



# MONTEREY BAY

Unified Air Pollution Control District  
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer  
Richard Stedman

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U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE

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Original Sent by First Class Mail.

CCMA RMP/EIS Comments  
Attention: Planning Coordinator  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

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**SUBJECT: CLEAR CREEK MANAGEMENT AREA DRAFT RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT**

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) submits the following comments for your consideration:

Overall Vision for the Clear Creek Management Area. Page 16.

The Draft Resource Management Plan & Environmental Impact Statement specifies that “The overall vision for management of BLM-administered lands in the Clear Creek Management Area (CCMA)... is to improve natural, 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 enjoyment and use of a growing and diverse population of current and future generations.”

Of the 75,000 acres in the CCMA, approximately 30,000 acres of serpentine soils high in asbestos fibers have been designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC). (Page 1)

Health Risk to Exposure to Naturally Occurring Asbestos in the CCMA. Page 1

“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 increased long-term cancer risk from engaging in many typical recreational activities at the CCMA.”

Enforcement of Health Risk Standard

Given the recommended health-based limitation of no more than one visit per year, please explain how the BLM would enforce such a policy. Would an individual be issued a CCMA Passport that would be checked each time he/she visited the CCMA?

### State Regulatory Requirements

As specified in the environmental document, asbestos can be released from serpentine and ultramafic rocks when the rock is broken or crushed. “At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards.” (Technical Advisory, CEQA and Asbestos: Addressing Naturally Occurring Asbestos in CEQA Documents. State of California, Governor’s Office of Planning and Research, July 2008.)

Serpentine and asbestos-bearing ultramafic rock materials used for surfacing applications subjected to vehicular, pedestrian, or non-pedestrian use, such as cycling and horse-back riding, may not contain more than 5% asbestos under the Asbestos Airborne Toxic Control Measure (ATCM) for surface applications adopted by the California Air Resource Board (CARB) in 1990. In July 2000, CARB amended the ATCM to lower the allowable asbestos content to less than 0.25% for surfacing applications. In addition, the amended rule prohibits the use of surfacing material from ultramafic rock units identified on specific geological maps developed by the California Department of Conservation unless testing of the material demonstrates that it is below the 0.25%. Exemptions for exemptions can be filed with local air pollution control districts. In July 2001, CARB approved the ATCM for Construction, Grading, Quarrying and Surface Mining Operations to minimize naturally occurring asbestos (NOA) through application of best management practices for fugitive dust.

Prior to commencement of project activities, this ATCM requires notification to the local air pollution control district, which would require the Bureau of Land Management to contact the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The MBUAPCD would like to work with the BLM to ensure that human health risk associated with activities within the CCMA is reduced to an acceptable level and that those activities do not result in the release of airborne asbestos that could affect the general public. This would include an evaluation of the health risk posed by any of the Alternatives except Alternative G, which would make permanent, the current temporary closure order “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 high in asbestos fibers.” (Page 31)

### Section 4.7, Air Quality. Page 444.

“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.”

As specified in Section 3.7, Air Quality (pages 190 et seq.); the North Central Coast Air Basin (NCCAB) is currently designated as attaining all federal air quality standards. It is designated non-attainment for the state ozone and PM<sub>10</sub> standards. However, the recent EPA proposal to lower the ozone standard to 0.060-0.070 parts per million would result in the NCCAB being designated non-attainment for the federal standard.

### Section 4.7.3.3, Mitigation. Page 446.

Mitigation of the impacts associated with various project alternatives is described in terms of compliance with various federal, state and local regulations, but does not provide sufficient detail to allow a meaningful analysis.

Section 4.7.7.3, Climate Change. Page 451.

Despite references in the document to the growing population of California and increasing demand for recreational resources, as well as the travel (vehicle miles traveled) induced by the recreational opportunities currently offered and planned for the CCMA, the document provides no plan or strategy to address California's Global Warming Solution Act of 2006 (AB 32) requirement to reduce greenhouse gases to 1990 levels by 2020.

Impacts of Proposed Resource Management Plan and Potential Non-Attainment Designation of the NCCAB

As specified on page two of this comment letter, EPA's recent proposal to further lower the federal ozone standard to 0.060 - 0.070 parts per million would increase the efforts already needed to bring air quality in the NCCAB into compliance with both federal and State ozone standards.

The BLM's Resource Management Plan for the CCMA is a project subject to the National Environmental Policy Act with its potential to degrade air quality and obstruct implementation of federal and State air quality standards. When the NCCAB is designated non-attainment for the federal ozone standard, all federal actions would become subject to the Clean Air Act's General Conformity Rule.

General Conformity

One effect of being designated non-attainment for a federal air quality standard is becoming subject to federal conformity requirements, which include transportation conformity and general conformity. Established under the Clean Air Act (Section 176 (c), the General Conformity Rule requires that "...no department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan." (42USC7506(c)) Underlining added for emphasis.

Request for Consultation with MBUAPCD to Minimize Air Quality Impacts

As previously stated in this letter, the MBUAPCD would like to work with the Bureau of Land Management to ensure that all air quality impacts are minimized to the lowest possible level. Please contact Richard Stedman, Air Pollution Control Officer, to discuss this proposed collaborative effort.

Thank you for the opportunity to review the document.

Sincerely,



Jean Getchell  
Supervising Planner  
Planning and Air Monitoring Division