page 352**

**Everyday Risk Compared to Clear Creek Management Area Recreation**

Situation	Risk	Deaths per 100,000
<b>High Risk</b>		
Smoking (Cancer)	.88 x 10 <sup>-3</sup>	8,000.00
Motor vehicle accidents	.17 x 10 <sup>-3</sup>	1,700.00
<b>Elevated Risk</b>		
Frequent airline passenger	1.0 x 10 <sup>-3</sup>	100.00
<b>Low Risk</b>		
Cycling	7.5 x 10 <sup>-3</sup>	75.00
<b>Extremely Low Risk</b>		
Tornadoes	.0049 x 10 <sup>-3</sup>	4.90
Lightning	.0035 x 10 <sup>-3</sup>	3.50
CCMA Recreation		
Off-Road riding	.002 x 10 <sup>-3</sup>	2.00
Hiking & camping	.003 x 10 <sup>-3</sup>	3.00
Combined activities	.005 x 10 <sup>-3</sup>	5.00

Data taken from (Crouch and Wilson, 1980; D'Agostino and Wilson, 1993; Davis and McDonald, 1988; PTI, 1992; Wilson, 1978) and reproduced by R.G. Coleman's 1995 *Tectonic Emplacement of the New Idria asbestos-bearing serpentinite: EPA versus BLM land management strategies* report. Edited version.

**Recommendation**

The Agency must edit or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 756: Subject: Misleading Statement Page 352

1 **Substantive Comment**

# 757

3 **Subject: Confusing Statement**

Page 352

5 **Referring to the Following Paragraph**

7 During public scoping, authorization of access into the Serpentine ACEC based on signed waivers  
9 of liability (i.e. indemnification of risk), was identified as a potential mitigation measure to inform  
11 visitors of the health risk associated with exposure to asbestos to determine their own willingness  
13 to accept the risk of exposure to asbestos in CCMA. In other words, this measure would allow  
15 individuals to “ride at their own risk”, and reflects the preferred approach identified by the  
17 majority of the public scoping comments. However, developing a waiver of liability, or  
19 establishing indemnification of risk, would have no beneficial impacts on public health and safety  
because neither approach would actually reduce exposure to airborne asbestos or improve overall  
protection of human health and the environment. Therefore, the potential for waivers of liability or  
indemnification of risk as “stand-alone” mitigation measures for human health and safety do not  
satisfy the purpose and need for the CCMA RMP/EIS. Furthermore, these actions would likely  
have major long-term adverse impacts on human health and the environment due to the  
perception that exposure to airborne asbestos fibers above the acceptable risk range established  
under the EPA Superfund Act is permissible and authorized by the Federal government.

21 **Discussion**

23 The paragraph's reference to “the CCMA RMP/EIS” is confusing because the reader is  
25 unsure about which of the following “CCMA RMP/EIS” is being referenced:

27 BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

29 BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact  
Statement for the Clear Creek Management Area*, United States Department of the  
Interior, Bureau of Land Management.

33 BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment  
and Final Environmental Impact Statement*, United States Department of the Interior,  
Bureau of Land Management.

35 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft  
Environmental Impact Statement*, United States Department of the Interior, Bureau of  
Land Management.

39 **Recommendation**

41 The Agency must edit the paragraph to remove the ambiguity or delete the confusing  
43 statement. The Agency must rewrite the subject document to remove the discrepant issue  
45 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

## Substantive Comment

# 758

**Subject: Confusing Statement**

**Page 352**

### Referring to the Following Paragraph

The installation of vehicle wash racks is a mitigation measure proposed under Alternatives A, B, C, and D to reduce asbestos exposure by preventing the potential for “take home” or “track out” of serpentine soils that contain asbestos on vehicles and clothing, in order to minimize subsequent exposure to asbestos fibers from CCMA. If managed properly, installing vehicle wash racks would provide a major long-term benefit to public health and safety by reducing the potential for “track out” of asbestos laden soils and subsequent exposure to asbestos fibers from CCMA. However, cost, effectiveness, and CCMA visitors’ willingness to use vehicle wash racks would limit the potential benefits of this mitigation measure. Furthermore, the construction and operation of vehicle wash racks requires reliable sources of water, but it is unclear whether the resources would be available to support the visitor use levels under the range of alternatives.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 758: Subject: Confusing Statement Page 352

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 758: Subject: Confusing Statement Page 352**

1 **Substantive Comment**

# 759

3 **Subject: Confusing Statement**

Page 353

5 **Referring to the Following Paragraph**

7 Under Alternative C motorized access in the Serpentine ACEC would be limited to full-size  
9 have major long-term benefits on the risk of exposure to asbestos for children and visitors under  
age 18.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
15 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
17 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
21 term when the reference to a specific mineral is more appropriate and technically correct.  
23 According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
27 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
31 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
45 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

Substantive Comment - # 759: Subject: Confusing Statement Page 353

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 760

**Subject:** Confusing Statement

Page 353

### Referring to the Following Paragraph

On the other hand, there would be no reduction in risk to visitors by restricting the use of vehicles types, such as ATVs or UTVs, because the levels of exposure to airborne asbestos fibers and the associated risks to human health would be the same as existing conditions for motorcycles and full-size vehicles on routes and trails in the Serpentine ACEC.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 760: Subject: Confusing Statement Page 353**

## Substantive Comment

# 761

**Subject: Confusing Statement**

Page 353

### Referring to the Following Paragraph

Alternative D would also include the age requirement for visitors in the Serpentine ACEC to be < 18 years old, which would have major long-term benefits on the risk of exposure to asbestos for children and visitors under age 18.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 761: Subject: Confusing Statement Page 353

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 761: Subject: Confusing Statement Page 353**

1 **Substantive Comment**

**# 762**

3 **Subject: Erroneous Statement**

**Page 353**

5 **Referring to the Following Paragraph**

7 Alternatives D and E would restrict authorization of new communications sites and other rights-  
of-ways in the Serpentine ACEC to existing facilities. Alternative E would also authorize access  
9 into the Serpentine ACEC by permit only for < 12 days for non-motorized recreation, and < 5  
days for motorized activities.

11 **Discussion**

13 The statement, "... and other rights-of-ways ..." is erroneous because historic public  
15 highways already provide existing right of ways to private property surrounded by public  
17 lands within the CCMA. Authorized access for landowners is already guaranteed in law and on  
the original land title by Presidential signature and no authorization is needed. The Agency is  
impotent in the matter of granting access authorization and is attempting to convert Rights to  
a privilege.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 762: Subject: Erroneous Statement Page 353**

1 **Substantive Comment**

**# 763**

3 **Subject: Erroneous Statement**

**Page 353**

5 **Referring to the Following Paragraph**

7 Alternative F would restrict authorization of new communications sites and other rights-of-ways  
9 in the Serpentine ACEC to existing facilities, and Alternative G would prohibit new rights-of-  
11 ways in the ACEC. Both alternatives would stipulate human health and safety mitigation  
measures in new and/or existing land use authorizations. These restrictions and stipulations would  
have a moderate long-term beneficial impact on human health and safety.

13 **Discussion**

15 The statement, "... and other rights-of-ways ..." is erroneous because historic public  
17 highways already provide existing right of ways to private property surrounded by public  
19 lands within the CCMA. Authorized access for landowners is already guaranteed in law and on  
the original land title by Presidential signature and no authorization is needed. the Agency is  
impotent in the matter of granting access authorization and is attempting to convert Rights to  
a privilege.

21 **Recommendation**

23 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 763: Subject: Erroneous Statement Page 353**

1 **Substantive Comment**

**# 764**

3 **Subject: Extraneous Background Data**

**Page 354**

5 **Referring to the Following Paragraph**

7 4.2.9 Cumulative Effects

9 **Discussion**

11 This entire section contains extraneous background data (40 C.F.R. § 1500.2(b)) which  
creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served  
by reference to the source document (40 C.F.R. § 1502.21).

13 **Recommendation**

15 The Agency must edit the subject paragraph to reduce the extraneous background data by  
17 making reference to appropriate documents. The Agency must rewrite the subject document  
to remove the discrepant issue from the document. The original discrepancy must not be  
19 included or propagated in the final resource management plan, the final environmental  
impact study, or the record of decision. The final documentation should include corrected  
21 recommendations.

**Substantive Comment - # 764: Subject: Extraneous Background Data Page 354**

1 **Substantive Comment**

**# 765**

3 **Subject: Misleading Statement**

**Page 354**

5 **Referring to the Following Paragraph**

7 In a July 2004, the United States Center for Diseases Control and Prevention reported that  
9 temporal patterns of pneumoconiosis mortality during 1968—2000 indicate an overall decrease in  
11 pneumoconiosis mortality. Pneumoconioses are diseases caused by the inhalation and deposition  
13 of mineral dusts in the lungs, resulting in pulmonary fibrosis and other parenchymal changes. The  
15 CDC report describes known pneumoconioses, which include “coal workers' pneumoconiosis  
(CWP), silicosis, asbestosis, mixed dust pneumoconiosis, graphitosis, and talcosis”, and explains  
17 that no effective treatments for these diseases are available. Despite the marked decrease in some  
19 pneumoconioses, the CDC study concludes that “asbestosis increased steadily” from 1968-2000,  
21 and is “now the most frequently recorded pneumoconiosis on death certificates” (CDC 2004). The  
23 CDC acknowledges that the findings in this report are subject to limitations.

17 **Discussion**

19 This paragraph and the entire section is misleading because it fails to balance the  
21 discussion with conflicting opinion expressed by other agencies, such as ATSDR (2002) and  
23 EPA (2008c) which suggest that the 1986 asbestos risk assessment need to be updated to  
reflect the fact that chrysotile is significantly less potent than amphibole asbestos minerals.

23 **Recommendation**

25 The Agency must edit or delete the misleading statement to correct for this information  
27 deficiency. The Agency must rewrite the subject document to remove the discrepant issue  
29 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

31 **Reference**

33 ATSDR (2002) “Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers  
(SVF): The Influence of Fiber Length,” Agency for Toxic Substances and Disease  
35 Registry, Division of Health Assessment & Consultation.

37 EPA (2008c) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental  
39 Protection Agency, Science Advisory Board.

1 **Substantive Comment**

**# 766**

3 **Subject: Misleading Statement**

**Page 354**

5 **Referring to the Following Paragraph**

7 The presence of airborne asbestos dust, a known carcinogen, poses a potential human health risk  
9 in the serpentine portion of the CCMA. Studies have proven that the vast majority of airborne  
11 asbestos dust in the Clear Creek area is generated by human activities, primarily vehicle use.  
Continued OHV use on unpaved routes, trails, and barrens would generate asbestos emissions,  
and visitor use and exposure to asbestos in the ACEC would have long-term negative cumulative  
effect on individuals excess lifetime cancer risks (ELCR).

13 **Discussion**

15 The statement, "The presence of airborne asbestos dust, a known carcinogen, poses a  
17 potential human health risk in the serpentine portion of the CCMA" is misleading because  
chrysotile, the asbestos mineral found in the subject area, does not pose a significant human  
health risk (ATSDR (2002) and EPA (2008c)).

19 **Recommendation**

21 The Agency must edit or delete the misleading statement to correct for this information  
23 deficiency. The Agency must rewrite the subject document to remove the discrepant issue  
25 from the document. The original discrepancy must not be included or propagated in the final  
resource management plan, the final environmental impact study, or the record of decision.  
The final documentation should include corrected recommendations.

27 **Reference**

29 ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers  
31 (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease  
Registry, Division of Health Assessment & Consultation.

33 EPA (2008c) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
35 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

**Substantive Comment - # 766: Subject: Misleading Statement Page 354**

## Substantive Comment

# 767

**Subject:** Confusing Statement

Page 354

### Referring to the Following Paragraph

Alternatives A, B, C would have long-term adverse cumulative effects on public health and safety from airborne asbestos emissions because visitor use would be similar to current levels. Potential health risks and air quality impacts from airborne asbestos emissions associated with OHV recreation use would still include an elevated risk of contracting serious and/or life-threatening asbestos-related diseases from exposure to asbestos fibers. Any reductions in impacts to human health would come primarily from mitigation and administrative measures. Extending dry season vehicle restrictions would contribute to reduced impacts to human health.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 767: Subject: Confusing Statement Page 354

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 767: Subject: Confusing Statement Page 354**

## Substantive Comment

# 768

**Subject:** Confusing Statement

Page 355

### Referring to the Following Paragraph

Furthermore, airborne asbestos emissions and public exposure would be reduced by dust suppression with water trucks, on approximately 25 miles of major routes in CCMA. A public vehicle wash rack for removing dust, mud and other asbestos-containing materials from vehicles could substantially reduce the cumulative impacts on public health and safety from off-site transport of asbestos by OHV user vehicles and subsequent exposure.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 769

**Subject: Confusing Statement**

**Page 355**

### Referring to the Following Paragraph

Under these alternatives, surface disturbing activities would only be permitted during periods when air concentrations of asbestos fall below OSHA action levels for a given activity. All BLM road maintenance and grading activities would be conducted in compliance with MBUAPCD ATCM for airborne asbestos, to prevent visible emissions during these operations. Education programs related to asbestos exposure and hazards would be expanded, and any new risk assessments would be incorporated into informational materials. Closure of all remaining mine areas and restricting vehicle access to these areas would further reduce public exposure to hazardous contaminants and transport of hazardous metals to streams and corresponding off-site transport.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 769: Subject: Confusing Statement Page 355

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 769: Subject: Confusing Statement Page 355**

## Substantive Comment

# 770

**Subject:** Confusing Statement

Page 355

### Referring to the Following Paragraph

Under Alternatives E, F, and G, closure of routes and barrens to motorized access and OHV recreation would contribute to an overall reduction in asbestos dust generation and its transport by wind off-site, and would contribute to lower levels of asbestos transported by water and reduced impacts to beneficial uses.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 770: Subject: Confusing Statement Page 355

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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## Substantive Comment

# 771

**Subject: Misleading Statement**

**Page 355**

### Referring to the Following Paragraph

Nonetheless, exposure to concentrations of asbestos similar to those analyzed by EPA in the CCMA Asbestos Exposure and Human Health Risk Assessment would have a long-term negative cumulative impact on public health and safety due to the elevated risk of asbestos related diseases and cancer.

### Discussion

This paragraph is misleading because it attempts to qualify its conclusion on similar concentrations (generic volume) and fails to consider the lack of epidemiological data to support asbestos etiology for chrysotile species natural to the CCMA, and the fact that CCMA chrysotile is a unique short-fiber species, and the growing scientific consensus that local chrysotile is in fact harmless. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24). When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

### Recommendation

The Agency must edit this paragraph to correct the deficiency or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.
- Bernstein, David M., Rick Rogers, Paul Smith, and Jörg Chevalier (2006) "The Toxicological Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response," *Inhalation Toxicology*, 18(5):313-332.
- Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

1 Camus, Michel, Jack Siemiatycki, and Bette Meek (1998) "Nonoccupational Exposure to  
3 Chrysotile Asbestos and the Risk of Lung Cancer," *The New England Journal of Medicine*,  
338(22):1565-1571.

5 Dönmez-Altuntas, Hamiyet, Münevver Baran, F. Sema Oymak, Zuhul Hamurcu, Nalan  
7 Imamoglu, Mustafa Özesmi, and Halil Demirtas (2007) "Investigation of micronucleus  
frequencies in lymphocytes of inhabitants environmentally exposed to chrysotile  
asbestos," *International Journal of Environmental Health Research*, 17(1):45-51.

9 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

11 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
13 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

15 Ilgren, E. (2004) "Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part V –  
Lack of Amphibole Asbestos Contamination," *Indoor Built Environment*, 13:325-341.

17 Ilgren, Ed (2008) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance  
19 due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber  
Toxicity'" *Indoor and Built Environment* 17(1):5-26.

21 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
23 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

25 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment  
Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

Substantive Comment - # 771: Subject: Misleading Statement Page 355

## Substantive Comment

# 772

**Subject: Confusing Statement**

**Page 355**

### Referring to the Following Paragraph

Alternatives E, F, and G would have long-term beneficial cumulative impacts on public health and safety compared to other alternatives because visitor use would be much lower than current levels and additional mitigation measures would be implemented to further reduce human health risks. Nonetheless, potential health risks and air quality impacts from airborne asbestos emissions associated with motorized and non-motorized recreation use would still include an elevated risk of contracting serious and/or life-threatening asbestos-related diseases from exposure to asbestos fibers. Any reductions in impacts to human health would come primarily from mitigation and administrative measures.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 772: Subject: Confusing Statement Page 355

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 772: Subject: Confusing Statement Page 355**

1 **Substantive Comment**

**# 773**

3 **Subject: Unnecessary Repetition**

**Page 357**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9 • The goals for travel management are to (1) continue to maintain roads for resource management  
11 purposes; (2) continue to support local counties and the State of California in providing a network  
13 of roads for movement of people, goods, and services across public lands; (3) manage motorized  
15 access use to protect resource values, promote public safety, provide responsible motorized  
17 access use opportunities where appropriate and minimize conflicts among various user groups.

19 **Discussion**

21 Restating the goals from page 42 of the subject report, when a simple reference would  
23 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
25 C.F.R. § 1500.1(b)).

27 **Recommendation**

29 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
31 the issues that are truly significant to the action in question. The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
37 final environmental impact study, or the record of decision. The final documentation should  
39 include corrected recommendations.  
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**Substantive Comment - # 773: Subject: Unnecessary Repetition Page 357**

1 **Substantive Comment**

**# 774**

3 **Subject: Erroneous Statement**

**Page 357**

5 **Referring to the Following Paragraph**

7 All routes in the Planning Area are assigned one of four travel management designations: (1) open  
to motorized or mechanized cross-country travel, (2) limited to designated routes, (3) closed to  
9 motorized and mechanized travel, or (4) closed to all public use.

11 **Discussion**

13 The statement, "All routes in the Planning Area are assigned one of four travel  
management designations" is erroneous because it conflicts with the "Planning Area" defined  
15 on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all  
federal, state, and private lands in southern San Benito County and western Fresno County in  
17 Central California shown on Map 1 in Appendix I regardless of jurisdiction." Portions of the  
Planning Area contains public and private ways over which the Agency has no jurisdiction or  
19 authority to designate route usage with non BLM managed lands within the Planning Area.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
must rewrite the subject document to remove the discrepant issue from the document. The  
25 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 774: Subject: Erroneous Statement Page 357**

1 **Substantive Comment**

# 775

3 **Subject: Erroneous Statement**

Page 357 & 358

5 **Referring to the Following Paragraph**

7 Impacts from travel restrictions include changes in the amount and type of traffic, construction of  
9 new roads/trails, and abandonment of existing roads/trails. The development and construction of  
11 new routes and the abandonment and restoration of existing routes would also have minor  
13 negative, indirect impacts on private property owners and other existing rights-holders that would  
15 be required to obtain rights-of-ways to travel across BLM public lands on authorized on specific  
17 routes. Similarly, changes in the level and types of traffic on roads accessing CCMA could result  
19 in minor negative, indirect impacts on local and State governments that manage the road system if  
21 additional maintenance or patrol becomes necessary.

15 **Discussion**

17 The statement, "impacts on private property owners and other existing rights-holders that  
19 would be required to obtain rights-of-ways to travel across BLM public lands on authorized on  
21 specific routes" is erroneous because historic public highways already provide existing right of  
23 ways to private property surrounded by public lands within the CCMA. Perhaps the property  
25 owners and the Agency might wish to negotiate new right of ways, but such decisions cannot  
27 impair rights historically existing by public ways. Additionally, there are no "BLM public lands"  
29 within the planning area; these are public land, managed (not owned) by the Bureau of Land  
31 Management.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.

Substantive Comment - # 775: Subject: Erroneous Statement Page 357 & 358

1 **Substantive Comment**

**# 776**

3 **Subject: Erroneous Statement**

**Page 357 & 358**

5 **Referring to the Following Paragraph**

7 Impacts from travel restrictions include changes in the amount and type of traffic, construction of  
9 new roads/trails, and abandonment of existing roads/trails. The development and construction of  
11 new routes and the abandonment and restoration of existing routes would also have minor  
13 negative, indirect impacts on private property owners and other existing rights-holders that would  
15 be required to obtain rights-of-ways to travel across BLM public lands on authorized on specific  
17 routes. Similarly, changes in the level and types of traffic on roads accessing CCMA could result  
19 in minor negative, indirect impacts on local and State governments that manage the road system if  
21 additional maintenance or patrol becomes necessary.

15 **Discussion**

17 The statement, "... negative, indirect impacts on local and State governments that manage  
19 the road system if additional maintenance or patrol becomes necessary" is erroneous because  
21 it assumes that only government agencies conduct maintenance of the public ways. This is  
23 erroneous because many private state citizens and property owners also conduct some road  
25 maintenance.

23 **Recommendation**

25 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

**Substantive Comment - # 776: Subject: Erroneous Statement Page 357 & 358**

1 **Substantive Comment**

**# 777**

3 **Subject: Misleading Statement**

**Page 358**

5 **Referring to the Following Paragraph**

7 Appropriate capacity and modes of access is an important feature of travel management planning.  
9 Too little route capacity may result in overcrowding, and lack of roads or access could result in  
11 the inability of the public to enjoy certain areas of the CCMA public lands. Areas where there is  
no public access or where access could be improved include Condon Zone, Cantua Zone, Tucker  
Zone and Joaquin Ridge, directly south of the CCMA. **Traditional access to Joaquin Ridge has  
been through the CCMA along Spanish Lake Road.**

13 **Discussion**

15 The statement, "Traditional access to Joaquin Ridge has been through the CCMA along  
17 Spanish Lake Road" is misleading because it fails to recognized the historic public ways  
associated with Joaquin Ridge and Joaquin Rocks that were established during the prehistoric  
19 period and continued in use historically and contemporaneously.

21 **Recommendation**

23 The Agency must edit or delete the misleading statement to correct for this deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 777: Subject: Misleading Statement Page 358**

1 **Substantive Comment**

**# 778**

3 **Subject: Erroneous Statements**

**Page 358**

5 **Referring to the Following Paragraph**

7 Appropriate capacity and modes of access is an important feature of travel management planning.  
9 Too little route capacity may result in overcrowding, and lack of roads or access could result in  
11 the inability of the public to enjoy certain areas of the CCMA public lands. Areas where there is  
no public access or where access could be improved include Condon Zone, Cantua Zone, Tucker  
Zone and Joaquin Ridge, directly south of the CCMA. Traditional access to Joaquin Ridge has  
been through the CCMA along **Spanish Lake Road**.

13 **Discussion**

15 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
17 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
19 terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
21 therefore the Agency must write clear prose that is comprehensible and unambiguous.

23 **Recommendation**

25 The Agency must rewrite the subject document to edit the paragraph to remove the  
ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 778: Subject: Erroneous Statements Page 358**

1 **Substantive Comment**

# 779

3 **Subject: Erroneous Statement**

Page 358

5 **Referring to the Following Paragraph**

7 Redundant routes are routes that no longer serve their intended purpose and/or exceed State soil  
9 loss standards. Redundant routes can result in deterioration of visual or biological resources, or  
11 cause an additional maintenance load on the managing agency. Closure of these routes can result  
13 in beneficial impacts on water and biological resources and visual quality; however, the potential  
15 added burden on the remaining open routes may result in negative impacts such as soil erosion or  
17 compaction, loss of vegetative cover, or traffic congestion on the remaining route network.

13 **Discussion**

15 The statement, "Redundant routes are routes that no longer serve their intended purpose  
17 and/or exceed State soil loss standards" is erroneous because it fails to recognize the proper  
19 and accepted definition for the word "redundant."

21 According to Merriam-Webster Dictionary: *redundant* 1 a: exceeding what is necessary or  
23 normal: superfluous b: characterized by or containing an excess; specifically: using more words  
25 than necessary c: characterized by similarity or repetition 2: profuse, lavish 3: serving as a  
27 duplicate for preventing failure of an entire system (as a spacecraft) upon failure of a single  
29 component.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.  
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Substantive Comment - # 779: Subject: Erroneous Statement Page 358

1 **Substantive Comment**

**# 780**

3 **Subject: Inaccurate Statement**

**Page 358**

5 **Referring to the Following Paragraph**

7 Multiple products are available for dust suppression on trails. See Appendix V. Each of these  
9 products requires multiple applications per year, especially in areas sustaining high mechanical  
11 wear, such as OHV routes and trails. Rain and snow further shorten the application intervals due  
13 to run-off. There is no production-grade application device available for a single track trail  
situation, especially when dealing with the narrow, off-camber and steep grade trails endemic to  
CCMA. An application device would have to be fabricated for motorcycle or hand application  
and would likely be unfeasible from a cost/benefit perspective, especially when labor is  
considered.

15 **Discussion**

17 The statement, "There is no production-grade application device available for a single track  
19 trail situation, especially when dealing with the narrow, off-camber and steep grade trails  
endemic to CCMA" is inaccurate because ROKON, Inc. does manufacture single-track  
21 equipment that could accommodate or facilitate various applications. However, it remains  
probable that extreme variation in trail camber, incline, soil compaction and many other  
factors may impair the efficacy of such applications.

23 **Recommendation**

25 The Agency should edit or delete the inaccurate statement to correct for this deficiency.  
27 The Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 780: Subject: Inaccurate Statement Page 358**

1 **Substantive Comment**

**# 781**

3 **Subject: Confusing Statement**

**Page 359**

5 **Referring to the Following Paragraph**

7 Major energy and mineral exploration in the management area stopped in 1996 with the KCAC  
Asbestos Mine and would see no impacts under all alternatives.

9 **Discussion**

11 This statement is confusing because it does not include an action for KCAC, Inc., and  
because it does not provide explanation for "would see no impacts under all alternatives."

13 **Recommendation**

15 The Agency should edit or delete the confusing statement to correct for this deficiency.  
17 The Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
19 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 781: Subject: Confusing Statement Page 359**

## Substantive Comment

# 782

**Subject: Confusing Statement**

**Page 361 & 362**

### Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented below in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 782: Subject: Confusing Statement Page 361 & 362

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 782: Subject: Confusing Statement Page 361 & 362**

1 **Substantive Comment**

**# 783**

3 **Subject: Erroneous Statement**

**Page 363**

5 **Referring to the Following Paragraph**

7 Under Alternatives B-G, there are potential adverse impacts to existing rights-holders and CCMA  
9 private land owners that use routes crossing public lands from requirements to obtain a formal  
11 right-of-way (ROW) pursuant to FLPMA and pay annual rental fees. The intensity of those  
13 adverse impacts varies based on the alternatives. Alternatives A through D would be considered  
15 minor because County roads would be used for primary access to private inholdings. Whereas,  
17 Alternatives E, F, and G would have moderate short-term adverse impacts because these  
alternatives would effectively close all County roads and require all landowners to get ROW from  
BLM for travel on routes in the ACEC. BLM may consider undue hardship on landowners and  
negotiate rental rates in accordance with BLM guidance. Often times this can mitigate the  
financial impact.

17 **Discussion**

19 The statement, "... impacts to existing rights-holders and CCMA private land owners that  
21 use routes crossing public lands from requirements to obtain a formal right-of-way (ROW)  
23 pursuant to FLPMA and pay annual rental fees ..." is erroneous because historic public  
highways already provide existing right of ways to private property surrounded by public  
lands within the CCMA.

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.  
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**Substantive Comment - # 783: Subject: Erroneous Statement Page 363**

1 **Substantive Comment**

**# 784**

3 **Subject: Confusing Format**

**Page 363**

5 **Referring to the Following Paragraph**

7 Alternatives A and B provide the most amount of open or limited access routes in the  
9 Management Area. The route networks are identical and are only different by temporal/seasonal  
11 access restrictions. Alternative B would designate the CCMA a 'Limited' OHV use area and  
13 reaffirm the route and barren network designated under the 2006 CCMA ROD. Access points  
would be limited to the main entrance to Clear Creek Canyon from Coalinga Road and the county  
road through the former town of Idria. The Salinas Ramblers Motorcycle Club would also  
continue to have access via R7, which ends at their property boundary.

15 **Discussion**

17 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Does this have a special meaning, or is it a reflection on poor document  
19 management, the lack writing skill or the lack of competent editing.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 784: Subject: Confusing Format Page 363**

1 **Substantive Comment**

**# 785**

3 **Subject: Confusing Format**

**Page 363**

5 **Referring to the Following Paragraph**

7 The Dry Season Use Restriction would extend from April 15th through December 1st, which  
9 would further reduce the visitor use season by 12 weeks and limit access to CCMA more than  
11 60% of the year. Wet Season Use Restrictions would continue using established or improved  
13 methods as they become available. Under this alternative, visitors will be limited in their use by  
15 days/year based on the EPA and BLM risk assessment models and activity-based air sampling  
17 data gathered during the 'wet season', which is the time of year CCMA is open to the public.

13 **Discussion**

15 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
17 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
19 management, the lack writing skill or the lack of competent editing.

19 **Recommendation**

21 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
27 management plan, the final environmental impact study, or the record of decision. The final  
29 documentation should include corrected recommendations.  
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1 **Substantive Comment**

# 786

3 **Subject: Confusing Statement**

Page 364

5 **Referring to the Following Paragraph**

7 In addition, the designated route network would be improved to mitigate asbestos dust emissions  
9 utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer  
11 emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and  
13 maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of  
implementing these measures. In addition, monitoring would be necessary to determine the  
effectiveness of these dust suppression methods in reducing asbestos emissions and the associated  
human health risk of exposure to airborne asbestos fibers in CCMA.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
19 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
21 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
23 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
25 term when the reference to a specific mineral is more appropriate and technically correct.  
27 According to the United States Geological Survey, "Asbestos is a generic name given to six  
29 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
35 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
37 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

Substantive Comment - # 786: Subject: Confusing Statement Page 364

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 786: Subject: Confusing Statement Page 364**

1 **Substantive Comment**

**# 787**

3 **Subject: Erroneous Statement**

**Page 364**

5 **Referring to the Following Paragraph**

7 These actions would result in a permanent net loss of open or limited access routes in the Planning  
9 Area. While there are many ecological benefits to this, this loss of opportunity is considered an  
11 adverse impact to the transportation network in the Planning Area as it may cause additional  
crowding of the remaining roads which can result in secondary effects of off-road driving and  
creation of unofficial, user-inspired routes that ultimately will need to be closed or maintained.

13 **Discussion**

15 The statement, "These actions would result in a permanent net loss of open or limited  
17 access routes in the Planning Area" is erroneous because it conflicts with the "Planning Area"  
19 defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes  
all federal, state, and private lands in southern San Benito County and western Fresno County  
in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Portions of the  
Planning Area contains public and private ways over which the Agency has no jurisdiction or  
authority to designate route usage with non BLM managed lands within the Planning Area.

21 **Recommendation**

23 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
25 must rewrite the subject document to remove the discrepant issue from the document. The  
27 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 787: Subject: Erroneous Statement Page 364**

## Substantive Comment

# 788

**Subject: Confusing Statement**

**Page 365**

### Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 788: Subject: Confusing Statement Page 365

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 788: Subject: Confusing Statement Page 365**

## Substantive Comment

# 789

**Subject:** Confusing Statement

Page 366

### Referring to the Following Paragraph

It is important to note that new route development, especially in the Cantua and Condon Zones, would likely result in the discovery of asbestos bearing serpentine inclusions and would present further health and safety issues at any points of crossing. The San Benito River Zone is a fragmented area that presents many difficulties for a motorized route network because the majority of the public lands in this Zone are non-contiguous and broken by private property. Connecting this Zone to any other routes outside of the Serpentine ACEC within the neighboring Condon Zone would not be possible without crossing private lands. These considerations make this zone an unlikely candidate for any further routes.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 789: Subject: Confusing Statement Page 366

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 789: Subject: Confusing Statement Page 366**

## Substantive Comment

# 790

**Subject: Confusing Statement**

**Page 366**

### Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 790: Subject: Confusing Statement Page 366

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 790: Subject: Confusing Statement Page 366**

1 **Substantive Comment**

**# 791**

3 **Subject: Erroneous Statement**

**Page 366**

5 **Referring to the Following Paragraph**

7 Under Alternative D, OHV recreation activities would be allowed on designated open routes in  
9 the Condon Zone, which could result in adverse impacts on riparian areas from streambed  
11 disruption or trampling of riparian vegetation, and not meeting the goal of maintaining or  
13 enhancing water quality. Motorized recreation access would be authorized on approximately 60  
15 miles of route network following inventory resource screening, and route designation criteria  
17 outlined in Appendix II. Additional roads and parking for vehicles would be allowed near  
Coalinga-Los Gatos Road, San Carlos Bolsa, and Tucker and Wright Mountain(s), and increased  
development and/or expansion of recreation facilities such as campgrounds throughout the  
Planning Area would be pursued. Compared to other action alternatives, Alternative D would  
allow the most motorized recreation outside the ACEC and the most development of recreation  
facilities in the CCMA, which has the potential to create moderate adverse impacts to water

19 **Discussion**

21 The statement, "increased development and/or expansion of recreation facilities such as  
23 campgrounds throughout the Planning Area would be pursued" is erroneous because it  
25 conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The  
27 Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San  
Benito County and western Fresno County in Central California shown on Map 1 in Appendix I  
regardless of jurisdiction." Portions of the Planning Area contains public and private land over  
which the Agency has no jurisdiction or authority to develop recreation usage on non BLM  
managed lands within the Planning Area.

29 **Recommendation**

31 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
33 must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 791: Subject: Erroneous Statement Page 366**

1 **Substantive Comment**

**# 792**

3 **Subject: Erroneous Statement**

**Page 367**

5 **Referring to the Following Paragraph**

7 Alternative E would restrict public access to T153 and **Spanish Lake Road** (Route R-11) year-  
9 round within the ACEC. All public rights-of-way would be vacated on County roads within the  
11 ACEC. The County roads from Clear Creek entrance to Jade Mill would be maintained, as would  
13 the County road from Idria to its connection with T153. Access would be restricted during  
15 extreme weather conditions based on soil moisture monitoring and/or established procedures for  
17 seasonal use restrictions. Gates would be installed at all entrance points to control public access.  
19 Motorized access throughout the rest of the ACEC would be authorized for existing rights-  
holders, private property in-holders, scientific studies, research and education from accredited  
institutions and individuals and on a case-by-case basis. The Condon and Tucker Zones would be  
maintained for non-motorized activities. The Cantua Zone would be analyzed for construction of  
a motorized route network. If implemented, this route would provide primary hunting and hiking  
access, and new recreation facilities would be constructed to support non-motorized recreation  
opportunities. Existing RMOs would be maintained within the Condon Zone.

21 **Discussion**

23 The paragraph is erroneous because there is no "Spanish Lake Road" within the subject  
25 area. Since "agencies should employ writers of clear prose or editors to write, review or edit  
27 statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words,  
29 terminology or formatting might convey special meaning. Perhaps the author meant to refer  
to San Benito County's "Mexican Lake Road," which is a California public highway. The public  
depends on author's accuracy and is therefore not at liberty to interpret variant meanings,  
therefore the Agency must write clear prose that is comprehensible and unambiguous.

31 **Recommendation**

33 The Agency must rewrite the subject document to edit the paragraph to remove the  
35 ambiguity or delete the confusing or discrepant statement to correct the deficiency. The  
37 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 793**

3 **Subject: Erroneous Statement**

**Page 367**

5 **Referring to the Following Paragraph**

7 Alternative E would restrict public access to T153 and Spanish Lake Road (Route R-11) year-  
9 round within the ACEC. All public rights-of-way would be vacated on County roads within the  
11 ACEC. The County roads from Clear Creek entrance to Jade Mill would be maintained, as would  
13 the County road from Idria to its connection with T153. Access would be restricted during  
15 extreme weather conditions based on soil moisture monitoring and/or established procedures for  
17 seasonal use restrictions. Gates would be installed at all entrance points to control public access.  
19 Motorized access throughout the rest of the ACEC would be authorized for existing rights-  
holders, private property in-holders, scientific studies, research and education from accredited  
institutions and individuals and on a case-by-case basis. The Condon and Tucker Zones would be  
maintained for non-motorized activities. The Cantua Zone would be analyzed for construction of  
a motorized route network. If implemented, this route would provide primary hunting and hiking  
access, and new recreation facilities would be constructed to support non-motorized recreation  
opportunities. Existing RMOs would be maintained within the Condon Zone.

21 **Discussion**

23 The statement, "All public rights-of-way would be vacated on County roads within the  
25 ACEC" is erroneous because the Agency lacks authority to vacant a County public highway in  
the State of California; such authority is reserved to the California Legislature.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 793: Subject: Erroneous Statement Page 367**

1 **Substantive Comment**

**# 794**

3 **Subject: Erroneous Statement**

**Page 367**

5 **Referring to the Following Paragraph**

7 Alternative E would restrict public access to T153 and Spanish Lake Road (Route R-11) year-  
9 round within the ACEC. All public rights-of-way would be vacated on County roads within the  
11 ACEC. The County roads from Clear Creek entrance to Jade Mill would be maintained, as would  
13 the County road from Idria to its connection with T153. Access would be restricted during  
15 extreme weather conditions based on soil moisture monitoring and/or established procedures for  
17 seasonal use restrictions. Gates would be installed at all entrance points to control public access.  
19 Motorized access throughout the rest of the ACEC would be authorized for existing rights-  
holders, private property in-holders, scientific studies, research and education from accredited  
institutions and individuals and on a case-by-case basis. The Condon and Tucker Zones would be  
maintained for non-motorized activities. The Cantua Zone would be analyzed for construction of  
a motorized route network. If implemented, this route would provide primary hunting and hiking  
access, and new recreation facilities would be constructed to support non-motorized recreation  
opportunities. Existing RMOs would be maintained within the Condon Zone.

21 **Discussion**

23 The statement, "Motorized access throughout the rest of the ACEC would be authorized for  
25 existing rights-holders, private property in-holders ..." is erroneous because historic public  
highways already provide existing right of ways to private property surrounded by public  
lands within the CCMA and the Agency cannot impair those existing rights of way.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

## Substantive Comment

# 795

**Subject: Confusing Statement**

**Page 368**

### Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 795: Subject: Confusing Statement Page 368

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 795: Subject: Confusing Statement Page 368**

1 **Substantive Comment**

**# 796**

3 **Subject: Erroneous Statement**

**Page 368**

5 **Referring to the Following Paragraph**

7 Alternative F would restrict public access in the ACEC to pedestrian traffic and/or written  
9 motorized access authorizations. All existing rights-of-way would be maintained, and gates  
11 would be constructed at entrance points to control vehicle access into the ACEC. Clear Creek  
13 Road would be decommissioned and restored to provide habitat and control erosion. Non-  
15 motorized recreation opportunities would be allowed for the general public within the ACEC, but  
17 permits would limit access to less than 12 visitor days. Written authorizations would also be  
19 required for scientific research and education groups to access the Serpentine ACEC, SBMRNA,  
and Joaquin Rocks. Access would be restricted during extreme weather conditions based on soil  
moisture monitoring and/or established procedures for seasonal use restrictions. New  
transportation facilities would be considered in the Cantua and Tucker Zones to support non-  
motorized recreation opportunities. Existing RMOs would be maintained within the Condon  
Zone, with a new staging area and motorized access established along Coalinga-Los Gatos Road.

19 **Discussion**

21 The statement, "Clear Creek Road would be decommissioned and restored to provide  
23 habitat and control erosion." is erroneous because decommissioning Clear Creek road would  
impair existing right of ways and easements associated with vehicular access to private  
property within the following Townships and Ranges:

25 Township 17 South, Range 11 East, Mount Diablo Meridian

27 Township 17 South, Range 12 East, Mount Diablo Meridian

29 Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

31 Township 18 South, Range 13 East, Mount Diablo Meridian

33 Township 19 South, Range 13 East, Mount Diablo Meridian

35 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
or by the United States Congress, and the public's rights to use these ways was clearly  
37 establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
established. In its entirety, R.S. 2477 provided that:

39 "the right of way for the construction of highways over public lands, not reserved for  
41 public uses, is hereby granted."

43 **Recommendation**

45 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 796: Subject: Erroneous Statement Page 368**

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## Substantive Comment

# 797

**Subject: Confusing Statement**

**Page 369**

### Referring to the Following Paragraph

In addition, the administrative route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 797: Subject: Confusing Statement Page 369

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 797: Subject: Confusing Statement Page 369**

1 **Substantive Comment**

**# 798**

3 **Subject: Erroneous Statement**

**Page 369**

5 **Referring to the Following Paragraph**

7 This alternative includes a complete restriction on motorized use of roads and trails in the  
9 Serpentine ACEC. BLM would continue to implement the BMPs set forth in Appendix V for  
routes in the ACEC that would continue to be used for administrative purposes and authorized  
access for landowners and existing rights-of-way holders.

11 **Discussion**

13 The statement, "... authorized access for landowners ..." is erroneous because historic  
15 public highways already provide existing right of ways to private property surrounded by  
public lands within the CCMA. Authorized access for landowners is already guaranteed in law  
17 and on the original land title by Presidential signature and no authorization is needed. the  
Agency is impotent in the matter of granting access authorization and is attempting to  
convert Rights to a privilege.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 798: Subject: Erroneous Statement Page 369**

1 **Substantive Comment**

# 799

3 **Subject: Erroneous Statement**

Page 370

5 **Referring to the Following Paragraph**

7 Alternative G would prohibit all public access inside the ACEC. All public rights-of-way would  
9 be terminated on County Roads and gates would be constructed at entrance points to control  
11 vehicle access into the ACEC. Access would be authorized into the ACEC for existing rights-  
13 holders, private property in-holders, scientific studies, research and education from accredited  
15 institutions and individuals and on a case-by-case basis. Access authorizations would stipulate  
17 health and safety requirements and, where deemed appropriate, would require compliance with  
the Hollister Field Office Health and Safety Plan for the ACEC. Cantua and Tucker Mtn. zones  
would be managed for non-motorized recreation and Condon Peak zone would be limited to full-  
sized vehicles and ATVs on designated routes with a new staging area established along Los  
Gatos Creek Road.

17 **Discussion**

19 The statement, "All public rights-of-way would be terminated on County Roads and gates  
21 would be constructed at entrance points to control vehicle access into the ACEC. Access would  
23 be authorized into the ACEC for existing rights-holders, private property in-holders ..." is  
erroneous because such act would impair existing right of ways and easements associated  
with vehicular access to private property within the following Townships and Ranges:

25 Township 17 South, Range 11 East, Mount Diablo Meridian

27 Township 17 South, Range 12 East, Mount Diablo Meridian

29 Township 18 South, Range 11 East, Mount Diablo Meridian

31 Township 18 South, Range 12 East, Mount Diablo Meridian

33 Township 18 South, Range 13 East, Mount Diablo Meridian

35 Township 19 South, Range 13 East, Mount Diablo Meridian

37 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
or by the United States Congress, and the public's rights to use these ways was clearly  
establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
established. In its entirety, R.S. 2477 provided that:

39 "the right of way for the construction of highways over public lands, not reserved for  
public uses, is hereby granted."

41 **Recommendation**

43 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
45 document. The original discrepancy must not be included or propagated in the final resource

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 799: Subject: Erroneous Statement Page 370**

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1 **Substantive Comment**

**# 800**

3 **Subject: Erroneous Statement**

**Page 370**

5 **Referring to the Following Paragraph**

7 Alternative G would prohibit all public access inside the ACEC. All public rights-of-way would  
9 be terminated on County Roads and gates would be constructed at entrance points to control  
11 vehicle access into the ACEC. Access would be authorized into the ACEC for existing rights-  
13 holders, private property in-holders, scientific studies, research and education from accredited  
15 institutions and individuals and on a case-by-case basis. Access authorizations would stipulate  
17 health and safety requirements and, where deemed appropriate, would require compliance with  
the Hollister Field Office Health and Safety Plan for the ACEC. Cantua and Tucker Mtn. zones  
would be managed for non-motorized recreation and Condon Peak zone would be limited to full-  
sized vehicles and ATVs on designated routes with a new staging area established along Los  
Gatos Creek Road.

17 **Discussion**

19 The statement, "Access authorizations would stipulate health and safety requirements and,  
21 where deemed appropriate, would require compliance with the Hollister Field Office Health  
23 and Safety Plan for the ACEC ..." is erroneous because historic public highways already  
25 provide existing right of ways to private property surrounded by public lands within the  
CCMA. Authorized access for landowners is already guaranteed in law and on the original land  
title by Presidential signature and no authorization is needed. The Agency is impotent in the  
matter of granting access authorization and is attempting to convert Rights to a privilege.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 801**

3 **Subject: Erroneous Statement**

**Page 370**

5 **Referring to the Following Paragraph**

7 This alternative includes a complete restriction on motorized use of roads and trails in the  
9 Serpentine ACEC. BLM would continue to implement the BMPs set forth in Appendix V for  
routes in the ACEC that would continue to be used for administrative purposes and authorized  
access for landowners and existing rights-of-way holders.

11 **Discussion**

13 The statement, "... authorized access for landowners and existing rights-of-way holders" is  
15 erroneous because historic public highways already provide existing right of ways to private  
17 property surrounded by public lands within the CCMA. Authorized access for landowners is  
already guaranteed in law and on the original land title by Presidential signature and no  
authorization is needed. the Agency is impotent in the matter of granting access authorization  
and is attempting to convert Rights to a privilege.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 801: Subject: Erroneous Statement Page 370**

## Substantive Comment

# 802

**Subject: Confusing Statement**

**Page 370**

### Referring to the Following Paragraph

In addition, the administrative route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 802: Subject: Confusing Statement Page 370

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 802: Subject: Confusing Statement Page 370**



1 **Substantive Comment**

**# 804**

3 **Subject: Misleading Statement**

**Page 372**

5 **Referring to the Following Paragraph**

7 Alternative A would have major long-term cumulative benefits for public and administrative  
9 access to BLM-administered lands in the Planning Area because it would continue to allow all  
11 forms of motorized and non-motorized recreation activities on designated routes and barrens in  
13 CCMA. Even though Alternatives B, C, and D would also authorize OHV recreation and  
motorized access for hunting and rockhounding on public lands, these alternatives would only  
have minor long-term cumulative benefits because of increasing restrictions on visitor use and  
vehicle types, or reductions in the miles of designated routes and barrens in the CCMA.

15 **Discussion**

17 The statement, "... recreation and motorized access for hunting and rockhounding on  
19 public lands ..." is misleading because it assumes that all so-called "rockhounding" is a  
21 recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in  
geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some  
mineralogical collecting and prospecting conducted in the area is occupationally related and  
hence not recreational.

23 **Recommendation**

25 The Agency must edit or delete the misleading statement to correct this deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 804: Subject: Misleading Statement Page 372**

1 **Substantive Comment**

**# 805**

3 **Subject: Unnecessary Repetition**

**Page 374**

5 **Referring to the Following Paragraph**

7 For ease of use, the management goals from Chapter 2.4 are reiterated here:

- 9 • The goals for vegetation resources are to (1) restore, maintain, or improve ecological  
11 conditions, natural diversity, and associated watersheds of high value, high-risk, native plant  
communities and unique plant assemblages and (2) restore degraded landscapes and plant  
communities.

13 **Discussion**

15 Restating the goals from page 49 of the subject report, when a simple reference would  
17 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
C.F.R. § 1500.1(b)).

19 **Recommendation**

21 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
23 the issues that are truly significant to the action in question. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 805: Subject: Unnecessary Repetition Page 374**

1 **Substantive Comment**

# 806

3 **Subject: Misleading Statement**

Pages 381 & 382

5 **Referring to the Following Paragraph**

7 Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can  
9 cause minor adverse impacts to vegetation resources. Of these activities, camping poses the  
11 greatest impact to vegetation resources since camping sites are repeatedly used. Repeated use of  
13 campsites can result in localized vegetation damage and removal (adverse). This is particularly  
15 true for serpentine riparian vegetation within the ACEC. The many level stream terraces adjacent  
17 to Clear Creek and other riparian areas within the CCMA were heavily used historically as OHV  
19 staging areas and camp sites. Although most of those terraces are now closed, some stream  
21 terraces remain open and continue to be used as campsites. Most campsites with the CCMA are  
located at designated campgrounds and staging areas, however, there are several small, popular  
informal campsites scattered throughout the CCMA. Foot traffic activities such as hiking,  
hunting, and rockhounding tend to be dispersed and not result in measurable adverse impacts to  
vegetation resources. Most hiking and hunting activities tend to occur primarily outside of the  
ACEC which are more vegetated and support more game animals, whereas most rockhounding  
activities are focused within the ACEC where there is a wide variety of rare minerals that appeal  
to collectors.

23 **Discussion**

25 The statement, "Non-motorized recreation activities including camping, hiking, hunting,  
27 and rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a  
29 recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in  
geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some  
mineralogical collecting and prospecting conducted in the area is occupationally related and  
hence not recreational.

31 **Recommendation**

33 The Agency must edit or delete the misleading statement to correct this deficiency. The  
35 Agency must rewrite the subject document to remove the discrepant issue from the  
37 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 807

3 **Subject: Erroneous Statement**

**Pages 381 & 382**

5 **Referring to the Following Paragraph**

7 Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can  
9 cause minor adverse impacts to vegetation resources. Of these activities, camping poses the  
11 greatest impact to vegetation resources since camping sites are repeatedly used. Repeated use of  
13 campsites can result in localized vegetation damage and removal (adverse). This is particularly  
15 true for serpentine riparian vegetation within the ACEC. The many level stream terraces adjacent  
17 to Clear Creek and other riparian areas within the CCMA were heavily used historically as OHV  
19 staging areas and camp sites. Although most of those terraces are now closed, some stream  
21 terraces remain open and continue to be used as campsites. Most campsites with the CCMA are  
located at designated campgrounds and staging areas, however, there are several small, popular  
informal campsites scattered throughout the CCMA. Foot traffic activities such as hiking,  
hunting, and rockhounding tend to be dispersed and not result in measurable adverse impacts to  
vegetation resources. Most hiking and hunting activities tend to occur primarily outside of the  
ACEC which are more vegetated and support more game animals, whereas most rockhounding  
activities are focused within the ACEC where there is a wide variety of rare minerals that appeal  
to collectors.

23 **Discussion**

25 The statement, "The many level stream terraces adjacent to Clear Creek and other riparian  
27 areas within the CCMA were heavily used historically as OHV staging areas and camp sites" is  
inaccurate because it fails to recognize the mining related activities and the associated  
community of residential, commercial and industrial facility that supported area mining which  
began during the 1850s and 60s, and earlier prehistoric utilization. All of the locales used as  
"OHV staging areas and camp sites" were also preferred sites for previous human activity.

31 **Recommendation**

33 The Agency must edit or delete the inaccurate statement to correct this deficiency. The  
35 Agency must rewrite the subject document to remove the discrepant issue from the  
37 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 808**

3 **Subject: Erroneous Statement**

**Page 382**

5 **Referring to the Following Paragraph**

7 Energy and mineral development can result in long-term damage to- or permanent loss of  
9 vegetation (adverse). Like vehicle travel impacts, construction can cause direct removal of or  
11 damage to vegetation. Vegetation disturbance from construction is typically more intense  
13 compared to OHV (light vehicle) impacts due to the use of heavy equipment. Generally, the  
15 significance of vegetation loss depends on the type of impact, amount of area disturbed, plant  
community types affected, and capacity for the disturbed area to recover. These factors determine  
whether impacts to vegetation are short- or long-term. Impacts to vegetation from transmission  
lines and staging areas would be temporary, whereas impacts from building construction and open  
pit mining may be regarded as permanent as both vegetation and soil are removed down to  
bedrock.

17 **Discussion**

19 The statement, "... whereas impacts from building construction and open pit mining may  
21 be regarded as permanent as both vegetation and soil are removed down to bedrock)" is  
erroneous because building construction does not necessarily remove soil "down to bedrock.

23 **Recommendation**

25 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 809**

3 **Subject: Inaccurate Statement**

**Page 382**

5 **Referring to the Following Paragraph**

7 Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine  
9 mass (ACEC) is highly-mineralized and was historically, commercially mined for magnesite,  
11 chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA,  
13 continues to mine and market benitoite. Most other mineral development within the CCMA has  
15 ceased due to depletion of near-surface marketable minerals and changing mineral markets and  
17 mineral regulation (i.e. asbestos ban in U.S.). The CCMA has moderate potential for energy  
19 development. Oil and gas development potential is very low as the New Idria serpentine mass  
(ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources.  
The remainder of the CCMA contains sedimentary formations which have not yielded significant  
oil and gas resources within the local area. Wind energy development has some potential as the  
CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San  
Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

19 **Discussion**

21 The statement, "... mined for magnesite, chromite, cinnabar, and asbestos" is inaccurate  
23 because it fail to properly identify the mineral ore chrysotile. Since the minerals "magnesite,  
25 chromite, cinnabar" are correctly listed, then the list should be parallel and the word asbestos  
(a commercial product) should be replaced with the mineral term chrysotile.

25 **Recommendation**

27 The Agency must edit or delete the inaccurate statement to correct this deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 809: Subject: Inaccurate Statement Page 382

1 **Substantive Comment**

**# 810**

3 **Subject: Erroneous Statement**

**Page 382**

5 **Referring to the Following Paragraph**

7 Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine  
9 mass (ACEC) is highly-mineralized and was historically, commercially mined for magnesite,  
11 chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA,  
13 continues to mine and market benitoite. Most other mineral development within the CCMA has  
15 ceased due to depletion of near-surface marketable minerals and changing mineral markets and  
17 mineral regulation (i.e. asbestos ban in U.S.). The CCMA has moderate potential for energy  
19 development. Oil and gas development potential is very low as the New Idria serpentine mass  
(ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources.  
The remainder of the CCMA contains sedimentary formations which have not yielded significant  
oil and gas resources within the local area. Wind energy development has some potential as the  
CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San  
Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

19 **Discussion**

21 The statement, "Most other mineral development within the CCMA has ceased due to  
23 depletion of near-surface marketable minerals ..." is erroneous because it conflicts with page  
25 198 of the subject report, and because most of the ore deposits within the subject area remain  
27 large, but are currently unattractive to mineral exploration and extraction because the current  
marketability of area minerals is low, thus there is no economic incentive for mineral  
development.

27 **Recommendation**

29 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 811**

3 **Subject: Erroneous Statement**

**Page 382**

5 **Referring to the Following Paragraph**

7 Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine  
9 mass (ACEC) is highly-mineralized and was historically, commercially mined for magnesite,  
11 chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA,  
13 continues to mine and market benitoite. Most other mineral development within the CCMA has  
15 ceased due to depletion of near-surface marketable minerals and changing mineral markets and  
17 mineral regulation (i.e. asbestos ban in U.S.). The CCMA has moderate potential for energy  
19 development. Oil and gas development potential is very low as the New Idria serpentine mass  
(ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources.  
The remainder of the CCMA contains sedimentary formations which have not yielded significant  
oil and gas resources within the local area. Wind energy development has some potential as the  
CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San  
Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

19 **Discussion**

21 The statement, "... (i.e. asbestos ban in U.S.)" is erroneous because asbestos is not banned  
23 in the United States, see *Corrosion Proof Fittings, et al. v. The Environmental Protection  
Agency and William K. Reilly, Administrator*, 947 F.2d 1201 (5th Cir. 1991).

25 **Recommendation**

27 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
33 management plan, the final environmental impact study, or the record of decision. The final  
35 documentation should include corrected recommendations.  
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**Substantive Comment - # 811: Subject: Erroneous Statement Page 382**

1 **Substantive Comment**

# 812

3 **Subject: Erroneous Statement Pages 391 & 392**

5 **Referring to the Following Paragraph**

7 Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek  
9 Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial)  
11 of motorized recreation impacts to serpentine riparian and upland plant communities within the  
13 ACEC as compared to Alternative A. Motorized recreation outside of the ACEC would be  
15 slightly increased (adverse) compared to Alternative A due to the construction of a limited  
17 number of access routes (much less than Alternative D) through nonserpentine riparian and  
19 upland plant communities in the Tucker, Cantua, Condon, and San Benito River zones. A new  
route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road  
up to Condon Peak. The new route would be open to full-sized vehicles and ATV/UTVs to access  
Condon Peak for non-motorized recreation only. Since vegetation impacts from the construction  
of the new routes outside of the ACEC are expected to be short term, and vegetation impacts from  
their use as access routes are expected to be minimal, overall motorized recreation impacts to  
nonserpentine riparian and upland plant communities outside of the ACEC would be slightly  
greater (adverse) than Alternative A and much less than Alternative D.

21 **Discussion**

23 The statement, "Clear Creek Road (R1) would be decommissioned" is erroneous because  
25 decommissioning Clear Creek road would impair existing right of ways and easements  
associated with vehicular access to private property within the following Townships and  
Ranges:

27 Township 17 South, Range 11 East, Mount Diablo Meridian

29 Township 17 South, Range 12 East, Mount Diablo Meridian

31 Township 18 South, Range 11 East, Mount Diablo Meridian

33 Township 18 South, Range 12 East, Mount Diablo Meridian

35 Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

37 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
39 or by the United States Congress, and the public's rights to use these ways was clearly  
establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
established. In its entirety, R.S. 2477 provided that:

41 "the right of way for the construction of highways over public lands, not reserved for  
43 public uses, is hereby granted."  
45

1 **Recommendation**

3 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
5 Agency must rewrite the subject document to remove the discrepant issue from the  
7 document. The original discrepancy must not be included or propagated in the final resource  
9 management plan, the final environmental impact study, or the record of decision. The final  
11 documentation should include corrected recommendations.

Substantive Comment - # 812: Subject: Erroneous Statement Pages 391 & 392

1 **Substantive Comment**

**# 813**

3 **Subject: Unnecessary Repetition**

**Page 396**

5 **Referring to the Following Paragraph**

7 For ease of plan reference, the management goals from Chapter 2 are reiterated here:

- 9 • The goal for management of fish and wildlife is to provide diverse, structured, resilient, and connected habitat on a landscape level to support viable and sustainable populations of wildlife, fish, and other aquatic organisms.

11 **Discussion**

13 Restating the goals from page 50 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

17 **Recommendation**

19 The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 813: Subject: Unnecessary Repetition Page 396**

1 **Substantive Comment**

**# 814**

3 **Subject: Misleading Statement**

**Page 399**

5 **Referring to the Following Paragraph**

7 Under alternatives B-D, active management to improve wildlife populations would occur,  
including control of nonnative species, preservation of woody habitat such as downed trees,  
9 removal of manmade barriers, active maintenance of wildlife-specific water developments such  
as guzzlers, and restoration of native fish and wildlife species. Alternatives B-D also include  
11 protection of raptor nests from disturbance. Research on raptor behavior has identified a range of  
buffer distances from nests and perch sites sufficient to reduce by 90% the direct disturbance from  
13 human activities. Two hundred (200) meters (=1/8 mile) is a conservative distance that would be  
sufficient to encompass the behavioral responses of raptors present at CCMA (Craig 2002 and  
15 references therein). In order to provide additional protection to T&E raptors, a doubling of this  
distance to 400 meters (1/4 mile) will unequivocally afford sufficient protection to reduce the  
17 potential of harassment to near zero. All of these actions would have moderate long-term  
beneficial effects on wildlife habitat because of the increase in suitable areas for wildlife in  
19 CCMA.

21 **Discussion**

23 Note that Craig, writing for Raptors of Colorado, states: "These zones and seasonal  
restrictions are recommended as guidance only and may be subject to change. They do not  
represent official Division policy."

25 "Division" here equals "Colorado Division of Wildlife."

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

1 **Substantive Comment**

**# 815**

3 **Subject: Misleading Statement**

**Page 402**

5 **Referring to the Following Paragraph**

7 Under Alternatives E-F, active management to improve wildlife populations would occur,  
including control of nonnative species, preservation of woody habitat such as downed trees,  
9 removal of manmade barriers, active maintenance of wildlife-specific water developments such  
as guzzlers, and restoration of native fish and wildlife species. Alternatives E, F, and G also  
11 include protection of raptor nests from disturbance. Research on raptor behavior has identified a  
range of buffer distances from nests and perch sites sufficient to reduce by 90% the direct  
13 disturbance from human activities. Two hundred (200) meters (=1/8 mile) is a conservative  
distance that would be sufficient to encompass the behavioral responses of raptors present at  
15 CCMA (Craig 2002 and references therein). In order to provide additional protection to T&E  
raptors, a doubling of this distance to 400 meters (1/4 mile) will unequivocally afford sufficient  
17 protection to reduce the potential of harassment to near zero. All of these actions would have  
moderate long-term beneficial effects on wildlife habitat because of the increase in suitable areas  
19 for wildlife in CCMA.

21 **Discussion**

23 Note that Craig, writing for Raptors of Colorado, states: "These zones and seasonal  
restrictions are recommended as guidance only and may be subject to change. They do not  
represent official Division policy."

25 "Division" here equals "Colorado Division of Wildlife."

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.

1 **Substantive Comment**

**# 816**

3 **Subject: Erroneous Statement**

**Page 405**

5 **Referring to the Following Paragraph**

7 A key component of the long term reduction in sediment yields benefiting riparian areas is the  
9 rehabilitation and restoration of closed routes to a natural condition, so that they trend towards  
11 undisturbed soil erosion and sediment delivery rates. Over 150 miles of roads and trails would be  
13 closed and restored over a 5-year period. Closure and restoration of barrens would benefit riparian  
15 vegetation and increase the acreage of barrens which would be able to support vegetation and  
17 special status species. Route and barren closures in high erosion sub-watersheds, including Upper  
Clear Creek Canyon, south fork of Clear Creek, and Larious Canyon would contribute to  
reductions in sediment delivery and impacts to sensitive species habitat. A portion of R008  
contributing significant amounts of sediment to the sub-watershed, riparian areas, and sensitive  
habitat would be closed. In addition, the designation of routes and areas and the enforcement of  
these designations should result in less off route travel and route proliferation.

19 **Discussion**

21 The statement, "Route and barren closures in high erosion sub-watersheds, including  
23 Upper Clear Creek Canyon, south fork of Clear Creek, and Larious Canyon would contribute to  
25 reductions in sediment delivery and impacts to sensitive species habitat. A portion of R008  
contributing significant amounts of sediment to the sub-watershed, riparian areas, and  
sensitive habitat would be closed" is erroneous because closure of some road would impair  
existing right of ways and easements associated with vehicular access to private property  
within the following Townships and Ranges:

27 Township 17 South, Range 11 East, Mount Diablo Meridian

29 Township 17 South, Range 12 East, Mount Diablo Meridian

31 Township 18 South, Range 11 East, Mount Diablo Meridian

33 Township 18 South, Range 12 East, Mount Diablo Meridian

35 Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

37 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
39 or by the United States Congress, and the public's rights to use these ways was clearly  
establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
established. In its entirety, R.S. 2477 provided that:

41 "the right of way for the construction of highways over public lands, not reserved for  
43 public uses, is hereby granted."  
45

1 **Recommendation**

3       The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
5 Agency must rewrite the subject document to remove the discrepant issue from the  
7 document. The original discrepancy must not be included or propagated in the final resource  
9 management plan, the final environmental impact study, or the record of decision. The final  
11 documentation should include corrected recommendations.

**Substantive Comment - # 816: Subject: Erroneous Statement Page 405**

1 **Substantive Comment**

**# 817**

3 **Subject: Unnecessary Repetition**

**Page 407**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are reiterated here:

- 9 • The goals for management of special status species are to (1) protect and/or improve habitat  
11 necessary to recover populations of sensitive or special status species, and (2) manage Bureau of  
Land Management (BLM) land to maintain, restore, or enhance populations and habitat of special  
status fish, wildlife, and plant species.

13 **Discussion**

15 Restating the goals from page 52 of the subject report, when a simple reference would  
17 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
C.F.R. § 1500.1(b)).

19 **Recommendation**

21 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
23 the issues that are truly significant to the action in question. The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
25 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 817: Subject: Unnecessary Repetition Page 407**

1 **Substantive Comment**

**# 818**

3 **Subject: Confusing Format**

**Page 407**

5 **Referring to the Following Paragraph**

7 The term 'special status species' is used in this section to refer to all species listed with U.S. Fish  
and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA)  
9 Fisheries, and the State of California, and to special status species listed with BLM.

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
is very confusing. Does this have a special meaning, or is it a reflection on poor document  
management, the lack writing skill or the lack of competent editing.

15 **Recommendation**

17 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
19 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
21 documentation should include corrected recommendations.

**Substantive Comment - # 818: Subject: Confusing Format Page 407**

1 **Substantive Comment**

**# 819**

3 **Subject: Misleading Statement**

**Page 407**

5 **Referring to the Following Paragraph**

7 San Benito evening primrose, a federally-listed Threatened plant species which is a local  
9 serpentine endemic within the CCMA is singled out and analyzed separately from all other  
11 special status plant species due to its high list status and the large number of management actions  
13 which are specific to it. The majority of San Benito evening primrose populations and potential  
15 habitat occur on serpentine stream terraces (serpentine riparian) within the ACEC. One  
17 population and some potential habitat occur at the margins of moist meadows in uplands  
19 (serpentine upland) within the ACEC. A few San Benito evening primrose populations occur on  
serpentine alluvial stream terraces outside of the ACEC (nonserpentine riparian). Potential habitat  
occurs on the margins of moist meadows on nutrient-poor shale (nonserpentine) in the uplands  
just outside of the ACEC (nonserpentine upland). Although San Benito evening primrose  
occupied and potential habitat occurs within “serpentine riparian” habitat, some occupied and  
potential habitat also occurs within “serpentine upland,” “nonserpentine riparian,” and  
“nonserpentine upland” habitat. As a result, impacts to all four habitat groups are analyzed.

21 **Discussion**

23 The statement, “The majority of San Benito evening primrose populations and potential  
25 habitat occur on serpentine stream terraces (serpentine riparian) within the ACEC” is  
misleading because it appears to conflict with a statement on page 382 of the subject report  
thus suggesting that San Benito evening primrose preferred habit may require historic human  
disturbance.

27 **Recommendation**

29 The Agency must edit or delete the misleading statement to correct this deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
33 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 820**

3 **Subject: Misleading Statement**

**Page 427**

5 **Referring to the Following Paragraph**

7 Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can  
9 cause adverse impacts to special status plant species and their habitat. Of these activities, camping  
11 poses the greatest impact to vegetation resources since camping sites are repeatedly used.  
13 Repeated use of campsites can result in localized vegetation damage and removal and soil  
15 compaction and erosion (adverse). This is particularly true for serpentine riparian habitat within  
17 the ACEC. The many level stream terraces adjacent to Clear Creek and other riparian areas within  
19 the CCMA were heavily used historically as OHV staging areas and camp sites. Most of the  
terraces are occupied and potential habitat for San Benito evening primrose. Although most of  
those terraces are now closed, some stream terraces remain open and continue to be used as  
campsites. Most campsites with the CCMA are located at designated campgrounds and staging  
areas, however, there are several small, popular informal campsites scattered throughout the  
CCMA. Foot traffic activities such as hiking, hunting, and rockhounding tend to be dispersed and  
not result in measurable adverse impacts to special status plant species. Most hiking and

21 **Discussion**

23 The statement, "Non-motorized recreation activities including camping, hiking, hunting,  
25 and rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a  
27 recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in  
geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some  
mineralogical collecting and prospecting conducted in the area is occupationally related and  
hence not recreational.

29 **Recommendation**

31 The Agency must edit or delete the misleading statement to correct this deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
35 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 821**

3 **Subject: Erroneous Statement**

**Page 428**

5 **Referring to the Following Paragraph**

7 Like vehicle travel impacts, construction can cause direct removal of special status plant species  
9 and/or damage their habitat (adverse). Habitat disturbance from construction is typically more  
11 intense compared to OHV (light vehicle) impacts due to the use of heavy equipment. As discussed  
13 in more detail in Section 4.4, the CCMA has moderate potential for mineral and energy  
15 development. Although the Serpentine ACEC was mined historically for metal ores and minerals,  
17 which adversely impacted special status plant species habitat, most mining has since ceased due  
19 to the depletion of near-surface marketable minerals and changing mineral markets and mineral  
21 regulation (i.e. asbestos ban in U.S.). Oil and gas development potential is very low as the New  
Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for  
fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have  
not yielded significant oil and gas resources within the local area. Wind energy development has  
some potential as the CCMA contains some of the highest points in the Diablo Range. The BLM  
would be responsible for analyzing potential impacts from energy and mineral development  
impacts to ensure that activities do not cause significant adverse effects to special status species  
and their habitat.

23 **Discussion**

25 The statement, "... mining has since ceased due to the depletion of near-surface  
27 marketable minerals ..." is erroneous because it conflicts with page 198 of the subject report,  
and because most of the ore deposits within the subject area remain large, but are currently  
unattractive to mineral exploration and extraction because the current marketability of area  
minerals is low, thus there is no economic incentive for mineral development.

29 **Recommendation**

31 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
35 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 822**

3 **Subject: Erroneous Statement**

**Page 428**

5 **Referring to the Following Paragraph**

7 Like vehicle travel impacts, construction can cause direct removal of special status plant species  
9 and/or damage their habitat (adverse). Habitat disturbance from construction is typically more  
11 intense compared to OHV (light vehicle) impacts due to the use of heavy equipment. As discussed  
13 in more detail in Section 4.4, the CCMA has moderate potential for mineral and energy  
15 development. Although the Serpentine ACEC was mined historically for metal ores and minerals,  
17 which adversely impacted special status plant species habitat, most mining has since ceased due  
19 to the depletion of near-surface marketable minerals and changing mineral markets and mineral  
21 regulation (i.e. asbestos ban in U.S.). Oil and gas development potential is very low as the New  
Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for  
fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have  
not yielded significant oil and gas resources within the local area. Wind energy development has  
some potential as the CCMA contains some of the highest points in the Diablo Range. The BLM  
would be responsible for analyzing potential impacts from energy and mineral development  
impacts to ensure that activities do not cause significant adverse effects to special status species  
and their habitat.

23 **Discussion**

25 The statement, "... (i.e. asbestos ban in U.S.)" is erroneous because asbestos is not banned  
27 in the United States, see *Corrosion Proof Fittings, et al. v. The Environmental Protection  
Agency and William K. Reilly, Administrator*, 947 F.2d 1201 (5th Cir. 1991).

29 **Recommendation**

31 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
33 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 823

3 **Subject: Erroneous Statement**

Page 434

5 **Referring to the Following Paragraph**

7 Under Alternative E, motorized recreation within the ACEC would be similar to Alternative D  
9 with highway-licensed vehicles restricted to a scenic route network composed of T153 and R11  
11 south of its intersection with T153. T153 and R11 south of its intersection with T153 primarily  
13 follow hill slopes some distance from streams (except for at upper Sawmill Creek). Motorized  
15 recreation outside of the ACEC would be slightly increased (adverse) as compared to Alternative  
17 A due to the construction of a limited number of access routes (much less than Alternative D)  
19 through nonserpentine riparian and upland plant communities in the Tucker, Cantua, Condon, and  
San Benito River Zones. A new route would be constructed from the existing Condon Peak  
trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to full-  
sized vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Due to  
the closure of R1, R11 north of the intersection with T153, and R15, which parallel and impact  
perennial streams within the ACEC, motorized recreation impacts to serpentine riparian San  
Benito evening primrose habitat and other special status plant species habitat within the

21 **Discussion**

23 The statement, "... closure of R1, R11 ..." is erroneous because decommissioning Clear  
Creek road would impair existing right of ways and easements associated with vehicular  
access to private property within the following Townships and Ranges:

25 Township 17 South, Range 11 East, Mount Diablo Meridian

27 Township 17 South, Range 12 East, Mount Diablo Meridian

29 Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

31 Township 18 South, Range 13 East, Mount Diablo Meridian

33 Township 19 South, Range 13 East, Mount Diablo Meridian

35 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
or by the United States Congress, and the public's rights to use these ways was clearly  
establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
37 the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
established. In its entirety, R.S. 2477 provided that:

39 "the right of way for the construction of highways over public lands, not reserved for  
41 public uses, is hereby granted."

43 **Recommendation**

45 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 823: Subject: Erroneous Statement Page 434**

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**Substantive Comment**

**# 824**

**Subject: Erroneous Statement**

**Page 436**

**Referring to the Following Paragraph**

Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial) of motorized recreation impacts to serpentine riparian and upland San Benito evening primrose habitat and other special status plant species habitat within the ACEC as compared to Alternative A. Decommissioning Clear Creek Road will restore serpentine terrace potential habitat currently occupied by the road bed, back to San Benito evening primrose and other special status plant species that typically occupy the serpentine terraces. The proposal to decommission Clear Creek Road is in accordance with the 2005 BO for the CCMA RMP and final EIS (1-8-05-F-20). Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to Alternative A due to the construction of a limited number of access routes (much less than Alternative D) through nonserpentine riparian and upland plant communities in the Tucker, Cantua, Condon, and San Benito River zones. A new route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to full-sized vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Since vegetation impacts from the construction of the new routes outside of the ACEC are expected to be short term, and vegetation impacts from their use as access routes are expected to be minimal, overall motorized recreation impacts to nonserpentine riparian and upland San Benito evening primrose habitat and special status plant species habitat outside of the ACEC would be slightly greater (adverse) than Alternative A and much less than Alternative D.

**Discussion**

The statement, "Clear Creek Road (R1) would be decommissioned" is erroneous because decommissioning Clear Creek road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

- Township 17 South, Range 11 East, Mount Diablo Meridian
- Township 17 South, Range 12 East, Mount Diablo Meridian
- Township 18 South, Range 11 East, Mount Diablo Meridian
- Township 18 South, Range 12 East, Mount Diablo Meridian
- Township 18 South, Range 13 East, Mount Diablo Meridian
- Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S.2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

**Substantive Comment - # 824: Subject: Erroneous Statement Page 436**

1 "the right of way for the construction of highways over public lands, not reserved for  
3 public uses, is hereby granted."

5 **Recommendation**

7 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
9 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 824: Subject: Erroneous Statement Page 436**

1 **Substantive Comment**

**# 825**

3 **Subject: Confusing Statement**

**Page 436**

5 **Referring to the Following Paragraph**

7 Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek  
9 Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial)  
11 of motorized recreation impacts to serpentine riparian and upland San Benito evening primrose  
13 habitat and other special status plant species habitat within the ACEC as compared to Alternative  
15 A. Decommissioning Clear Creek Road will restore serpentine terrace potential habitat currently  
17 occupied by the road bed, back to San Benito evening primrose and other special status plant  
19 species that typically occupy the serpentine terraces. The proposal to decommission Clear Creek  
21 Road is in accordance with the 2005 BO for the CCMA RMP and final EIS (1-8-05-F-20).  
23 Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to  
25 Alternative A due to the construction of a limited number of access routes (much less than  
Alternative D) through nonserpentine riparian and upland plant communities in the Tucker,  
Cantua, Condon, and San Benito River zones. A new route would be constructed from the  
existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route  
would be open to full-sized vehicles and ATV/UTVs to access Condon Peak for non-motorized  
recreation only. Since vegetation impacts from the construction of the new routes outside of the  
ACEC are expected to be short term, and vegetation impacts from their use as access routes are  
expected to be minimal, overall motorized recreation impacts to nonserpentine riparian and  
upland San Benito evening primrose habitat and special status plant species habitat outside of the  
ACEC would be slightly greater (adverse) than Alternative A and much less than Alternative D.

27 **Discussion**

29 The paragraph contains the statement, "The proposal to decommission Clear Creek Road is  
in accordance with the 2005 BO for the CCMA RMP and final EIS (1-8-05-F-20)" which is  
confusing because it contains the unknown abbreviation "BO."

31 **Recommendation**

33 The Agency must edit the statement to explain the unknown symbol, spell it out, or delete  
35 the confusing statement. The Agency must rewrite the subject document to remove the  
37 discrepant issue from the document. The original discrepancy must not be included or  
propagated in the final resource management plan, the final environmental impact study, or  
the record of decision. The final documentation should include corrected recommendations.

1 **Substantive Comment**

**# 826**

3 **Subject: Unnecessary Repetition**

**Page 444**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9 • The goal for air quality management is to ensure that BLM authorizations and management activities comply with local, State, and Federal air quality regulations, requirements, State Implementation Plans, and Regional Air Board standards and goals.

11 **Discussion**

13 Restating the goals from page 56 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

17 **Recommendation**

19 The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 826: Subject: Unnecessary Repetition Page 444**

1 **Substantive Comment**

**# 827**

3 **Subject: Misleading Statement**

**Page 445**

5 **Referring to the Following Paragraph**

7 Other recreational uses such as hiking, rockhounding, and vehicle touring also generate emissions  
of hazardous air pollutants. Human health risks associated with recreational use are addressed  
9 under Hazardous Materials and Public Health and Safety in Section 4.2.

11 **Discussion**

13 The statement, "Other recreational uses such as hiking, rockhounding ..." is misleading  
because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-  
15 Webster Dictionary: *Rock Hound* as "1) a specialist in geology, 2) an amateur rock and mineral  
collector," which is not necessarily recreational. Some mineralogical collecting and  
17 prospecting conducted in the area is occupationally related and hence not recreational.

19 **Recommendation**

21 The Agency must edit or delete the misleading statement to correct this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
23 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 827: Subject: Misleading Statement Page 445**

1 **Substantive Comment**

**# 828**

3 **Subject: Confusing Format**

**Page 450**

5 **Referring to the Following Paragraph**

7 Overall, motorized vehicle use on designated routes under these alternatives would contribute  
9 some level to emissions inventories for the affected air basins, but the cumulative impacts would  
11 be significantly less than the other ‘motorized’ alternatives because recreation and visitor use  
13 levels would decrease substantially under Alternatives E, F, and G.

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
15 is very confusing. Since “agencies should employ writers of clear prose or editors to write,  
17 review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual  
19 words, terminology or formatting might convey special meaning. The public depends on  
21 author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
23 Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
25 formatting, or confess that it is a reflection on poor document management, the lack writing  
27 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
29 the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
33 final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
35 titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
39 quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
41 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
43 for technical terms followed by definitions. Italicize punctuation marks immediately following  
45 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 829**

3 **Subject: Speculative Statement**

**Page 451**

5 **Referring to the Following Paragraph**

7 This analysis assumes that global climate change will make the planning area warmer and drier by  
9 the end of the 21st century. However, the body of information and predictive models for climate  
11 change is in its infancy regarding prediction of site specific impacts to areas such as the CCMA,  
13 and the plan assumes that knowledge will advance quickly with the current emphasis on climate  
15 research and model development. As the RMP is implemented, BLM managers would place a  
17 continued emphasis on research, and studies may include components to assess the impacts of  
changing climate. In the event that climate change made achievement of RMP objectives  
themselves infeasible, the plan would need to be amended accordingly. Overall, BLM's air  
quality management efforts under the range of alternatives considered in this RMP/EIS would  
have negligible impacts on global climate change because greenhouse gas emissions would  
remain at de minimis levels.

19 **Discussion**

21 Estimating climate change trends is speculative and beyond the scope of the goals and  
23 objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. Recent  
25 exposure of the conspiracy by leading scientists at the Climate Research Unit at the University  
of East Anglia, England showed that they falsified data and suppressed academic debate in  
order to exaggerate the possible threat of anthropogenic global warming. These are the same  
scientists who edit and control the content of the reports of the Intergovernmental Panel on  
Climate Change.

27 **Recommendation**

29 The Agency must correct this flaw, or delete nescient speculative information, and  
31 needless details that fail to concentrate on the issue that are truly significant to the action in  
33 question (40 C.F.R. § 1500.1(b)), and issues that are beyond the scope of the goals and  
35 objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
37 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

**# 830**

3 **Subject: Misleading Statement**

**Page 456**

5 **Referring to the Following Paragraph**

7 Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can  
9 cause minor adverse impacts to soil resources. Of these activities, camping poses the greatest  
11 impact to soil resources since camping sites are repeatedly used. Most campsites with the CCMA  
13 are located at designated campgrounds and staging areas, however, there are several small,  
15 popular informal campsites scattered throughout the CCMA. Repeated use of campsites can result  
17 in localized soil compaction and erosion (adverse). Foot traffic activities such as hiking, hunting,  
19 and rockhounding tend to be dispersed and not result in measurable adverse impacts to soil  
21 resources. Most hiking and hunting activities tend to

15 **Discussion**

17 The statement, "... recreation activities including camping, hiking, hunting, and  
19 rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a  
21 recreational activity. Merriam-Webster Dictionary: *Rock Hound* "1) a specialist in geology, 2) an  
23 amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical  
25 collecting and prospecting conducted in the area is occupationally related and hence not  
27 recreational.

23 **Recommendation**

25 The Agency must edit or delete the misleading statement to correct this deficiency. The  
27 Agency must rewrite the subject document to remove the discrepant issue from the  
29 document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
33 documentation should include corrected recommendations.  
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**Substantive Comment - # 830: Subject: Misleading Statement Page 456**

1 **Substantive Comment**

**# 831**

3 **Subject: Erroneous Statement**

**Page 457**

5 **Referring to the Following Paragraph**

7 Energy and mineral development can result in long-term damage to- or permanent loss of soils  
9 (adverse). Soil disturbance from construction, is typically more intense compared to OHV (light  
11 vehicle) impacts due to the use of heavy equipment. Impacts to soil from transmission lines and  
staging areas may be temporary, with minor compaction and erosion, whereas impacts from  
building construction and open pit mining may be regarded as permanent as soil is removed down  
to bedrock.

13 **Discussion**

15 The statement, "... whereas impacts from building construction and open pit mining may  
17 be regarded as permanent as soil is removed down to bedrock" is erroneous because building  
construction does not necessarily remove soil "down to bedrock.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 831: Subject: Erroneous Statement Page 457**

1 **Substantive Comment**

**# 832**

3 **Subject: Inaccurate Statement**

**Page 457**

5 **Referring to the Following Paragraph**

7 Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine  
9 mass is highly-mineralized and was historically, commercially mined for magnesite, chromite,  
11 cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues  
13 to mine and market benitoite. Most other mineral development within the CCMA has ceased due  
15 to depletion of near-surface marketable minerals and changing mineral markets and mineral  
17 regulation. The CCMA has moderate potential for energy development. Oil and gas development  
19 potential is very low as the New Idria serpentine mass which comprises 40% of the CCMA land  
area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary  
formations which have not yielded significant oil and gas resources within the local area. Wind  
energy development has some potential as the CCMA contains some of the highest points in the  
Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is  
withdrawn from energy and mineral development.

19 **Discussion**

21 The statement, "... mined for magnesite, chromite, cinnabar, and asbestos" is inaccurate  
23 because it fail to properly identify the mineral ore chrysotile. Since the minerals "magnesite,  
25 chromite, cinnabar" are correctly listed, then the list should be parallel and the word asbestos  
(a commercial product) should be replaced with the mineral term chrysotile.

25 **Recommendation**

27 The Agency must edit or delete the inaccurate statement to correct this deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
31 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 832: Subject: Inaccurate Statement Page 457**

1 **Substantive Comment**

**# 833**

3 **Subject: Erroneous Statement**

**Page 457**

5 **Referring to the Following Paragraph**

7 Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine  
9 mass is highly-mineralized and was historically, commercially mined for magnesite, chromite,  
11 cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues  
13 to mine and market benitoite. Most other mineral development within the CCMA has ceased due  
15 to depletion of near-surface marketable minerals and changing mineral markets and mineral  
17 regulation. The CCMA has moderate potential for energy development. Oil and gas development  
19 potential is very low as the New Idria serpentine mass which comprises 40% of the CCMA land  
21 area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary  
23 formations which have not yielded significant oil and gas resources within the local area. Wind  
25 energy development has some potential as the CCMA contains some of the highest points in the  
27 Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is  
29 withdrawn from energy and mineral development.

31 **Discussion**

33 The statement, "... mineral development within the CCMA has ceased due to depletion of  
35 near-surface marketable minerals ..." is erroneous because it conflicts with page 198 of the  
37 subject report, and because most of the ore deposits within the subject area remain large, but  
39 are currently unattractive to mineral exploration and extraction because the current  
41 marketability of area minerals is low, thus there is no economic incentive for mineral  
43 development.

45 **Recommendation**

The Agency must edit or delete the erroneous statement to correct this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

Substantive Comment - # 833: Subject: Erroneous Statement Page 457

1 **Substantive Comment**

**# 834**

3 **Subject: Erroneous Statement**

**Page 462**

5 **Referring to the Following Paragraph**

7 Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek  
9 Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial)  
11 of motorized recreation impacts to serpentine soils within the ACEC as compared to Alternative  
13 A. Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to  
15 Alternative A due to the construction of a limited number of access routes (approximately 15  
17 miles) on nonserpentine soils in the Tucker, Cantua, and Condon zones. A new route would be  
19 constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon  
21 Peak. The new route would be open to both highway-licensed vehicles and ATV/UTVs to access  
23 Condon Peak for non-motorized recreation only. Since impacts to soil from the construction of  
25 these few new routes are expected to be short term, and impacts to soil from their use as access  
27 routes are expected to be minimal, overall motorized recreation impacts to nonserpentine soil  
29 resources outside of the ACEC would be similar to Alternative E.

19 **Discussion**

21 The statement, "Clear Creek Road (R1) would be decommissioned" is erroneous because  
23 decommissioning Clear Creek road would impair existing right of ways and easements  
25 associated with vehicular access to private property within the following Townships and  
27 Ranges:

25 Township 17 South, Range 11 East, Mount Diablo Meridian

27 Township 17 South, Range 12 East, Mount Diablo Meridian

29 Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

31 Township 18 South, Range 13 East, Mount Diablo Meridian

33 Township 19 South, Range 13 East, Mount Diablo Meridian

35 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
37 or by the United States Congress, and the public's rights to use these ways was clearly  
39 establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
41 the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
43 established. In its entirety, R.S. 2477 provided that:

39 "the right of way for the construction of highways over public lands, not reserved for  
41 public uses, is hereby granted."

43 **Recommendation**

45 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource

1 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

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**Substantive Comment - # 834: Subject: Erroneous Statement Page 462**

1 **Substantive Comment**

**# 835**

3 **Subject: Unnecessary Repetition**

**Page 466**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are reiterated here:

- 9 • The goals for water resources management are to (1) maintain, restore, or improve water quality  
11 and quantity to sustain the designated beneficial uses on BLM lands and (2) ensure that surface  
and groundwater quality comply with the Clean Water Act (CWA) and with California State  
standards.

13 **Discussion**

15 Restating the goals from page 59 of the subject report, when a simple reference would  
17 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
C.F.R. § 1500.1(b)).

19 **Recommendation**

21 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
23 the issues that are truly significant to the action in question. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 835: Subject: Unnecessary Repetition Page 466**

1 **Substantive Comment**

# 836

3 **Subject: Confusing Statement**

Page 467

5 **Referring to the Following Paragraph**

7 Many of these management practices have been implemented over the years. BLM does not  
propose to have funds available to implement all referenced management practices. The  
9 continuing priority in the short term is to provide for protection of unstable areas, minimize  
sediment production, protect water quality by minimizing soil erosion, and ensure that  
11 constructed erosion control structures are stabilized and working. Of primary concern are  
management practices to reduce impacts from motorized travel on roads in CCMA, which have  
13 been identified as a significant source of airborne asbestos emissions and excess lifetime cancer  
risks for CCMA visitors, as identified in the Environmental Protection Agency's Asbestos  
15 Exposure and Human Health Risk Assessment (2008). Erosion related to vehicle use on roads and  
barrens is also a contributor of sediment yield above background erosion rates in the CCMA  
17 watersheds. Minimizing dust emissions and erosion on routes and barrens, involving surface  
hardening, dust suppression, control of drainage, road slope stabilization, slope design, stream  
19 crossings, stream course protection, and seasonal use restrictions the extreme weather conditions  
are critical components to improving watershed conditions and overall protection of human health  
21 and the environment.

23 **Discussion**

25 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
27 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
29 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
31 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
33 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
35 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
37 less potent (EPA 2008), and may, in fact, not be a human health risk.

39 **Recommendation**

41 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
43 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
45 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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**Substantive Comment - # 836: Subject: Confusing Statement Page 467**

## Substantive Comment

# 837

**Subject: Confusing Statement**

**Page 468**

### Referring to the Following Paragraph

The extent of the contribution of heavy metals and asbestos into the Hernandez Reservoir remains an issue, and some continued natural contribution of mercury and asbestos may be unavoidable. Water sampling data through 2002 indicates a possible overall slight downward trend in mercury concentrations in Clear Creek. However data from 2004/2005 indicates exceedance of the numeric objective for mercury in Clear Creek.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 838**

3 **Subject: Confusing Statement**

**Page 470**

5 **Referring to the Following Paragraph**

7 Under Alternatives B, C, and D, allowable uses and BLM management actions are proposed to  
provide for off-highway vehicle use, as well as other non-motorized recreation opportunities.  
9 Most of these actions would result in beneficial impacts to water resources because they meet the  
goal of maintaining and improving water quality. In particular, dust suppression and surface  
11 hardening techniques on 25-30 miles of major roads and reducing soil disturbing activities on  
abandoned mine lands would contribute to reducing off-site transport of metals and asbestos and  
13 have major long-term benefits on water quality in the CCMA watersheds.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
23 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
25 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
27 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
29 less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
35 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
39 include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 838: Subject: Confusing Statement Page 470**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 838: Subject: Confusing Statement Page 470**

1 **Substantive Comment**

**# 839**

3 **Subject: Inaccurate Statement**

**Page 470**

5 **Referring to the Following Paragraph**

7 Alternative E would reduce the miles of available routes in the Larios and San Carlos watershed  
9 where the highest levels of background concentrations of hazardous metals are present, thereby  
11 reducing the potential for human exposure and contaminated sediment delivery. Additional routes  
13 accessing the following mine areas (Chromium, Mercury, Asbestos) would be closed: Larios  
15 watershed – Larios, Sampson, Spanish, and Wonder Mines; San Carlos watershed – San Carlos  
17 and Molina Mine; Cantua watershed – Del Mexico, Anita, Sec. 28 asbestos, and Coalinga  
19 asbestos Mines; San Benito watershed – Big Ridge Mine; White Creek watershed – Big Ridge,  
Tromby, Archer, Byles, and Butler Mines. Any motorized OHV use on highly erosive areas such  
as barren slopes and on unpaved roads and trails, would disturb soils containing hazardous metals,  
and increase erosion and transport of sediment above natural background levels. Closure of routes  
accessing these mines and a corresponding reduction in soil disturbance from OHV's at these  
areas, would contribute to improvements in water quality by reducing the potential for  
contaminated sediment delivery.

21 **Discussion**

23 The statement, "chromium, mercury and asbestos" is inaccurate. Since the minerals  
25 mercury and chromium are correctly listed, then the list should be parallel and the word  
asbestos (a commercial product) should be replaced with the mineral term chrysotile.

27 **Recommendation**

29 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
31 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 839: Subject: Inaccurate Statement Page 470**

1 **Substantive Comment**

**# 840**

3 **Subject: Erroneous Statement**

**Page 473**

5 **Referring to the Following Statement**

7 BLM actions that would increase groundwater use in the CCMA, such as installation of public  
9 wash racks would have an adverse cumulative impact on water availability. Additionally, heavy  
11 metals and asbestos are concerns in the CCMA; the BLM contracted a water quality study  
13 (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams from  
15 15 abandoned mines. The background concentration of metals detected in soils tended to be above  
stated federal standards, and is consistent with the natural geochemistry of the area. However,  
differences in the water samples taken from below and above abandoned mine sites indicated that  
disturbed areas are contributing to metal concentrations over and above the naturally high levels.  
Disturbance by vehicles has also been a factor in increasing concentrations of metals transported  
downstream in the water.

17 **Discussion**

19 This paragraph is erroneous because the citation reference "Dynamac, 1998" does not  
21 discuss "the magnitude of heavy metals being deposited into streams from 15 abandoned  
23 mines" and therefore invalidates the entire paragraph. The citation, "Dynamac, 1998," as listed  
in the "6.0 References" section (page 559), refers to: Dynamac Corporation Environmental  
Services, 1998 Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek  
Management Area. Dynamac Corporation Environmental Services. Rockville, Maryland. 81 pp.

25 **Recommendation**

27 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
29 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
31 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 840: Subject: Erroneous Statement Page 473**

1 **Substantive Comment**

**# 841**

3 **Subject: Confusing Statement**

**Page 473**

5 **Referring to the Following Paragraph**

7 BLM actions that would increase groundwater use in the CCMA, such as installation of public  
9 wash racks would have an adverse cumulative impact on water availability. Additionally, heavy  
11 metals and asbestos are concerns in the CCMA; the BLM contracted a water quality study  
13 (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams from  
15 15 abandoned mines. The background concentration of metals detected in soils tended to be above  
stated federal standards, and is consistent with the natural geochemistry of the area. However,  
differences in the water samples taken from below and above abandoned mine sites indicated that  
disturbed areas are contributing to metal concentrations over and above the naturally high levels.  
Disturbance by vehicles has also been a factor in increasing concentrations of metals transported  
downstream in the water.

17 **Discussion**

19 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
21 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
23 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
25 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
27 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
29 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
31 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

33 **Recommendation**

35 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
37 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
39 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
41 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

43 **Reference**

45 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

**Substantive Comment - # 841: Subject: Confusing Statement Page 473**

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 841: Subject: Confusing Statement Page 473**

1 **Substantive Comment**

# 842

3 **Subject: Confusing Statement**

Page 473 & 474

5 **Referring to the Following Paragraph**

7 Compared to existing conditions, under these alternatives, water quality should exhibit a  
9 gradually improving trend over many years. Impacts related to OHV use of the barrens would be  
11 limited to the Clear Creek watershed. By eliminating unregulated use, eliminating vehicle access  
13 to all remaining abandoned mines, continuing completion of abandoned mine remediation  
15 projects, and by completing significant road repairs and improvements, the BLM would minimize  
17 the potential for additional human-caused impacts to the subject waterways, and maintain or  
19 enhance current water quality conditions while minimizing effects to human health. Reducing the  
number of miles of unpaved roads by 45 percent, and reducing soil disturbing activities at  
remaining mine sites, would contribute to reducing off-site transport of metals and asbestos. The  
extent of the contribution of heavy metals and asbestos passing into the Hernandez Reservoir  
remains an issue, and some continued natural contribution of mercury and asbestos may be  
unavoidable. Recent water sampling data indicates a possible downward trend in mercury  
concentrations in Clear Creek.

21 **Discussion**

23 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
25 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
27 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
29 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
31 term when the reference to a specific mineral is more appropriate and technically correct.  
33 According to the United States Geological Survey, "Asbestos is a generic name given to six  
35 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

37 **Recommendation**

39 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
41 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
43 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
45 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Reference**

3 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

5 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

7 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
9 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

11 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
13 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 842: Subject: Confusing Statement Page 473 & 474**

1 **Substantive Comment**

# 843

3 **Subject: Confusing Statement**

Page 474

5 **Referring to the Following Paragraph**

7 Any motorized OHV use on highly erosive areas such as barren slopes and on unpaved roads and  
9 trails, could disturb soils containing hazardous metals and asbestos, and increase erosion and  
11 transport of sediment above natural background levels. Closure of routes accessing these mines  
and a corresponding reduction in soil disturbance from OHV's at these areas, would contribute to  
improvements in water quality by reducing the potential for contaminated sediment delivery.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
17 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
23 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
25 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
27 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
- 45 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 844**

3 **Subject: Unnecessary Repetition**

**Page 476**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are reiterated here:

- 9 • The goals for ACECs/RNAs are to identify and manage ACECs and RNAs to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.
- 11 • The goals and objectives for managing Wilderness Areas and Wilderness Study Areas (WSAs) are the same for all alternatives. For designated wilderness areas, BLM is required to manage the areas consistent with the Act of designation and the Wilderness Act of 1964 as applicable. More specific management direction can be found in 3 CFR 6300. BLM is required to manage WSAs consistent with Section 603 of the FLPMA and the H-8550-1 Handbook (Interim Management Policy for Lands Under Wilderness Review) until Congress designates the area(s) as wilderness or releases them from the Section 603 FLPMA provision. If the areas are released, they would be managed consistent with the provisions within the RMP.

21 **Discussion**

23 Restating the goals from page 61 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

27 **Recommendation**

29 The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 844: Subject: Unnecessary Repetition Page 476**

## Substantive Comment

# 845

**Subject:** Confusing Statement

Page 477

### Referring to the Following Paragraph

Energy and mineral development in the Serpentine ACEC could potentially cause increased airborne asbestos emissions, surface and groundwater contamination, increased soil erosion, native vegetation removal, recontouring of natural terrain, and the proliferation of noxious and invasive weeds. These effects would be long-term in nature depending on the severity, duration, and application of mitigation measures.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 846**

3 **Subject: Confusing Statement**

**Page 478**

5 **Referring to the Following Paragraph**

7 Vehicular access and recreational activities in the ACEC would perpetuate human health risk  
9 from exposure to asbestos, and could potentially damage natural vegetation and increase soil  
11 erosion when travel occurs on non-established motorized vehicle routes or vehicle roadways.  
BLM would enforce allowable use restrictions to manage recreational activities and reduce  
human health risks in the Serpentine ACEC and San Benito Mountain RNA; and designated  
routes would be maintained to minimize detrimental long-term environmental effects.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
17 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
21 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
23 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
25 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
27 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
33 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
35 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
37 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 846: Subject: Confusing Statement Page 478**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 846: Subject: Confusing Statement Page 478**

## Substantive Comment

# 847

**Subject: Confusing Statement**

**Page 478 & 479**

### Referring to the Following Paragraph

Under all alternatives, the existing Serpentine ACEC (30,000 acres), and the San Benito Mountain RNA (4,147 acres) and WSA (1,500 acres) would remain special designation areas. The WSA would be managed according to the Interim Management Policy (IMP) with added emphasis on management of natural resources to protect the values for which these special designations have been established. The effects of maintaining the Serpentine ACEC designation for the 30,000-acre area of serpentine soil with high concentrations of asbestos fibers associated with the New Idria serpentine mass would provide major long-term benefits to public health and safety because BLM's proposed management restrictions would reduce asbestos exposure to EPA's acceptable risk range for human health as described in Section 4.2.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 847: Subject: Confusing Statement Page 478 & 479

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 847: Subject: Confusing Statement Page 478 & 479**

1 **Substantive Comment**

**# 848**

3 **Subject: Irrelevant Statement**

**Page 481**

5 **Referring to the Following Paragraph**

7 Alternative E promotes low-impact activities in special designation areas and has much greater  
restrictions for vehicle use in the ACEC than Alternative A-D, but Alternative E would still allow  
9 motorized access for the public entirely. Motorized recreational touring would be limited to  
BLM-led tours at Fort Ord, which would greatly reduce impacts from vehicles. Alternative F and  
11 G minimize or avoid adverse effects to resources in existing special designation areas from high-  
impact recreational activity by limiting access to pedestrian use (i.e. foot traffic) only or  
13 prohibiting all forms of public entry into the ACEC, respectively. These alternatives would  
provide major long-term benefits to public health and safety, special status species, and other  
15 values for which the special designation areas are established.

17 **Discussion**

19 The statement, "Motorized recreational touring would be limited to BLM-led tours at Fort  
Ord, which would greatly reduce impacts from vehicles." is irrelevant because it is outside the  
scope of the planning area. Inclusion of irrelevant information simply creates unnecessary bulk  
21 (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is not truly significant  
to the action in question (40 C.F.R. § 1500.1(b)).

23 **Recommendation**

25 The Agency must edit the subject paragraph to delete needless details that are not truly  
significant to the action in question. The Agency must rewrite the subject document to  
27 remove the discrepant issue from the document. The original discrepancy must not be  
included or propagated in the final resource management plan, the final environmental  
29 impact study, or the record of decision. The final documentation should include corrected  
recommendations.  
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**Substantive Comment - # 848: Subject: Irrelevant Statement Page 481**

1 **Substantive Comment**

# 849

3 **Subject: Confusing Statement**

Page 481

5 **Referring to the Following Paragraph**

7 Alternatives E would require management actions similar to previous alternatives that would have  
minor long-term benefits on the values for which the ACEC was established. However,  
9 Alternatives F and G would exclude livestock grazing from the ACEC, which would also have  
minor long-term benefits on the health risk to grazing operators from exposure to asbestos, as well  
11 as special status species and other natural and cultural resources by reducing or eliminating the  
effects of trampling.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
17 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
19 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
21 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
23 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
25 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
27 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
33 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
37 include corrected recommendations.

39 **Reference**

41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
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1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

**Substantive Comment - # 849: Subject: Confusing Statement Page 481**

1 **Substantive Comment**

**# 850**

3 **Subject: Confusing Statement**

**Page 482**

5 **Referring to the Following Paragraph**

7 The cumulative effects of Alternatives B, C, and D are similar to Alternative A; whereas  
9 Alternatives E, F, and G are collectively more consistent with resource management goals and  
would provide major long-term benefits to public health and safety by reducing asbestos exposure  
from current levels.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
15 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
17 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
19 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
21 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentine and amphiboles. The serpentine group contains a single asbestiform variety:  
23 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
25 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
31 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
35 final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
45 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

Substantive Comment - # 850: Subject: Confusing Statement Page 482

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 851**

3 **Subject: Unnecessary Repetition**

**Page 484**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9 • The goals for livestock grazing management are to (1) provide for a sustainable level of  
11 livestock grazing consistent with other resource objectives, (2) identify lands and forage  
13 available for livestock grazing, and (3) achieve the standards and implement guidelines for  
15 rangeland health as outlined in the Central California Standards and Guidelines for Livestock  
17 Grazing (hereafter referred to as the Standards and Guidelines).

13 **Discussion**

15 Restating the goals from page 64 of the subject report, when a simple reference would  
17 suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
19 C.F.R. § 1500.1(b)).

19 **Recommendation**

21 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
23 the issues that are truly significant to the action in question. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original  
27 discrepancy must not be included or propagated in the final resource management plan, the  
29 final environmental impact study, or the record of decision. The final documentation should  
31 include corrected recommendations.  
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**Substantive Comment - # 851: Subject: Unnecessary Repetition Page 484**

1 **Substantive Comment**

**# 852**

3 **Subject: Unnecessary Repetition**

**Page 491**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9 • Establish guidelines for managing resources to allow development of energy and minerals resources to meet the demand for energy and mineral production while protecting natural and cultural resources in the area.

11 **Discussion**

13 Restating the goals from page 68 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

17 **Recommendation**

19 The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 852: Subject: Unnecessary Repetition Page 491**

1 **Substantive Comment**

**# 853**

3 **Subject: Misleading Statement**

**Page 495**

5 **Referring to the Following Paragraph**

7 restrictions and/or mitigation requirements on where and how energy and mineral extraction  
9 could occur. While this would not create an adverse affect on the opportunity for rockhounding  
11 (i.e. hobby gem and mineral collection), it could slightly adversely affect the economic viability  
of energy and mineral development in certain areas; although the impacts would be minor  
because the area only has low or moderate potential for energy development, including wind  
energy.

13 **Discussion**

15 The statement, "... rockhounding (i.e. hobby gem and mineral collection) ..." is misleading  
17 because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-  
19 Webster Dictionary defines *Rock Hound* as "1) a specialist in geology, 2) an amateur rock and  
mineral collector," which is not necessarily recreational. Some mineralogical collecting and  
prospecting conducted in the area is occupationally related and hence not recreational.

21 **Recommendation**

23 The Agency must edit or delete the misleading statement to correct this deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 853: Subject: Misleading Statement Page 495**

1 **Substantive Comment**

**# 854**

3 **Subject: Irrelevant Statement**

**Page 496**

5 **Referring to the Following Paragraph**

7 maintenance. The level of reasonably foreseeable development within the CCMA is a negligible  
9 portion of the overall development in the assessment area. To the south of the Hollister Field  
11 Office management boundary lie the largest oilfields in the lower 48 states, which are  
13 administered by the Bakersfield Field Office of BLM in Kings' and Kern Counties. They contain  
15 tens of thousands of producing wells, with 2,000 or more wells being drilled each year. It is  
17 unknown whether the level of drilling will increase or decrease in these regions over the life of the  
19 RMP. In any event, the level of activity outside the CCMA will be several orders of magnitude  
21 greater than within the CCMA because production of energy and minerals within the CCMA  
23 would add negligible levels to overall production within the region, even if new reserves are  
25 developed in areas with low to moderate potential based on the value of oil.

17 **Discussion**

19 This paragraph contains irrelevant information that is outside the scope of the planning  
21 area. Inclusion of irrelevant information simply creates unnecessary bulk (40 C.F.R. §§ 1502.2,  
23 1502.15, 1502.16) by amassing needless detail that is not truly significant to the action in  
25 question (40 C.F.R. § 1500.1(b)).

23 **Recommendation**

25 The Agency must edit the subject paragraph to delete needless details that are not truly  
27 significant to the action in question. The Agency must rewrite the subject document to  
29 remove the discrepant issue from the document. The original discrepancy must not be  
31 included or propagated in the final resource management plan, the final environmental  
33 impact study, or the record of decision. The final documentation should include corrected  
35 recommendations.

**Substantive Comment - # 854: Subject: Irrelevant Statement Page 496**

1 **Substantive Comment**

**# 855**

3 **Subject: Misleading Statement**

**Page 500**

5 **Referring to the Following Paragraph**

7 In the late 1980s and early 1990s, the BLM continued to plan for OHV recreation in the Hollister  
9 Field Office Area, with the CCMA the focus of the planning and studies to understand OHV-  
11 related impacts and management costs. A three-part Clear Creek OHV Feasibility Study was  
13 conducted by the Hollister Field Office, the results of which were somewhat incorporated into the  
1995 CCMA RMP planning process. The study represented the “examination of the feasibility of  
developing OHV recreation outside the hazardous asbestos area in the Clear Creek Management  
Area” (USDI 1991:1).

15 **Discussion**

17 The etymology of the phrase “Hazardous Asbestos Area” is uncertain but the term seems  
19 to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search  
21 of the phrase suggests that it is used exclusively in reference to CCMA discussion. An  
23 additional quick document search indicates that the first published use of the phrase  
25 “Hazardous Asbestos Area” may have occurred in the 1986 BLM Clear Creek Management Plan  
27 and Record of Decision(4 times). The phrase appears in eight documents a total of forty times  
during the past twenty years. In all occurrences, the phrase is included complimentarily to  
emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile,  
growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA  
chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area” is  
simply injected as an occasional misleading “scare-tactic” meant to suggest greater danger  
than actually exist.

29 **Recommendation**

31 The Agency must strike this phrase from the Resource Management Plan and the  
33 Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite  
35 the subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 855: Subject: Misleading Statement Page 500**

1 **Substantive Comment**

**# 856**

3 **Subject: Extraneous Background Data**

**Page 501**

5 **Referring to the Following Paragraph**

7 Some of the earliest OHV effect studies on cultural resources were performed by the BLM in  
9 California in the 1960s and 1970s. OHV-related damage was identified as the since “significant  
11 source of damage to archaeological sites and other historic properties, second only to  
13 development” (Sampson 2007:3). It became understood that OHV recreational use had the  
15 unintended consequence of enabling artifact collectors and looters to access vast areas of public  
17 land. As OHV technology improved, some lands which were formerly difficult to access became  
19 within reach. Irresponsible OHV use was documented as the primary cause for the “inadvertent or  
21 purposeful destruction of significant cultural features,” occurring most frequently in areas closed  
23 to roads or campgrounds (Sampson 2007:4). The Red Rock Canyon study identified thirty-six  
25 archeological sites within the State Park that were traversed by Park roads or “informal” OHV  
27 trails. Thirteen of the sites were prehistoric habitation locations with another eleven sites  
29 identified as prehistoric lithic scatters; the remaining twelve sites were historic camps or other  
31 resource. In fact, a historic stage station site is “regularly crossed by OHV traffic” (Sampson  
33 2007:5). Sampson’s description of visitor use and recreation at Red Rock Canyon State Park  
mirrors the recreational activity that occurs at some of the historic sites in the CCMA, on both  
private and public land: The site of Cudahy Camp has been impacted by modern-day camping and  
vehicle activity. Illegal target shooting would occur at this location and considerable trash has  
been left on-site by campers. The campers damage the remains of the historic buildings and  
displace surface artifacts. The site has now been closed to camping. OHV users perform  
unauthorized hill climbs on the edge of the residential area that leave the bare slopes scarred and  
highly susceptible to erosion (Sampson 2007:8). Although there was physical damage at each  
cultural resource, 17 of the 36 archeological sites in the study (46%) exhibited “pronounced  
damage resulting from regular OHV use and erosion that follows from vehicular activity.” This  
more intensive damage included “measurable deflation of the sites within road beds or the trail  
treads, degradation of cultural deposits, vehicle scars resulting from off-trail riding, road damage  
requiring extensive and costly restoration efforts, loss of soils in measurable volumes, loss of  
vegetation, creation of deep gullies, displacement and damage to artifacts and cultural features,  
modern-day trash left on-site, [and] alteration of natural hydrologic patterns” (Sampson 2007:9).

35 **Discussion**

37 These paragraphs contain extraneous background data (40 C.F.R. § 1500.2(b)) which  
39 creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served  
by reference to the source document (40 C.F.R. § 1502.21).

41 **Recommendation**

43 The Agency must edit the subject paragraph to reduce the extraneous background data by  
45 making reference to appropriate documents. Inclusion of irrelevant information simply creates  
unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is  
not truly significant to the action in question (40 C.F.R. § 1500.1(b)). The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original

1 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
3 include corrected recommendations.

**Substantive Comment - # 856: Subject: Extraneous Background Data Page 501**

1 **Substantive Comment**

**# 857**

3 **Subject: Extraneous Background Data**

**Page 501**

5 **Referring to the Following Paragraph**

7 4.13.2.2 Mitigation Measures for Cultural Resources

9 **Discussion**

11 This section contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates  
unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by  
reference to the source document (40 C.F.R. § 1502.21).

13 **Recommendation**

15 The Agency must edit the subject paragraph to reduce the extraneous background data by  
17 making reference to appropriate documents. Inclusion of irrelevant information simply creates  
unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is  
19 not truly significant to the action in question (40 C.F.R. § 1500.1(b)). The Agency must rewrite  
the subject document to remove the discrepant issue from the document. The original  
21 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
23 include corrected recommendations.

**Substantive Comment - # 857: Subject: Extraneous Background Data Page 501**

1 **Substantive Comment**

**# 858**

3 **Subject: Unnecessary Repetition**

**Page 520**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are reiterated here:

- 9
- The goal for social and economic conditions is to manage public lands to provide social and economic benefits to local residents, businesses, visitors, and future generations.

11 **Discussion**

13 Restating the goals from page 73 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

15 **Recommendation**

17 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
19 the issues that are truly significant to the action in question. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 858: Subject: Unnecessary Repetition Page 520**

1 **Substantive Comment**

**# 859**

3 **Subject: Unnecessary Repetition**

**Page 530**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9
- The goal for visual resource management is to manage public land actions and activities in a manner consistent with visual resource management (VRM) class objectives.

11 **Discussion**

13 Restating the goals from page 74 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

15 **Recommendation**

17 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
19 the issues that are truly significant to the action in question. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 859: Subject: Unnecessary Repetition Page 530**

1 **Substantive Comment**

**# 860**

3 **Subject: Insufficient Analysis of Impact**

**Page 535**

5 **Referring to the Following Paragraph**

7 4.17 Fire Management

9 **Discussion**

11 This section fails fire management affect on serpentine soil uptake caused by wild land  
13 fires within the Serpentine ACEC. Such uptake occurs when thermal updrafts bring soil dust  
15 into updraft current and rises to a higher elevation in the smoke column for areal dispersal as  
17 fallout on downwind communities.

15 **Recommendation**

17 The Agency must edit this section to include analysis of potential fallout dispersal of  
19 serpentine soils caused by wild land fire thermal updraft. The Agency must rewrite the subject  
21 document to remove the discrepant issue from the document. The original discrepancy must  
23 not be included or propagated in the final resource management plan, the final  
25 environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.  
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**Substantive Comment - # 860: Subject: Insufficient Analysis of Impact Page 535**

1 **Substantive Comment**

**# 861**

3 **Subject: Unnecessary Repetition**

**Page 535**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are restated here:

- 9 • The goals for fire management are to (1) establish a fire management program that is cost-efficient and commensurate with threats to life, property, public safety, and resources, (2) use fire to restore and/or sustain ecosystem health, (3) cooperate with communities at risk within  
11 the wildland-urban interface to develop plans for risk reduction, (4) cooperate with regional partners in fire and resource management across agency boundaries, and (5) reduce man-made  
13 fires, with a special emphasis on reductions in developed areas such as communities, campgrounds, and transportation corridors.

15 **Discussion**

17 Restating the goals from page 75 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40  
19 C.F.R. § 1500.1(b)).

21 **Recommendation**

23 The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the  
25 subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the  
27 final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 861: Subject: Unnecessary Repetition Page 535**

1 **Substantive Comment**

**# 862**

3 **Subject: Confusing Format**

**Page 536**

5 **Referring to the Following Paragraph**

7 Prescribed fire could occur either in a defined 'area' or in localized 'burn piles'. 'Area' prescribed  
9 fires are used to burn vegetation in place and can vary in the number of acres burned. 'Burn piles'  
11 are heaps of woody fuel that are accumulated after a mechanical treatment. Consistency with  
13 State fire and air pollution laws and BLM policy would be maintained during prescribed fires.  
Appropriate smoke management plans would be developed and approved by the local air quality  
monitoring district for each prescribed fire. Acceptable burn days would be determined in  
coordination with State and local agencies and minimized during April through September.

15 **Discussion**

17 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
19 is very confusing. Does this have a special meaning, or is it a reflection on poor document  
management, the lack writing skill or the lack of competent editing.

21 **Recommendation**

23 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 862: Subject: Confusing Format Page 536**

1 **Substantive Comment**

**# 863**

3 **Subject: Unnecessary Repetition**

**Page 541**

5 **Referring to the Following Paragraph**

7 Mitigation measures are contained in the management actions in Chapter 2. For Alternatives B  
9 through G, measures include prevention strategies, coordination with public agencies, and  
11 monitoring. Additionally, all alternatives would require that the HFO comply with new fire  
13 management guidance provided by recent Federal wildfire management policy. This guidance  
15 includes newly developed fire and fuels management strategies and tactics to comply with the  
17 Federal Wildland Fire Management Plan Policy and Program Review (1995 and 2001) and the  
19 National Fire Plan: A Collaborative Approach for Reducing Wildland Fire Risks to Communities  
and the Environment: 10-Year Comprehensive Strategy and Implementation Plan (2002). Current  
Federal policy requires that fire management plans developed for all acres of burnable vegetation  
on HFO management land comply with these documents and be linked closely with approved  
resource management plans. This recent policy provides for improved correlation and  
communication among local, State, and Federal agencies with fire and fuels management  
responsibilities, which ultimately would reduce the risk of wildfire to life and property and  
reintroduce fire as a natural component of ecosystems, as appropriate.

21 **Discussion**

23 The majority of this paragraph is repetition from page 539 of the subject report and adds  
25 unnecessary bulk when a when a reference would suffice (40 C.F.R. §§ 1500.4, 1502.2(c),  
1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

27 **Recommendation**

29 The Agency must delete unnecessary bulk and needless details that fail to concentrate on  
31 the issues that are truly significant to the action in question. The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

1 **Substantive Comment**

**# 864**

3 **Subject: Erroneous Statement**

**Page 541**

5 **Referring to the Following Paragraph**

7 Plans are currently being finalized to abandon the Beaver Dam Fire Station from the Hwy. 25  
9 location in south San Benito County. This would move two fire engines and a water tender further  
11 away from the CCMA and increase response times to the CCMA by over an hour. Based on the  
long history of mutual aid within California, cooperation with adjoining fire suppression agencies  
will continue in the future.

13 **Discussion**

15 The statement, "Plans are currently being finalized to abandon the Beaver Dam Fire Station  
17 from the Hwy. 25 location in south San Benito County" is erroneous because the Beaver Dam  
Fire Station is not located on Highway 25, but the fire station is located on Coalinga Road  
about 5.0 roadway-miles east from highway 25.

19 **Recommendation**

21 The Agency must edit or delete the erroneous statement to correct this deficiency. The  
23 Agency must rewrite the subject document to remove the discrepant issue from the  
25 document. The original discrepancy must not be included or propagated in the final resource  
management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

**Substantive Comment - # 864: Subject: Erroneous Statement Page 541**

1 **Substantive Comment**

**# 865**

3 **Subject: Unnecessary Repetition**

**Page 544**

5 **Referring to the Following Paragraph**

7 For ease of reference, the management goals from Chapter 2 are reiterated here:

- 9 • The goal for lands and realty management is to provide lands, interests in land, and authorizations for public and private uses while maintaining and improving resource values and public land administration.

11 **Discussion**

13 Restating the goals from page 80 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

17 **Recommendation**

19 The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the  
21 subject document to remove the discrepant issue from the document. The original  
23 discrepancy must not be included or propagated in the final resource management plan, the  
25 final environmental impact study, or the record of decision. The final documentation should  
27 include corrected recommendations.

**Substantive Comment - # 865: Subject: Unnecessary Repetition Page 544**

## Substantive Comment

# 866

**Subject: Confusing Statement**

**Page 544**

### Referring to the Following Paragraph

Land tenure adjustments and land use authorizations are BLM activities that would occur for all alternatives. Alternative A represents the “No Action” alternative required by NEPA, and would reaffirm current management under the existing 1984 RMP (BLM 1984) and its associated amendments (1986, 1999, 2006). All alternatives would maintain existing land use authorizations and rights of ways in CCMA for private land owners, communication sites, and mining claims. Alternatives E, F and G would emphasize protection of human health and safety by incorporating mitigation measures into land use authorizations for rights-of-ways and communication sites in CCMA to reduce exposure to airborne asbestos fibers.

### Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.

Substantive Comment - # 866: Subject: Confusing Statement Page 544

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 866: Subject: Confusing Statement Page 544**

1 **Substantive Comment**

# 867

3 **Subject: Erroneous Statement**

Page 545

5 **Referring to the Following Paragraph**

7 For all alternatives, direct impacts upon lands and realty program would be administrative in  
9 nature. The management actions would assure some level of land use authorizations including  
11 development opportunities for energy and minerals, utility corridor, wind energy, and  
13 telecommunications. The varying degrees of access allowed in the ACEC and elimination of a  
county road network would directly impact landowners within the ACEC. The BLM would  
provide reasonable access and the landowners would be required to pay annual rent for their  
access.

15 **Discussion**

17 The statement, "... elimination of a county road network would directly impact  
19 landowners within the ACEC. The BLM would provide reasonable access and the landowners  
would be required to pay annual rent for their access" is erroneous because elimination of a  
county road network would impair existing right of ways and easements associated with  
vehicular access to private property within the following Townships and Ranges:

21 Township 17 South, Range 11 East, Mount Diablo Meridian

23 Township 17 South, Range 12 East, Mount Diablo Meridian

25 Township 18 South, Range 11 East, Mount Diablo Meridian

27 Township 18 South, Range 12 East, Mount Diablo Meridian

29 Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

31 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
33 or by the United States Congress, and the public's rights to use these ways was clearly  
establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
established. In its entirety, R.S. 2477 provided that:

35 "the right of way for the construction of highways over public lands, not reserved for  
37 public uses, is hereby granted."

39 **Recommendation**

41 The Agency must edit or delete the erroneous statement to correct for this deficiency. The  
43 Agency must rewrite the subject document to remove the discrepant issue from the  
document. The original discrepancy must not be included or propagated in the final resource  
45 management plan, the final environmental impact study, or the record of decision. The final  
documentation should include corrected recommendations.

1 **Substantive Comment**

# 868

3 **Subject: Confusing Statement**

Page 545

5 **Referring to the Following Paragraph**

7 Management of resources would be maintained at current levels. This alternative would not  
9 modify allowable uses to address emerging issues on public lands; however, this alternative  
11 would incorporate new human health risk information into BLM's public outreach and education  
13 asbestos hazard information program and guidance for management of natural and heritage  
15 resource, livestock grazing, energy and minerals, or lands and realty established after the 1984  
17 Hollister RMP, as amended.

13 **Discussion**

15 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
17 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
19 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
21 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
23 term when the reference to a specific mineral is more appropriate and technically correct.  
25 According to the United States Geological Survey, "Asbestos is a generic name given to six  
27 fibrous minerals that have been used in commercial products." The definition is expanded  
29 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
31 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
33 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
35 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
37 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

29 **Recommendation**

31 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
33 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
35 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
37 subject document to remove the discrepant issue from the document. The original  
discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

39 **Reference**

- 41 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- 43 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.
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Substantive Comment - # 868: Subject: Confusing Statement Page 545

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 868: Subject: Confusing Statement Page 545**

1 **Substantive Comment**

**# 869**

3 **Subject: Confusing Statement**

**Page 546**

5 **Referring to the Following Paragraph**

7 As described above, impacts from other management actions would primarily be related to land  
9 use authorizations. Under Alternative A, there would be no new areas of special designation  
11 (ACEC, Wilderness, etc.) and the existing ACEC and WSAs would remain. This impact on  
13 availability of land use authorizations would be negligible, however, because over the next 15 to  
15 20 years, no more than 15 wells are planned to be drilled and a combined total of 74 acres of  
17 Federal lands disturbed (includes permanent and temporary disturbance). This estimate is based  
19 on oil and gas potential outlined in the Hollister Field Office Reasonably Foreseeable  
21 Development Scenario (Appendix VIII).

15 **Discussion**

17 The statement, "This impact on availability of land use authorizations would be negligible,  
19 however, because over the next 15 to 20 years, no more than 15 wells are planned to be drilled  
21 and a combined total of 74 acres of Federal lands disturbed" is confusing because it is out  
23 context of "Lands and Realty."

21 **Recommendation**

23 The Agency must edit or delete the confusing statement to correct for this deficiency. The  
25 Agency must rewrite the subject document to remove the discrepant issue from the  
27 document. The original discrepancy must not be included or propagated in the final resource  
29 management plan, the final environmental impact study, or the record of decision. The final  
31 documentation should include corrected recommendations.

**Substantive Comment - # 869: Subject: Confusing Statement Page 546**

1 **Substantive Comment**

# 870

3 **Subject: Erroneous Statement**

Page 547

5 **Referring to the Following Paragraph**

7 Allowable uses would be somewhat restricted with access limited to the county road system under  
9 alternative D. CCMA private landowners would be able to utilize the county roads to drive all or  
11 most of the distance to their property The landowners who are not able to drive the entire distance  
13 to their private property on county roads would be required to obtain a ROW from BLM for  
15 driving on non-county roads across BLM land. Driving on non-county roads would be limited to  
ingress and egress of private property owned by the ROW holder. Use of the county roads under  
alternative E would be limited to R11. R11 is that portion of the county road from New Idria  
straight through to the locked gate accessing Joaquin Rocks. Landowners accessing their property  
through Clear Creek would require a ROW for all or most of the distance to their private property.

17 **Discussion**

19 This entire paragraph is erroneous because it confesses the Agency's intent to ignore State  
and Federal laws, and principles of law, to violate private property rights. Impairment of the  
road network would impair existing right of ways and easements associated with vehicular  
21 access to private property within the following Townships and Ranges:

23 Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

25 Township 18 South, Range 11 East, Mount Diablo Meridian

27 Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

29 Township 19 South, Range 13 East, Mount Diablo Meridian

31 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
or by the United States Congress, and the public's rights to use these ways was clearly  
33 establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
35 established. In its entirety, R.S. 2477 provided that:

37 "the right of way for the construction of highways over public lands, not reserved for  
public uses, is hereby granted."

39 The existing private property within the CCMA have rights superior to Bureau of Land  
Management's authority and hence, BLM authorization is unnecessary or illegal, and violates  
41 their inalienable rights protected by the United State Constitution, California State law, Federal  
law, and Presidential authority affixed by signature on the original land title.

43 **Recommendation**

45 The Agency must edit or delete the erroneous section containing this paragraph to correct  
for this deficiency. The Agency must rewrite the subject document to remove the discrepant

1 issue from the document. The original discrepancy must not be included or propagated in the  
final resource management plan, the final environmental impact study, or the record of  
3 decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 870: Subject: Erroneous Statement Page 547**

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1 **Substantive Comment**

# 871

3 **Subject: Confusing Statement**

Page 548

5 **Referring to the Following Paragraph**

7 Emphasis would be on authorization of multiple uses outside the ACEC, where appropriate.  
8 Allowable use restrictions would minimize exposure to airborne asbestos emissions, reduce risk  
9 to public health and safety, and land use authorizations would provide limited resource use or  
commodity production, as appropriate.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
14 contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
16 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
17 term when the reference to a specific mineral is more appropriate and technically correct.  
18 According to the United States Geological Survey, "Asbestos is a generic name given to six  
19 fibrous minerals that have been used in commercial products." The definition is expanded  
20 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
21 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
22 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
23 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
24 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
25 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
26 less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
30 asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
31 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
32 subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
34 final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
44 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
45 Protection Agency, Science Advisory Board.

Substantive Comment - # 871: Subject: Confusing Statement Page 548

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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1 **Substantive Comment**

**# 872**

3 **Subject: Erroneous Statement**

**Page 548**

5 **Referring to the Following Paragraph**

7 Under these alternatives, private inholders would use the BLM's administrative route network as  
9 principle means of access to their private lands. Approximately 24 private landowners would need  
11 to obtain ROW from BLM to access their private lands under Alternatives F & G. Obtaining a  
13 ROW would require submitting a Standard Form 299 "Application for Transportation and Utility  
15 Systems and Facilities on Federal Lands" to the Hollister Field Office with a map displaying the  
17 location of the private property (including APN) and the proposed route of travel. There are three  
19 fees involved for processing ROWs. The processing fee is required to reimburse the United States  
in advance for the cost of processing the application. The monitoring fee reimburses the BLM for  
monitoring the construction, operation, maintenance, and termination of the project, including  
protection and rehabilitation of the public lands involved. The third fee is the annual rent. The  
Hollister FO would GPS the routes of travel and determine the distance across BLM land. Annual  
rent is determined by multiplying the number of acres (rounded up to next tenth of an acre)  
included in the ROW by the rental rate for the appropriate county zone.

21 **Discussion**

23 This entire paragraph is erroneous because it confesses the Agency's intent to ignore State  
25 and Federal laws, and principles of law, to violate private property rights. Impairment of the  
road network would impair existing right of ways and easements associated with vehicular  
access to private property within the following Townships and Ranges:

- 27 Township 17 South, Range 11 East, Mount Diablo Meridian
- Township 17 South, Range 12 East, Mount Diablo Meridian
- 29 Township 18 South, Range 11 East, Mount Diablo Meridian
- Township 18 South, Range 12 East, Mount Diablo Meridian
- 31 Township 18 South, Range 13 East, Mount Diablo Meridian
- 33 Township 19 South, Range 13 East, Mount Diablo Meridian

35 Public highways over these lands were established before the Treaty of Guadalupe Hidalgo  
37 or by the United States Congress, and the public's rights to use these ways was clearly  
establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within  
the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been  
39 established. In its entirety, R.S. 2477 provided that:

41 "the right of way for the construction of highways over public lands, not reserved for  
public uses, is hereby granted."

43 The existing private property within the CCMA have superior rights to Bureau of Land  
45 Management's authority and hence, BLM authorization is unnecessary or illegal, and violates  
their inalienable rights protected by the United State Constitution, California State

1 Constitution, California State law, Federal law, and Presidential authority affixed by signature  
on the original land title.

3 **Recommendation**

5 The Agency must edit or delete the erroneous section containing this paragraph to correct  
7 for this deficiency. The Agency must rewrite the subject document to remove the discrepant  
9 issue from the document. The original discrepancy must not be included or propagated in the  
final resource management plan, the final environmental impact study, or the record of  
decision. The final documentation should include corrected recommendations.

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**Substantive Comment - # 872: Subject: Erroneous Statement Page 548**

## Substantive Comment

# 873

**Subject: Confusing Format**

**Page 551**

### Referring to the Following Paragraph

Three public scoping workshops were held during September and October 2007 to raise awareness of the pending release of the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment, and initiate public involvement in the BLM's CCMA RMP/EIS land use planning process. These early meetings included a BLM presentation to provide context for the proposed project and an information package that included materials to introduce the concept of 'scoping,' the CCMA RMP/EIS planning criteria, comment sheets, and other supplementary information on the National Environmental Policy Act (NEPA) and BLM's land use planning policy.

### Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

### Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

Generally, written American English uses the following format: Use quotation marks [ " " ] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [ ' ' ] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

1 **Substantive Comment**

# 874

3 **Subject: Confusing Format**

Page 551

5 **Referring to the Following Paragraph**

7 A majority of the public comments were submitted during the scoping workshops on flip charts  
9 and ‘scoping worksheets’; although BLM received many written letters and emails that reflect the  
11 interest of numerous agencies and constituents who did not attend the public meetings and  
13 workshops.

11 **Discussion**

13 The misuse of quote marks, single or double, and sometime combined with italic emphasis  
15 is very confusing. Since “agencies should employ writers of clear prose or editors to write,  
17 review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual  
19 words, terminology or formatting might convey special meaning. The public depends on  
21 author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the  
23 Agency must write clear prose that is comprehensible and unambiguous.

21 **Recommendation**

23 The Bureau of Land Management must explain any special meaning intended by unusual  
25 formatting, or confess that it is a reflection on poor document management, the lack writing  
27 skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite  
29 the subject document to remove the discrepant issue from the document. The original  
31 discrepancy must not be included or propagated in the final resource management plan, the  
33 final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

29 **Reference**

31 Generally, written American English uses the following format: Use quotation marks [ “ ” ]  
33 to set off material that represents quoted or spoken language. Quotation marks also set off the  
35 titles of things that do not normally stand by themselves. Single quotation marks [ ‘ ’ ] to  
37 enclose quoted material within other quoted material. Periods and commas go inside  
39 quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar  
41 or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and  
43 for technical terms followed by definitions. Italicize punctuation marks immediately following  
45 italicized words. Italicized words also set off the titles of full-length works that are published  
separately. While other format and usage rules might be applied to a document, such rules are  
always applied consistently throughout the document.

1 **Substantive Comment**

**# 875**

3 **Subject: Erroneous Statement**

**Page 552**

5 **Referring to the Following Paragraph**

7 The Tachi Yokut Tribe of the Santa Rosa Rancheria is the only federally recognized Native  
9 American group in the Planning Area. Representatives of the tribe are aware of BLM's CCMA  
11 RMP/EIS land use planning process. In general, they support BLM's conservation goals in the  
13 Planning Area provided that they are informed of any potential impacts to cultural resources or  
15 other traditionally used natural resources. Non-federally recognized California Indian tribes that  
17 were notified and/or consulted include members of several Ohlone/Costanoan tribal groups.  
19 Members of these tribes also utilize the Planning Area for cultural and Native American  
21 traditional uses. Consultation between BLM officials in the Hollister Field Office and tribal  
23 representatives are being conducted for this EIS and many other activities or proposed actions  
25 within the Planning Area. The BLM will continue to provide an opportunity for the Tachi Yokut  
27 Tribe and Ohlone/ Costanoan tribal members to provide input to the CCMA RMP/EIS throughout  
the planning process.

19 **Discussion**

21 The statement, "The Tachi Yokut Tribe of the Santa Rosa Rancheria is the only federally  
23 recognized Native American group in the Planning Area" is erroneous because it conflicts with  
25 the "Planning Area" defined on Page 1 the same report, and it conflicts with the statement on  
27 page 251. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and  
private lands in southern San Benito County and western Fresno County in Central California  
shown on Map 1 in Appendix I regardless of jurisdiction." The Santa Rosa Rancheria is not  
located in southern San Benito County or western Fresno County.

29 **Recommendation**

31 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
33 must rewrite the subject document to remove the discrepant issue from the document. The  
35 original discrepancy must not be included or propagated in the final resource management  
plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

## Substantive Comment

# 876

**Subject:** Confusing Statement

Page 604

### Referring to the Following Paragraph

2) To define and create a environment for research designed (1) to investigate and better understand the geology, biology, ecology, and archaeology; (2) to address asbestos related public health issues; and (3) to build an information base for guiding management of this and other serpentine ecosystems on BLM lands. This goal furthers the public interest under Environmental Protection Agency (EPA) guidance regarding naturally-occurring asbestos.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
5 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.  
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**Substantive Comment - # 876: Subject: Confusing Statement Page 604**

1 **Substantive Comment**

**# 877**

3 **Subject: Confusing Statement**

**Page 607**

5 **Referring to the Following Paragraph**

7 Lichens are useful for detecting heavy metal concentrations and air-born pollutants. Lichens may  
serve as an indicator of environmental changes relevant to human health and ecosystem function.  
9 The serpentine soils within the SBMRNA often contain high levels of mercury, nickel, chromium,  
and other heavy metals as well as unusual assemblages of vascular plant species. Unusual lichen  
11 species may occur as well. The physiological and chemical interactions between lichens and their  
rock substrates may help researchers to better understand ways to mitigate environments  
13 contaminated with heavy metals and asbestos found in the SBMRNA.

15 **Discussion**

17 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
19 free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
term when the reference to a specific mineral is more appropriate and technically correct.  
21 According to the United States Geological Survey, "Asbestos is a generic name given to six  
fibrous minerals that have been used in commercial products." The definition is expanded  
23 further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
serpentes and amphiboles. The serpentine group contains a single asbestiform variety:  
25 chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
27 actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
(EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
29 less potent (EPA 2008), and may, in fact, not be a human health risk.

31 **Recommendation**

33 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
35 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
37 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
39 include corrected recommendations.

41 **Reference**

43 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

45 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
Agency.

**Substantive Comment - # 877: Subject: Confusing Statement Page 607**

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EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

**Substantive Comment - # 877: Subject: Confusing Statement Page 607**

1 **Substantive Comment**

# 878

3 **Subject: Confusing Statement**

Page 611

5 **Referring to the Following Paragraph**

7 Wind erosion and aerial suspension of asbestos presents a human health risk. Some sampling and  
modeling of human health risk for asbestos under natural conditions has been conducted at the  
9 CCMA by research groups and the EPA. Further studies of airborne asbestos originating from the  
CCMA and the SBMRNA may be warranted.

11 **Discussion**

13 Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC  
contains a large volume of all of the asbestos mineral, which is erroneous. The subject  
15 Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be  
free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute  
17 term when the reference to a specific mineral is more appropriate and technically correct.  
According to the United States Geological Survey, "Asbestos is a generic name given to six  
19 fibrous minerals that have been used in commercial products." The definition is expanded  
further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups:  
21 serpentines and amphiboles. The serpentine group contains a single asbestiform variety:  
chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos,  
23 grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and  
actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data  
25 (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much  
less potent (EPA 2008), and may, in fact, not be a human health risk.

27 **Recommendation**

29 The Agency must not imply that the Serpentine ACEC contains a large volume of the  
asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos"  
31 with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the  
subject document to remove the discrepant issue from the document. The original  
33 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
35 include corrected recommendations.

37 **Reference**

39 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department  
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41 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection  
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43 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific  
45 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental  
Protection Agency, Science Advisory Board.

Substantive Comment - # 878: Subject: Confusing Statement Page 611

1 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department  
3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
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## Substantive Comment

# 879

**Subject:** Confusing Statement

Page 647

### Referring to the Following Paragraph

Objective: Improve the level of visitor awareness of environment health and safety hazards, e.g., asbestos hazard in dust and water.

### Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

### Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

### Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
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3 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/  
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1 **Substantive Comment**

**# 880**

3 **Subject: Erroneous Statement**

**Page 654**

5 **Referring to the Following Paragraph**

7 BLM Manual 8351.33A(2), “Wild and Scenic Rivers – Policy and Program Direction for  
9 Identification, Evaluation and Management”, states “In situations where there is limited public  
11 land (shoreline and adjacent land) administered by the BLM within an identified river study area,  
13 it may be difficult to ensure those identified outstandingly remarkable values could be properly  
15 maintained and afforded adequate management protection over time. Accordingly, for those  
17 situations where the BLM is unable to protect or maintain any identified outstandingly  
19 remarkable values, or through other mechanisms (existing or potential), river segments may be  
21 determined suitable only if the entity with land use planning responsibility supports the finding  
23 and commits to assisting the BLM in protecting the identified river values. An alternative method  
25 to consider these segments is for state, local governments or private citizens to initiate efforts  
27 under section 2(a)(ii), or a joint study under section 5C of the Wild and Scenic Rivers Act.”  
Typically, the local county governments have land use planning responsibility for the private  
lands on these segments. However, BLM has not approached the counties in the Planning Area  
regarding their support for wild and scenic designation of these segments, because the study team  
determined that they are not worthy additions to the system and BLM ownership of shoreline and  
adjacent lands is ...

23 **Discussion**

25 The concept of Bureau of Land Management land ownership is erroneous because the  
27 Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal  
ownership of land except as provided in Article 1, Section 8 of the Constitution of the United  
States.

29 **Recommendation**

31 The Agency must edit or delete the erroneous statement. The Agency must rewrite the  
33 subject document to remove the discrepant issue from the document. The original  
35 discrepancy must not be included or propagated in the final resource management plan, the  
final environmental impact study, or the record of decision. The final documentation should  
include corrected recommendations.

**Substantive Comment - # 880: Subject: Erroneous Statement Page 654**

1 **Substantive Comment**

**# 881**

3 **Subject:** **Confusing Symbol**

**Page 671**

5 **Referring to the Following Paragraph**

7 Pipeline (20 ´ wide)10 miles2.4 acres/mi24

9 **Discussion**

11 The symbol 20 ` is unknown. Since "agencies should employ writers of clear prose or  
13 editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
15 such unusual words, terminology or formatting might convey special meaning. Perhaps this a  
17 typographic error, perhaps 20' was meant. The public depends on author's accuracy and is  
19 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
21 prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.

**Substantive Comment - # 881: Subject: Confusing Symbol Page 671**

1 **Substantive Comment**

**# 882**

3 **Subject:** **Confusing Symbol**

**Page 677**

5 **Referring to the Following Paragraph**

7 Pipeline (20 ´ wide)10 miles2.4 acres/mi24

9 **Discussion**

11 The symbol 20 ` is unknown. Since "agencies should employ writers of clear prose or  
13 editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that  
15 such unusual words, terminology or formatting might convey special meaning. Perhaps this is  
17 a typographic error, perhaps 20' was meant. The public depends on author's accuracy and is  
19 therefore not at liberty to interpret variant meanings, therefore the Agency must write clear  
21 prose that is comprehensible and unambiguous.

17 **Recommendation**

19 The Agency must edit or delete the discrepant statement to correct the deficiency. The  
21 Agency must rewrite the subject document to remove the discrepant issue from the  
23 document. The original discrepancy must not be included or propagated in the final resource  
25 management plan, the final environmental impact study, or the record of decision. The final  
27 documentation should include corrected recommendations.  
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**Substantive Comment - # 882: Subject: Confusing Symbol Page 677**

1 **Substantive Comment**

**# 883**

3 **Subject: Erroneous Statement**

**Page 677**

5 **Referring to the Following Paragraph**

7 Military Bases – Fort Hunter Liggett military base is within the planning area. Leasing these lands  
9 requires consent from the local Base Commander. It has been shown in numerous cases across the  
11 country and within California that oil and gas exploration and development can often be  
13 conducted in a manner that is fully compatible with ongoing military operations. It is quite  
possible that negotiations between BLM and military personnel may result in agreement to lease  
lands within the boundaries of bases or other military lands. In the event that happens, appropriate  
leasing stipulations that would fully protect the military’s mission will be added prior to any land  
being leased.

15 **Discussion**

17 The statement that “Fort Hunter Liggett military base is within the planning area” is  
19 erroneous because it conflicts with the “Planning Area” defined on Page 1 the same report.  
21 Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state, and private lands  
in southern San Benito County and western Fresno County in Central California shown on Map  
1 in Appendix I regardless of jurisdiction.” Fort Hunter Liggett is located in Monterey County.

23 **Recommendation**

25 The Agency must correct this discrepancy, or delete the erroneous statement. The Agency  
27 must rewrite the subject document to remove the discrepant issue from the document. The  
original discrepancy must not be included or propagated in the final resource management  
29 plan, the final environmental impact study, or the record of decision. The final documentation  
should include corrected recommendations.

**Substantive Comment - # 883: Subject: Erroneous Statement Page 677**

**Substantive Comment**

**# 884**

**Subject: Technical Review of References Section**

**Discussion**

The references section is so poorly presented and derisory that it is nearly useless and fails to provide the reader, the public, and the deciding officer adequately usable bibliography. Of the 140 citations listed, nearly all contain punctuation mistakes that seriously impair readability. Many of the citations are incomplete or insufficient thus requiring the reader to exert tremendous effort and time to decipher its true meaning. Out of the 140 listed citations, 24, or 17%, of them are not used in the document. Furthermore, the first-pass review of the document revealed an additional 53 references that remain unlisted, and hence unknown.

Figure 2 on page 1112 through Figure 14 on page 1124 reproduce each of the section 6.0 References page with corrections inserted in color. Some of the suggested corrects made by italicized font might instead be more accurately blocked within quotation marks.

Table 7 on page 1125 tabulates a partial list of citations that are missing from section 6.0 References. Some of Table 7 listings may be incorrect because many of the 6.0 References listing are so confusing.

The Agency should have corrected these deficiencies before presenting the document for public review because the mistakes contained in section 6.0 References cause the entire document to be unusable. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

**Substantive Comment - # 884: Subject: Technical Review of References Section**

1 **Figure 2: Review of Section 6.0 References, Page 556**

3 *Clear Creek Management Area*  
*Draft RMP/EIS*

6.0 References

5  
7 **6.0 REFERENCES**

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Figure 3: Review of Section 6.0 References, Page 557

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<del>1985</del>	<del>Martin Ranch State Vehicular Recreation Area Acquisition Project Draft Environmental Impact Report. Sacramento, California.</del>
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1 **Figure 5: Review of Section 6.0 References, Page 559**

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1 **Figure 6: Review of Section 6.0 References, Page 560**

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1 **Figure 7: Review of Section 6.0 References, Page 561**

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1 **Figure 8: Review of Section 6.0 References, Page 562**

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