



COUNTY OF SAN BENITO BOARD OF SUPERVISORS

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April 7, 2010

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

10 APR 12 PM 1:00

Dear Planning Coordinator,

Thank You for the opportunity to comment on the Clear Creek Management Area Draft Resource Management Plan and Environmental Impact Statement (CCMA RMP and EIS). San Benito County is providing the following comments at this time:

Project Background

The CCMA contains more than 63,000 acres of land under BLM jurisdiction, as well as 10,600 acres of private lands and 2,000 acres of State lands. Within the CCMA is the Serpentine Area of Critical Environmental Concern (ACEC), the Condon Peak Zone, the Cantua Zone, the Tucker Mountain Zone, and the San Benito River Zone. A Temporary Closure order was issued for the Serpentine ACEC in 2008, based on information in the Environmental Protection Agency's Asbestos Exposure and Health Risk Assessment. San Benito County also agreed to temporarily close all County roads within the ACEC. These closures have remained in effect pending this update of the Hollister RMP (created in 1984 and amended in 1986, 1999, and 2006). The County understands that this RMP update will guide management of these five zones within the CCMA for the next ten to fifteen years.

CCMA RMP Project Alternatives

Alternative A (No Action): Reaffirms current management under the Hollister RMP (BLM 1984) and its 1986, 1999, and 2006 amendments.

Alternative B: Emphasizes current multiple-use opportunities while protecting public health and safety with limited annual visitor use days, seasonal use restrictions and other mitigation measures.

Alternative C: Emphasizes limited Off Highway Vehicle (OHV) opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements and other mitigation measures to protect public health and safety.

Alternative D: Emphasizes vehicle access for non-motorized recreation opportunities inside the Serpentine ACEC, with enhanced OHV opportunities outside of the ACEC.

Alternative E (BLM's Preferred Alternative): Allows for non-motorized recreation opportunities and limited vehicle touring within the Serpentine ACEC, and new recreation opportunities outside of the ACEC.

Alternative F: Restricts public access to the Serpentine ACEC to non-motorized recreation only.

Alternative G: Prohibits all public access to the Serpentine ACEC.

Potential Effects for San Benito County

Air Quality:

- Prescribed fires are mentioned as a vegetation management measure in all alternatives, but the specific procedures to be used could be further detailed.

Transportation:

- The document focuses on closure of public right of ways to mitigate asbestos issues. The County is concerned with reverse condemnation issues and the potential devaluation of privately-owned property. There is no discussion of proposed alternative routes or analysis of condemnation to mitigate the devaluation issue.
- Many of the alternatives within the EIS show the closure of Clear Creek Road. The document does not address new or increased use of New Idria Road that could result from this closure. New Idria Road is currently not maintained, and is posted as such. There is no analysis of the level of effort required to bring that road to a usable condition or the potential associated health risks associated with traversing the old New Idria mine property. There do not seem to be any data, such as a traffic study, that would indicate what impacts existing residents on New Idria Road would experience.
- In addition to New Idria Road, the document should also address impacts to other roads in San Benito County that will see an increase in traffic due to the Clear Creek closure. Special attention should be paid to Cienega Road, as it is the access road for the Hollister Hills State Vehicular Recreation Area.
- There are statements that indicate that roads should be closed to lessen the impacts on storm runoff and vegetation. The construction of new routes identifies the impacts as minimal. This is a discrepancy that needs to be addressed. Where are the new routes and why are those impacts minimal?
- There is discussion of acquiring land as it becomes available to mitigate health risks, yet no discussion of condemnation or eminent domain of private or public (County-owned) land. This item needs to be addressed.
- There are provisions for limiting access based upon rainfall totals. When the seasonal rainfall total reaches eight inches, a series of measures designed to control and maintain

runoff go into effect. This proposed policy is flawed. A severe storm could bring substantial rainfall early in the year and the control measures would be unavailable. Conversely, if rainfall is spaced throughout the season and eight inches are achieved in March, there may be no reason to enact these measures. An alternate strategy would be to base mitigation measures on individual storms or a much smaller 'rolling' window of time (e.g., measures could kick in when two inches of rainfall are exceeded in two weeks).

- Alternatives B and C propose to extend the dry season use restriction period for roads from April 15 to December 1 and to enforce wet season closures when eight inches of precipitation has been reached (additional rainfall exceeding half an inch with a 24-hour period or one inch within a 72-hour period would result in a three-day closure). The reasons for wet season closure could be expanded.
- Page 87 mentions designating the Cantua, Condon, and Tucker Mountain Zones as "limited" vehicle use areas under Alternative E, with only full-sized vehicles and ATV/UTVs allowed on designated routes. The map for Alternative E does not show any designated routes for the Tucker Zone. A "potential public route" is shown in the Cantua Zone, but it is not clear from the map legend what type(s) of vehicles will be allowed to use this route.

Biological Resources:

- The management of biological resources discussion includes control of non-native wildlife species (pages 51 and 89). Further specification of what control measures will be used is needed.

Recreation:

- San Benito County is very concerned that restrictions on motorized vehicle recreation within the CCMA will adversely affect recreation opportunities and related businesses within the County and the region as a whole. Additionally, the RMP does not appear to contain a discussion about how restrictions in the CCMA will impact Hollister Hills State Vehicular Recreation Area in the long-term, though mention is made that increased wear and tear on Hollister Hills may encourage some people to seek out OHV opportunities in other locations, legal or not.
- Page 85 mentions improved recreation opportunities in the Cantua, Condon, and Tucker Mountain Zones under Alternative E. More specific information about these opportunities would be useful in analyzing their impacts. The alternative maps do not elaborate about the specific location, type, or size of these facilities. Is the "potential public route" in the Cantua Zone related to these proposed recreation opportunities?

General:

- BLM has utilized a preferred project alternative with a menu approach to responding to the issues before them. Under Section 15126.6(d) of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) would typically present environmental impacts of the proposal and alternatives in a comparative form, allowing for meaningful evaluation, analysis, and comparison. While an EIS prepared by a Federal Agency is not required to follow CEQA guidelines, the Preferred Alternative does not include all actions that would take place from the menu approach. This alternative could be further clarified.
- The Superfund Atlas Operable Unit and Coalinga Operable Unit are delineated on all of the alternative maps except for Alternative E. Was this an oversight?

- Since the temporary closure of the CCMA, significant revenue has been and will continue to be lost adversely affecting local and regional businesses due to the closure. Due to the temporary closure of Clear Creek, the Hollister Hills OHVA is full by 10:00 a.m., and frequently has to turn people away, further hurting the economy of the area, and forcing people to go further away for OHV activity. More analysis should be provided on this important issue, as area businesses and the County are very concerned.
- Resource damage is occurring due to the temporary closure, both within Hollister Hills, as well as the general area.
- More independent research and peer review needs to be done regarding the specific health risks of the asbestos, and more research needs to be conducted on the difference between asbestos and chrysotile, as the latter appears common to many counties in California and appears to be more benign. The EPA study needs to be peer reviewed prior to adoption of any permanent closure.
- **Alternative A (the no-action Alternative)** is the preferred alternative from San Benito County in order to maintain a wide range of recreational opportunities that the CCMA allows. Alternative A helps to reduce the serious adverse impact to the economic vitality of the County and the region that has been occurring due to the temporary closure. **Alternative A** represents the “No Action” alternative required by NEPA and would reaffirm current management under the original Hollister RMP (BLM 1984) and associated amendments (1986, 1999, 2006).

Thank you for the opportunity to review and provide comments on this document. We would appreciate a response at your earliest convenience. San Benito County looks forward to the opportunity to maintain open communication with the Bureau of Land Management Hollister Field Office to help facilitate quality resource management and recreational opportunities today and in the future.

Respectfully,



REB MONACO, Chairman
San Benito County Board of Supervisors

- c. Senator Barbara Boxer
- c. Senator Diane Feinstein
- c. Congressman Sam Farr