

Attn: Rick Cooper  
Field Manager  
Hollister BLM Field Office

12/24/09  
09 DEC 28 PM 12:52

Thank you for the opportunity to comment on the Clear Creek Management Area DEIS.

I will begin by stating that I am a motorcycle rider, a mountain biker, a hiker, an environmentalist, and a land use professional. I am aware of the complex issues involved in the preparation and review of a management plan for an area such as Clear Creek. I also acknowledge the challenge the BLM faces in balancing access to public lands with protection of natural resources and in mitigating potential hazards from such public access. I have reviewed the DEIS and would like to provide the following comments.

Although it is important to identify appropriate trail routes to protect natural resources and to provide public information for individuals entering an area of potential hazards, the elimination of OHVs from the Serpentine Area of Critical Environmental Concern (or the entire CCMA) is not warranted based on the studies performed. Proper route designation and location to protect natural resources, combined with public information regarding asbestos risk, are all that is needed to allow continued OHV access in the CCMA.

As cited in section 3.2.3.1 of the DEIS, the off site exposure to asbestos from OHV use is limited and is similar to background thresholds in the North Central Coast and San Joaquin Valley air basins, therefore the only potential hazardous exposure is to individuals who voluntarily enter the ACEC. This potential hazard is further confused due to the fact that the thresholds used to measure the asbestos health risk were not developed for outdoor exposure from periodic OHV or other recreational use. As cited in section 3.2.3.1 of the DEIS, the IRIS and OEHHA toxicity values for asbestos were developed for workplace exposure to intermittent high asbestos concentrations over extended periods. These two methods were not developed to apply to periodic recreational asbestos exposure and additional testing is needed prior to arriving at the conclusion that periodic recreational use in the Serpentine ACEC will result in an increased risk to individual health.

Prior to permanently closing the Serpentine ACEC to OHV use (or public motorized access of any kind), the following measures need to be taken: Additional testing of the amount of long term asbestos exposure any individual would have while using the area periodically on an OHV, the size and type of asbestos material that may be ingested or released, and the actual detrimental effect over the long term resulting from the amount and type of asbestos on any individual (or the general public) as a result of periodic OHV use in the ACEC.

Regardless of the asbestos and natural resource concerns, the access for the general public to the CCMA and the Serpentine ACEC for motorized recreation should not be substantially reduced or eliminated in the management area. If the CCMA becomes an area that is essentially closed to OHV use, there will be additional off-site impacts that need to be adequately evaluated. As cited in section 3.1.4.3 of the DEIS, OHV users are on the increase and demand for OHV areas is high in California. These OHV users need to have access to public lands in which to operate their OHVs in a safe and responsible

manner. Additionally, the access to public lands for OHV use has become very limited near urbanized areas, as cited in section 3.3.5 of the DEIS. As a result, the permanent (or undetermined temporary) closure of the CCMA to OHV use will create additional impacts in terms of vehicle miles traveled on local roads and state highways to arrive at alternate OHV parks. The assessment of the impact of these additional trips and vehicle miles on state and local roadways and intersections has not been adequately evaluated. Such a closure will also result in additional OHV vehicle use at alternate OHV parks in the region. As cited in sections 4.1.8.1, 4.1.9.1, 4.1.11, & 4.3.11 of the DEIS, the closure of the ACEC to OHVs would result in foreseeable increased impacts to existing OHV parks in the surrounding region. This would apply to all Alternatives (B, C, D, E, F, G) that reduce OHV access or close the ACEC to OHV use, and are not limited to the "preferred" Alternative E or Alternatives F & G. The assessment of the impact of these additional OHVs at alternate parks has not been adequately evaluated. **No mitigations to these potential impacts have been identified in the DEIS.** Given the high recreational OHV demand in the region, every OHV park closure (or reduction in access) should identify new (previously closed or unavailable) public lands that are to be opened to OHV use within the same management region as the closure in order to offset these potential impacts.

Although I have not attempted to address all of the issues raised in the DEIS, I feel that there is a need to question the fundamental thought process behind closing a management area entirely to public use without a full and complete scientific assessment of the impacts of such a closure. The removal of yet another of the very few OHV parks in the vicinity of the SF bay area and central coast region will only put more stress and strain on other parks (such as Metcalf, Hollister, & Carnegie - also facing threat of closure). In order to avoid potential impacts to other OHV parks (and natural resources on public lands in general) another park of equal size, quality, and proximity to the SF bay area and central coast region would need to be identified and established prior to any permanent closure of the CCMA or ACEC to OHV access. For this reason alone, I strongly encourage your office to keep the existing OHV access to the CCMA and ACEC open to the greatest extent feasible.

It is my sincere hope that your office will continue the BLM's mission of providing public access to our public lands, while protecting natural resources. Please remember that the use of any natural public area involves exposure to a variety of hazards found in the natural environment. I trust that your office will do what is necessary to balance these concerns and to re-open the appropriate portions of the CCMA to motorized use as soon as is possible.

Thank you again for the opportunity to comment.



Randall Adams  
332 Linden Street  
Santa Cruz, Ca 95062

Bureau of Land Management  
CCMA RMPS/EIS

March 2, 2010

10 MAR - 8 PM 2:48  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
1000 EAST 17TH AVENUE  
DENVER, CO 80202

Dear BLM Staff:

My name is Linda Anderson; I was born, raised and still live on the Birdwell Ranch in Los Gatos Canyon. So I am very familiar with the Clear Creek area and adjacent BLM lands. I would describe them as beautiful, stark, a treasure of minerals, rocks, rare and unique flora, and wildlife from lizards to chipmunks to the mountain lion.

The serpentine landscapes are easily abused. On the barrens lichens, mosses, and plants that are able to tolerate shallow, nutrient poor soils take years to form in the harsh climate. They are fragile, easily uprooted. Open OHV use on these unique geologic features causes devastation that may never be restored.

If BLM is mandated to provide the OHV recreationists a place to ride I would rather see Clear Creek reopened with enforced designated use, and stronger restrictions on riding areas, than to see BLM open up new lands that would surely be used as OHV recreation areas. I say this as a person with deep love and respect for the land, and someone who enjoys the quite beauty of the landscape.

Clear Creek Management Area (CCMA) was visited by hikers, naturalist, rock hounds, and people just looking for a unique and beautiful place to visit. Don't close the main Clear Creek Road to the people that use the area responsibly.

As for a recreational staging area at the Condon Peak access and new roads including a road to Condon Peak I am strongly opposed. We need areas where there are no roads only hiking trails. The area is used by hikers, hunters, rock hounds, and naturalist including bird watchers and botanists. It would be impossible for BLM to keep OHV use out of the area, and would provide access for traffic to the red zone. Law enforcement would need to be upgraded and constant. The soil in that area is highly erodible adobe, not suited for a staging area.

Condon Peak access area is also within shouting distance of Lee Scazighini's home. From his house vehicles, guns, voices, campground noise in general would be heard. Vandalism would very likely be a problem. BLM needs to consider this and strive to be a considerate neighbor.

I strongly oppose the loss of any grazing leases to recreation. Furthermore, I strongly oppose the opening of any new OHV recreation areas and trails (Alternative D is unacceptable). No single Alternative achieves the points I have addressed here, therefore I support a combination of alternatives to meet the criteria's I have addressed.



Thank you for the work you have done and will continue to do in the CCMA. It is a huge responsibility, the unique and extreme Clear Creek Management Area is well deserving of our respect and stewardship.

Sincerely;

A handwritten signature in cursive script that reads "Linda Anderson".

Linda Anderson  
42801 Los Gatos Rd  
Coalinga CA 93210



**John Barnewitz  
27547 West Whitesbridge Ave.  
Mendota, Ca. 93640  
16 February 2010**


**Bureau of Land Management  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, Ca. 95023**

**Dear Mr. Cooper,**

**Regarding the proposals to deal with the Clear Creek Management Area, I feel it is in the best interests of all concerned to manage the area as it has always been. I have been using the area since the middle sixties and have suffered no health issues related to that usage. That means I have used the area about 45 years, making as many as 30 trips a year for various activities at different seasons and have no asbestos related problems. In addition, the lands in question were set aside for the people of the United States of America to enjoy and recreate on. Clear Creek is the last remaining land of it's type and the only place close enough to the Central Valley and the Bay Area for the multiple uses that are allowed there. I'm old enough to remember when the Panoche Hills were closed to use. It was only going to be for "a little while" and then the area would be open again. Same thing with Tumney Hills and The Griswold area. Well, we saw how that worked out.**

**I ask that the Clear Creek area be managed as it has been with signs warning of the asbestos in the area and let people decide if they want to use the area or not. It should be the users decision to use it or not instead of the government telling the people what to do and how to live.**

**Thank You,**

  
**John Barnewitz**

10 FEB 19 PM 12:43  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CALIFORNIA



Dear Sirs:

I think that the only acceptable alternative in your draft EIS is Alternative A for the following reasons:

I consider the CCMA to be one of the premier gem and mineral areas in the country. *It is the only area in the world where gem quality benitoite gemstones and specimens may be found, and is the locality of discovery of a significant number of unique minerals.* Without access by knowledgeable people to explore and study this area, it is very likely that other unknown and potentially important minerals will remain undiscovered. I have a particular interest in the Benitoite Gem Mine and the jade and agate collecting areas located along Clear Creek and the Clear Creek Road. I have also visited many of the other mines in the area including many of the abandoned mines in search of gem material and collectable minerals. To my knowledge I am not aware of anyone ever having any long term diseases from breathing asbestos dust from their visits to the CCMA.

Areas that are available for gem and mineral collecting and discovery are drastically shrinking – everywhere. The loss of so many collecting and study areas to urbanization and set asides for parklands or other use make it imperative to do everything reasonable to keep important and otherwise remote areas like the CCMA open and accessible to responsible and well informed individuals and organizations in pursuit of knowledge that benefits all people for all time.

I question many of the base assumptions and I am very much concerned with the approach used in your draft environmental statement (DEIS) wherein you consider all types of naturally occurring asbestos as being of equal health risk, when there is growing evidence that such is not the case, and those risks being based on *occupational* health studies involving manufacturing of and manufactured asbestos products. I do not think, as it has not been demonstrated, that all serpentine soils exhibit the same toxicity as assumed in your consideration of alternatives, and I do not believe the occupational health studies you cite are applicable to the very limited exposures that might be encountered during my occasional visits within the CCMA. The DEIS fails to identify or cite any actual case where an individual has contracted any of the negative health conditions as a result of exposure to serpentine soils.

There are at least 20 different serpentine soil types within the CCMA with varying amounts of the various types of asbestos. A more comprehensive soil survey is needed to determine the amount of the various asbestos types to be found in the various serpentine soils. There are approximately 1,000,000 acres of serpentine soil areas throughout California spanning 44 of the 58 counties. Serpentine soils are known to occur in 19 states beyond California. Your broad brush approach of lumping all serpentine soils as presenting an equal health hazard when considering alternatives for dealing with naturally occurring airborne asbestos, in my view, it is not an acceptable approach from a human or practicable standpoint when considering management alternatives by a land management agency. If you close the CCMA, will you do the same with all serpentine soil areas? By what criteria will you make exceptions?

My use of the CCMA certainly does not fit within the parametric assumptions used in EPA's Risk Analysis study with regard to acceptable exposure levels, nor with actual real life experiences of those who have used the CCMA. The EPA proposed acceptable cancer risk rates cited in your DEIS are what the EPA has used in the past for people, who because of their occupation, or where they live, are exposed to asbestos in a continuous and cumulative manner and is not an appropriate value for occasional educational and recreational activities where persons, well informed of the potential risk, do so of their own free will. Most of my trips into the CCMA have been either day trips or two days with camping at the BLM campgrounds or staging areas. Many people who have lived and recreated in the CCMA for long periods of time have commented, over and over, that they have not seen any of their contemporaries developing cancers or long term diseases for which asbestos exposures are known causes. It is by no means certain that such limited individual access as mine will ever come close to the cumulative exposures suggested in the EPA Risk Assessment study.

I am aware that other Federal Land Management Agencies, in considering access policy over lands under their jurisdictions routinely accept actual death rates, not theoretical death rates, for young healthy adults who knowingly and willingly accept inherent risk as a part of their recreational activities, several orders of magnitude in excess of those proposed by The EPA for the CCMA. For instance, the National Park Service routinely accepts actual death rates for climbers on Mount McKinley of approximately 1 in 100. The death rate on Mount Rainier is about 1 in 3300. EPA's suggested acceptable death rate for cancers from exposures to asbestos is 1 in 10,000. I believe that the EPA proposed acceptable cancer risk rates are what EPA has used in the past for people who because of their occupation or where they live, are exposed to asbestos in a continuous and cumulative manner and is not an appropriate value for educational and recreational activities where persons, informed of the potential risk, do so of their own free will. There seems to be a large disconnect between the EPA Risk Assessment approach and that used by other Agencies in considering appropriate criteria for limiting access to areas historically set aside for public use.

Rather than arbitrary restriction of access into the CCMA, I feel strongly that there are better means of mitigation of the perceived hazard. I assume the BLM is well aware of the studies showing that overlaying of existing serpentine soil roads with non-serpentine gravels or other surface treatments can reduce the amount of natural occurring airborne asbestos particles raised by vehicular travel on such roads by as much as 98%. (See California Department of Toxic Substances: "Study of Airborne Asbestos from a Serpentine Road in Garden Valley, California"). This is a sensible, effective and inexpensive means of abatement, and I am curious as to why, if the concern here is primarily about asbestos exposure, has not the Clear Creek Road been so graveled and maintained in the past.

I believe that the Federal Land Policy Act of 1976, as amended, would dictate that BLM provide safe passage of the public land to users along public roads to meet the management goals outlined in your governing legislation and congressional intent. The

section of the Clear Creek Road along the creek and some of the campgrounds associated with this road, which receives the bulk of public use, should be the primary candidate for remedial treatment, in keeping with the Federal Land Policy Act. This would help all users of the CCMA, including BLM personnel in administering their duties in the CCMA. I see no reason that non-serpentine soils or gravels or other type treatments cannot be done to surface the existing roadways and campgrounds. For those roads and trails where it is not practicable to provide surface treatment, I would suggest that the BLM develop a permit system for general public use based on user age and the frequency of access to the CCMA. The establishment of such dosage limits for exposures where *potential* hazards are identified is a common environmental and health safety practice. Many mineral collectors and other users could then visit some of the more remote areas to collect mineral specimens and accomplish other activities.

When I visit the CCMA, I usually stop in either Coalinga or Hollister and purchase fuel and supplies for camping for which I usually spend approximately \$125. Your DEIS estimates future use of the CCMA of 50,000 visitor use days. At \$125 per visitor use day that is \$ 6,250,000 dollars lost to the local economies per year, if you close access to users of the CCMA. This is a tremendous social and economic loss not accounted for in your DEIS. In that regard your DEIS is legally insufficient. Alternatives D and E in your DEIS are also not real alternatives, since implementing those alternatives would require another EIS. Those Alternatives would also open new areas to soil erosion. Again your DEIS is legally insufficient. Alternative E allows limited vehicle access from New Idria to Wright Mountain with surface treatment of only that particular road. Why is just this road the only one considered for surface treatment? Why not the Clear Creek Road? Again, your DIES is legally insufficient.

The CCMA is not a polluted wasteland of limited interest such that closure or significant restriction of access will not have strong negative impacts on many citizens who have historically enjoyed visits to this area. I feel, with due consideration of the objective facts, that the potential hazards to persons having occasional access to the area are overstated or misapplied. When intelligent people who are well informed of the risks involved with the use of particular public lands make informed choices in pursuit of such use, it is inappropriate to circumvent such choice through arbitrary intervention. In light of the vast areas of serpentine soils found throughout California and other states, including many urban and suburban areas it makes no sense to base any scheme for restricting access at any level to such a remote and lightly traveled area only on the basis of a *potential* hazard that is so ill defined as natural asbestos toxicity in serpentine soils. For years, the primary points of ingress to the CCMA have been clearly marked with warning signs informing all who enter of the conditions present in the area. No one enters ignorant of the issues or against their own free will. I therefore urge *extreme deference* in the selection of any plan alternative to the rights of citizens to continued access to the Clear Creek area.

Sincerely yours,

  
Jay E. Bates



**BUREAU OF LAND MANAGEMENT**

FEB -3 PM 12:18

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

**PUBLIC COMMENT FORM**

Thank you for participating in tonight's public meeting for the **Draft** Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the **Draft** Environmental Impact Statement are encouraged.

**Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.**

Written public comments may be submitted by any of the following methods:

**Hand:** Place in drop-box during public meetings.

**Mail:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): DANNY BAWDON  
Affiliation (if applicable): Santa Clara Riders Unlimited  
Phone: 637-0924 Email: \_\_\_\_\_  
Address: 1570 Memorial  
City, State, Zip: HOLLISTER

**COMMENTS**

I've been riding in Clear Creek for over 30 yrs. My son rides & now my grandson rides. Looking forward to the weekend riding has kept my sanity throughout the weekly tasks of work.

**COMMENTS** (Continued)

With my family, friends and Club members we add up to a large amount of users of Clear Creek

I've been going to public meeting since the meeting were held at Hollister High School. We have put up fences for BLM years ago. Ed Tobin and I came up with th phrase Friends of Clear Creek. maybe 15 yrs. ago.

We've camped overnight and drank "the water" nobody HAS ever gotten sick.

Hollister Hills is very over busy with bikes and is very dangerous.

Please re-open Clear Creek don't tease us anymore, spending money down there. Send the BLM home.

John Bengtson  
990 Par Ave  
Lemoore, CA 93245  
559-924-1891

Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

09 FEB -3 PM 12: 19

RECEIVED  
U.S. DEPT. OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Dear Sir / Ma'am:

I'm writing to comment on the CCMA RMP/EIS. I was able to attend the public meeting at Harris Ranch, and appreciate the effort you're putting into informing interested parties and gathering input.

My perspective: born and raised in California, but spent 27 years out of the state while in the U.S. Air Force. Returned to the state 4 years ago when I retired from the AF. On my return I began to revisit places that had left strong, positive memories from years past. One of those places was Clear Creek, which I first visited in 1972. Unfortunately the closure occurred, and now it has been added to a long list of places I used to ride that are now off-limits.

I'm sure the reasons for such closures were both compelling and essential in the minds of those who led the efforts for closure. But the impression I get is one of a nanny state, serving special interests or fearing legal threats, posed to place us all in a bubble wrap cocoon.

My vote for CCMA is "Leave it alone". If that *really* isn't possible, and the issue is overexposure to particulates, especially for the young, then at least allow some form of limited access with exposure kept to acceptable levels. Suggestions:

- Allow users to buy a pass for a few days/weeks/whatever each year
- Require vehicular users to keep their distance so they aren't riding in each other's dust
- Allow adults, but not children, to ride

There must be some way to allow at least limited use without closing off all access.

Again, I do appreciate the effort that you're putting into gathering input.

  
John Bengtson



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

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Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

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If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): FRANK S BENTO JR

Affiliation (if applicable):

Phone: (559) 734-3301 Email:

Address: 1622 S. BURKE

City, State, Zip: VISALIA, CA 93292

COMMENTS

I feel that the hunting clubs in the Condon PK AREA have benefited from this closure, and it won't be long before they ruin some good hunting country!

To: Bureau of Land Management

20 Hamilton Court

Hollister, Calif. 95023

From: John Bessa

150 Kelly Dr.

Hollister, Calif. 95023

10 MAR -5 AM 11:09

RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Subject: CCMA RMP/EIS

March 5, 2010

BLM,

Although I am concerned about the impact of participating in your “public comment period,” I am writing nonetheless. I have read your draft management plan and environmental impact statement, and have several issues with it. It is obviously a document written to justify the unwarranted, unnecessary and destructive closure of one of the prime off-road motorcycle riding areas in the state. I will be more specific in the following pages, but in general your document fails miserably in what it sets out to do. It reveals that justification for this closure is beyond the abilities of your staff and the data that you present.

I am aware that I am supposed to use this public comment procedure to choose from one of your “range of alternatives” and that I am allowed the favor of the “menu approach” where I may choose my favorite scenarios. So, for the record, I choose alternative “A,” the choice that would restore CCMA to its former place as part of the United States’ public lands. The other alternatives you have come up with are just more ways of depriving the people who have historically used the CCMA of recreational opportunities and taking the “multiple use” mandate of the BLM and throwing it out the window.

Obviously, as a dirt biker and Clear Creek user for more than 20 years, I am not objective. As land managers guided by a conspicuous agenda that would see all riding areas closed forever, the objectivity of your EIS/RMP is beyond dubious. That being said, below I offer two “substantive comments”; not in the hope that you will consider them and turn over a new leaf called “logic,” but because they may become points in some future litigation.

Substantive Comments:

Subject: Page 4 of the RMP/EIS - "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.."

**Comment:** This is untrue. The EPA's risk assessment does not establish any conclusive link between the naturally occurring Chrysotile and any health problems whatsoever. The BLM and EPA have failed to produce any epidemiological data about this. Their risk assessment extrapolates occupational exposure limits to infrequent, INFORMED recreational exposures. This method might be a way to establish and document that there is the potential for asbestos fibers in the air, but beyond this any conclusions are at best unscientific, or at worst deliberately maligned to justify a bogus land closure. Their methodology in collecting this "data" appeared, in the attached photos, like it was intended to make the poor saps riding the quads look like morons. Real CCMA users don't follow in the center of a dust cloud. Not even the morons.

**Correction to draft EIS/RMP should state:** The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) erroneously concludes that there is elevated risks of recreating in CCMA. The EPA needs to conduct an adequate and conclusive and scientifically valid risk assessment before concluding that there is any risk to the health of CCMA users.

Subject: Page 308 of the RMP/EIS -- "**Conflicts with Other Uses, Adjacent Property Owners, or Among User Groups ...** Under Alternative A, user conflicts would continue to be an issue in areas where there is competition for non-motorized and motorized use on roads and trails and at other recreation facilities, such as campgrounds. Individual conflicts are temporary and localized, but would 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."

**Comment:** "Major long-term adverse effects on non-motorized recreationist(sic)"? I don't think so. You provide no evidence that non-motorized recreation is being squeezed out by OHV use in CCMA. I am an avid hiker in addition to being an off-roader. In the last two months, I have hiked and/or camped with my family at the Pinnacles, Joshua Tree, and Yosemite National Parks/Monuments; as well as Coe, Fremont Peak, Sunset, Refugio, Manresa, Rio Del Mar and other State Parks/Beaches. I am typical of OHV users, in that I have a profound appreciation for the natural world and believe in protecting it for future appreciation by other users. Some areas are exceptionally fragile and should be restricted to careful foot traffic only. Clear Creek is not such an area, and I believe hikers, if they ever went to CCMA, would agree. Furthermore, the opportunities for non-motorized recreation in the area are numerous and superior to CCMA. Conversely, impacts to other OHV areas in the region are not explored adequately in this document. The riders displaced by a Clear Creek closure will go elsewhere to ride, increasing the intensity of impacts to other riding areas. Your RMP/EIS fails to adequately deal with environmental impacts to other OHV sites.

**Correction to draft EIS/RMP should state:** Alternative A will not create excessive conflicts between motorized and non-motorized users, and will reduce environmental impacts to other OHV sites such as Hollister Hills SVRA, Stonyford BLM, Metcalf County Motorcycle Park, Pozo-La Panza USFS area, and Hungry Valley SVRA.

In conclusion, as a citizen of the United States who pays ample federal taxes, I strongly object to the Bureau of Land Management's misguided efforts to "protect" recreationists from naturally occurring elements on public land. The BLM's stated objective of sustainable, multiple use is in no way fulfilled by closing this treasure of a riding area. The impacts of a closure far outweigh any concocted dangers that the closure seeks to cure. Open Clear Creek, manage it intelligently and the citizens who use it will forget about your failed attempt at new "management" and will happily create a partnership with the BLM to again make Clear Creek a sustainable multiple use area. We've proven that in the past.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bessa", with a long horizontal flourish extending to the right.

John Bessa  
San Benito County  
March 5, 2010

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

10 MAR -4 PM 3:02  
RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Dear Coordinator:

I have tried, several times to send an E-mail, but keep getting rejected. I hope that I am the only one. And if not, that the others have not given up!!!

Basically I have ridden the Clear Creek area since the early 70's. Mostly in the 70's (A couple days per month, but rarely since the 80's. After considerable exposure to the dust and water, I consider my health to be exceptional...for 65. I believe the risk as outlined by the BLM is negligible. I have several riding buddies that also have had NO ill effects for years of early and recent exposure...excepting maybe recreational "crashes."

I oppose losing this area for this reason.

Closing the area to other recreational interests probably shouldn't be either. Including 4 wheeling, bicycles, horses, hikers, and motorcyclists on long established trails.

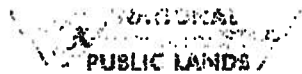
I support all those that are trying to give good evidence that the area should remain open for public recreational multiple use other than just hiking. Please refer to any comments from Don Almador.

Thanks for your consideration  
Ben Bower  
462 Ferne Ave  
Palo Alto, CA  
94306  
[bowerben@aol.com](mailto:bowerben@aol.com)  
650-857-0433



*P.S. This has also been a family outing area for us.  
Families that Play Together... Stay Together*





**BUREAU OF LAND MANAGEMENT**

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

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Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

*Comments must be postmarked or received by BLM no later than March 9, 2010.*

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Dusty Brown  
Affiliation (if applicable): Rider  
Phone: (909) 878-6464 Email: Photobecca@hotmail.com  
Address: 5190 Mercedes Ave  
City, State, Zip: Alhambra CA 91807

**COMMENTS**

I Always thought Clear Creek was a nice  
place to Ride, and not further anyone.  
was vely Rode there After a Rain.



BUREAU OF LAND MANAGEMENT

10 MAR -4 PM 2:52

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

BLM FIELD OFFICE  
LAND MANAGEMENT  
HOLLISTER, CA 95023

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.

Written public comments may be submitted by any of the following methods:

Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

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Name (Please print): Joseph F. Brown  
Affiliation (if applicable): BROWNS CYCLES INC.  
Phone: (805) 238-1240 Email: \_\_\_\_\_  
Address: 5175 STOCKDALE RD.  
City, State, Zip: PASO ROBLES, CA. 93446

COMMENTS

The Closing of Clear Creek has had a 40% Negative effect on My Business, I have personally rode Clear Creek " " For over 40yrs With No Ill Effects, ALTERNATIVE A Is The Only Reasonably Alternative.



BUREAU OF LAND MANAGEMENT

10 MAR -4 PM 2:52

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20 Hamilton Court
Hollister, CA 95023

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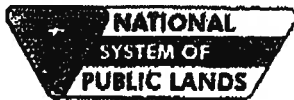
Comments must be postmarked or received by BLM no later than March 5, 2010.

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Name (Please print): David Brown
Affiliation (if applicable): Brown's Cycles
Phone: (805) 423-7072 Email: termie\_34@hotmail.com
Address: 5380 Monterey Road
City, State, Zip: Paso Robles, CA, 93446

COMMENTS

Alternative A is the best option offered. Give the public back their land. People have been riding there for a long time with no ill effects. Stop killing the offroad ~~some~~ business!



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

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Name (Please print): Renee Burritt  
Affiliation (if applicable): Salinas Ramblers M.C.  
Phone: 831-444-7134 Email: reneef21@aol.net  
Address: 255 E. Bolivar St Sp 87  
City, State, Zip: Salinas, CA 93906

10 MAR -3 PM 12:27

COMMENTS

Clear Creek should be left opened!  
Please look again in your report &  
reconsider keeping all or part of CC opened.  
The asbestos you are speaking of, will

**COMMENTS (Continued)**

not harm you. We all work, sleep & play where there is danger to our health.

Where some of us work, we are exposed to things that can harm us. We go to our employers daily knowing the environment can harm us. We drive cars daily knowing they are dangerous.

Why not have people sign waivers that state "motorcycling is a dangerous sport". We sign waivers when we go to some sporting events,

Crime in Salinas has increased. We had 29 murders in 2009. Be that as it may, they were gang related, some of them DO RIDE DIRT. I am sure if CC was opened, this number would be down.

Please, please, please reconsider this closure. My boyfriend would like to take me in there to ride. I have never been to CC & would love to experience the joy of riding there. I have seen pictures & videos of this great riding area. We would also like to share this place with our grandkids.

Won't you please reconsider?

Thank You  
Renee Burritt

# **LAKE CONSTRUCTION**

CA LICENSE # 415921 A. B. C.9

PO BOX 469  
GLENHAVEN, CA 95443  
Phone/Fax (707) 998-3329

*GENERAL BUILDING ENGINEERING MARINE CONTRACTORS SINCE 1971  
COMMERCIAL/ INDUSTRIAL*

**March 15, 2010**

**Bureau of Land Management  
Attn: CCMA RMP?EIS  
20 Hamilton Court Hollister, Ca. 95023**

**CC: Senator Barbara Boxer /fax  
CC: Senator Diane Feinstein / fax**

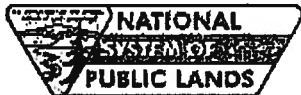
**Sirs**

**In a recent visit to San Jose, I had heard that you are trying to shut down Clear Creek motorcycle area. I would like to tell you that I really wish you would reconsider. I have been riding that area since the early 1960's and have raised my 5 children on motorcycles and camping there. Now my grandchildren are of age to ride and I think it would be a big mistake to take away such a great area for families that like the outdoors and motorcycles to lose. I have to put in the same class of parks as Yosemite or Yellowstone only this is the premier place for motorcycles. As the rotten Sierra Club and environmentalist keep putting pressure on the public to think their way we are losing valuable land for our recreation. We are a major taxpaying base spending huge amounts of money on our equipment, trailers, clothing, etc...**

**I used to ride that area every weekend and sometimes 3 or 4 days a week. I know that area like the back of my hand. I know that the soil has asbestos in it. I am now 65 years old and I am in great health other than lots of broken and tired bones. I have dammed the creek up and swam in it, of course not getting the water in my eyes. We have organized weekend litter pick up parties with the rock hound groups that used to frequent the area. I wrote in the summer and winter although I always preferred the winter while it was wet and snow was on the ground. We would ride up to the repeater station and sometimes sleep up there overlooking the Valley. We used to ride down that mountain along the eastern side up to Mercy Hot springs before Highway 5 was put in.**

**Please I beg of you not to close this area for future generations. I no long ride, but I want this area saved for the future generations.**

**Wayne Chatoff  
(707) 349-1763**



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

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Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

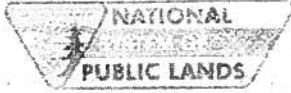
Comments must be postmarked or received by BLM no later than March 5, 2010.

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Name (Please print): MIKE COLLARD
Affiliation (if applicable):
Phone: (408) 734-0143 Email:
Address: 1220 TASMAN DR # 381
City, State, Zip: SUNNYVALE, CALIF. 94089

COMMENTS

I WORK IN THE MOTORCYCLE INDUSTRY. CLOSING RIDING AREAS IS BAD FOR BUSINESS. I STARTED TO RIDE AT CLEAR CREEK IN 1972 AND HAS BEEN A FAVORITE OFF ROAD AREA. PLEASE KEEP CLEAR CREEK OPEN



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

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Name (Please print): Taylor Congdon
Affiliation (if applicable):
Phone:
Email:
Address: PO Box 4628
City, State, Zip: Paso Robles, CA 93447

COMMENTS

Please Reopen ClearCreek it has been one of the most enjoyable places for my family to ride and camp. We always obeyed the laws and tried to help maintain the trails. I don't understand why it has been taken away.

10 FEB 29 PM 1:09

U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95028



10 MAR -1 PM 5:26

U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95028

335 West D  
Lemoore Calif. 93245  
559-924-4052

ATT: CCMA

In regards to clear creek we wish to represent our members in writing to you that our words are read and heard.

Your report extensive as it is and as important as this issue seems to be to you, we sometimes forget that it is the simplest ideas that will indeed prevail.

Inform us, but don't take from us the ability to explore the possibilities from our past and our future.

These are public access lands, we are informed and we are respectful but we are entitled to access.

Limit the access time, have wavers signed but let us enjoy all that is around us. Let our children and thier children join in the balance of perserving, sharing, and learning about our earth, our home.

Each member will add thier own wishes in regards to Clear Creek  
Respectfully submitted

I UNDERSTAND ALL THE EFFORTS BEING MADE TO MAKE THE RIGHT DECISIONS REGARDING CLEAR CREEK. THE CLEAR CREEK AREA IS IMPORTANT TO MY FAMILY & I. IT IS AN AREA I COULD WALK WITH MY GRANDCHILDREN & SHARE THE DAY IN THE PUREST OF WAYS. TAKING IN NATURE PICKING UP STONES. MAKING THE MEMORIES THAT WILL BE REVISITED IN THEIR FUTURE YEARS. WE MUST BE ABLE TO SHARE THIS EARTH & CARE FOR THIS EARTH AND NOT LIMIT OUR LEARNING TO BOOKS, OUR FUTURE GENERATION MUST BE ABLE TO EXPERIENCE THESE SPACES IF WE ARE EVER TO PROTECT THEM.

PLEASE FIND A WAY TO BALANCE THIS ISSUE SO WE MAY AGAIN WALK THESE PATHS.

RESPECTFULLY  
Kathy Corbett

KATHY CORBETT  
341 REDAR  
HANFORD CA



BLM,

January 19, 2010

My letter is in response to the recent closure order of the Clear Creek Management Area (CCMA). I realize that no decision to close lands which affects large amounts of land and people is easy yet I do not feel the decision was made with long term implications in mind. I will site three reasons why I believe the decision was not in the public's best interest.

1. With current noise regulations of 96dbA being a continuing issue the closure of CCMA forces more motorcycles to ride near homes and cities which operate current OHV park. Even if all the motorcycles are under the noise regulations that larger number of motorcycles will create a greater overall noise pollution. This will continue to fuel the feud between neighbors and park users. Where as CCMA has very few neighbors directly affected by noise and is a good area to allow motorcycle use.
2. With the continued closure of public lands, the most recent being CCMA, my wife and two young sons are forced to ride in small crowded OHV parks. Even with wonderfully maintain parks like Hollister Hills the weekend crowds have resulted in many close calls between my family members and other riders. "During 2003, among persons aged  $\leq 19$  years, at least 245 died and an estimated 56,870 were treated in U.S. hospital emergency departments for injuries sustained while riding a motorcycle." (JAMA. 2006;296:273-274.) With injuries always on the ride BLM should be looking for ways to spread out motorcycle rides not pack them tighter together.
3. There will be long term revenue loss to cities near closed public lands. As fewer people ride and purchase motorcycles local shops will close and those cities will lose tax revenue. Local governments will receive less money for motorcycle registration. Thus, many of whom do not ride motorcycles, will be forced to make up the loss with higher registration costs.

I am a pastor at Twin Lakes Church in Aptos, California and part of my job is organizing family rides and CCMA is one of our favorite destinations. I am personally disappointed in the Bureau of Land Management's (BLM) decision to close CCMA under pressure from the EPA and their special interest groups.

As a government organization the BLM is funded by tax dollars and is responsible for managing public lands not closing them. If I ran my church with the same mind set as BLM has done with CCMA I would take people's offering and then shut down the programs and services that I run.

I realize the closure of CCMA has brought many letter of concern to your offices and I ask that you carefully consider the future opening of CCMA.

Sincerely,  
Steven Craig

A handwritten signature in blue ink that reads "Steve Craig".

Ladies/Gentlemen:

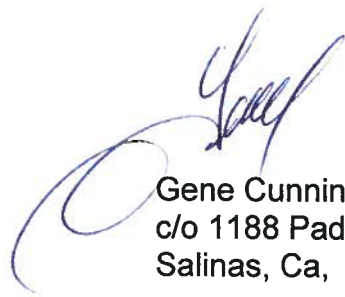
I have owned property in the Tucker Zone since 1991. It has always been a quiet reservoir/sanctuary for many species of animals and birds. I have always relished this quiet and undisturbed landscape where one can sit in the evening and not hear radios, T.V.s road noise but just the absolute thunder of real quiet.

This area is a sanctuary for the deer, elk, turkeys, mountain lions, eagles and condors and other protected and endangered species. A sanctuary is sorely needed as it is suitable habitat and an area removed from the noise and activity of OHV. The noise and activity of OHV will absolutely destroy the habitat for these species.

I have sat in front of my cabin and watched a cow elk attending her new born calf. It was only 200 yards away. A once in a life time experience to see the calf staggering around trying to get its legs and stand up. About an hour and one-half we watched this cow trying to get the calf to follow her. The calf after it got its legs kept trying to go back to the site where it was born. It took the cow a long time to get the calf to follow her. She headed up Byles Canyon when she could finally get the calf to follow. The two disappeared up Byles Canyon into the BLM lands.

Many times we have observed the Bald Eagles and thoroughly enjoyed this rare sight for Central California. Many other wildlife experiences have been enjoyed over the years I have owned this property.

It would be a major sin to destroy this sanctuary by the incursion of OHV use and sale of any property. The Tucker Zone has developed into a wildlife sanctuary and reservoir due to the fact that there is limited public access. This limited public access has existed long enough for a sanctuary to develop. This wildlife sanctuary and reservoir must be maintained with limited public access. Any other management plan will destroy the habitat, and hence the fact it is a sanctuary and a wildlife reservoir.



Gene Cunningham  
c/o 1188 Padre Dr. #123  
Salinas, Ca, 93901

March 5, 2010

CCMA RMP/EIS Comments

Attention: Planning Coordinator

Bureau of Land Management/Hollister Field Office

20 Hamilton Court

Hollister, CA 95023

Fax: 831-630-5055

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

RE: Tucker Zone

November 2009 Draft Management Plan and Environmental Impact Statement ("RMP/EIS") for the Bureau of Land Management's ("BLM's") Clear Creek Management Area ("CCMA")

Dear Ladies and Gentlemen:

My family and friends and I use the Tucker Zone area of the CCMA on a regular basis for hiking, hunting, rockhounding, wildlife viewing and other recreational purposes. I look forward to returning home and visiting the Hernandez cabin where the quiet, low population density, pristine terrain is cherished and treasured.

BLM should not select any alternative plan for the CCMA which involves the sale of any BLM land in the Tucker Zone, or the construction of any new roads or off highway vehicle trails in the area. To do so would devastate a wonderful wildlife habitat resource. It would also jeopardize Cane Canyon, which is eligible for inclusion in the Wild and Scenic River Inventory and must be protected by the BLM.

*Our famed author, John Steinbeck, describes the area best in the opening chapter of the EAST OF EDEN. Take a moment to read this short passage (copy attached) and understand how eerily familiar his description of the area may be to the current discussion. The natural terrain and flora he describes so eloquently is the same appeal we value now; as he valued over 60 years ago. Building new roads or off-highway vehicle trails in the area would erode not only our personal peace, but more importantly erode a Nobel and Pulitzer's Prize author of his roots.*

The Tucker Zone should be used as a wildlife conservation and wilderness study area to mitigate the loss of wildlife habitat elsewhere in the CCMA. My family, friends and I fully support the East Hernandez Valley Property Owners' February 20, 2010 Public Access Proposal for the Tucker Zone and encourage the BLM to adopt such Proposal. I also incorporate by reference all of the comments set forth in the discussion outline entitled Hernandez Valley Property Owners Discussion Topics for BLM Meeting submitted to BLM on February 22, 2010 in Hollister, California.

Your careful consideration of our comments and concerns will be appreciated.

Sincerely,



Karen L. Cunningham

Family and Friend of East Hernandez Valley Property Owners Association

# EAST OF EDEN



by

John Steinbeck

BANTAM BOOKS  
 NEW YORK

EAST OF EDEN

A BANTAM Book published by arrangement with  
The Viking Press, Inc.

PRINTING HISTORY

Viking edition published September 1952

1st Printing ..... June 1952

2nd Printing ..... September 1952

3rd Printing ..... October 1952

4th Printing ..... October 1953

Excerpts published in *Colliers* under the title  
*The Sons of Cyrus Trask*, July 1952

Excerpts published in *This Week*, December 1952

Reader's Digest Condensed Book Club selection for April 1953

Sears Readers Club selection for July 1953

Bantam edition published January 1955

1st Printing ..... December 1954

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PRINTED IN THE UNITED STATES OF AMERICA

BANTAM BOOKS, 25 West 45th Street, New York 36, New York

PASCAL COVICI

Dear Pat,

*You came upon me carving some kind of little figure out of wood and you said, "Why don't you make something for me?"*

*I asked you what you wanted, and you said, "A box."*

*"What for?"*

*"To put things in."*

*"What things?"*

*"Whatever you have," you said.*

*"Well, here's your box. Nearly everything I have is in it, and it is not full. Pain and excitement are in it, and feeling good or bad and evil thoughts and good thoughts—the pleasure of design and some despair and the indescribable joy of creation."*

*And on top of these are all the gratitude and love I have for you.*

*And still the box is not full.*

JOHN

## PART ONE

### Chapter 1

[ 1 ]

The Salinas Valley is in Northern California. It is a long narrow swale between two ranges of mountains, and the Salinas River winds and twists up the center until it falls at last into Monterey Bay.

I remember my childhood names for grasses and secret flowers. I remember where a toad may live and what time the birds awaken in the summer—and what trees and seasons smelled like—how people looked and walked and smelled even. The memory of odors is very rich.

I remember that the Gabilan Mountains to the east of the valley were light gay mountains full of sun and loveliness and a kind of invitation, so that you wanted to climb into their warm foothills almost as you want to climb into the lap of a beloved mother. They were beckoning mountains with a brown grass love. The Santa Lucias stood up against the sky to the west and kept the valley from the open sea, and they were dark and brooding—unfriendly and dangerous. I always found in myself a dread of west and a love of east. Where I ever got such an idea I cannot say, unless it could be that the morning came over the peaks of the Gabilans and the night drifted back from the ridges of the Santa Lucias. It may be that the birth and death of the day had some part in my feeling about the two ranges of mountains.

From both sides of the valley little streams slipped out of the hill canyons and fell into the bed of the Salinas River. In the winter of wet years the streams ran full-freshet, and they swelled the river until sometimes it raged and boiled, bank full, and then it was a destroyer. The river tore the edges of the farm lands and washed whole acres down; it toppled barns and houses into itself, to go floating and bobbing away. It trapped cows and pigs and sheep and drowned them in its muddy brown water and carried them to the sea. Then when the late spring came, the river drew in from its edges and the sand banks appeared. And in the summer the river didn't run at all above ground. Some pools would be left in the deep

swirl places under a high bank. The tules and grasses grew back, and willows straightened up with the flood debris in their upper branches. The Salinas was only a part-time river. The summer sun drove it underground. It was not a fine river at all, but it was the only one we had and so we boasted about it—how dangerous it was in a wet winter and how dry it was in a dry summer. You can boast about anything if it's all you have. Maybe the less you have, the more you are required to boast.

The floor of the Salinas Valley, between the ranges and below the foothills, is level because this valley used to be the bottom of a hundred-mile inlet from the sea. The river mouth at Moss Landing was centuries ago the entrance to this long inland water. Once, fifty miles down the valley, my father bored a well. The drill came up first with topsoil and then with gravel and then with white sea sand full of shells and even pieces of whalebone. There were twenty feet of sand and then black earth again, and even a piece of redwood, that imperishable wood that does not rot. Before the inland sea the valley must have been a forest. And those things had happened right under our feet. And it seemed to me sometimes at night that I could feel both the sea and the redwood forest before it.

On the wide level acres of the valley the topsoil lay deep and fertile. It required only a rich winter of rain to make it break forth in grass and flowers. The spring flowers in a wet year were unbelievable. The whole valley floor, and the foothills too, would be carpeted with lupins and poppies. Once a woman told me that colored flowers would seem more bright if you added a few white flowers to give the colors definition. Every petal of blue lupin is edged with white, so that a field of lupins is more blue than you can imagine. And mixed with these were splashes of California poppies. These too are of a burning color—not orange, not gold, but if pure gold were liquid and could raise a cream, that golden cream might be like the color of the poppies. When their season was over the yellow mustard came up and grew to a great height. When my grandfather came into the valley the mustard was so tall that a man on horseback showed only his head above the yellow flowers. On the uplands the grass would be strewn with buttercups, with hen-and-chickens, with black-centered yellow violets. And a little later in the season there would be red and yellow stands of Indian paintbrush. These were the flowers of the open places exposed to the sun.

Under the live oaks, shaded and dusky, the maidenhair flourished and gave a good smell, and under the mossy banks of the water courses whole clumps of five-fingered ferns and goldy-backs hung down. Then there were harebells, tiny

lanterns, cream white and almost sinful looking, and these were so rare and magical that a child, finding one, felt singled out and special all day long.

When June came the grasses headed out and turned brown, and the hills turned a brown which was not brown but a gold and saffron and red—an indescribable color. And from then on until the next rains the earth dried and the streams stopped. Cracks appeared on the level ground. The Salinas River sank under its sand. The wind blew down the valley, picking up dust and straws, and grew stronger and harsher as it went south. It stopped in the evening. It was a rasping nervous wind, and the dust particles cut into a man's skin and burned his eyes. Men working in the fields wore goggles and tied handkerchiefs around their noses to keep the dirt out.

The valley land was deep and rich, but the foothills were only a skin of topsoil no deeper than the grass roots; and the farther up the hills you went, the thinner grew the soil, with flints sticking through, until at the brush line it was a kind of dry flinty gravel that reflected the hot sun blindingly.

I had spoken of the rich years when the rainfall was plentiful. But there were dry years too, and they put a terror on the valley. The water came in a thirty-year cycle. There would be five or six wet and wonderful years when there might be nineteen to twenty-five inches of rain, and the land would shout with grass. Then would come six or seven pretty good years of twelve to sixteen inches of rain. And then the dry years would come, and sometimes there would be only seven or eight inches of rain. The land dried up and the grasses headed out miserably a few inches high and great bare scabby places appeared in the valley. The live oaks got a crusty look and the sagebrush was gray. The land cracked and the springs dried up and the cattle listlessly nibbled dry twigs. Then the farmers and the ranchers would be filled with disgust for the Salinas Valley. The cows would grow thin and sometimes starve to death. People would have to haul water in barrels to their farms just for drinking. Some families would sell out for nearly nothing and move away. And it never failed that during the dry years the people forgot about the rich years, and during the wet years they lost all memory of the dry years. It was always that way.

[ 2 ]

And that was the long Salinas Valley. Its history was like that of the rest of the state. First there were Indians, an inferior breed without energy, inventiveness, or culture, a people that lived on grubs and grasshoppers and shellfish, too lazy to hunt

or fish. They ate what they could pick up and planted nothing. They pounded bitter acorns for flour. Even their warfare was a weary pantomime.

Then the hard, dry Spaniards came exploring through, greedy and realistic, and their greed was for gold or God. They collected souls as they collected jewels. They gathered mountains and valleys, rivers and whole horizons, the way a man might now gain title to building lots. These tough, dried-up men moved restlessly up the coast and down. Some of them stayed on grants as large as principalities, given to them by Spanish kings who had not the faintest idea of the gift. These first owners lived in poor feudal settlements, and their cattle ranged freely and multiplied. Periodically the owners killed the cattle for their hides and tallow and left the meat to the vultures and coyotes.

When the Spaniards came they had to give everything they saw a name. This is the first duty of any explorer—a duty and a privilege. You must name a thing before you can note it on your hand-drawn map. Of course they were religious people, and the men who could read and write, who kept the records and drew the maps, were the tough untiring priests who traveled with the soldiers. Thus the first names of places were saints' names or religious holidays celebrated at stopping places. There are many saints, but they are not inexhaustible, so that we find repetitions in the first namings. We have San Miguel, St. Michael, San Ardo, San Bernardo, San Benito, San Lorenzo, San Carlos, San Francisquito. And then the holidays—Natividad, the Nativity; Nacimiento, the Birth; Soledad, the Solitude. But places were also named from the way the expedition felt at the time: Buena Esperanza, good hope; Buena Vista because the view was beautiful; and Chualar because it was pretty. The descriptive names followed: Paso de los Robles because of the oak trees; Los Laureles for the laurels; Tularcitos because of the reeds in the swamp; and Salinas for the alkali which was white as salt.

Then places were named for animals and birds seen—Gabilanes for the hawks which flew in those mountains; Topo for the mole; Los Gatos for the wild cats. The suggestions sometimes came from the nature of the place itself: Tassajara, a cup and saucer; Laguna Seca, a dry lake; Corral de Tierra for a fence of earth; Paraiso because it was like Heaven.

Then the Americans came—more greedy because there were more of them. They took the lands, remade the laws to make their titles good. And farmholds spread over the land, first in the valleys and then up the foothill slopes, small wooden houses roofed with redwood shakes, corrals of split poles. Wherever a trickle of water came out of the ground a house

sprang up and a family began to grow and multiply. Cuttings of red geraniums and rosebushes were planted in the door-yards. Wheel tracks of buckboards replaced the trails, and fields of corn and barley and wheat squared out of the yellow mustard. Every ten miles along the traveled routes a general store and blacksmith shop happened, and these became the nuclei of little towns, Bradley, King City, Greenfield.

The Americans had a greater tendency to name places for people than had the Spanish. After the valleys were settled the names of places refer more to things which happened there, and these to me are the most fascinating of all names because each name suggests a story that has been forgotten. I think of Bolsa Nueva, a new purse; Morocojo, a lame Moor (who was he and how did he get there?); Wild Horse Canyon and Mustang Grade and Shirt Tail Canyon. The names of places carry a charge of the people who named them, reverent or irreverent, descriptive, either poetic or disparaging. You can name anything San Lorenzo, but Shirt Tail Canyon or the Lame Moor is something quite different.

The wind whistled over the settlements in the afternoon, and the farmers began to set out mile-long windbreaks of eucalyptus to keep the plowed topsoil from blowing away. And this is about the way the Salinas Valley was when my grandfather brought his wife and settled in the foothills to the east of King City.

## Chapter 2

[ 1 ]

I must depend on hearsay, on old photographs, on stories told, and on memories which are hazy and mixed with fable in trying to tell you about the Hamiltons. They were not eminent people, and there are few records concerning them except for the usual papers on birth, marriage, land ownership, and death.

Young Samuel Hamilton came from the north of Ireland and so did his wife. He was the son of small farmers, neither rich nor poor, who had lived on one landhold and in one stone house for many hundreds of years. The Hamiltons managed to be remarkably well educated and well read; and, as is so often true in that green country, they were connected and related to very great people and very small people, so that one cousin might be a baronet and another cousin a beggar. And of course

810 Parnell Place  
Sunnyvale, CA 94087

March 4, 2010

10 MAR -8 PM 2:52  
RECEIVED  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

BLM  
Bureau of Land Management  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

To Whom It May Concern -- an open letter to the BLM:

I am writing to express my concerns about the future of the Clear Creek Management Area, and in particular, public access of Clear Creek Road.

Since the early 1990's, I enjoyed my rides once or twice a year that have included the county roads: New Idria Road, Clear Creek Road, and occasional side trips down Mexican Hat et al. The complete closure of Clear Creek has prevented one of my all-time favorite day rides. It's all the more frustrating to hear that this is supposedly being done in my best interest, for a risk that is negligible considering the limited exposure, if it indeed exists at all. My risk from a collision with a vehicle on highway 25 exceeds any risk of exposure to the air at CCMA.

It is my hope that the BLM will *respond to the public wishes*, and completely *reopen the entire CCMA roads and trails to all recreational users*.

If not, I hope some compromise may be reached that at least will *keep Clear Creek Road open to all vehicles traveling between New Idria and Coalinga Roads, including street-legal motorcycles*.

Some of the draft RMP's alternatives refer to allowing road access "limited to full-sized vehicles," however the term "full-sized vehicle" is never defined. My touring vehicle of choice is a BMW R100GS, a full-size highway-legal touring motorcycle. I fear that limiting access to "full-sized vehicles" may be implemented in practice as prohibiting all motorcycles. Discussion with BLM staff has indicated that "full-sized vehicles allowed" is BLM-speak for "all motorcycles prohibited."

The Resource Management Plan must be clearly written in a way that honestly describes the access available. If street-legal vehicles will be allowed to travel on Clear Creek Road, say so. If you intend to arbitrarily and unjustly discriminate against all two-wheeled vehicles, then clearly admit that in the RMP. But *don't hide behind undefined terms like "full-sized vehicles."* Such obscurities have no place in an official document such as the CCMA RMP/EIS which affects so many of the public, including myself, my wife (who also rides), and our children (who we hope will still have places to ride).

Sincerely,



David Doudna



**BUREAU OF LAND MANAGEMENT**

10 MAR -2 P12:58

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

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

**PUBLIC COMMENT FORM**

Thank you for participating in tonight's public meeting for the **Draft** Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the **Draft** Environmental Impact Statement are encouraged.

**Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.**

Written public comments may be submitted by any of the following methods:

**Hand:** Place in drop-box during public meetings.

**Mail:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Don Dunning  
Affiliation (if applicable): Mountaineers club, Thrift wheels inc, my family  
Phone: 408 248 5790 Email: 2001 wade I @ AOL.com  
Address: 3413 EL Camino Real  
City, State, Zip: Santa Clara ca 95051

**COMMENTS**

My Father Lester Dunning took me to Clear Creek in 1965. He had been going there since 1959 with the Mountaineer Motorbike Club. We would go

## COMMENTS (Continued)

camp every other weekend between October to May and ~~one~~ a month in the summer.

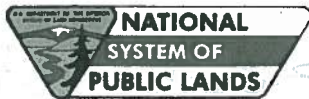
Our Ride-Trail leader was Glen Huston, we would work on trails on Saturday, cut brush etc, and they connect the trails on Sunday, so before the Salinas Rambler started to use the Area, we had developed a trail system. Many of our trails were used by Quick Silver riders.

We used to camp by the "Indians" cabin, above the Indians Hill Staging area.

The "Indian" whose name I can't remember would not let us climb his hill in back of his cabin until one night he told me to be the first to climb it, shortly after this he left the Area.

Riding and camping at Clear Creek has been a way of life for me and my friends until May 2008, now I can't share this with my family.

Alternative A is the only choice to return the way of life that we loved.



**BUREAU OF LAND MANAGEMENT**

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

10 MAR -2 PM 2:58

RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95043

**PUBLIC COMMENT FORM**

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20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): Don Dunning  
Affiliation (if applicable): Zoom Cycle Accessories  
Phone: 408 248 5790 Email: Zoom Cycle I@AOL.com  
Address: 3413 Bl Camino Real  
City, State, Zip: Santa Clara ca 95051

**COMMENTS**

Zoom Cycle Accessories was founded  
in 1971 by my father Lester Dunning. He  
retired in 1988, since then I have managed  
the store.

## COMMENTS (Continued)

We were a profitable organization until the Clean Check closure. Our records indicate that our sales have decreased \$450,000 per year since the closure. Now we are close to economic failure.

As your studies indicate 60% of Clean Check riders come from Santa Clara County. I had several of my regular customers sell their motorcycles since they could not ride at Clean Check anymore.

Alternative A is the correct choice to put LIFE back into my business as riding at Clean Check is hard on equipment that my customers will need to replace.

Also before the closure I had 10 employees, now I have only 2 full time employees and 3 part timers.

Hillster Hills also has been ~~severely~~ impacted by the closure. The park has been closed 30+ times since the closure, so riders have stopped going since they are worried about getting in there, so they are not using their equipment that they will need to replace.

The Quicksilver and the WLD Bourn enduro's were great for my business but they are no more.

March 4, 2009

BLM Hollister Field Office  
Attn: CLEAR CREEKMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

10 MAR -8 PM 2:52

RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95033

Re: DRAFT Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

To Whom It May Concern:

As a member of the OHV community who has enjoyed the beautiful trails in the Clear Creek management area for over 36 years, I urge you to adopt a management plan that will allow for a meaningful OHV recreation experience:

Here are my key issues:

- Loss of Recreation Areas – Clear Creek offers unique challenging trails that are not available elsewhere. It would be an unacceptable loss of access for the thousands of visitors who regularly visit Clear Creek from the Bay Area, Monterey, and San Joaquin Valley.
- To lower exposure asbestos, harden trails can be implemented. Roads also could be covered with different soil or road base to create corridors of hardened trails to allow access to non-asbestos areas.
- Open more trails in non-asbestos areas of Clear Creek to offset closure in other parts of the management plan.
- Limit the number of days people can visit Clear Creek in order to maintain a lower level of exposure to asbestos.

The Clear Creek Management area has a long history of OHV recreation. Please adopt a management plan that will continue to provide access for future generations.

Sincerely,



Ben Ellis  
Los Altos Dirt Bikers  
10310 Beardon Drive  
Cupertino, CA 95014

EMAIL - bellis46@yahoo.com

April 9, 2010

BLM

Attn. CCMA RMP/EIS  
20 Hamilton Court,  
Hollister, CA 95023

10 APR 12 PM 1:01  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Re: Clear Creek Public Comment

To whom it concerns:

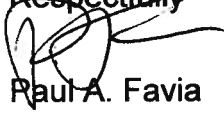
This letter is to express my support of "Alternative A" – please take No Further Action and revert to the 1984 Hollister RMP

This is for a number of reasons.

1. Every American citizen, and visitor, deserves the right to enjoy PUBLIC LAND to the fullest, without being herded by overzealous government agencies into narrow, limited pathways as in Alternative E
2. Alternative A is the only option that is consistent with BLM's stated mission to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations. Please do not try to define or limit the ways in which I can enjoy my public lands.
3. How does the asbestos risk translate into a closure of Public Land??? Warning labels on alcohol and tobacco are deemed sufficient by our society to address the risk posed – these products are not banned. Safe sex is promoted by our society, yet the practice is not banned. California buildings that contain various carcinogenic materials bear warning labels – but continue to be open to the public. I dare say that more death and disease can be attributed to such things, but they are permitted with only a label or sign to explain to the public – proceed at your own risk and responsibility.

Why, WHY is Clear Creek different???? Leave the signs up and be done with this insanity

Respectfully

A handwritten signature in black ink, appearing to read "Paul A. Favia", written over the word "Respectfully".

Paul A. Favia  
1150 Riverbluff Drive  
Oakdale, CA 95361



BUREAU OF LAND MANAGEMENT

FEB 23 PM 12:53

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

BUREAU OF LAND MANAGEMENT HOLLISTER, CA 95023

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

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Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): Ben Fernandez

Affiliation (if applicable):

Phone: 408-825-3243 Email: bfernandez745@gmail.com

Address:

City, State, Zip:

COMMENTS Phase keep open, for the future of the children!



BUREAU OF LAND MANAGEMENT

10 MAR -4 PM 2:52

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

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Name (Please print): Gary Ferravanti Jr

Affiliation (if applicable):

Phone: 805-471-1817 Email: 1744jr@gmail.com

Address: 280 Hunter Place

City, State, Zip: Paso Robles Ca, 93446

COMMENTS

Open clear Creek Alt "A", have been riding there for 20 yrs in the dust, rain, snow, etc... and have never had Any health problems, this is the most ridiculous thing I have ever heard. Public land means Public USE - we pay for it.



BUREAU OF LAND MANAGEMENT

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Fax: (831) 630-5055 Attn: CCMA RMP/EIS

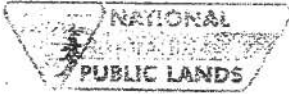
Comments must be postmarked or received by BLM no later than March 5, 2010.

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Name (Please print): JOE FRATIS
Affiliation (if applicable):
Phone: 408 483 4408 Email: JOE@MOTIONPRO.COM
Address: 507 AMERICAN ST
City, State, Zip: SAN PABLO CA 94070

COMMENTS

The DEIS does not contain any economic efforts of the huge impact to regional economy like gas stations, restaurants, lodging & camping. This must be added to the DEIS w/ supporting documents. Motorcycles are my livelihood, closing places like this will cause loss of jobs!



BUREAU OF LAND MANAGEMENT

10 MAR -8 PM 2:37

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

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Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): Robert D. Freeman
Affiliation (if applicable): Motor cycle rider
Phone: (805) 239-8769 Email:
Address: 633 Trigo Ln.
City, State, Zip: Paso Robles CA 93446

COMMENTS
I think that clear creek
should be open to ride
Motor cycles.

# George & Frances Alderson

112 Hilton Avenue  
Baltimore, Maryland 21228

[This copy is submitted to verify our comment letter submitted by email on 3/03/10]

March 3, 2010

Mr. Rick Cooper, Field Manager  
BLM, Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister CA 95023  
[cahormp@ca.blm.gov](mailto:cahormp@ca.blm.gov)

10 MAR -8 PM 2:35

Dear Mr. Cooper:

Please accept our compliments on the draft plan and EIS for Clear Creek Management Area. I (George) take a personal interest in this area because my mother's family settled in this region of California before 1910, and several of my relatives live there still. I am retired from a career with BLM and US EPA.

Please convey our thanks to the authors of the draft for the cogent analysis of the resources of CCMA and the public uses of them, for the realistic series of alternatives presented, and for the thoughtful analysis of the environmental impacts of each alternative. We feel that the 90-day period allowed for comments has been adequate. Hollister Field Office made it easy to get the documents. You mailed us the CD version because we were on an earlier mailing list, and you responded promptly when we asked for a paper copy.

## **Background on OHVs**

BLM should not be intimidated by the barrage of criticism from OHV riders. The bureau has been through this before. I served in the BLM wilderness program at headquarters during the wilderness inventory in 1978-80, when OHV groups raised a royal stink and tried to block the bureau from carrying out its inventory in the California Desert Conservation Area. They sent in thousands of angry comment letters and even filed appeals with the Interior Board of Land Appeals, but the appeals were denied. To BLM's credit, over the past 30 years the areas open to OHVs in the CDCA have been greatly reduced. Nature has restored many abused acres, and public enjoyment of the desert has benefited.

A recent Forest Service decision could be a good model for BLM's final decision on Clear Creek. In October 2009 the Forest Service made a tough decision closing the Upper Tellico OHV trail system in the Nantahala National Forest, NC, because of severe erosion and sediment pollution of streams. As in the Clear Creek case, OHV groups responded with anger and insults. They submitted hundreds of letters and they hired an engineering firm to contest the Forest Service's analysis. However, that firm cherry-picked the most favorable data in a flimsy attempt to overcome the agency's conclusions.

The final decision by the Forest Service closed the OHV trails permanently. The appeals filed against that decision were denied in January 2010. OHV groups have talked about filing a lawsuit, but none has been filed yet. OHV fans who were irate about Tellico over the past 3 years have become quiet, and the controversy has died down. Forest Service documents on the Tellico case are posted at: <http://www.cs.unca.edu/nfsnc/nepa/tusquitee/tellico.htm>. An especially valuable document is the “Response to Comments,” a 169-page document answering every argument raised by OHV groups. It would make good reading for BLM employees working on Clear Creek. The appeal decisions are posted at: [http://www.fs.fed.us/r8/appeals/decisions/2010\\_decisions/ncarolina/2010\\_rf\\_decisions\\_nc.htm](http://www.fs.fed.us/r8/appeals/decisions/2010_decisions/ncarolina/2010_rf_decisions_nc.htm) (see Nos. 17-21).

### **Bar OHVs from the Asbestos ACEC**

The analysis in the draft EIS demonstrates that the lands in the asbestos ACEC simply are not suitable for OHV recreation. The US EPA risk assessment shows that asbestos exposure exceeds acceptable levels. EPA found that dirt bikes and ATVs are the greatest problem because they raise a cloud of dust containing asbestos fibers, which are inhaled by riders and by other visitors. The most effective way to reduce asbestos exposure is to bar those vehicles.

EPA’s sampling method correctly reflects the way OHVs are used in CCMA. Although OHV groups have objected to sampling from a vehicle following in the dust cloud behind another vehicle, it reflects what many riders do, as can be seen from photos posted by Clear Creek riders on their own web sites.

Even full-size OHVs such as Jeeps and ordinary automobiles can raise a dust cloud. In my travels on back roads all over the West, I’ve inhaled quite a bit of dust from cars ahead of me. (Thank goodness asbestos soils are rare.) On one popular Jeep route we saw dust a half-inch deep after a “Jeep jamboree” event had passed through. If full-size vehicles are to be allowed within the ACEC, they should be restricted to routes equipped with surfacing or dust-palliatives to prevent a dust cloud.

### **Benefits of excluding OHVs**

The exclusion of dirt bikes and ATVs from the ACEC will have several important benefits for the public interest. The asbestos hazard will be reduced to a minimum because vehicles will not be raising asbestos fibers into the atmosphere. The closure of obsolete OHV routes will lead to restoration of natural conditions, healing of eroded surfaces, and re-uniting fragmented blocks of wildlife and plant habitat. Without OHVs roaring everywhere, Clear Creek will become more attractive to visitors seeking a quiet place to enjoy nature, see the spring wildflowers, have a picnic, go bird watching, go rockhounding, or go hunting. All these potential public uses have been discouraged by the dominance of OHVs in Clear Creek.

We believe the highest value of lands in the ACEC is as natural wild lands, to serve the public as wildlife habitat, as watershed, and as a place for quiet forms of outdoor recreation. The serpentine area, which is also the asbestos hazard area, supports plant life specially adapted to the nutrient-poor serpentine substrate. Here in Maryland a 1,900-acre serpentine area has been

acquired by the state as the Soldiers Delight Natural Environment Area. Horseback riding, bicycling and OHVs are not allowed. However, no asbestos problem has been identified here. For information see: <http://www.dnr.state.md.us/publiclands/central/soldiers.html>

The area could also be valuable for the endangered California Condor. The condor was reintroduced in 2003 at Pinnacles National Monument to the north of CCMA, and a pair of condors were observed nesting in 2009 at a high rocky cliff on a private ranch outside PNM. We urge BLM to identify potential condor roosting and nesting habitat in the asbestos ACEC and seek advice from the Fish and Wildlife Service and other specialists as to the best management for this purpose.

### **Future access routes**

While we favor closure of the ACEC to all dirt bikes and ATVs, we suggest that a few routes for cars should be kept open for access to trailheads for bird watchers, rockhounds, botanists, and all who wish to enjoy the natural environment of this area on foot. We understand that California bird watchers may be submitting recommendations to BLM about specific access routes.

Only vehicles suitable for highway travel should be allowed, used for transportation to the trailheads – not any form of OHVs driven for the sake of adventurous driving. We do not favor the “scenic route” described in Alternative E, involving new construction of the Spanish Lake road to Wright Mountain. Instead, we favor recreation access routes leading in from the periphery of the ACEC to trailheads where visitors can enter foot trails into the wildland areas. Some of the former OHV routes could be suitable for conversion to foot trails, where they comply with Best Management Practices.

For wildlife and plants, it is desirable to have blocks of habitat where the center of the block is farther than 1 mile from the nearest route. For restoration of native wildlife habitat and potential habitat for the California Condor, BLM should provide uninterrupted larger blocks where passing OHVs will not disturb condors or other wildlife.

The route networks in Alternative A, B and C are far in excess of any need for access to enjoy the natural features of CCMA – many OHV routes would be less than a half-mile from the next route, and few places would be farther than 1 mile from the nearest route. Alternatives D and E are better for wildlife and plant habitat, but they may not provide enough access to trailheads for visitors entering the area on foot.

We encourage BLM to discuss reasonable trailhead access roads with groups representing nature watchers (birds, native plants, etc.) hikers, hunters, and rockhounds. In our view, the goal should be to maintain blocks of habitat larger than 1 mile across, to benefit the habitat and to escape the noise of passing vehicles. If there is a vehicle route every half mile, they are too close together.

### **Offroaders have other places to ride**

OHV riders have complained that if the ACEC is closed, too many riders would be concentrated on a smaller system of trails in other places. BLM should disregard this factor, because OHV

riders have no inherent right to ride on publicly owned lands without crowding. If they have bought a vehicle for which there are few places to ride, they must accept the consequences.

The State of California operates eight state vehicular recreation areas. The counties run other sites as OHV parks. BLM operates the Jawbone area and several areas in the California Desert. Senator Dianne Feinstein recently introduced legislation (S. 2921) to give statutory sanction to five OHV recreation areas in the desert, namely El Mirage, Johnson Valley, Rasor, Spangler Hills, and Stoddard Valley.

If necessary, crowding can be managed by adopting a reservation/permit system, like those used by the National Park Service to manage river trips in the Grand Canyon and backcountry visitors in high-demand sites such as the canyons of Zion National Park and the high country of Yosemite National Park. The Forest Service sets "trailhead quotas" to prevent crowding in a number of sites in the High Sierra. (See Inyo National Forest's trailhead quotas page at: <http://www.fs.fed.us/r5/inyo/recreation/wild/quotas.shtml>) Crowding on OHV trails is no excuse for keeping an unsuitable area such as Clear Creek ACEC open to vehicles.

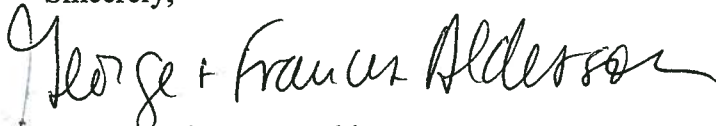
### **Budget considerations**

Others commenting on the draft plan and EIS have advocated many miles of routes for OHVs, without mentioning the budget implications. BLM has an obligation to conduct maintenance on every mile of vehicle route to comply with Best Management Practices (EIS, pages 643-647) to prevent erosion and prevent degradation of vegetative cover and wildlife habitat. In the ACEC there are extra costs because workers may be required to wear personal protective equipment and undergo decontamination after the work day. We should not ask any BLM employees to jeopardize their health by working on asbestos soils without full protective measures.

A network of 227 miles of OHV routes is described in Alternatives A and B, 185 miles in Alternative C. We doubt that BLM would have the budget to keep those large mileages up to BMP standards. A more modest system of access routes to trailheads would cost much less. The final decision should explain how BLM expects to pay for maintenance of the routes approved in that decision.

Finally, we thank the staff of the Hollister Field Office for the good work represented in the draft plan and EIS. Thank you for considering our views. Please keep us informed of further action.

Sincerely,



George and Frances Alderson



**BUREAU OF LAND MANAGEMENT**

10 MAR -3 PM 12:28

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

**PUBLIC COMMENT FORM**

Thank you for participating in tonight's public meeting for the **Draft** Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the **Draft** Environmental Impact Statement are encouraged.

**Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.**

Written public comments may be submitted by any of the following methods:

**Hand:** Place in drop-box during public meetings.

**Mail:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): MICHAEL GRUNDY

Affiliation (if applicable): \_\_\_\_\_

Phone: 408 847 7513 Email: MICK-GRUNDY@YAHOO.COM

Address: 7631 PRINCE VALLE ST

City, State, Zip: GILROY CA 95020

**COMMENTS**

I STRONGLY SUGGEST THE BLM ADOPT  
ALTERNATIVE A. THE EPA REPORT IS FLAWED  
THE PUBLIC OVRWHLGLMINGLY WANTS TO CONTINUE  
THE USE OF PUBLIC LANDS.

85 River Bend Drive  
Chesterfield, MO 63017

February 25, 2010

Hollister Field Office, BLM  
Attn: CCMA RMP/EIS Comments  
20 Hamilton Ct.  
Hollister, CA 95023

Dear Planning Coordinator:

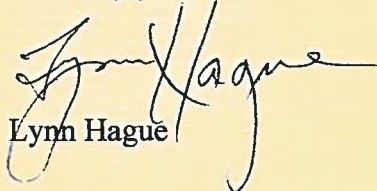
I write to submit comments on the draft plan for Clear Creek. A friend of mine first visited this area over 50 years ago. I was near there during my military service when my unit had duties at Vandenberg AFB. BLM deserves praise for this planning project, not the insults and invective you have received from dirt bikers.

I support the prohibition against off-road vehicles in the asbestos hazard area, covering 30,000 acres, as described in Alternative E. USEPA has advised that motorized vehicles of any kind stir up carcinogenic asbestos fibers into the air. I urge BLM to manage the asbestos area as a natural environment area for wildlife habitat and watershed protection. The area can serve as new nesting habitat for the endangered California Condor, from the population reestablished nearby at Pinnacles National Monument. Foot travel could be allowed, as EPA found that asbestos is not stirred up by people walking on trails.

If the angry opposition from ORV groups is getting you down, there is a case in our region that might boost morale in your field office. That is the successful closure of the Upper Tellico ORV trails by the US Forest Service last year. The ORV people tried to intimidate the Forest Service, but the closure has taken effect and the controversy has subsided. The decision documents are posted on a Forest Service web site at: <http://www.cs.unca.edu/nfsnc/nepa/tusquitee/tellico.htm>.

Keep up the good work, and thank you for considering my comments.

Sincerely yours,

  
Lynn Hague

10 MAR -3 PM 12:28

Robert Hale  
813 Cypress Street  
Monterey, CA 93940  
4 March 2010

RE: Draft CCMA RMP/EIS comments

Attention: CCMA Planning Coordinator and  
Field Manager Rick Cooper, BLM Hollister Office

Dear Mr. Cooper:

I have the following comments on the Draft Resource Management Plan and Environmental Impact Statement for the Clear Creek Management Area (CCMA). I have visited the CCMA primarily on botanical field trips sponsored by the California Native Plant Society. The stark beauty of the serpentine barrens, and unique Jeffrey pine/Incense Cedar/Manzanita forest is a truly remarkable BLM resource. The rare plants are also unusual and very important populations. It seemed to me that the carrying capacity of the land was Greatly exceeded by expanding OHV usage through the mid 2000's with ever increasing damage to barrens and the overall habitat. I have been heartened to see steps in recent years to control OHV usage and protect the environment better. I appreciate your efforts to protect and preserve these sensitive lands and its inhabitants while providing public access.

**Overall I prefer Alternative E, subject to the modifications I suggest in comments #10 below.** I support continued passive access into the CCMA via the county roads and Alternative E provides for the best level of protection of the sensitive resources balanced with light impactful public access. However I also note that Alternative C appears to contain improvements over the previous OHV usage to warrant some consideration. Again see comments below.

General Comments relevant to all alternatives:

- 1) In the discussion of community partners with an affinity to CCMA, the botanical community needs to be included. The CCMA has the most extensive serpentine barrens, numerous rare and sensitive species and a unique disjunct forest that has recently been given its own vegetative community type. Our local and state CNPS organizations have led nearly annual field trips and research scientists from numerous universities such as Univ of Washington, Stanford and UC-Berkeley have conducted studies here. It is a highly regarded biological hot spot of diversity and of similar importance as the area is to gem and mineral enthusiasts.
- 2) The description of the planning area (1.2) neglects to include "high number of sensitive plant and animal species", and also omits Incense cedar from the "unique forest assemblage".
- 3) I am concerned that surrounding management zones (Tucker, Cantua, Condon) contain many BLM sensitive plants and habitats which have not been documented. Therefore decisions to expand recreation and dispose of lands are not consistent with BLM's policies to manage and promote health and expansion of sensitive plants and habitats. Yet this plan proposes to

make such decisions without any given analysis of resources or impacts. Further will the BLM have the necessary funds to adequately assess, monitor and enforce usage in expanded areas?

4) The range of alternative presented are the most complex and sometimes contradictory that I have seen in a draft EIS. I can't fully recommend any one, though Alternative E if modified would represent my best choice. First a few comments on some common issues among them.

5) Against Expansion of OHV areas into surrounding management (Tucker, Cantua, and Condon) zones - The ACEC usage area has seen severe damage over the years from frequent cross country OHV usage, both along trails and in barren areas and I would not want to see such usage expanded to primarily pristine areas. In particular::

a) Expansion will extend the acres, mostly more remote from central core, that would need to be monitored. There is no analysis to indicate BLM would have the resources to do this.

b) Expansion off the ACEC onto richer soils will likely promote greater invasive weed management problems and increased needs in a future of likely more limited resources.

c) Expansion of OHV use in these peripheral areas will likely lead to increased private property trespass and conflicts, increasing management problems for the BLM.

d) The proposed expansion of up to 60 miles, would not seem to provide a network sufficient to satisfy the OHV community.

6) Expansion of recreation facilities and new route at Condon Peak. The EIS fails to analyze the fact that the soils at the lower reaches are the very mucky clays that severely limit usage without a lot of environmental impact during the wet season. There is a large and probably unique population of BLM sensitive *Erodium macrophyllum* (CNPS -List 2) and an expanse of *Layia gaillardiodies*. The proposed route to Condon Peak will also open up access to the serpentine ACEC, which would be in a remote area difficult to monitor and this is not addressed in the EIS.

7) Seasonal Closure - I find that the proposed closures from April 15<sup>th</sup> - Dec 1 are too restrictive. The peak flowering season in CCMA is typically in May and there are several serpentine riparian plants such as goldenrod and columbine and also upland buckwheats that flower in mid to late summer. An early closure of April 15<sup>th</sup> would severely impact botanical users of CCMA. I would suggest that instead the County roads be kept open, perhaps by permit and gate Access year-round, except during wet closures - but that any OHV use off County Roads be closed during the dry dusty season, if OHV usage is allowed to continue.

8) Touring the CCMA in enclosed passenger vehicles certainly provides the greatest protection from dust exposure, especially when a wash facility is provided. I firmly believe in access along the county roads where dust suppression is most easy to do and allowing for passive exploration of the serpentine and whole CCMA area.

9) Designate entire area Limited Use - better terms Closed, Unless signed an Open Route. Allowing usage on open play barrens with their fragile soils is not sustainable in the long run. Erosion has already had major impacts in areas such as Larious canyon. I also believe that open barren usage creates a confusion that any open region is open to use, which only makes enforcement of trail usage more difficult and has impacted much sensitive habitat over the years.

Robert Hale

**10) Modifications to ALT E** - With the following modifications to ALT E, this becomes my preferred alternative.

a) Access should be allowed on all county roads. The Idria road is not passable to passenger vehicles and this would limit usage to a large number of potential users. Access on Clear Creek would allow more accessible (particularly when dry) usage for a broader spectrum of users. The riparian area is also of great interest to botanical users.

b) Closure on April 15 is too early. Again I suggest year round, subject to wet season, and access by permits with access gates which would allow for better visitor control and education.

c) No new route to Condon Peak, maintain area for passive recreation and hunting.

d) No new facilities on Cantua side near Idria access – these are far to remote to be effectively monitored.

e) Oppose disposal of lands in Tucker, Cantua and Condon Zones.

### **11) Comments on other Alternatives**

*A and B* - I reject A and B because these basically continue the current usage that is degrading the environment. Open Use areas are particularly damaging to the whole environment through dust generation, sedimentation and erosion and promoting cross country travel throughout the CCMA. The extensive OHV usage tends to crowd out other visitors.

*ALT C* - has many merits and is preferable to A and B if OHV usage is allowed to continue in CCMA. It provides for a reduced number of routes in the core region, which will make for more effective and cost effective monitoring, restoration and enforcement. By eliminating Open play barren use, overall compliance should be more enforceable and restoration of these unique geological and botanical features could proceed. Sedimentation impacts in the canyons and water quality would be greatly improved.

Continued OHV usage would be subject to mitigations 1) that there is assured funding for adequate law enforcement and monitoring, and 2) that trails be monitored within the State Soil loss standards and closed if violations occur for rehabilitation.

*ALT D* - Oppose for reasons stated in previous comments-#6 above.

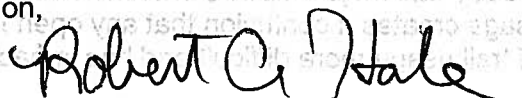
Expansion of OHV use into distant unused areas will only spread damage wider and prove hard to monitor and enforce.

*ALT F and G* - Oppose, as access to public lands of this unique interest should be reasonable for people to passively enjoy the region. I believe that access within closed passenger vehicles and adequate wash facilities would allow for safety with the consent of the users.

**12)** I could not make any sense out of the alternatives disposition and acquisition of lands, so the EIS should elaborate more on the rationale and criteria used in deciding upon disposition and acquisition of lands.

I thank you for your consideration,

Robert Hale







BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

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Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: rchomp@ca.blm.gov

Fax: (831) 660-5625 Attn: CCMA RMP/EIS

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Name (Please print): Steve Hall

Affiliation (if applicable):

Phone: 831-595-4289 Email: pbussball9@SBCGlobal.net

Address: 1462 Mohawk Ave

City, State, Zip: Salinas CA 93906

COMMENTS

I Have Been Recreating in the Clear Creek Area since 1980. I have had no ill-effects from recreating in and around the CCMA. I favor Alternative A with waivers notarized over

COMMENTS (Continued)

By the Recreator, and if UNDER the Age of 18  
Waivers signed & Notarized By parent or Guardian,  
Since the Emergency closure, Hollister Hills Has  
Been over-crowded and Dangerous to Recreate,  
I will Volunteer my time to Repair Fences,  
Monitor Erosion, patrol Trails or whatever  
Needs to Be done in order to Be able to  
Recreate in C.C.M.A. I understand this  
is a complex issue, But please allow me and  
my Family, son 19 - son 6 - Daughter 17,  
and wife to Enjoy the Majesty of C.C.M.A.

Thank you

Steve Hall



**BUREAU OF LAND MANAGEMENT**

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

10 JAN 26 PM 2:17

**PUBLIC COMMENT FORM**

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Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

*Email:* cahormp@ca.blm.gov

*Fax:* (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): Steve Hay  
Affiliation (if applicable): Business owner and taxpayer  
Phone: 650 366-5701 Email: SteveHay@yahoo.com  
Address: 3872 Harvest Dr.  
City, State, Zip: Redwood City CA 94061

**COMMENTS**

Of the 7 alternatives, my preference is Alternative A. Since there are no documented cases of health problems associated with being at Clear Creek there is no need to restrict recreation. I have been recreating there for almost 40 years, my father for more than 40 years.

**COMMENTS** (Continued)

As you have heard (and it is true) the type of asbestos most prevalent at Clear Creek poses close to zero health risk, certainly much less than cigarettes.

Many say that those in favor of maximum recreation at Clear Creek should not choose Alternate A but should "compromise" with an Alternate such as B. Having recreated at Clear Creek nearly 40 years I can remember what it used to be like there and I consider alternate A to already be a compromise. So that will be my compromise:

I prefer Alternate A

# NICK HEIMLICH

3802 Madeira Way  
Livermore, CA 94550

January 4, 2010

Mike Pool  
2800 Cottage Way  
Suite W-1623  
Sacramento, CA 95825

Dear Mr. Mike Pool,

The reason I am writing is because on May 1, 2008 Clear Creek Management Area was closed by the BLM. The Environmental Protection Agency said that there was a harmful amount of asbestos exposure. The EPA along with BLM says that Clear Creek has "natural occurring asbestos" but technically there's no such thing. California has natural occurring serpentine deposits, and serpentine is designated by California legislature as the state mineral. Natural occurring serpentine usually contains a mineral called "Chrysotile", which is commonly used in asbestos production. Chrysotile deposits are found all around the world, and *can* contain minerals that have been linked to certain diseases. It is very critical to understand that the chrysotile deposits found through out the clear creek area are free of the harmful fibrous minerals that have been linked to disease. I do not understand why Clear Creek was closed without any proof of illness in that area. Clear Creek has been enjoyed by many families for many years and there are no cases involving asbestos. The BLM is talking about alternatives for what to do with the Clear Creek Management Area land. Well I would be very happy with 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 restriction on season of use and visitor use days/year, dust mitigation on major routes, and by elimination camping and staging the serpentine area". Another option could be, to enter the Clear Creek Management Area everybody could pay a reasonable amount and sign a waiver stating that they understand that there are natural occurring serpentine deposits in the Clear Creek area. Please take these ideas into consideration for opening Clear Creek back up for the OHV community.

Sincerely,

Nick Heimlich

10 MAR -5 PM 12:46

U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

26 Vani Court  
Westport, CT 06880  
March 20, 2010



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

Dear Sir or Madam,

Please keep Clear Creek Management Area closed to vehicles. The EPA's Asbestos Exposure and Human Health Risk Assessment shows that any vehicle use will exceed the EPA's acceptable asbestos risk levels. Clear Creek Management Area is no place for vehicles – they simply kick up too much carcinogenic dust.

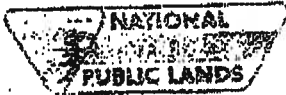
Maintaining a vehicular restriction will also help ensure that threats to the areas suite of rare plants, including the federally threatened San Benito evening primrose, will be substantially reduced.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott Heinze".

Scott Heinze

10 MAR 25 PM 2:39  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE  
HOLLISTER, CA 95023



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

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Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95026

Email: calormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 6, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Paul Herman
Affiliation (if applicable): Paul & San Racing - AMA - Dist 36
Phone: 805-391-4821 Email:
Address: 827 20th St.
City, State, Zip: Paso Robles, CA 93446

COMMENTS

we need this place to ride, I learned how to ride motorcycles in Clear Creek & my son. I'm 47 & no harm has been done to me no hazard affects, we ask please open Clear Creek to the people.

Thanks Paul Herman 2/6/10

10 FEB 11 AM 10:08
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

2/25/2010

Rick Cooper  
Field Manager  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

10 MAR -2 PM 1:07  
RECEIVED  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Re: November 2009 Draft Resource Management Plan and Environmental Impact Statement (RMP/EIS)  
for the Clear Creek Management Area

Dear Mr. Cooper:

We own property in Hernandez Valley, 4,000 deeded acres Rancho La Cuesta, for almost 14 years and with this ranch came the leases of BLM pasture properties # 04410 Hernandez Ranch and #04409 Bar B Ranch. Our property borders large portions these BLM properties, approximately 2,000 acres to the north and 2,000 acres to the south of the BLM leases. Since 2001 we have placed our ranch in cooperation with Department of Fish and Game (DFG) into a wildlife management plan called Private Lands Management (PLM). Prior to placing the ranch into the PLM program it was used as a cattle grazing operation. Since the PLM program all livestock have been removed from all of the ranch except a small portion near our house at the southern edge of the property, we use the lease property for the grazing of the local wildlife. We have spent considerable time and expense over the last nine years improving the habitat (water, forage) surrounding the BLM property to the betterment of the local wildlife population and the results have been very good. Deer populations are up considerably, Turkey populations are increasing and the Elk populations have increased dramatically. There is even a pair of nesting Bald Eagles that have produced over nine offspring. These are a direct reflection of the removal of Cattle (vegetation competition) and the decrease in vehicle usage in and around the BLM property.

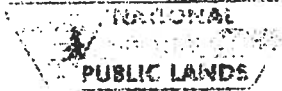
We would like to propose the following:

1. Keep the leases as they are now on a yearly lease. It does not cost the BLM any money and provides an invaluable wildlife resource to a very sensitive area. Disposing of the property at auction does not ensure that this pristine property stay as it has since it was homesteaded in the 1800's.
2. Keep existing restrictions on vehicle traffic. The soil type in #04410 and #04409 are adobe and very susceptible to erosion from OHV and larger vehicles. The lessee is responsible for upkeep on the roads, no cost to BLM.
3. Remove this property from the connection with the CCMA and manage it separately from the CCMA. BLM not adding these parcels to the CCMA OHV and trail system.. Just as there are many pieces of BLM in the surrounding areas that are not included in the CCMA.
4. And lastly if the top three proposals are not feasible we ask that BLM sell it to us and as a condition of the sale we would sell, or BLM can keep, the development rights of the parcels so that these delicate parcels will forever maintain their special status.

Sincerely,



Rocky and Aurelia Hill  
Rancho La Cuesta  
408.297.7910



BUREAU OF LAND MANAGEMENT 10 MAR -4 PM 2:52

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

**PUBLIC COMMENT FORM**

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Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): Chris Hinkle  
Affiliation (if applicable): San Miguel F.D  
Phone: 805-286-5544 Email: yamaha\_867@live.com  
Address: 7385 Monterey Rd  
City, State, Zip: 1050 Robles CA 93996

**COMMENTS**

Clear Creek is fun for the whole family.  
OPEN Clear Creek!



**BUREAU OF LAND MANAGEMENT**

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

10 MAR -3 PM 12:27

BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

**PUBLIC COMMENT FORM**

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20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): DENNIS K HUGGINS  
Affiliation (if applicable): KERN COUNTY MINERAL SOCIETY  
Phone: 661 763 3752 Email: DENNISSDELL@AOL.COM  
Address: P.O. BOX 972  
City, State, Zip: Taft CA. 93268

**COMMENTS**

MY MAIN CONCERN IS TO THE ACCESSABILITY OF THE AREA TO ROCK COLLECTING. AT MY AGE AND THE AGE OF THE FELLOW ROCK AND MINERAL CLUB MEMBERS IS IT WOULD BE A HARDSHIP TO WALK

**COMMENTS (Continued)**

MORE THAN JUST A FEW HOURS. NONE OF US HAVE ACCESS TO PACK ANIMALS TO ENTER THE COLLECTING AREA. I NOTED THAT THE KIND OF ASBESTOS IS NOT THE AGGRESSIVE SORT. AND FROM THE INFORMATION THAT I WAS HEARING FROM THE LOCALS THAT THERE ISN'T ANY ONE THAT IS CLAIMING ILLNESS FROM EXPOSURE FROM THIS SITE OR AREA. THAT SEEMS TO INFER THAT MOST OF THE MEASURES THAT ARE SUGGESTED MAY BE OVER STATED. I AM ALSO THINKING THAT WINDMILLS AND DRILLING FOR OIL WILL REQUIRE MUCH MORE GROUND DISTURBANCE THEN IS GENERATED BY RECREATIONAL USE. I ALSO REALIZE AN AREA SO RICH IN MINERALS WILL IN SOME FUTURE-TIME WILL HAVE TO ACCEPT THOUGHTFUL MINING FOR FUTURE ECONOMIC VIABILITY OF OUR COUNTRY. I DO URGE YOU TO MAKE THE LEAST POSSIBLE CHANGES AT THIS TIME.

10 MAR -8 PM 2:45

March 3, 2010

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE  
HOLLISTER, CALIFORNIA 95023

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

Dear Planning Coordinator

I support the No Action Alternative that restores historic OHV use on up to 270 miles of routes and approximately 450 acres of barrens. Permitted OHV events should be allowed.

If some small health risk is identified by a new risk assessment or a review of the EPA's 2008 report, the BLM should use signs and educational outreach as a way to inform the public rather than closing this important OHV area on a permanent basis.

And would also like to ask that the comment period be extended.

Included below is text from an email I sent Feb 11 to [cahormp@ca.blm.gov](mailto:cahormp@ca.blm.gov) and have not as yet received a response

I am writing to ask to be included in the mailing list re: the Clear Creek decision process.

I do not necessarily understand the closure as I have been unable to attend the meetings and have heard various reasons, first it was because of asbestos and then it had something to do with an endangered species. I am interested to know what the current situation is and to stay posted of any possible changes or opportunity to get the area back open to public use. As a resident of Coalinga, Clear Creek is a very important to me as it is the only close opportunity for significant recreation on public land. Please add my name to the list of comments in support of reopening the area and please send me any info on the process.

Thank you,  
Natasha Hunt  
PO Box 648  
Coalinga CA 93210  
email [hunt\\_n@hughes.net](mailto:hunt_n@hughes.net)



LaVerne H. Ireland  
116 Touchstone Place  
West Sacramento, CA 95691-4613  
Phone/fax (916) 371-3480  
e-mail [lireland@ix.netcom.com](mailto:lireland@ix.netcom.com)  
February 8, 2010

CCMA RMP/EIS Comments  
ATTN: Planning Coordinator  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95012

What can I say, after all the field trips and meetings I've attended and offered my opinions? The area has been trashed for more than a hundred years and utterly ruined; if we fenced it off today and let it be it would take several hundred years for any noticeable recovery to take place. It was a real *forest* once. In the nineteenth century.

I'd back BLM on Alternate E, but I ask – is there the institutional and individual resolve to carry it out? Through changes of administrations and personnel? Through the incessant complaining from people who just want to do what they want to do when they want to do it? From complaining from motorbike sellers who just want to make money any old which way? How much enforcement will this take? Can BLM muster that level of supervision over a large and isolated area over a long period of time?

While I think people who knowingly go to asbestos areas deserve what they get from the asbestos, if anything, the situation at Clear Creek impacts residents far away (who will never go there and who might not even have heard of the place) through its effects on air quality. I see very little in the document to address this problem of dispersal of asbestos throughout the air basin. It needs to be addressed. It needs to be eliminated to the maximum possible extent, for obvious public health reasons

Good luck!

LaVerne Ireland

RECEIVED  
U.S. BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE  
FEB 10 2010

10 FEB 16 PM 2:32



**BUREAU OF LAND MANAGEMENT**

09 FEB 23 PM 12:20

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

**PUBLIC COMMENT FORM**

Thank you for participating in tonight's public meeting for the **Draft** Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the **Draft** Environmental Impact Statement are encouraged.

**Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.**

Written public comments may be submitted by any of the following methods:

**Hand:** Place in drop-box during public meetings.

**Mail:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): LEN JACOBSON

Affiliation (if applicable): \_\_\_\_\_

Phone: (650) 743-4209 Email: \_\_\_\_\_

Address: 532 QUARTZ STREET

City, State, Zip: REDWOOD CITY

**COMMENTS**

(PLEASE WITHHOLD MY NAME AND ADDRESS FROM PUBLIC REVIEW)

I HAVE BEEN RIDING DIRT BIKES FOR 40 YEARS AND RIDING CLEAR CREEK FOR OVER 30 YEARS, ITS SOME OF THE BEST RIDING IN CALIF. IF YOU CLOSE IT THE OTHER RIDING AREAS WILL BECOME OVER CROWDED AND UNSAFE. LETS KEEP OUR KIDS SAFE AND OUT OF TROUBLE AND LET THEM HAVE SOME GOOD CLEAN FAMILY FUN LETS KEEP CLEAR CREEK OPEN JUST THE WAY IT IS

COMMENTS (Continued)

THE ONLY HEALTH PROBLEM THERE IS ITS THE  
PEOPLE KEEPING US AND OUR KIDS FROM PHYSICAL  
AND MENTAL EXERCISE. PLEASE DO THE RIGHT  
THING KEEP IT OPEN.

March 2, 2010

Jay and Karin Jacobson  
Adobe Ranch  
19825 New Idria Road  
Paicines, Ca 95043

10 MAR -2 PM 7:06

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023



Mr. Rick Cooper  
Hollister Field Office  
20 Hamilton Court  
Hollister, Ca 95023

Dear Mr. Cooper.

We write this letter today to inform your office that we respectfully disagree with the premise proffered by the Environmental Protection Agency that the Clear Creek Management Area poses a significant health risk to human recreation or habitation. The conclusions contained in the "Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement November 2009" are an overreaction by the Department of the Interior and the Bureau of Land Management to unfairly restrict the public's use of the land.

While my wife and I are not scientists, it does not take too much intelligence or experience with the scientific method to realize that the EPA's contorted toxicity figures are unrealistic and blindly claim a danger that has not been born out by the historic use of the area. If recreation in the CCMA really was a danger, then many deaths would surely have been attributable to work and habitation in the area. Mining, ranching, logging, and other activities have occurred on these lands for over 150 years. Yet, there is not any concrete evidence of the chrysotile asbestos present in the soils ever having a significant impact on the local populations. Many studies of the amphibole free chrysotile asbestos by Dr. Ilgren and others have shown that there is not a measurable carcinogenic effect associated with this mineral. The EPA and the BLM have been aware of these findings and have done little to acknowledge them. In short, one must ask, "Where are the bodies?" This is not an unreasonable question to ask considering the thousands of acres that the BLM is proposing to condemn in the "Red Zone."

That being said and as a northern neighbor to the CCMA Red Zone, we would ask that the BLM open up the CCMA as indicated in option A. However, we would like to employ the "menu approach" as well. The CCMA should not be closed in the Summer months. In July, deer season opens for archers, and the second week of August is the opening day for rifle hunting. If the CCMA is closed to this valid recreational use, then the BLM will effectively mismanage the deer in the area. The deer will overpopulate the environment and overgraze the native vegetation until it is depleted. After the food sources are lost, the herd will die off. The mountain lion population (a California protected species) will follow the boom and bust of the deer herd. The Summer closure of the CCMA will undoubtedly create an unfortunate consequences to the environment.

Legal hunting will prevent the overgrazing and overpopulation of the deer herd and keep the environment in balance.

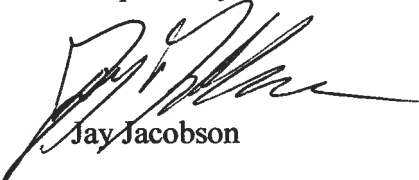
Another reason to keep the CCMA open year round is that the illegal cultivation has grown exponentially since the official closure in 2008. While it is hardly reported in the press, there have been many large pot farms established and found on CCMA lands in recent years. Since the public is not allowed to enter the CCMA at this time, pot farmers can operate with near impunity. How many farms have gone unnoticed is impossible to guess, but the rangers cannot cover the entire area. There is not enough law enforcement man power to make the CCMA secure. The public must be able to access this environment or this problem will only get worse. Furthermore, the growers pose a serious security risk to the neighbors of the CCMA. Last year, there was an individual shot by a grower on a land adjacent to the CCMA. As a neighbor to the CCMA, I do not want my family at risk of running into one or more of these characters as they pack their crop out of the mountains.

In addition to the illegal activity and security risk, the cultivation is always destructive to the environment. The growers use excessive fertilization and pesticides. The excess nitrates and synthetic chemicals pollute our streams and waterways. The continued habitation of the growers leads to unsanitary conditions as they do not have septic facilities. Poaching by growers is also a problem, and I have personally observed several of these grow sites and found an abundance of refuse strewn about the place. Illegal cultivation destroys our public lands. With public access to the public's lands, we can better stave off this activity. Closure of the lands only promotes illegal activity since there is no one to report their actions.


Lastly, I will mention that the intention to provide public access to the Cantua zone is problematic. The soils and plant life throughout this area will not sustain heavy traffic by off highway vehicles, and it is doubtful that the general public will follow designated routes if the environment were opened up. If access is bulldozed in from the North Hill area, the BLM should consider allowing only pedestrian and equestrian use. Really the land that can support the highest level of OHV use is the Red Zone, but the junk science of the EPA has hindered that option.

In closing, we ask that the BLM allow year long access into the CCMA. The public has historically had year round access into this environment and there is not enough proof to determine a health risk. Do not hinder the public's access to their lands!

Respectfully,



Jay Jacobson



Karin Jacobson

**Jan and Gayla Kobialka**  
**11598 Overleigh Drive**  
**Woodbridge, VA 22192**

February 26, 2010

BLM, Hollister Field Office  
Attn: Planning Coordinator  
20 Hamilton Court  
Hollister, CA 95023

Dear Mr. Murphy:

Please consider these comments on the draft plan for the Clear Creek management area. I am retired from the military. During my travels on duty with the United States Air Force I have often been at Vandenberg AFB, and one of my friends has family roots in the area. In addition, my brother has lived in the Bay Area for 40 years.

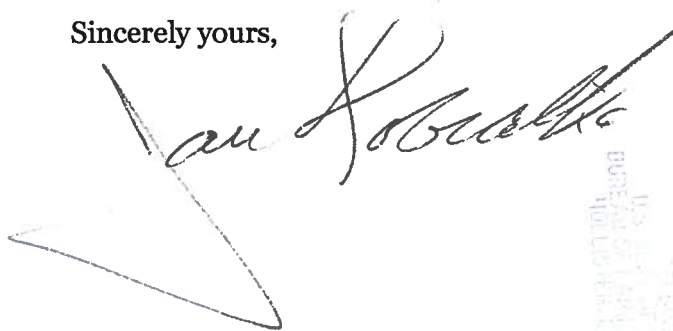
BLM has done a great public service by proposing the closure of the Clear Creek asbestos hazard area to off-road vehicles under Alternative E. US Environmental Protection Agency scientists are the experts on the health effects of hazardous substances, and they advised BLM to minimize asbestos exposure and reduce asbestos emissions. You have done that by prohibiting motorized vehicles in the asbestos area.

We also favor your proposal to close the area to mineral entry and mineral leasing. The best management for the asbestos area would be to restore its natural values and keep it wild for its wildlife habitat, native plants in the serpentine ecosystem, and watershed values. EPA said that visitors entering the area on foot are not in danger, because there is not the cloud of airborne dust that follows every dirt bike. Hikers, rockhounds, bird-watchers, and picnickers should be welcome on trails into Clear Creek.

Fans of dirt biking and ATVs need to face facts. The asbestos area simply is not suitable for ORVs because the vehicles raise dust containing carcinogenic asbestos fibers. However, it's not the end of the world for offroading, because they also have Hollister Hills and two county ORV parks nearby, and other state and BLM-managed ORV areas farther away.

Thank you for considering our thoughts. We hope BLM will decide to restore and protect Clear Creek for future generations.

Sincerely yours,



10 MAR -8 PM 2:37



Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.

Written public comments may be submitted by any of the following methods:

Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): STEVE JOHNSON
Affiliation (if applicable):
Phone: 831 818-2424 Email: STEVE534@CHARTER.NET
Address: 25 CROW AVE CORRALITOS
City, State, Zip: CA, 95076

COMMENTS
MY FAMILY AND FRIENDS HAVE ENJOYED CAMPING AND RIDING @ CLEAR CREEK FOR THE LAST 30 YEARS. AND WOULD LIKE TO SEE IT REMAIN ALTERNATIVE A. MY SECOND ALTERNATIVE WOULD BE B THANK YOU Steve Johnson

## **Revised Substantive Comment #1, Purpose and Need:**

### **1.1 Purpose and Need for the CCMA Resources Management Plan**

*“ 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**

EPA CCMA Asbestos Exposure and Human Health Risk Assessment 2008 (EPA 2008) does not provide significant new information relative to actual human risk and instead merely provides yet another analysis of exposures to CCMA users. Inclusion of “significant new information” found in EPA 2008 as a Need for Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009 (BLM 2009) is unjustified.

It appears that the existence of BLM 2009 may entirely be the result of the following paragraph found in section 1.0 Introduction of EPA 2008;

*“If the results of the EPA risk assessment were significant, BLM agreed to expeditiously initiate a National Environmental Policy Act (NEPA) review to consider the new information and potential management responses at the CCMA. BLM and EPA agreed that this subsequent NEPA review would address general public access and recreation at the CCMA. Therefore, BLM published the “Notice of Intent to Prepare the CCMA RMP/EIS” on September 6, 2007. The purpose and need for the CCMA RMP/EIS is to incorporate the results of this risk assessment and analyze a full range of alternatives to minimize and reduce the human health risk from exposure to asbestos at CCMA. BLM will complete public scoping for the CCMA RMP/EIS approximately 45 days after the public release of this risk assessment and expects to complete the RMP/EIS process in 2009.”*

It appears in this passage that BLM had previously agreed to allow use of EPA 2008 as a decision-triggering mechanism to initiate NEPA review for CCMA. This prior agreement cannot, in itself, be used as basis for the need of BLM 2009 but instead, EPA 2008 must factually present “significant new information” which is clearly lacking when viewed in the context of previous asbestos exposure investigations at CCMA.

Neither BLM 2009 nor EPA 2008 defines what constitutes “significant new information” and readers are left to identify this information, if it exists, on their own. In light of this fact, I will address what I believe to be represented as such in BLM 2009.

- Magnitude of exposure
- Sampling techniques
- Analytical techniques
- Amphibole fibers detected
- Children are of special concern

19 APR 19 AM 12:36

1 – Magnitude of exposure:

There have been multiple exposure investigations performed at CCMA in the past; Cooper et al. 1979; Popendorf and Wenk 1983; Human Health Risk Assessment for the Clear Creek Management Area, prepared by PTI Environmental Services in 1992 (PTI 1992); EPA 1990a (Atlas Asbestos mine, located within the CCMA ACEC), and possibly others. Some investigations concluded that there was lesser exposure and some concluded that there was greater exposure. BLM was provided no significant new information by EPA 2008 which had not been previously been presented in any other previous investigation.

BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, prepared by the Department of the Interior Office of Occupational Health and Safety, dated May 2008 (DOI-OOHS 2008) provides actual, rather than simulated as in EPA 2008, risk analysis of occupational exposures for BLM employees at CCMA. It should be noted that in DOI-OOHS 2008, mean composite time weighted average exposure concentrations (composite TWA, fibers divided by actual sampling time only) for specific activities, which are analogous to individual activity-based exposure concentrations determined in EPA 2008, are far lower than corresponding exposure concentrations in EPA 2008.

CCMA site-specific comparisons between PCM and PCMe analytical methods have proven that PCMe results overestimate exposure at CCMA. In PTI 1992, PCM to PCMe comparison of 10 CCMA activity-specific samples were performed and found a mean correlation of approximately 2.48 PCMe fibers to every PCM fiber which indicated that PCMe over counted fibers at CCMA by a factor of approximately 2.5. Yet another example of PCMe to PCM CCMA site-specific correlation appears in DOI-OOHS 2008. The table on page 11 of this document compares 10 activity-based comparisons where samples were analyzed by methods NIOSH 7400 (PCM), NIOSH 7402 (TEM), and ISO 10312 (PCMe, itself a TEM based method). Of these comparison samples, 5 have detectable levels of fibers which meet the dimension and counting rules for both PCM and PCMe (ISO 10312) and thus can be used to determine a site-specific correlation. In this case the average PCMe to PCM correlation is approximately 3.75 PCMe fibers = 1 PCM fiber.

Once the difference between PCMe and PCM fiber counts is taken into account then the 95% UCL exposure concentrations measured in EPA 2008 are approximately 2.5 to 3.7 times lower than initially reported in EPA 2008 and subsequently, 5 visits per year are reasonable for Adult Day Use MC, ATV, and Weekend Hunter using EPA 2008 exposure scenarios. See attached recreations of EPA 2008 IRIS Excess Lifetime Cancer Risk (ELCR) charts with PCMe to PCM correlations applied, at the end of these comments.

Additionally and possibly most importantly, the risk unit presented in EPA's Integrated Risk Information System (IRIS) Summary for asbestos, 2.3E-1 fibers/ml, is not appropriate for exposures at CCMA. This risk unit is derived from a number of

epidemiological studies associated with occupational exposure to asbestos. Notably missing are 3 studies, as subtly mentioned in EPA's IRIS Summary;

*"In addition to the studies cited above, there were three studies of asbestos workers in mining and milling which showed an increase in lung cancer (McDonald et al., 1980, Nicholson et al., 1979; Rubino et al., 1979). The slope factor calculated from these studies was lower than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation."*

While the IRIS Summary does not indicate why these 3 studies were left out of the risk unit, the reason is a little more comprehensible in the following passage from section 3.9.16, *Summary of Lung Cancer Dose-Response Relationships* of EPA document 600/8-84/003F, *Airborne Asbestos Health Assessment Update* (EPA 1986). Note:  $K_L$  represents fractional increase in risk per unit exposure for lung cancer;

*"As shown in Table 3-28, the geometric mean value of  $K_L$ , using data from all studies, is 0.0065, and that for all studies exclusive of mining and milling is 0.010. Because mining and milling exposures (long and curly fibers, preprocessed) are likely to be less typical of those experienced in the environment (processed, see also Sections 3-8, 3-9, 3-17, 4-2, and 5-1 to 5-8), the best estimate for the fractional increased risk of lung cancer,  $K_L$ , for environmental asbestos exposures appears to be 0.010."*

Clearly, the current IRIS asbestos risk unit of  $2.3E-1$  fibers/ml, as defined by the intentional exclusion of chrysotile mining and milling data from its construction, is therefore exclusive of chrysotile mining and milling and by association CCMA, within which is the largest natural chrysotile deposit in the United States. The IRIS asbestos risk unit, used in EPA 2008, is used inappropriately and applies processed asbestos risk to a large natural chrysotile deposit where human exposure would be far more similar to asbestos mining and milling human exposure and completely unlike human exposure to processed asbestos and asbestos products. There is no discussion in EPA 1986, nor any other agency document which I can locate, indicating doubt regarding the validity or adequacy of the 3 chrysotile mining and milling studies excluded from the construction of the asbestos risk unit but that the slope factors determined in these studies were low, relative to other, more typical asbestos operations. Since the slope factors were low and the exposure environment (preprocess fibers) was not representative of typical exposure environments (processed fibers), these 3 studies were excluded. It is therefore analogous to say that the risk unit, as constructed, is too high and entirely not representative of mining and milling operation exposure risk, and by association, CCMA.

The context of EPA's IRIS asbestos exposure risk unit is primarily aimed at typical environmental exposures of individuals to processed asbestos and asbestos products, not naturally occurring asbestos (NOA) such as is found at CCMA. In the quoted passage above, it appears that the author's inference is that since  $K_L$  values for mining and milling

operations are so low, that to include them would result in a risk unit that would be too low to properly represent exposure risk relative to typical environmental (processed fiber) exposures and thus would not be protective enough. Conversely, if typical exposures to asbestos were mining and milling operations rather than operations involving processed fibers then hypothetically, the statements in EPA 1986 might state to the effect,

*Because ASBESTOS PROCESSING, TEXTILE MANUFACTURE, INSULATION MANUFACTURE/INSTALLATION, AND FRICTION PRODUCT MANUFACTURE exposures (PROCESSED) are likely to be less typical of those experienced in the MINING AND MILLING environment...,*

and the quoted passage from the IRIS Summary might state to the effect,

*In addition to the studies cited above, there were 9 studies of asbestos workers NOT in mining and milling which showed an increase in lung cancer. The slope factor calculated from these studies was HIGHER than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation.*

If the previously described hypothetical circumstance were to be true and the asbestos risk unit excluded processed asbestos epidemiological studies and then in time, there came to be a substantial human exposure to processed asbestos surely EPA, realizing that their mining a milling-based risk unit would not be protective enough for assessing exposure to these more potent processed fibers, would act quickly and with urgency to adopt a new and appropriate risk unit to match the new circumstances. In reality, the circumstances are reversed but the logical process of reasoning remains the same. EPA, in practice, prefers to apply bias on the side of over-protection and thus ignores the unprocessed chrysotile reduced potency issue only because the current asbestos risk unit does not endanger lives. However, just because it doesn't endanger lives is no justification for EPA to wield this bias in an unreasonable carte-blanche fashion.

EPA 2008 used a boilerplate analysis of risk which is tailored for situations in which commercially processed fiber is the contaminant, in situation where unprocessed chrysotile fibers are the "contaminant." In order for BLM to make the most scientifically defensible land management decisions for CCMA, BLM should request of EPA to provide a representative risk unit constructed from available mining and milling epidemiological studies along with recalculation of the EPA 2008 risk estimates using said risk unit.

If EPA is unwilling to comply then BLM should obtain revised estimates by other means (all data necessary to construct the appropriate risk unit is available from a combination of PTI 1992, EPA 1986, and EPA 2008). BLM is well aware of this issue as it is discussed in detail in PTI 1992, as follows:

*"The URF is based on studies of workers exposed to a variety of asbestos types in diverse occupational settings. However, the URF does not include cancer incidence data from occupational populations exposed to chrysotile asbestos in mining and milling (U.S. EPA 28 1991a), and these studies may be most relevant*

*to the exposure to chrysotile asbestos at the site. Unofficial URFs ( $\cup$ URFs) ranging from  $0.0013 \text{ (f/cc)}^{-1}$  to  $0.0047 \text{ (f/cc)}^{-1}$  can be derived from data on lung*

*cancer reported in three studies of workers exposed to chrysotile in mining and milling [McDonald et al. (1980); Rubino et al. (1979); Nicholson et al. (1979)]. These  $\cup$ URFs were derived by PTI by converting an occupational exposure period of 5 days a week and an inhalation rate of  $10 \text{ m}^3/8 \text{ hour work day}$  to a continuous exposure period. The lowest  $\cup$ URF derived in this way is nearly 200 times less (182 times) than the current URF for asbestos and the highest value is nearly 50 times less than the current URF. Similarly, the  $\cup$ URF derived from data on mesothelioma incidence in a population exposed to chrysotile asbestos in a mining setting is  $0.031 \text{ (f/cc)}^{-1}$  (McDonald et al. 1980; Berman 1992, pers. comm.), which is 7 times lower than the current URF for asbestos. Thus, use of the current URF may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA.”*

It took me, a layman on this subject, only about 2 hours to construct revised risk charts using the available information found in PTI 1992 and EPA 2008. Copies of these revised risk charts are attached at the end of these comments. If one has ever wondered why there have been no confirmed instances of asbestos-related disease in persons exposed at CCMA, a look at these charts on pages 14-15 may shed light on the matter.

## 2- Sampling techniques:

In section 3.2.3.1 Naturally Occurring Asbestos of BLM 2009 is the following paragraph;

*“In 2004, as part of the process of evaluating the Atlas Mine cleanup for 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. 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 potential cancer risks associated with those exposures.”*

With the phrasing “...to use current asbestos sampling and analytical techniques...,” the reader is led to believe that there was something new in the sampling methods used in EPA 2008 which were not used in PTI 1992. However, the sampling technique identified as “activity-based” (EPA 2008) or “activity-specific” (PTI 1992) are nearly identical in both nature and means.

The reason that sampling techniques are not completely identical between EPA 2008 and PTI 1992 is that in EPA 2008 the sample gatherers who collected air samples for motorized vehicles (SUV, ATV, and motorcycles) were instructed to ride in the dust of the rider ahead to the extent that was safe (inferred to mean that a trailing rider should ride only far enough behind the rider ahead as to be able to see clearly ahead). This is by no means the typical riding technique of OHV enthusiasts. I, as all other OHV participants learned early in their riding experiences that a mouthful of dust (or nose full)

is not a pleasant experience, regardless of whether the dust potentially contains chrysotile at CCMA or more typical dusts found at any number of other riding locations. The fact that the EPA 2008 sample collectors wore breathing protection (respirators) allowed them to ride directly in the thickest dusts without the adverse factor, a mouthful of dust, that quickly discourages the typical OHV participant from this method of following. OHV participants quickly learn compensate by riding far enough behind the rider ahead to allow any dust to dissipate, settle, or disperse. When passing through each trail intersection a rider ahead will wait until the next rider arrives at the intersection before they proceed on and this is repeated for each trailing rider until the last. This allows all members of a group to remain on the same trails without having to following closely if dust is present. When only a pair of riders are together, the following rider may opt to ride very close up behind but off to one side of the leader so that they pass through the lead rider's dust before it has billowed upwards into the breathing zone. By not following closely in dusts then the typical OHV participant significantly reduces the number of instances where they may be exposed to significant levels of dusts. Of the remaining instances, the majority are on the order of 1-5 seconds in duration and in those instances one simply stops inhaling for those brief seconds. These riding techniques are used when riding anywhere that dust is present, whether chrysotile is present at a given riding location or not. Qualitatively, it is reasonable to estimate that the average chrysotile concentrations actually breathed in at CCMA by a typical OHV participant to be no more than 20% of the concentration measured by trailing riders in EPA 2008.

### 3- Analytical techniques:

In the above quoted passage from BLM 2009, the phrasing "...to use current asbestos sampling and analytical techniques..." the reader is lead to believe that there was something new in the analytical techniques used in EPA 2008 which were not used in PTI 1992. While the majority of samples in PTI 1992 were analyzed with PCM and 10 samples were analyzed with both PCM and PCMe for comparison. PTI found that PCMe results were about 2.48 times higher than PCM and since PCM is the basis of EPA's IRIS risk unit PTI chose to rely with PCM as the basis of their findings. It must be noted that PCM, barring analyst error, typically can only err in the direction of over-counting fibers relative to the EPA's current IRIS risk unit which can occur when there are a significant number of non-asbestos fibers present in a sample. EPA 2008 asserts that the analytical method used, PCMe, is equivalent to PCM however, this assertion is not completely true.

The IRIS risk unit used in both EPA 2008 and PTI 1992 investigations is 2.3E-1 fibers/ml and is constructed from epidemiological studies in which Phase Contrast Microscopy (PCM) was the method used to determine fiber concentrations in air. EPA prefers to use the TEM, ISO 10312 method (Phase Contrast Microscopy Equivalent, or PCMe for short) due to its ability to differentiate and speciate individual fibers. It must be noted however, that PCMe cannot easily distinguish an amphibole asbestos fiber from its non-asbestiform analogue (amphibole cleavage fragment) if the non-asbestiform amphibole fiber meets the dimensional requirements. In general, PCMe fiber counts do not correlate with PCM fiber counts and EPA's IRIS Summary for asbestos explicitly warns against directly applying fiber counts from any method, other than PCM, to the IRIS risk unit. Had

PCMe (TEM) been used as the method to determine fiber counts in the original epidemiological studies then the IRIS risk unit for asbestos would not be 2.3E-1 fibers/ml, its current value, but rather it would be some other (lower) value. It is also valuable to note that OSHA feels strongly on the matter and the agency mandates PCM only for asbestos analysis of occupational monitoring samples, by legal statute.

PCMe employs special counting rules in an attempt to more closely replicate PCM results yet PCMe often, as in the case at CCMA, results in higher fiber counts. Yet, EPA 2008 fails to even apply all of the proper counting rules to achieve the closest possible equivalency between PCMe and PCM. In EPA 2008 a minimum fiber width size of 0.25 microns is used when in fact the PCM minimum width which was in place during construction of EPA's IRIS risk unit was 0.4 microns. Any fibers counted in EPA 2008 where the fiber diameters are less than 0.4 microns are over counts and will falsely increase the apparent risk. The most simple and accurate method, relative to the IRIS unit risk, to avoid this issue is to employ a site-specific PCMe to PCM correlation to the PCMe data, as discussed above in *Magnitude of exposure*. EPA's IRIS Summary for asbestos points out that there is no "generally applicable" conversion factor however, a site-specific conversion factor would not fall into that category. Once either the PTI 1992 or DOI-OOHS 2008 correlation is applied then risks are lowered by an amount equal to the correlation. While EPA maintains that the difference is not significant, that is not a valid conclusion within the context of the risk. While it may be true that the difference is not equal to an order of magnitude change (a commonly used definition of significant), the difference is substantial relative to the commonly acceptable ELCR limit of 1E-4. Before adjusting for PCMe to PCM correlation, Day Use Motorcycle, Day Use ATV, and Weekend Hunter scenarios are within the acceptable limit for no more, or slightly less, than two visits per year. However, adjustment using even the lowest PCMe to PCM correlation shows that those same scenarios are actually within the acceptable limit for up to 5 visits (or very slightly less) per year, which is the number of visits which BLM has determined to be the typical visitor use pattern. There are other legitimate and defensible adjustments (refer to prior discussion in *Magnitude of exposure*), aside from a PCMe to PCM correlation that show actual risk is significantly lower than represented by EPA 2008. See attached recreations of EPA 2008 IRIS Excess Lifetime Cancer Risk (ELCR) charts with PCMe to PCM correlations applied, as well as others, at the end of these comments.

#### 4 – Amphibole fibers detected

BLM 2009 highlights that the presence of amphibole asbestos was detected in EPA 2008 which, if true, should not be new information. However, this claim should not be considered certain at this point in time. EPA 2008 reports that 34% of the activity-based air samples, of about 256 total analyzed samples, had identified amphiboles with an average fractional percentage of all fibers of almost 8%. At the same time, of about 73 soil grab samples collected, only 2 had any amphiboles present and those were reported as less than 1% amphibole. EPA 2008 used Transmission Electron Microscope analysis

(TEM, also referred as PCMe or ISO 10312) which allows for the speciation of fibers that are detected in air samples. PTI 1992, DOI-OOHS 2008, and Cooper, et al. 1979, as well as EPA at the Atlas Mine Asbestos Superfund site all performed TEM analysis on some samples yet the presence of amphibole asbestos fibers was not specifically reported in any of these investigations. There is a single mention of amphiboles in DOI-OOHS 2008 but the mention is a repetition of information which BLM conveyed to DOI-OOHS and since EPA 2008 fiber results were already known to BLM at that time, the mention of amphiboles is likely to be in reference to EPA 2008 preliminary findings. Additionally, as noted in an email from Rick Cooper (BLM) to David Shiriashi (OSHA), TEM analysis is, under certain circumstances, performed on OSHA mandated employee monitoring samples and any detected fibers are speciated;

*“Fiber counts were performed using polarized light microscopy with follow-up TEM analysis for filters exceeding one half of the OSHA PEL. The TEM analysis reported the percent asbestos and also speciated the fibers.”*

While I do not have access to BLM employee health records, DOI-OOHS 2008 indicates that BLM has 1271 employee asbestos monitoring sample results collected over the past 18 years, with 13 (1%) having been above the PEL and were reanalyzed using TEM. My understanding is that any sample result which is greater than half the PEL should be reanalyzed using TEM and if this is the case then there may be many more than just the previously mentioned 13 samples which have been analyzed using TEM. If any amphibole asbestos were present in those samples then BLM would have clearly been aware of this fact prior to EPA 2008.

Assuming that the presence of amphibole fibers is true then there are at least 3 possibilities as to the source of those fibers at CCMA, for each of which there are significant questions that, if left unanswered, may adversely affect BLM management decisions at CCMA until such a time that they are resolved.

- The amphiboles may be imported asbestos products used in kilns, retorts, or steam conduits, etc. of past mining and milling operations, existing in numerous locations throughout CCMA, as suggested by Fowkes and Iddings, 2008.
- The amphiboles may be non-asbestiform in nature (potentially cleavage fragments). If a fiber meets the defined dimensional characteristics of the PCMe method, TEM analysis is unable to distinguish between an asbestiform amphibole and its non-asbestiform analogue. There are numerous non-asbestiform amphibole minerals found within CCMA.
- The amphiboles may indeed be asbestiform and either widespread throughout the sampling area or isolated to multiple point-source outcrops.

Activity-based categorization (hiker, motorcycle, etc) of amphibole fiber fractional percentage of all fibers indicate a range of averages from 1.7% to 33% and within a given category the ranges were even higher with 0% always being the lower end of the range. The presence of amphiboles appears completely random with many instances where some members of the same sampling event had 0% amphibole fibers while another

member of the same event group was found to have some high percentage of amphibole fibers present. This clearly rules out widespread occurrence and strongly suggests point-source locations that would be relatively small in size and would be either numerous or else high in concentration, which would allow small course deviations between multiple participants of the exact same sampling event to potentially have very different amphibole fiber counts. If amphiboles are confirmed to be asbestiform and are found in point-source locations then there is a reasonable expectation of being able to locate and segregate those occurrences.

Additionally, when amphibole fiber counts in Table H1 (Region 9, PCMe) are compared with Table H2 (all fibers, no minimum length or width rules applied), there is an equally stark difference. For chrysotile fibers, the average difference in fiber count between Tables H1 and H2 is 20-fold with a range of 1-fold to 168-fold and is the result of the natural size distribution of chrysotile fibers. However, for amphibole fibers, the average difference in fiber count between Tables H1 and H2 is only 1.7-fold with a range of 1-fold to 5-fold, only. While I am not an expert on the subject, my understanding is that this is not indicative of a natural amphibole asbestos fiber size distribution and could suggest that the identified amphiboles are non-asbestiform. It is also interesting to note that except for one, all 30 cases where amphiboles were detected in February 2005 event samples or earlier events, the amphiboles were identified as "other" (the one exception was identified as "Edenite"). For samples from all later events there are 59 cases where amphiboles were detected and all were identified as either "Actinolite" or "Tremolite" and none reported as "other." While this information does not prove anything, it casts some doubt as to the quality of mineral identification performed by the analytical laboratories contracted for analysis in EPA 2008. While the current IRIS risk unit does not differentiate between asbestos varieties there is scientific consensus that chrysotile fibers are less potent as a cause of mesothelioma, possibly by up to 2- 3 orders of magnitude, when compared with amphibole asbestos. There is also consensus that chrysotile fibers are less potent as a cause of lung cancer but the difference is not as significant and is as of yet, unsettled. In almost every EPA and ATSDR paper and publication regarding asbestos risk, dating back to at least the early 1980s, there is a brief comment or two pointing out to the effect that current evidence indicates or suggests that chrysotile is less hazardous than amphibole asbestos. Clearly, proper management practices at CCMA would benefit by having the above questions further investigated.

#### 5 – Children are of special concern

While children are always a concern, as we all naturally want to protect them from harm, BLM 2009 by way of EPA 2008 provides no data indicating that there is any noteworthy increase in risk to children and inclusion of this somewhat dramatized concern appears almost to be an attempt to invoke an emotional response in the reader.

While it is true that 64% of the time the Child sample had a higher value than the Adult sample for the same activity, and conversely it should be noted that 36% of the time the Child sample was equal or lower to the Adult sample. The average increase in exposure

for Child was only 24% greater than the average exposure for Adult. However, a more thorough analysis disproves the assumption of substantial increase in risk.

The calculation of total Child risk is a two-part calculation. The first half uses the Child activity fiber concentrations in conjunction with 12-years exposure duration (ages 6-18) and the second half of the calculation uses the Adult activity fiber concentrations for an 18-years exposure (ages 18-36). The inevitable result is that that 24% higher average fiber concentration for Child activities are effectively reduced by two-thirds (12-years divided by 18-years) in the total and thus average final Child risk is only 9% greater than the average total risk for an Adult. This results in only a relatively minor increase in the ELCR risk, keeping in mind that risk scale is logarithmic, and does not approach any imaginable difference that would be considered necessary to impose age restrictions on future CCMA access.

To further the argument that children are of special concern, BLM 2009 states;

*“Children have more time to be exposed and develop asbestos-related diseases. Medical experts do 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 adult.”*

The number of potential excess cancers is based upon a persons entire lifetime, whether child or adult, living to the age of 70. EPA 2008 analysis is based upon a 30 year exposure and while one could attempt to argue that a child will have more years in which to develop asbestos-related disease or increase exposure beyond 30 years, this is almost equally as true for an adult since adult risk is assumed to be a 30-years exposure beginning at age 18 (a 12-years difference). However, in the context of EPA 2008 the risks are purely based upon 30 years exposure. Regarding the statement about medical experts not knowing whether differences in the lungs of a child might result in greater amounts of fibers being retained in the lungs, this is pure mumbo-jumbo, at best an unsubstantiated hypothesis, and possibly an attempt to invoke emotion in the reader for no other reason than that the subject of the matter is a child. This hypothesis continually appears in EPA documents yet none of those documents attempt to provide any substantiation or cite any references. In the ATSDR Report on the Expert Panel on Biomarkers of Asbestos Exposure and Disease, May 2006 (ATSDR 2006), the subject is discussed in response to a question from Mr. Arnold Den, EPA Region 9, about this very subject. The verbatim discussion of the subject can be found in the panel’s minutes and below is the paraphrased cumulative response, as reported in the meeting’s final report;

*“A child has more particle deposition. However, they have the same latency as other people and there is no fundamental difference in obtaining and retaining asbestos fibers in small children.”*

Considering that Mr. Den received this response to his question in May of 2006, I find it surprising that this unsubstantiated hypothesis is put forth in both EPA 2008 and thus also in BLM 2009. Considering the length of both documents, there is no credible excuse for

injecting such a comment and then not devoting even a single sentence or reference to substantiate the claim.

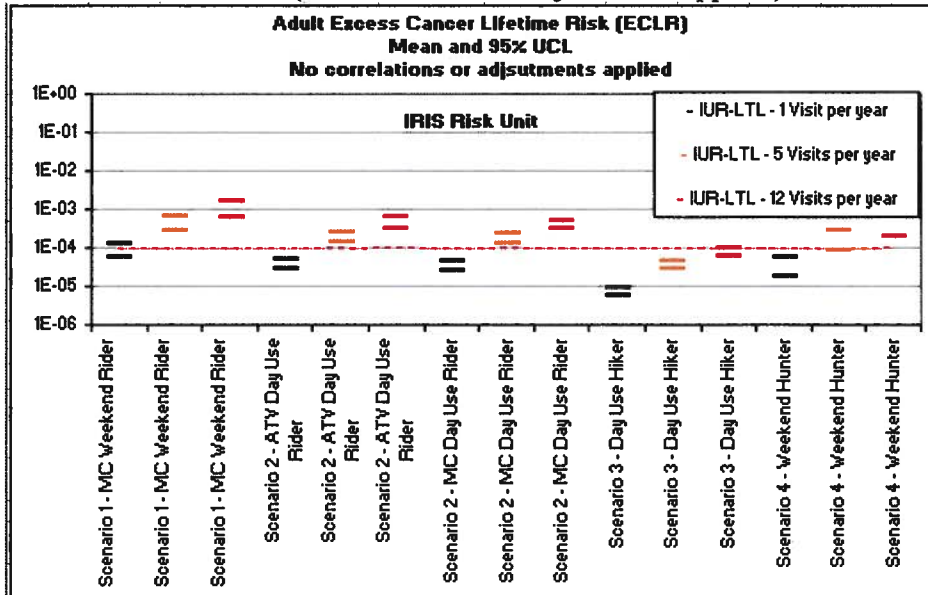
As an aside, it must be noted that EPA 2008 IRIS ELCR charts are in error for Child and Adult Hikers. Child Hiker risk is slightly over-indicated and Adult Hiker is significantly under-indicated on the respective IRIS charts. BLM need to verify that Child and Adult Hiker scenario risks in BLM 2009 alternatives are not likewise, incorrect. See revised IRIS risk charts attached at the end of these comments.

**Requested Corrective Action**

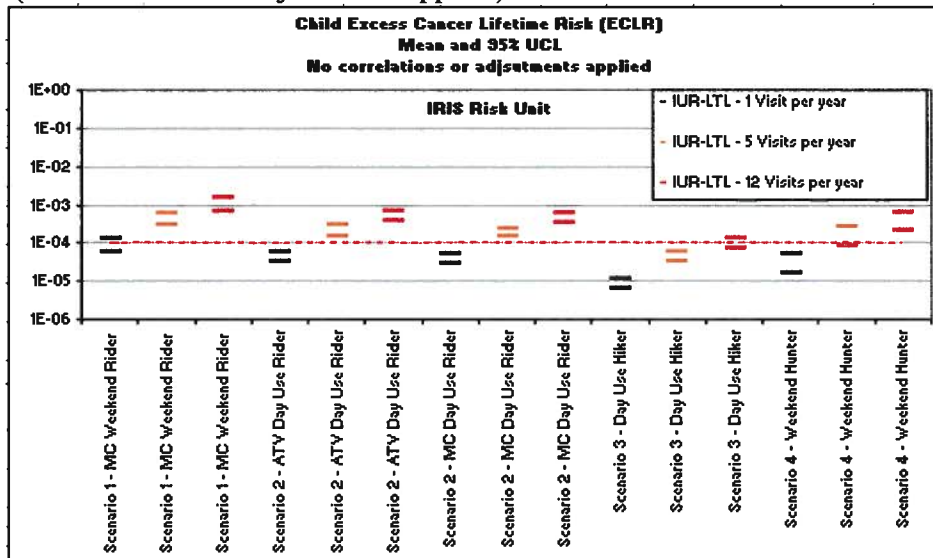
Claims of “significant new information” in EPA 2008 are, at the very least, significant misrepresentations of the facts. It is self-evident that the “significant new information” claim is, by far, BLM’s primary Need for BLM 2009 and the invalidity of this Need effectively invalidates the majority of the entire document. The vast majority of the document presents actions and alternatives which are in response to the invalid claim of “significant new information” and the document should be rewritten without EPA 2008 as the underlying factor for the existence of said document or as the basis for proposed management alternatives and management Alternative A should be selected.

**Attachments-**

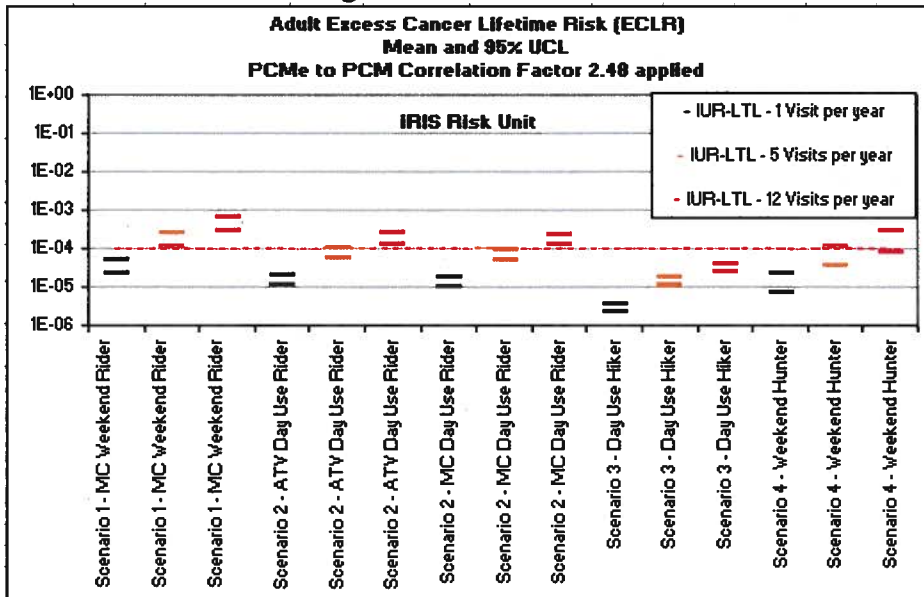
**Adult IRIS Risk Chart (no correlations or adjustments applied)**



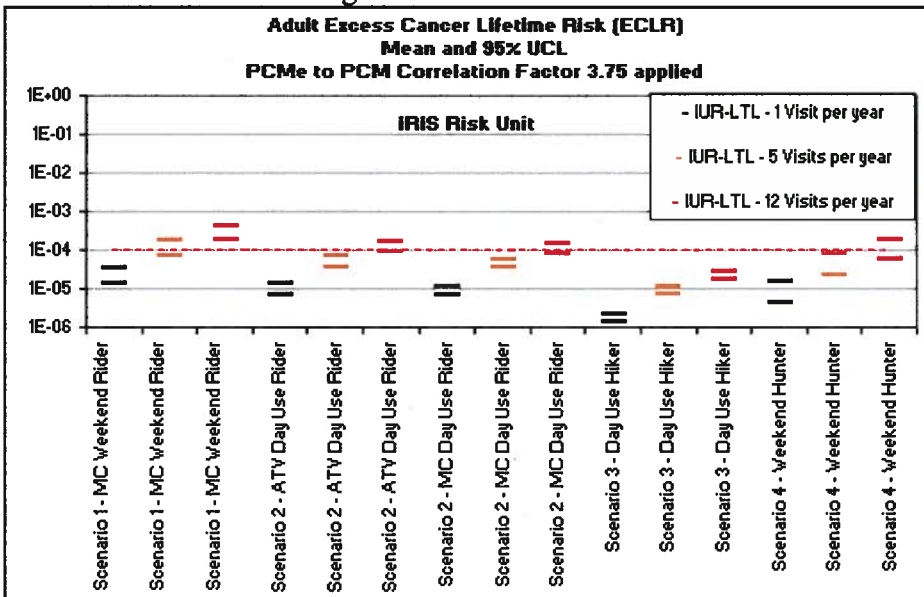
**Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart (no correlations or adjustments applied)**



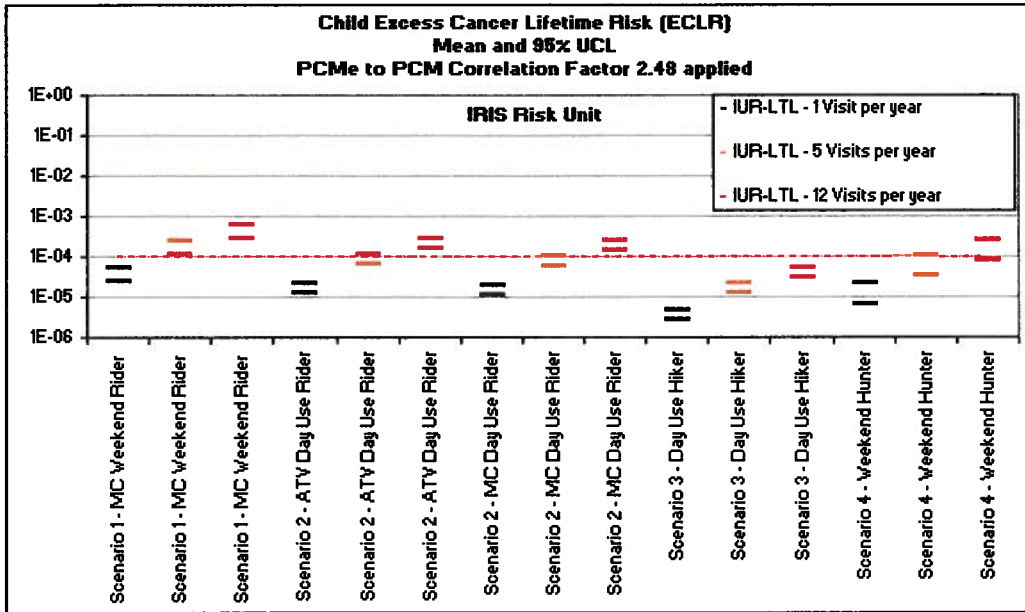
Adult IRIS Risk Chart using PTI 1992 PCMe to PCM Correlation



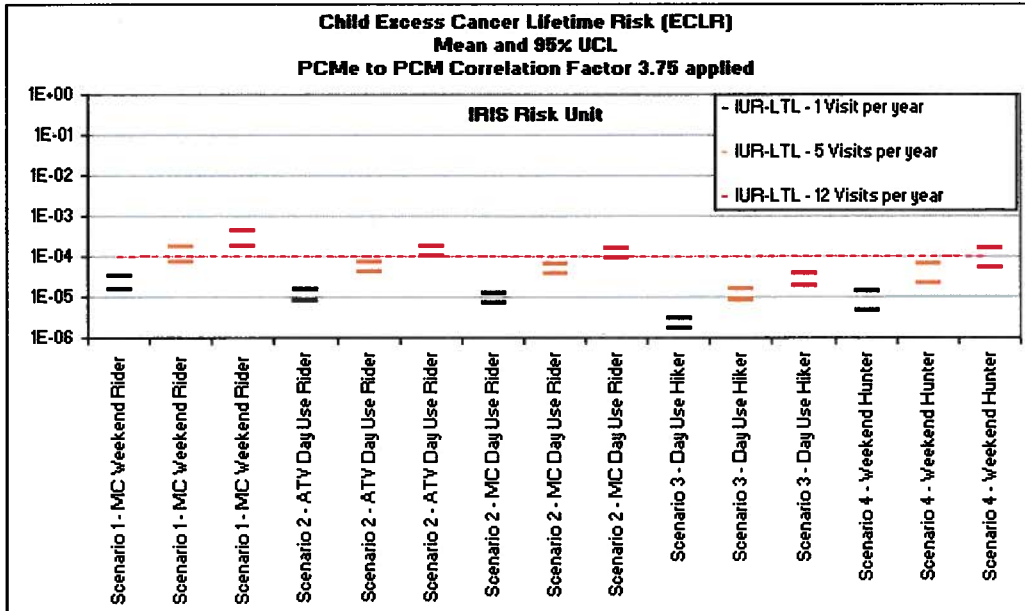
Adult IRIS Risk Chart using DOI-OOHS 2008 PCMe to PMC Correlation



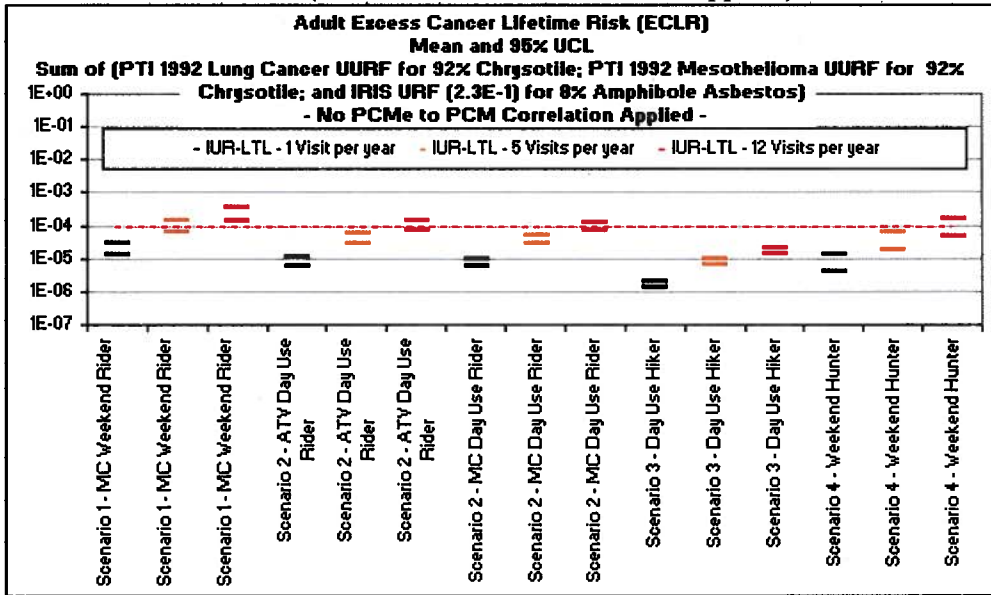
Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart using  
 PTI 1992 PCMe to PCM Correlation



Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart using  
 DOI-OOHS 2008 PCMe to PCM Correlation

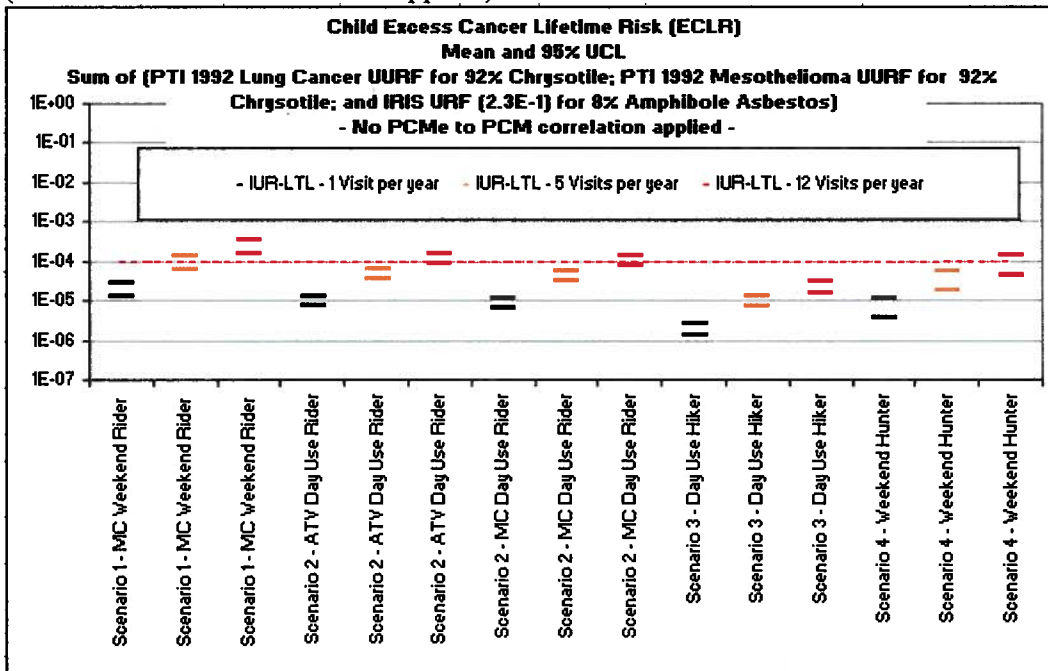


Adult  $\mu$ URF Risk Chart (no PCMe to PCM Correlation applied)



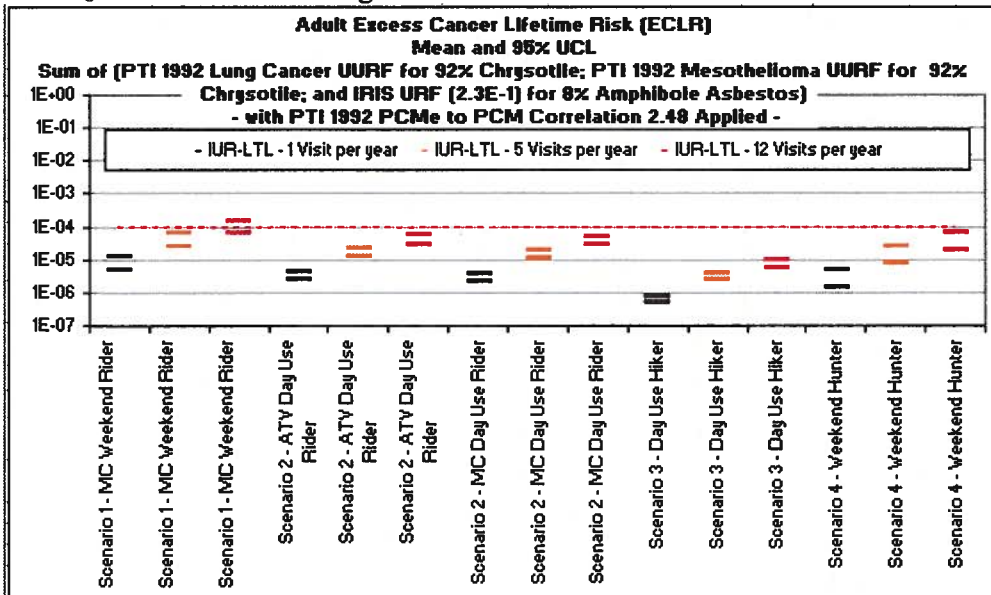
Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992

Total Child (12-yr) + Adult (18-yr)  $\mu$ URF Risk Chart  
 (no PCMe to PCM Correlation applied)



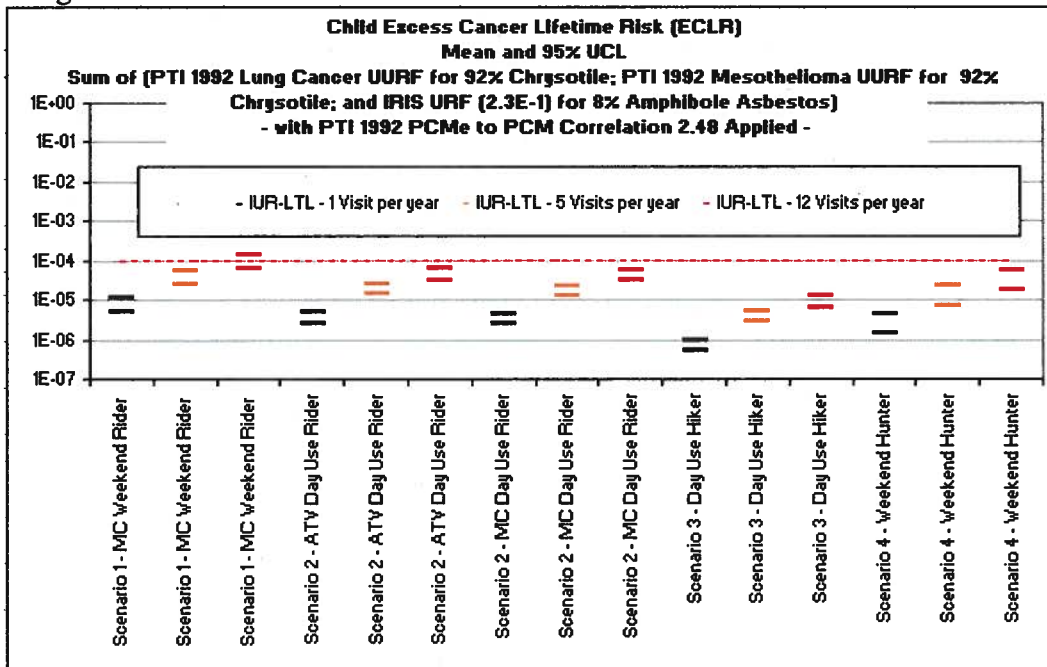
Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992

Adult URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF (UURF) Charts employ most conservative UURFs presented in PTI 1992 as well as most conservative PCMe to PCM correlation

Total Child (12-yr) + Adult (18-yr) URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF (UURF) Charts employ most conservative UURFs illustrated in PTI 1992 as well as most conservative PCMe to PCM correlation

Substantive comments of Randall W. Johnson for  
*Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement*  
(BLM 2009), DOI Control Number: DES 09-47



**United States Department of the Interior**



**BUREAU OF LAND MANAGEMENT**

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January 9, 2008

*In Reply Refer to:*  
1703 (CA-190)(P)  
Complaint Number: 205446925

Mr. David Shiraishi  
OSHA Area Office  
1301 Clay Street  
Suite 1080 N  
Oakland CA 94612-5209

David Shiraishi,

Enclosed is the sampling plan and result of personal exposure monitoring of BLM employees working on the site that was followed during the 3 sampling episodes. The industrial Hygiene Field Team included three Certified Industrial Hygienists from the Departmental of the Interior/ Office of Occupational Health and Safety. Field Teams conducted three sampling trips where they characterized exposures during varying environmental conditions in different seasons of the year. A fourth trip is scheduled for January 2008.

Samples were collected using Sensidyne air pumps calibrated to 2.0 liters per minute. A pre and post calibration was performed using a Gilibrator. Calibrators had documented factory performance checks within the last 12 months. Field Teams experienced no problems with pumps maintaining proper flow rates however they had 2 samples that were discarded because of an inadequate tubing connection to the calibrator during the first sampling trip. Another sample was discarded when the filter contacted the ground during an ATV mishap.

After consulting with the OSHA Salt Lake City Laboratory, BLM selected Reservoir Environmental Laboratory to analyze the filters. Fiber counts were performed using polarized light microscopy with follow-up TEM analysis for filters exceeding one half of the OSHA PEL. The TEM analysis reported the percent asbestos and also speciated the fibers.

The results from both the Knoxville site and the Clear Creek site are included with this letter. BLM will continue with their protective measures. This includes continuing the medical surveillance of the Clear Creek Management Area workers and sampling each individual when they enter the CCMA. CCMA workers wear coveralls and have been fitted and medically cleared for respiratory protection. When the onsite work is complete they decontaminate their equipment and themselves prior to entering their personal vehicle. The data supports the conclusion that exposures are higher when conditions are driest. BLM will no longer perform certain tasks such as the SWECO or other work that disturbs the soil during

Substantive comments of Randall W. Johnson for  
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(BLM 2009), DOI Control Number: DES 09-47

these extreme dry conditions. The dry weather closure policy will also continue in the future to keep the public from accessing the site during the extreme dry conditions. This will reduce the need for employees to be on site during dry conditions.

If you have questions concerning the sampling project or need more information, please feel free to call me at (831) 630-5010 or Tim Radtke at (303)236-7130 ext. 226.

Sincerely,

**Rick Cooper**  
Field Manager

**Enclosure(s)**

NOA round 1 results summary  
NOA round 2 results summary  
NOA round 3 results summary  
Monitoring Plan

**CC:** CAPT Tim Radtke, CIH  
Karen Barnette, BLM DSD Support Services, CASO  
Rich Burns, BLM Ukiah Field Manager

Substantive comments of Randall W. Johnson for  
*Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement*  
(BLM 2009), DOI Control Number: DES 09-47

References;

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009, U.S. Department of the Interior, BLM, DOI Control Number: DES 09-47 (BLM 2009)

Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008, U.S. EPA Region 9 (EPA 2008)

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

BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, U.S. Department of the Interior Office of Occupational Health and Safety, May 2008 (DOI-OOHS 2008)

Chrysotile Asbestos in a California Recreational Area, Cooper et al., SCIENCE, Vol. 206, Nov. 9, 1979

Airborne Asbestos Health Assessment Update, U.S.EPA document 600/8-84/003F, (EPA 1986).

EPA 1990a (Atlas Asbestos mine, located within the CCMA ACEC

Popendorf and Wenk 1983

## **Comment # 2**

### **Regarding proposed age restrictions and risks to children**

Proposed age restrictions for access into the ACEC and claims that “children are of special concern” appear in the following passages (listed by page number);

Page IV

*“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.”*

Page 6

*“Chapter 2 of this RMP/EIS describes seven possible alternatives... Alternative C aims to improve public health and safety by prohibiting access into the ACEC for children, ...”*

Page 19

*“Alternative C emphasizes limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other mitigation measures to protect public health and safety. Resources management would 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 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.”*

Page 27

*“Management Goal: Authorize OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.”*

- *“Limit OHV recreation within the Serpentine ACEC to visitors over age 18.”*

Page 28

- *“Limit access into the Serpentine ACEC to visitors over age 18.”*

Page 36

*“REC-USE-C2. Prohibit OHV recreation in the Serpentine ACEC for visitors under age 18.”*

*“REC-USE-D1. Prohibit access in the Serpentine ACEC for visitors under age 18.”*

Comments submitted by:

Randall W. Johnson, 6406C Buena Vista Dr., Newark, CA 94560  
California Off-Road Vehicle Association (C.O.R.V.A)  
4346 E. Los Angeles Ave., Simi Valley, CA 93063

Page 97

*“Alternatives A, B, and C would focus on existing recreation sites and could allow expansion of existing facilities. Alternative C would limit OHV recreation in the ACEC to full-size vehicles and motorcycles only for visitors age eighteen or older. Alternative D would....”*

Page 99

*“Under all the alternatives, BLM would continue to ensure proper handling... Alternative C includes restrictions on allowable uses by limiting vehicle types on routes and trails, and by limiting OHV recreation in CCMA to visitors “age eighteen and older to minimize exposure to asbestos. Alternatives D and E... ”*

Page 142

*“The activity-based sampling showed that activities which disturbed the soil... 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.”*

Page 143

*“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.”*

Page 330

*“Children have more time to be exposed and develop asbestos-related diseases. Medical experts do 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 adult.”*

Page 339

**“Child Exposures Tend to Be Higher**  
*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.”*

Page 353

*“Under Alternative C motorized access in the Serpentine ACEC would be limited to full-size vehicles and motorcycles on designated routes for visitors 18 years of age or older, which would have major long-term benefits on the risk of exposure to asbestos for children and visitors under age 18.”*

## **Discussion**

While children are always a concern, as we all naturally want to protect them from harm, BLM 2009 by way of EPA 2008 provides no data indicating that there is remarkable increase in risk to children.

While it is true that 64% of the time the Child sample had a higher value than the Adult sample for the same activity, and conversely it should be noted that 36% of the time the Child sample was equal or lower to the Adult sample. The average increase in exposure for Child was only 24% greater than the average exposure for Adult. However, a more thorough analysis disproves the assumption of "major benefits on the risk of exposure to asbestos for children and visitors under age 18."

The calculation of total Child risk is a two-part calculation. The first half uses the Child activity fiber concentrations in conjunction with 12-years exposure duration (ages 6-18) and the second half of the calculation uses the Adult activity fiber concentrations for an 18-years exposure. The inevitable result is that that 24% higher average fiber concentration for Child activities are effectively reduced by two-thirds in the final Child + Adult total and thus average total Child risk is only 9% greater than the average total risk for Adult. This results in only a relatively minor increase in the ELCR risk, keeping in mind that risk scale is logarithmic, and does not approach any imaginable difference that would be considered necessary to impose age restrictions on future CCMA access.

To further the argument that children are of special concern, BLM 2009 states on page 330;

*"Children have more time to be exposed and develop asbestos-related diseases. Medical experts do 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 adult."*

The number of potential excess cancers is based upon a persons entire lifetime, whether child or adult, living to the age of 70. EPA 2008 analysis is based upon a 30 year exposure and while one could attempt to argue that a child will have more years in which to develop asbestos-related disease or increase exposure beyond 30 years, this is almost equally as true for an adult since adult risk is assumed to be a 30-years exposure beginning at age 18 (a 12-years difference). However, in the context of EPA 2008 the risks are purely based upon 30 years exposure. Regarding the statement about medical experts not knowing whether differences in the lungs of a child might result in greater amounts of fibers being retained in the lungs, this patently false as medical experts do know whether or not this is true. This falsehood continually appears in EPA documents yet none of those documents attempt to provide any substantiation or cite any references. In the ATSDR Report on the Expert Panel on Biomarkers of Asbestos Exposure and Disease, May 2006 (ATSDR 2006), this very subject is discussed in response to a question from Mr. Arnold Den, EPA Region 9. The verbatim discussion of the subject

*Comments submitted by:*

*Randall W. Johnson, 6406C Buena Vista Dr., Newark, CA 94560  
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can be found in the panel's minutes and below is the paraphrased cumulative response, as reported in the meeting's final report;

*"A child has more particle deposition. However, they have the same latency as other people and there is no fundamental difference in obtaining and retaining asbestos fibers in small children."*

Considering that Mr. Den received this response to his question in May of 2006, I find it surprising that this falsehood is put forth in EPA 2008 and thus also in BLM 2009. Considering the length of both documents, there is no credible excuse for injecting such a comment and then not devoting even a single sentence or reference to substantiate the insinuated danger.

#### **Requested Corrective Action**

- Remove all age restrictions from each of the alternatives.
- Remove all references which infer that there is a major difference between children's exposures or ELCR risk that of an adult.
- It would be acceptable to include a statement(s) that is in line with the facts, stating to the effect that "according to data found within EPA 2008 the average child ELCR is 9% when compared with average adult ELCR."
- Remove the false statement "*Children have more time to be exposed and develop asbestos-related diseases. Medical experts do 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 adult.*"

#### **References:**

ATSDR Report on the Expert Panel on Biomarkers of Asbestos Exposure and Disease, May 2006 (ATSDR 2006)

### **Revised Comment #3**

#### **Regarding proposed increase in seasonal closure period for Alternatives B & C**

Proposed increases or increased restriction to the dry season closure period appear in the following passages (listed by page number);

##### Page IV

*“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 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.”*

*“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.”*

##### Page 19

*“Alternative B emphasizes maintaining current multiple use opportunities in CCMA, and would authorize existing uses based on limited annual visitor use days, seasonal use restrictions, and other mitigation measures to protect public health and safety. Resources management would 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.”*

*“Alternative C emphasizes limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other mitigation measures to protect public health and safety. Resources management would 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 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.”*

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***“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.”***

- ***“Extend Dry Season Use Restriction period from April 15<sup>th</sup> through December 1<sup>st</sup>, annually.”***

Page 27

***“Management Goal: Authorize OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.”***

- ***“Enforce season use restriction from December 1<sup>st</sup> to April 15<sup>th</sup> annually.”***

Page 35

***“REC-USE-B3. Enforce Dry Season Use Restrictions from April 15<sup>th</sup> through December 1<sup>st</sup>, annually.”***

Page 57

***“AIR-BG2. Manage motorized vehicle travel on dirt roads to minimize air pollution from dust and exhaust by restricting vehicle types and seasons when vehicles could be used.”***

Page 102

***“Under the seven alternatives, impacts to travel... Alternative B would limit travel by seasonal duration in consideration of human health and safety...”***

Page 314

***“The Dry Season Use Restrictions would be extended from April 15<sup>th</sup> through December 1<sup>st</sup>, which would further reduce the visitor use season by 12 weeks and limit access to CCMA more than 60% of the year...”***

Page 354

***“Alternatives A, B, C would have long-term adverse cumulative effects on public health... Extending dry season vehicle restrictions would contribute to reduced impacts to human health.”***

Page 363

***“The Dry Season Use Restriction would extend from April 15<sup>th</sup> through December 1<sup>st</sup>, which would further reduce the visitor use season by 12 weeks and limit access to CCMA more than 60% of the year. Wet Season Use Restrictions would continue using established or improved methods as they become available. Under this alternative, visitors will be limited in their use by days/year based on the EPA and BLM risk assessment models and activity-based air sampling data gathered during the ‘wet season’, which is the time of year CCMA is open to the public.”***

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**Discussion**

Increasing the dry season restrictions from the current dates could hypothetically increase exposure to CCMA visitors. Based upon my own experiences and those of other CCMA visitors whom I associate with, OHV riding days are most often decided upon within only 2 – 4 days prior to arrival at CCMA. This allows for relatively accurate weather information to be the deciding factor and we typically only visit when we expect rain soon before, or during our visits. Observation of the past 10-years precipitation data for HDZ and SRI remote weather stations indicates that there is a chance for significant rain events beginning in early to mid-October and extending until mid-May. While the chances of precipitation increase to their peak in mid-February and then tail off again, increasing the length of the “dry period” will result in the loss of potential wet riding days to select from. With a shortened riding season, riders may feel compelled to go riding during times when there has been no recent rain only for the fact that the riding season ends sooner and each passing weekend means fewer remaining opportunities to ride, rain or not, before the riding season ends.

**Requested Corrective Action**

Do not further increase the length of the dry season closure and remove the above references from the final CCMA RMP/EIS. If unwilling to maintain the dry season with the previous date, consider moving the proposed end of the dry season closure to November 16 as Thanksgiving Weekend is typically the unofficial start of the “wet season” at CCMA for many OHV enthusiasts and families. Recommend selection of management Alternative A.

## **Revised Comment #4**

### **Regarding amphibole asbestos detected**

Within the 2009 CCMA DRMP/EIS are 3 references to amphibole asbestos detected as well as a misleading representation of their impact on risk.

Page 8

*"The Federal government has concluded... 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...."*

Page 142

*"The activity-based sampling showed that activities... Chrysotile asbestos was the predominant asbestos type found in 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..."*

Page 339

#### **"Amphibole Asbestos was Detected in the Air Samples"**

*"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**

First of all, regarding the sentence at the end of the passage from page 339, amphibole asbestos does not present a greater health risk as it is included in the IRIS risk unit for asbestos toxicity. The quoted statement is backwards technically and it would only be appropriate to say that chrysotile asbestos may present less risk. It is understood that yes, chrysotile asbestos is also included in the risk unit also but it is almost universally accepted that chrysotile is less potent, the only disagreement is how much less. It almost appears that this is what the author intends to mean but the original statement does not convey that and instead conveys something that is not technically true.

The 2009 CCMA DRMP/EIS highlights that the presence of amphibole asbestos was detected in EPA's 2008 CCMA risk assessment which, if true, is a little confusing and I believe this claim should not be considered certain at this point in time unless BLM has prior data from previous TEM analysis which agrees (amphibole asbestos detected).

EPA 2008 reported that 34% of the activity-based air samples, of about 256 total analyzed samples, had identified amphiboles with an average fractional percentage of all fibers of almost 8%. At the same time, of about 73 soil grab samples collected, only 2

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had any amphiboles present and those were reported as less than 1% amphibole. EPA 2008 used TEM analysis. PTI Environmental Services 1992, DOI-Office of

Occupational Health and Safety 2008 report on CCMA and Knoxville, Cooper, et al. 1979, as well as EPA at the Atlas Mine Asbestos Superfund site, all performed TEM analysis on some samples yet the presence of amphibole asbestos fibers was not specifically reported in any of these investigations. There is a single mention of amphiboles in DOI-OOHS 2008 but the mention is a repetition of information which BLM conveyed to DOI-OOHS and since EPA 2008 fiber results were already known to BLM at that time, the mention of amphiboles is likely to be in reference to EPA 2008 preliminary findings. Also, it is my understanding that whenever a BLM employee monitoring sample (OSHA mandated) detects asbestos greater than half of the PEL then that sample is reanalyzed with TEM to confirm the result and speciate the fibers. According to the DOI-OOHS 2008 report, there were 13 cases in the past 18 years where a sample was greater than the PEL and were reanalyzed with TEM. Some larger number of sample must have also been over half the PEL during that time period and would also have been reanalyzed using TEM. If none of the above mentioned samples that have been analyzed with TEM had detected amphibole asbestos then the EPA 2008 claim must fall under suspicion. If amphibole asbestos were detected those prior analysis frequencies similar to EPA 2008 then this information should have been cited, as a percentage of total fibers, in the above passages found in the 2009 CCMA DRMP/EIS.

There are at least 3 possibilities as to the source of amphibole fibers at CCMA, for each of which there are significant questions that, if left unanswered, may adversely affect BLM management decisions at CCMA until such a time that they are resolved.

- The amphiboles may be imported asbestos products used in kilns, retorts, or steam conduits, etc. of past mining and milling operations, existing in numerous locations throughout CCMA, as suggested by Fowkes and Iddings, 2008.
- The amphiboles may be non-asbestiform in nature (potentially cleavage fragments). If a fiber meets the defined dimensional characteristics of the PCMe method, TEM analysis is unable to distinguish between an asbestiform amphibole and its non-asbestiform analogue. There are numerous non-asbestiform amphibole minerals found within CCMA.
- The amphiboles may indeed be asbestiform and either widespread throughout the sampling area or isolated to multiple point-source outcrops.

In EPA 2008, activity-based categorization (hiker, motorcycle, etc) of amphibole fiber fractional percentage of all fibers indicate a range of averages from 1.7% to 33% and within a given category the ranges were even higher with 0% always being the lower end of the range. The presence of amphiboles appears completely random with many instances where some members of the same sampling event had 0% amphibole fibers while another member of the same event group was found to have some high percentage of amphibole fibers present. This clearly rules out widespread occurrence and strongly suggests point-source locations that would be relatively small in size and would be either numerous or else high in concentration, which would allow small course deviations

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between multiple participants of the exact same sampling event to potentially have very different amphibole fiber counts. If amphiboles are confirmed to be asbestiform and are found in point-source locations then there is a reasonable expectation of being able to locate and segregate those occurrences.

Additionally, when amphibole fiber counts in Table H1 (Region 9, PCMe) are compared with Table H2 (all fibers, no minimum length or width rules applied), there is an equally stark difference. For chrysotile fibers, the average difference in fiber count between Tables H1 and H2 is 20-fold with a range of 1-fold to 168-fold and is the result of the natural size distribution of chrysotile fibers. However, for amphibole fibers, the average difference in fiber count between Tables H1 and H2 is only 1.7-fold with a range of 1-fold to 5-fold, only. While I am not an expert on the subject, my understanding is that this is not indicative of a natural amphibole asbestos fiber size distribution and could suggest that the identified amphiboles are non-asbestiform. It is also interesting to note that except for one, all 30 cases where amphiboles were detected in February 2005 event samples or earlier events, the amphiboles were identified as "other" (the one exception was identified as "Edenite"). For samples from all later events there are 59 cases where amphiboles were detected and all were identified as either "Actinolite" or "Tremolite" and none reported as "other." While this information does not prove anything, it casts some doubt as to the quality of mineral identification performed by the analytical laboratories contracted for analysis in EPA 2008. Clearly, proper management practices at CCMA would benefit by having the above questions further investigated.

#### **Requested Corrective Action**

Remove the sentence "*There is an emerging consensus in the scientific community that amphibole asbestos may present an even greater health risk*" or revise the sentence to be technically correct, to the effect "*There is an emerging consensus in the scientific community that chrysotile asbestos may present less health risk than amphibole asbestos.*" The current IRIS risk unit includes amphibole asbestos and thus amphibole would not be considered "greater risk."

To the claims of amphibole asbestos detected, the claim must be qualified with the inclusion of the word "suspected" so that the phrasing reads "Suspected amphibole asbestos detected..." If BLM has data from prior studies, investigations, or reports which detected amphibole asbestos prior to EPA 2008 then the word "suspected" should be replaced with "confirmed" and then a short passage must added which provides the average percentage of amphibole asbestos fibers relative to the number of total fibers detected in the prior studies as well as an approximate total number of samples of which BLM has TEM data, not inclusive of EPA 2008 results (which already have their own passage).

Substantive comments for:  
*Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement*  
(CCMA DRMP/EIS 2009), DOI Control Number: DES 09-47

Also if BLM has data of amphibole asbestos detected in the prior studies, there should be some comments regarding the ambiguities within the EPA 2008 data set (randomness of occurrence). Potential mitigation actions should be added to alternatives A-C, to the effect that there is the possibility of identifying and isolating sources of amphibole asbestos.

**References;**

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009, U.S. Department of the Interior, BLM, DOI Control Number: DES 09-47 (BLM 2009)

Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008, U.S. EPA Region 9 (EPA 2008)

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

BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, U.S. Department of the Interior Office of Occupational Health and Safety, May 2008 (DOI-OOHS 2008)

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## **Revised Comment #5**

### **Regarding use day restrictions (limits upon number of visits allowed per person)**

There are multiple instances within the 2009 CCMA DRMP/EIS where restricting users to the number of use days per year are included as means to reduce exposure risk based upon the EPA CCMA Asbestos Exposure and Human Health Risk Assessment 2008 (EPA 2008).

#### Page I

*"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."*

#### Page IV

*"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 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."*

#### Page 19

*"Alternative B emphasizes maintaining current multiple use opportunities in CCMA, and would authorize existing uses based on limited annual visitor use days, seasonal use restrictions, and other mitigation measures to protect public health and safety. Resources management would 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."*

#### Page 26

*"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."*

- *"Authorize access into the Serpentine ACEC by Special Recreation Permits (SRP) only and limit visitor use less than 12 days/year for non-motorized activities, and less than 5 days/year for motorized use."*

#### Page 36

*"REC-USE-B5. Authorize access by Special Recreation Permits (SRP) only, and limit visitor use in the Serpentine ACEC to less than 5 days/year for motorized activities and less than 12 days/year for non-motorized activities."*

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Page 41

*"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."*

Page 99

*"Under all the alternatives, BLM would continue to ensure proper handling... Alternative B would limit the number of annual visitor use days to less than 12 days for non-motorized and less than 5 days for motorized activities. Alternative C..."*

Page 314

*"The Dry Season Use Restrictions would be extended from April 15<sup>th</sup> through December 1<sup>st</sup>, which would further reduce the visitor use season by 12 weeks and limit access to CCMA more than 60% of the year. Wet Season Use Restrictions would continue using established or improved methods as they become available. Under this alternative, visitors will be limited in their use by days/year based on the EPA and BLM risk assessment models and activity-based air sampling data gathered during the 'wet season', which is the time of year CCMA is open to the public."*

Page 326

*"For the purposes of analyzing human health risks from exposure to asbestos in CCMA, BLM shall incorporate by reference the definition of "reasonably foreseeable" from 40 CFR 1502.22(b)(4), which "includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason."*

Page 351

*"Under Alternative B, mitigation measures to reduce risk to public health and safety include restricting authorized land uses, restricting annual visitor use days, making improvement to major routes, voluntary use of personal protective equipment, requiring visitors to sign waivers of liability, and taking other corrective action(s) to comply with Federal, State, and local regulations."*

## **Discussion**

In EPA 2008, exposure risk based upon the IRIS risk unit is overestimated by technical issues which are actually discussed in EPA 2008 but none the less, not acted upon to correct. In EPA 2008;

*"In addition, the counting rules for PCM and TEM are different. The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for the PCME fiber size criteria, TEM may report more fibers. Hwang et al compared analytical methods and reported a correlation coefficient between direct TEM methods and PCM methods of 0.87 with values 3 to 15 times higher for TEM."*

Also in EPA 2008;

*“From November 1988 to April 1991, activity-based samples were collected by BLM personnel while they performed normal duties at CCMA and during sample runs which simulated motorcycle and ATV recreation. The samples were analyzed by PCM microscopy and formed the basis for the PTI Environmental Services “Human Health Risk Assessment for the Clear Creek Management Area” (1992 PTI HRA) which was prepared under contract with BLM. The data indicated that activities which disturbed soil resulted in asbestos air concentrations significantly higher than those measured in ambient air. Motorcycle riding, riding in an open SUV, and riding in a closed SUV produced significantly higher levels than those for ATV riding, and concentrations for lead riders participating in motorcycle and ATV activities were significantly lower than those for mid and tail riders. The results of the 1992 PTI HRA suggest that combined activities, including off-road vehicle riding for more than 9 days per year on average, could lead to unacceptable risk from asbestos exposure.*

*“Quantitatively, the 95% UCL asbestos concentrations generated from the BLM samples were lower than the UCL concentrations generated from the EPA samples and the risk numbers calculated by PTI were therefore lower than those calculated in this risk assessment. The PTI report aggregated the BLM samples into an Off-Road Riding Scenario and an Other Activities Scenario. The 95% UCL for the Off-Road Scenario was 0.07 fibers/cc and for the Other Activities scenario it was 0.04 fibers/cc. By comparison, the 95% UCLs for PCME fibers in the EPA samples by activity are: ATV riding 0.61 f/cc, motorcycle riding 0.51 f/cc, camping, 0.44 f/cc, vehicle washing 0.37 f/cc, SUV driving/riding 0.32 f/cc, fence building 0.11 f/cc, vacuuming 0.07 f/cc, hiking 0.02 f/cc, staging at Oak Flat 0.012 f/cc, staging at Section 8 0.003 f/cc, and staging in CCMA 0.003 f/cc. PTI reanalysis of some of the BLM samples by TEM found that the PCM analytical results were generally 2.5 times lower than the concentrations in the same sample analyzed by TEM, but the variation between the PTI and EPA sample measurements is significantly greater.*

*Some of the difference in the BLM and EPA sample results is probably attributable to the differences in the PCM and TEM analytical methods and the rules that each method employs for counting asbestos structures. PCM uses an optical microscope which magnifies the sample approximately 450 times. TEM uses an electron microscope that can magnify the sample 10,000 to 20,000 times or more. The greater magnification means that the TEM method can see asbestos structures much thinner than the 0.25 micron diameter visible by PCM and can see structures more clearly on a filter from a dusty environment. TEM can also determine whether a structure seen on the filter is actually asbestos and what type. In addition, the counting rules for PCM and TEM are different. The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure.*

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*So, even when the results of TEM analysis are sorted for the PCMe fiber size criteria, TEM may report more fibers. Hwang et al compared analytical methods and reported a correlation coefficient between direct TEM methods and PCM methods of 0.87 with values 3 to 15 times higher for TEM.<sup>7</sup>*

*<sup>7</sup> Hwang, C-Y and Wang, Z.M, **Comparison of Methods of Assessing Asbestos Fiber Concentrations**, Archives of Environmental Health, Vol 38, 5-10, 1983*

By EPA's own admission, their fiber concentration results are probably 2.5 times higher than those found in Human Health Risk Assessment for the Clear Creek Management Area, prepared by PTI Environmental Services in 1992 (PTI 1992), due to use of PCMe (in EPA 2008) instead of PCM (used in PTI 1992). The difference due to this reason is probably higher yet, since EPA 2008 does not consider the PCMe to PCM difference which can be calculated from data included in BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, prepared by the Department of the Interior Office of Occupational Health and Safety, dated May 2008 (DOI-OOHS 2008). In DOI-OOHS 2008, the table on page 11 compares 10 activity-based comparisons where samples were analyzed by methods NIOSH 7400 (PCM), NIOSH 7402 (TEM), and ISO 10312 (PCMe, itself a TEM based method). Of these comparison samples, 5 have detectable levels of fibers which meet the dimension and counting rules for both PCM and PCMe (ISO 10312) and thus can be used to determine a site-specific correlation. In this case the average PCMe to PCM correlation is approximately 3.75 PCMe fibers = 1 PCM fiber.

Without any consideration of PCMe to PCM asbestos concentration differences, EPA 2008 95% UCL concentrations for off-road motorcycle riding is 0.505 fibers/ml while in PTI 1992 the 95% UCL concentration is 0.066 fibers/ml. EPA 2008 results are 7.6 times higher than PTI 1992 but when the EPA 2008 concentrations are divided by the PCMe to PCM conversion determined in PTI 1992 then EPA 2008 results are only 3 times higher. With this in mind, here is what is stated in EPA's IRIS Summary for asbestos, part II.C.3;

*"The unit risk is based on fiber counts made by phase contrast microscopy (PCM) and should not be applied directly to measurements made by other analytical techniques. The unit risk uses PCM fibers because the measurements made in the occupational environment use this method. Many environmental monitoring measurements are reported in terms of fiber counts or mass as determined by transmission electron microscopy (TEM). PCM detects only fibers longer than 5 um and >0.4 um in diameter, while TEM can detect much smaller fibers. TEM mass units are derived from TEM fiber counts. The correlation between PCM fiber counts and TEM mass measurements is very poor. Six data sets which include both measurements show a conversion between TEM mass and PCM fiber count that range from 5-150 (ug/cu.m)/(f/mL). The geometric mean of these*

*results, 30 (ug/cu.m)/(f/mL), was adopted as a conversion factor (U.S. EPA, 1986), but it should be realized that this value is highly uncertain. Likewise, the correlation between PCM fiber counts and TEM fiber counts is very uncertain and no generally applicable conversion factor exists for these two measurements."*

Taken together with the previously quoted passage from EPA 2008 repeated once more here, for emphasis;

*"The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for the PCME fiber size criteria, TEM may report more fibers."*

It is reasonable to conclude that EPA 2008 has overestimated risk by at least 2.5-fold. PTI 1992 was performed with strict adherence to EPA's own IRIS Summary guidelines while EPA 2008 was not. EPA cannot rely on the claim that CERCLA guidelines tell them to use PCMe when the IRIS risk unit that EPA 2008 used goes part and parcel with the guidelines for its use.

EPA 2008 overestimation of risk probably is more than 2.5-fold for yet another reason. In the above quoted passage from EPA's IRIS Summary for asbestos, "*PCM detects only fibers longer than 5 um and >0.4 um in diameter, ...*" PTI 1992 indicates that the fiber diameter definition used was >0.4 microns, also. EPA 2008 used the more current fiber diameter definition of 0.25 microns. Thus, the fraction of fibers detected in EPA 2008 which are greater than 0.25 microns but less than 0.4 microns are also contribute to overestimation of fiber concentrations.

There is reasonable probability that in fact, once all technical deficiencies in EPA 2008 are accounted for, results of EPA 2008 would be, for all intents and purposes, identical those of PTI 1992. How can BLM then ignore this and pretend that EPA 2008 has produced some new landmark results which then justify the proposal to limit the number of use days for visitors when they have managed CCMA for the past 16 years with the very same information. Attached at the end of these comments are graphs representing EPA 2008 results as well as well as graphs in which those results have been adjusted for CCMA site-specific PCMe to PCM conversions.

Additionally and possibly most importantly, the risk unit presented in EPA's Integrated Risk Information System (IRIS) Summary for asbestos, 2.3E-1 fibers/ml, is not appropriate for exposures at CCMA in the first place. This risk unit is derived from a number of epidemiological studies associated with occupational exposure to asbestos. Notably missing are 3 studies, as subtly mentioned in EPA's IRIS Summary;

*"In addition to the studies cited above, there were three studies of asbestos workers in mining and milling which showed an increase in lung cancer (McDonald et al., 1980, Nicholson et al., 1979; Rubino et al., 1979). The slope factor calculated from these studies was lower than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation."*

While the IRIS Summary does not indicate why these 3 studies were left out of the risk unit the reason is a little more comprehensible in the following passage from section 3.9.16, *Summary of Lung Cancer Dose-Response Relationships* of EPA document 600/8-84/003F, *Airborne Asbestos Health Assessment Update* (EPA 1986). Note:  $K_L$  represents fractional increase in risk per unit exposure for lung cancer;

*"As shown in Table 3-28, the geometric mean value of  $K_L$  using data from all studies, is 0.0065, and that for all studies exclusive of mining and milling is 0.10. Because mining and milling exposures (long and curly fibers, preprocessed) are likely to be less typical of those experienced in the environment (processed, see also Sections 3-8, 3-9, 3-17, 4-2, and 5-1 to 5-8), the best estimate for the fractional increased risk of lung cancer,  $K_L$ , for environmental asbestos exposures appears to be 0.010."*

The context of EPA's IRIS asbestos exposure risk unit is primarily aimed at typical environmental exposures of individuals to processed asbestos and asbestos products, not naturally occurring asbestos (NOA) such as is found at CCMA. In the quoted passage above, the author's inference is that since  $K_L$  values for mining and milling operations are so low, that to include them would result in a risk unit that would be too low to properly represent exposure risk relative to typical environmental (processed fiber) exposures and thus would not be protective enough. Conversely, if typical exposures to asbestos were mining and milling operations rather than operations involving processed fibers then hypothetically, the statements in EPA 1986 might state to the effect,

*Because ASBESTOS PROCESSING, TEXTILE MANUFACTURE, INSULATION MANUFACTURE/INSTALLATION, AND FRICTION PRODUCT MANUFACTURE exposures (PROCESSED) are likely to be less typical of those experienced in the MINING AND MILLING environment...,*

and the quoted passage from the IRIS Summary might state to the effect,

*In addition to the studies cited above, there were 9 studies of asbestos workers NOT in mining and milling which showed an increase in lung cancer. The slope factor calculated from these studies was HIGHER than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation.*

Clearly, the current IRIS asbestos risk unit of  $2.3E-1$  fibers/ml, as defined by the intentional exclusion of chrysotile mining and milling data from its construction, is

therefore exclusive of chrysotile mining and milling and by association CCMA within which is the largest natural chrysotile deposit in the United States. The IRIS asbestos risk unit, used in EPA 2008, is used inappropriately and applies processed asbestos risk to a large natural chrysotile deposit where human exposure would be far more similar to asbestos mining and milling human exposure and completely unlike human exposure to processed asbestos and asbestos products. There is no discussion in EPA 1986, nor any other agency document which I can locate, indicating doubt regarding the validity or adequacy of the 3 chrysotile mining and milling studies excluded from the construction of the asbestos risk unit but that the slope factors determined in these studies were low, relative to other, more typical asbestos operations. Since the slope factors were low and the exposure environment (preprocess fibers) was not representative of typical exposure environments (processed fibers), these 3 studies were excluded. It is therefore analogous to say that the risk unit, as constructed, is too high and entirely not representative of mining and milling operation exposure risk, and by association, CCMA.

If the previously described hypothetical circumstance were to be true and the asbestos risk unit excluded processed asbestos epidemiological studies and then in time, there came to be a substantial human exposure to processed asbestos surely EPA, realizing that their mining a milling-born risk unit would not be protective enough for assessing exposure to these more potent processed fibers, would act quickly and with urgency to adopt a new and appropriate risk unit to match the new circumstances. In reality, the circumstances are reversed but the logical process of reasoning remains the same. EPA, in practice, prefers to apply bias on the side of over-protection for obvious reasons and thus ignores the unprocessed chrysotile reduced potency issue only because the current asbestos risk unit does not endanger lives. However, just because it doesn't endanger lives is no justification for EPA to wield bias in an unreasonable carte-blanche fashion.

EPA 2008 used a boilerplate analysis of risk, which is tailored for situations in which commercially processed fiber is the contaminant, for unprocessed chrysotile fiber exposures. In order for BLM to make the most scientifically defensible land management decisions for CCMA, BLM should request of EPA to provide a representative risk unit constructed from available mining and milling epidemiological studies along with recalculation of the EPA 2008 risk estimates using said risk unit.

If EPA is unwilling to comply then BLM should obtain revised estimates by other means (all data necessary to construct the appropriate risk unit is available from a combination of PTI 1992, EPA 1986, and EPA 2008). BLM is well aware of this issue as it is discussed in detail in PTI 1992, as follows:

*“The URF is based on studies of workers exposed to a variety of asbestos types in diverse occupational settings. However, the URF does not include cancer incidence data from occupational populations exposed to chrysotile asbestos in mining and milling (U.S. EPA 28 1991a), and these studies may be most relevant*

*to the exposure to chrysotile asbestos at the site. Unofficial URFs ( $U$ URFs) ranging from  $0.0013 (f/cc)^{-1}$  to  $0.0047 (f/cc)^{-1}$  can be derived from data on lung cancer reported in three studies of workers exposed to chrysotile in mining and milling [McDonald et al. (1980); Rubino et al. (1979); Nicholson et al. (1979)]. These  $U$ URFs were derived by PTI by converting an occupational exposure period of 5 days a week and an inhalation rate of  $10 m^3/8$  hour work day to a continuous exposure period. The lowest  $U$ URF derived in this way is nearly 200 times less (182 times) than the current URF for asbestos and the highest value is nearly 50 times less than the current URF. Similarly, the  $U$ URF derived from data on mesothelioma incidence in a population exposed to chrysotile asbestos in a mining setting is  $0.031 (f/cc)^{-1}$  (McDonald et al. 1980; Berman 1992, pers. comm.), which is 7 times lower than the current URF for asbestos. Thus, use of the current URF may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA."*

Attached at the end of these comments are representations of EPA 2008 results using the unofficial URFs ( $U$ URF) calculated in PTI 1992 and EPA 2008.

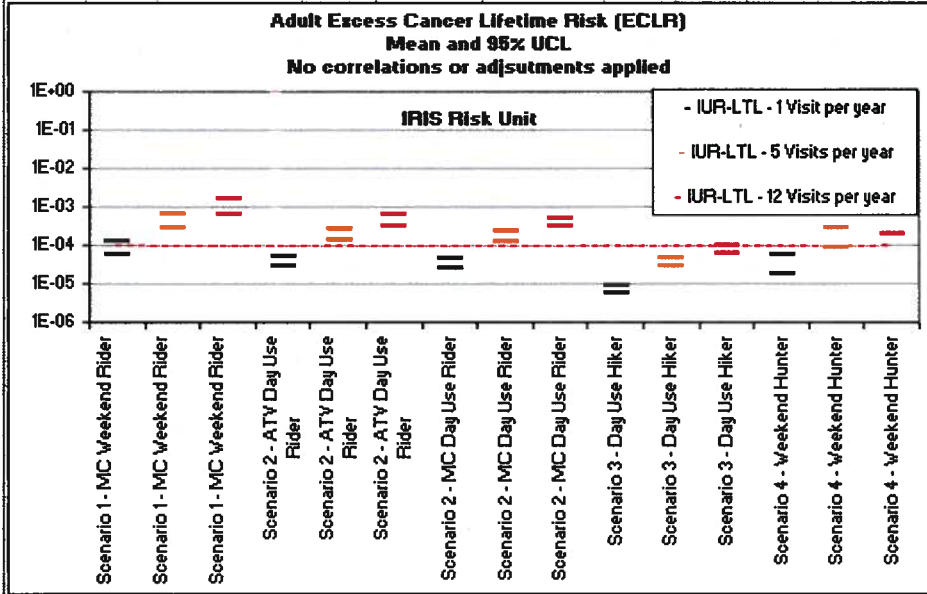
While EPA may be unwilling to openly admit that they overestimate the risk to visitors at CCMA, BLM is not required by any law or statute to accept EPA 2008 results and conclusions as statements of fact. BLM, as the sole agency in charge of management of CCMA is able to adjust EPA 2008 results, based upon solid scientific evidence, so that they more accurately apply to CCMA exposure risk.

#### **Requested Corrective Action**

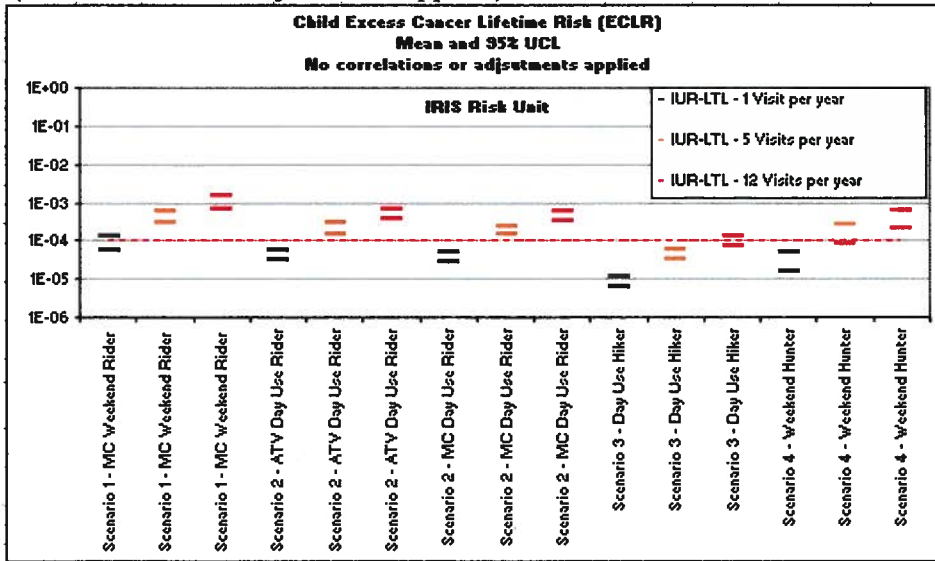
BLM must request EPA Region 9 to submit a revised report in which EPA 2008 technical deficiencies are accounted for. If EPA is unwilling then BLM must consider EPA 2008 results and conclusion as equivalent to the previous PTI 1992 results and conclusions. With the adjustments made, there is no justification for changes to the current management plan and restricting visitor use days is unjustified. Selection of management Alternative A is requested. All proposals and references to restrict or limit visitor use days must be eliminated from all alternatives within the document.

**Attachments-**

**Adult IRIS Risk Chart (no correlations or adjustments applied)**

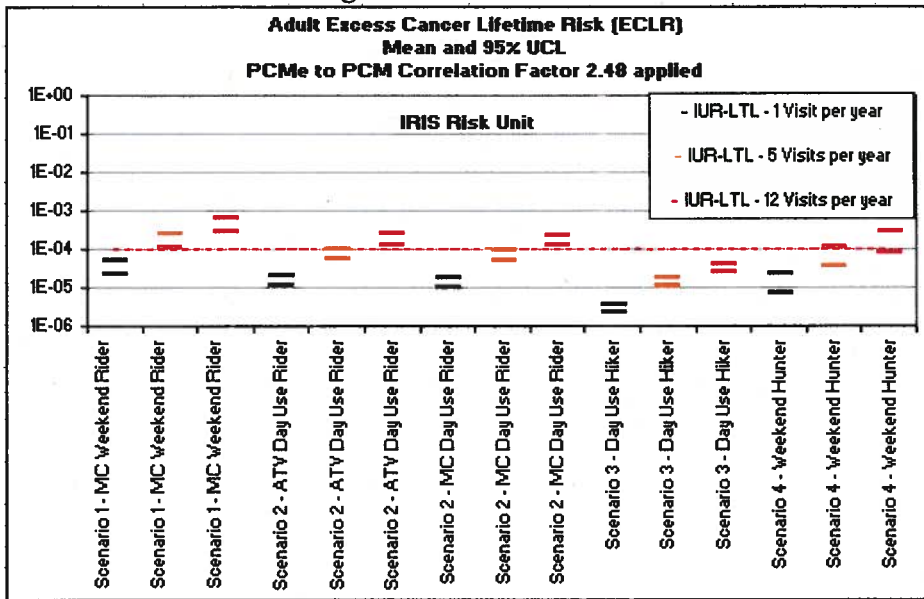


**Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart (no correlations or adjustments applied)**

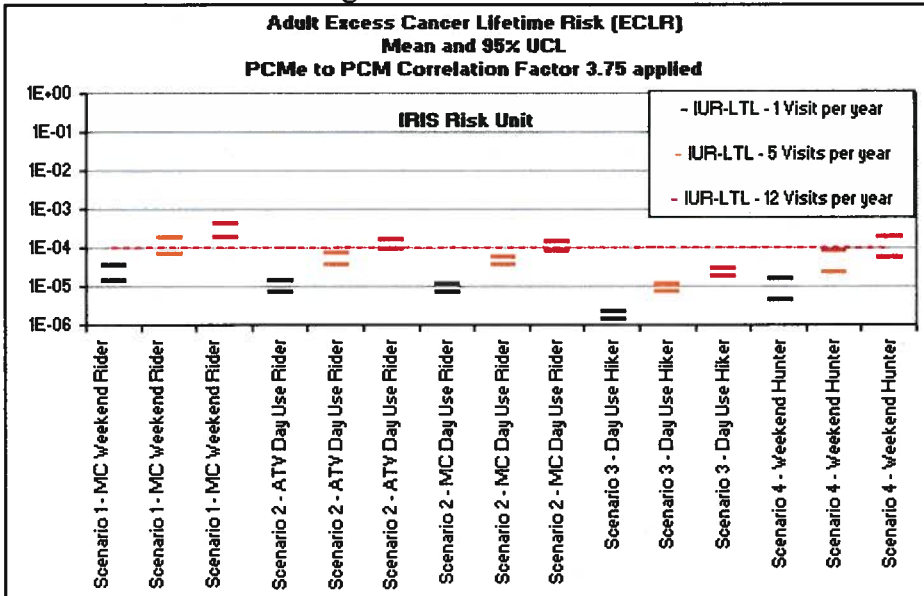


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Adult IRIS Risk Chart using PTI 1992 PCMe to PCM Correlation



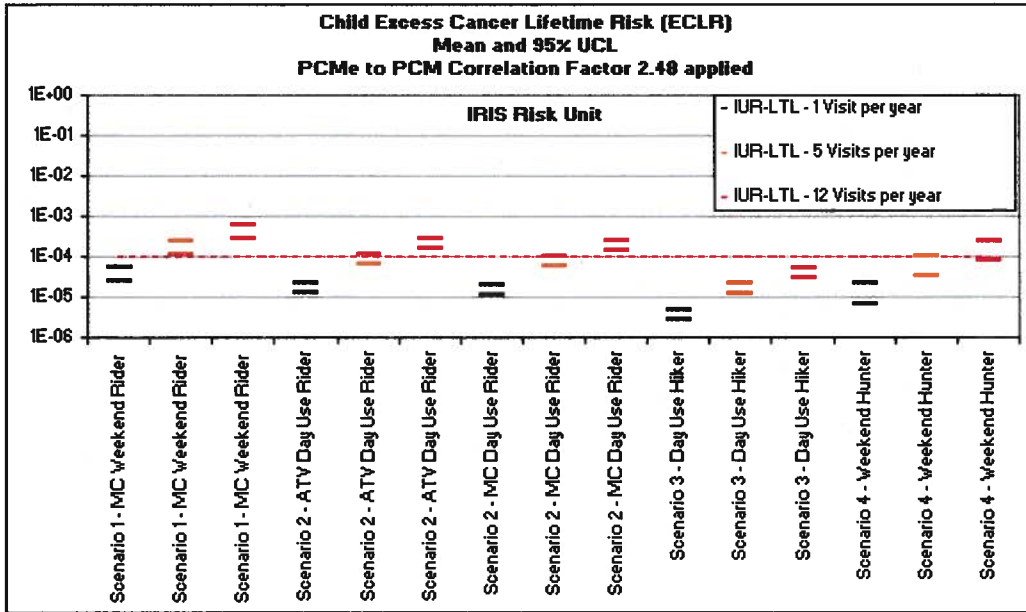
Adult IRIS Risk Chart using DOI-OOHS 2008 PCMe to PCM Correlation



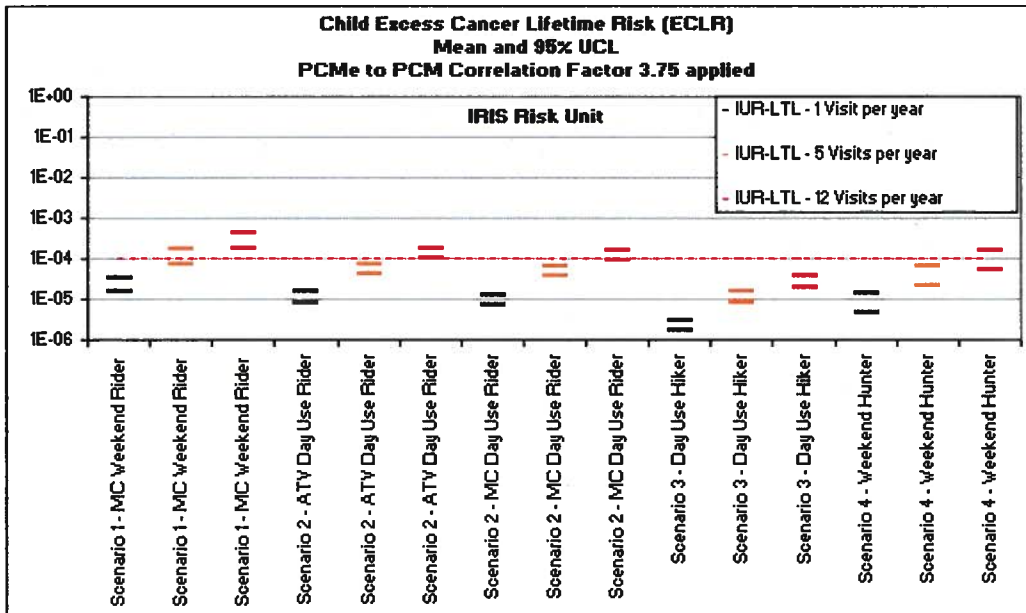
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Total Child (12-yrs) + Adult (18-yrs) IRIS Risk Chart using  
 PTI 1992 PCMe to PCM Correlation

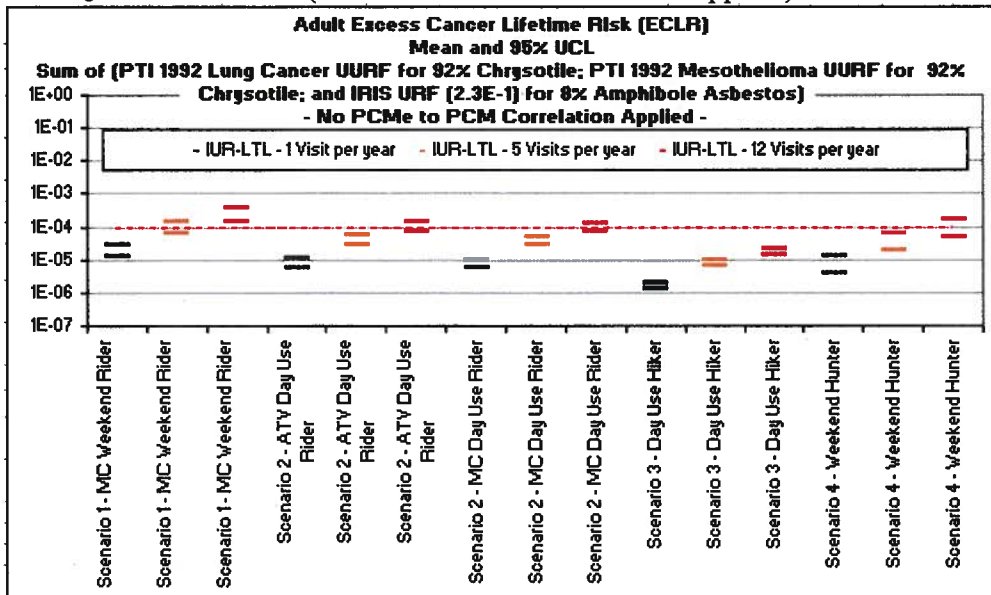


Total Child (12-yrs) + Adult (18-yrs) IRIS Risk Chart using  
 DOI-OOHS 2008 PCMe to PCM Correlation



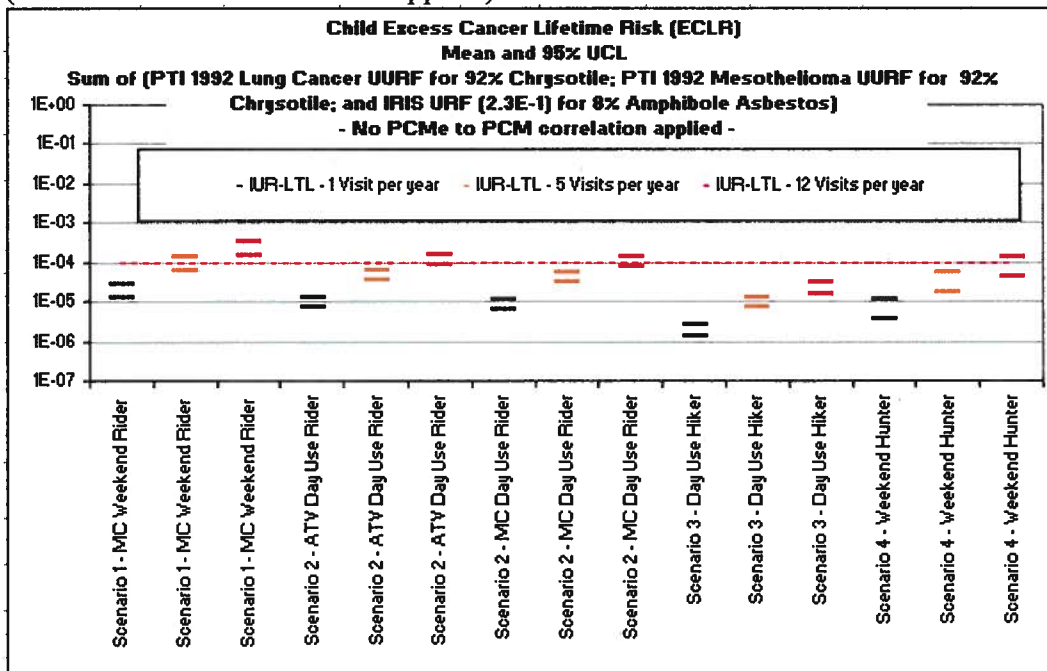
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Adult  $\mu$ URF Risk Chart (no PCMe to PCM Correlation applied)



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992

Total Child (12-yrs) + Adult (18-yrs)  $\mu$ URF Risk Chart  
 (no PCMe to PCM Correlation applied)

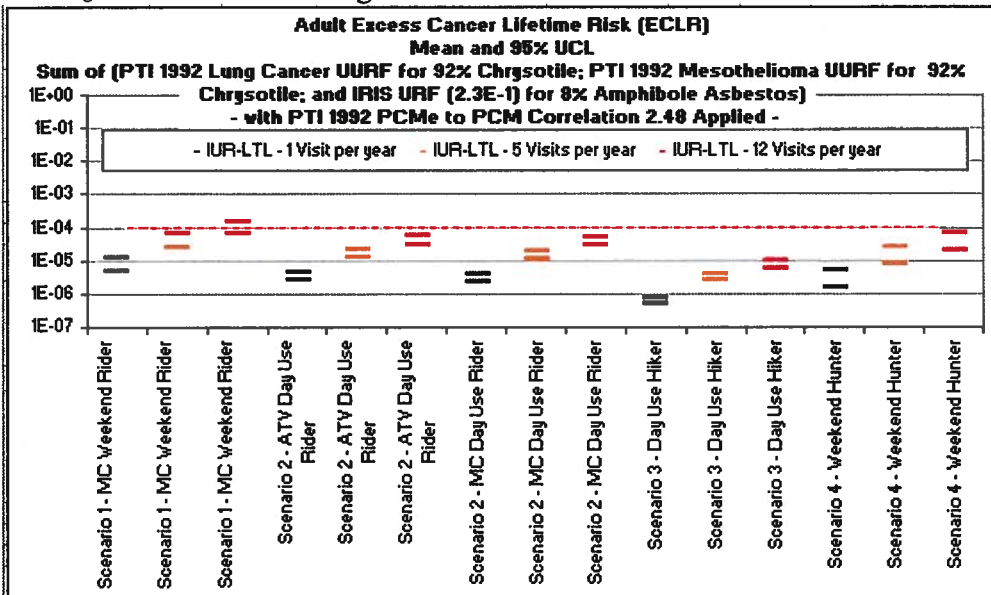


Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992

Comments submitted by:

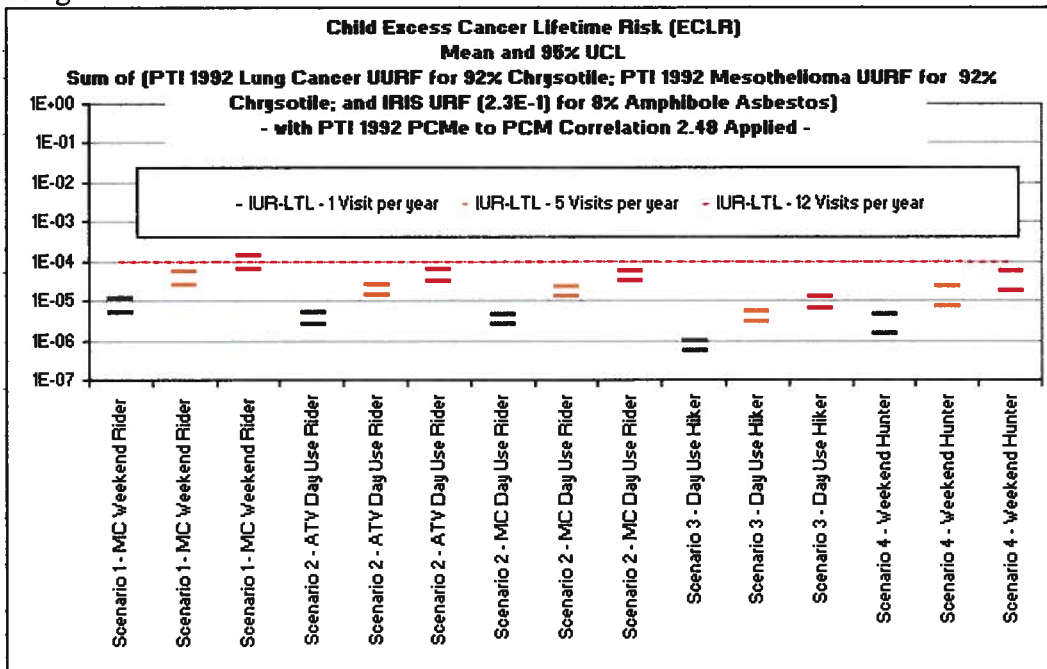
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Adult  $\mu$ URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992 as well as most conservative PCMe to PCM correlation

Total Child (12-yr) + Adult (18-yr)  $\mu$ URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs illustrated in PTI 1992 as well as most conservative PCMe to PCM correlation

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References;

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009, U.S. Department of the Interior, BLM, DOI Control Number: DES 09-47 (BLM 2009)

Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008, U.S. EPA Region 9 (EPA 2008)

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

BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, U.S. Department of the Interior Office of Occupational Health and Safety, May 2008 (DOI-OOHS 2008)

Airborne Asbestos Health Assessment Update, U.S.EPA document 600/8-84/003F, (EPA 1986).

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**Revised Comment #6**  
**Regarding proposed alternatives**

**Discussion**

There are 7 alternatives within the 2009 DRMP/EIS ranging from A (no action) to G (full closure from public access). Public access proposals of actions in Alternatives B-G are primarily based upon the findings of Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008, U.S. EPA Region 9 (EPA 2008).

However, there are technical deficiencies as well as a major limitation of the asbestos risk unit used within EPA 2008.

In EPA 2008, exposure risk based upon the IRIS risk unit is overestimated by technical issues which are actually discussed in EPA 2008 but none the less, not acted upon to correct. In EPA 2008;

*"In addition, the counting rules for PCM and TEM are different. The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for the PCME fiber size criteria, TEM may report more fibers. Hwang et al compared analytical methods and reported a correlation coefficient between direct TEM methods and PCM methods of 0.87 with values 3 to 15 times higher for TEM."*

Also in EPA 2008;

*"From November 1988 to April 1991, activity-based samples were collected by BLM personnel while they performed normal duties at CCMA and during sample runs which simulated motorcycle and ATV recreation. The samples were analyzed by PCM microscopy and formed the basis for the PTI Environmental Services "Human Health Risk Assessment for the Clear Creek Management Area" (1992 PTI HRA) which was prepared under contract with BLM. The data indicated that activities which disturbed soil resulted in asbestos air concentrations significantly higher than those measured in ambient air. Motorcycle riding, riding in an open SUV, and riding in a closed SUV produced significantly higher levels than those for ATV riding, and concentrations for lead riders participating in motorcycle and ATV activities were significantly lower than those for mid and tail riders. The results of the 1992 PTI HRA suggest that combined activities, including off-road vehicle riding for more than 9 days per year on average, could lead to unacceptable risk from asbestos exposure."*

*"Quantitatively, the 95% UCL asbestos concentrations generated from the BLM samples were lower than the UCL concentrations generated from the EPA samples and the risk numbers calculated by PTI were therefore lower than those calculated in this risk assessment. The PTI report aggregated the BLM samples into an Off-Road Riding Scenario and an Other Activities Scenario. The 95% UCL for the Off-Road Scenario was 0.07 fibers/cc and for the Other Activities scenario it was 0.04 fibers/cc. By comparison, the 95% UCLs for PCME fibers in the EPA samples by activity are: ATV riding 0.61 f/cc, motorcycle riding 0.51*

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*f/cc, camping, 0.44 f/cc, vehicle washing 0.37 f/cc, SUV driving/riding 0.32 f/cc, fence building 0.11 f/cc, vacuuming 0.07 f/cc, hiking 0.02 f/cc, staging at Oak Flat 0.012 f/cc, staging at Section 8 0.003 f/cc, and staging in CCMA 0.003 f/cc. PTI reanalysis of some of the BLM samples by TEM found that the PCM analytical results were generally 2.5 times lower than the concentrations in the same sample analyzed by TEM, but the variation between the PTI and EPA sample measurements is significantly greater.*

*Some of the difference in the BLM and EPA sample results is probably attributable to the differences in the PCM and TEM analytical methods and the rules that each method employs for counting asbestos structures. PCM uses an optical microscope which magnifies the sample approximately 450 times. TEM uses an electron microscope that can magnify the sample 10,000 to 20,000 times or more. The greater magnification means that the TEM method can see asbestos structures much thinner than the 0.25 micron diameter visible by PCM and can see structures more clearly on a filter from a dusty environment. TEM can also determine whether a structure seen on the filter is actually asbestos and what type. In addition, the counting rules for PCM and TEM are different. The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for the PCME fiber size criteria, TEM may report more fibers. Hwang et al compared analytical methods and reported a correlation coefficient between direct TEM methods and PCM methods of 0.87 with values 3 to 15 times higher for TEM.<sup>7</sup>*

*<sup>7</sup> Hwang, C-Y and Wang, Z.M, **Comparison of Methods of Assessing Asbestos Fiber Concentrations**, Archives of Environmental Health, Vol 38, 5-10, 1983“*

By EPA's own admission, their fiber concentration results are probably 2.5 times higher than those found in Human Health Risk Assessment for the Clear Creek Management Area, prepared by PTI Environmental Services in 1992 (PTI 1992), due to use of PCMe (in EPA 2008) instead of PCM (used in PTI 1992). The difference due to this reason is probably higher yet, since EPA 2008 does not consider the PCMe to PCM difference which can be calculated from data included in BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, prepared by the Department of the Interior Office of Occupational Health and Safety, dated May 2008 (DOI-OOHS 2008). In DOI-OOHS 2008, the table on page 11 compares 10 activity-based comparisons where samples were analyzed by methods NIOSH 7400 (PCM), NIOSH 7402 (TEM), and ISO 10312 (PCMe, itself a TEM based method). Of these comparison samples, 5 have detectable levels of fibers which meet the dimension and counting rules for both PCM and PCMe (ISO 10312) and thus can be used to determine a site-specific correlation. In this case the average PCMe to PCM correlation is approximately 3.75 PCMe fibers = 1 PCM fiber.

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Without any consideration of PCMe to PCM asbestos concentration differences, EPA 2008 95% UCL concentrations for off-road motorcycle riding is 0.505 fibers/ml while in PTI 1992 the 95% UCL concentration is 0.066 fibers/ml. EPA 2008 results are 7.6 times higher than PTI 1992 but when the EPA 2008 concentrations are divided by the PCMe to PCM conversion determined in PTI 1992 then EPA 2008 results are only 3 times higher. With this in mind, here is what is stated in EPA's IRIS Summary for asbestos, part II.C.3;

*"The unit risk is based on fiber counts made by phase contrast microscopy (PCM) and should not be applied directly to measurements made by other analytical techniques. The unit risk uses PCM fibers because the measurements made in the occupational environment use this method. Many environmental monitoring measurements are reported in terms of fiber counts or mass as determined by transmission electron microscopy (TEM). PCM detects only fibers longer than 5 um and >0.4 um in diameter, while TEM can detect much smaller fibers. TEM mass units are derived from TEM fiber counts. The correlation between PCM fiber counts and TEM mass measurements is very poor. Six data sets which include both measurements show a conversion between TEM mass and PCM fiber count that range from 5-150 (ug/cu.m)/(f/mL). The geometric mean of these results, 30 (ug/cu.m)/(f/mL), was adopted as a conversion factor (U.S. EPA, 1986), but it should be realized that this value is highly uncertain. Likewise, the correlation between PCM fiber counts and TEM fiber counts is very uncertain and no generally applicable conversion factor exists for these two measurements."*

Taken together with the previously quoted passage from EPA 2008 repeated once more here, for emphasis;

*"The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for the PCME fiber size criteria, TEM may report more fibers."*

It is reasonable to conclude that EPA 2008 has overestimated risk by at least 2.5-fold. PTI 1992 was performed with strict adherence to EPA's own IRIS Summary guidelines while EPA 2008 was not. EPA cannot rely on the claim that CERCLA guidelines tell them to use PCMe when the IRIS risk unit that EPA 2008 used goes part and parcel with the guidelines for its use.

EPA 2008 overestimation of risk probably is more than 2.5-fold for yet another reason. In the above quoted passage from EPA's IRIS Summary for asbestos, "*PCM detects only fibers longer than 5 um and >0.4 um in diameter,...*" PTI 1992 indicates that the fiber diameter definition used was >0.4 microns, also. EPA 2008 used the more current fiber

diameter definition of 0.25 microns. Thus, the fraction of fibers detected in EPA 2008 which are greater than 0.25 microns but less than 0.4 microns are also contribute to overestimation of fiber concentrations.

There is reasonable probability that in fact, once all technical deficiencies in EPA 2008 are accounted for, results of EPA 2008 would be, for all intents and purposes, identical those of PTI 1992. How can BLM then ignore this and pretend that EPA 2008 has produced some new landmark results which then justify the proposal to limit the number of use days for visitors when they have managed CCMA for the past 16 years with the very same information. Attached at the end of these comments are graphs representing EPA 2008 results as well as well as graphs in which those results have been adjusted for CCMA site-specific PCMe to PCM conversions.

Additionally and possibly most importantly, the risk unit presented in EPA's Integrated Risk Information System (IRIS) Summary for asbestos,  $2.3E-1$  fibers/ml, is not appropriate for exposures at CCMA in the first place. This risk unit is derived from a number of epidemiological studies associated with occupational exposure to asbestos. Notably missing are 3 studies, as subtly mentioned in EPA's IRIS Summary;

*"In addition to the studies cited above, there were three studies of asbestos workers in mining and milling which showed an increase in lung cancer (McDonald et al., 1980, Nicholson et al., 1979; Rubino et al., 1979). The slope factor calculated from these studies was lower than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation."*

While the IRIS Summary does not indicate why these 3 studies were left out of the risk unit the reason is a little more comprehensible in the following passage from section 3.9.16, *Summary of Lung Cancer Dose-Response Relationships* of EPA document 600/8-84/003F, *Airborne Asbestos Health Assessment Update* (EPA 1986). Note:  $K_L$  represents fractional increase in risk per unit exposure for lung cancer;

*"As shown in Table 3-28, the geometric mean value of  $K_L$ , using data from all studies, is 0.0065, and that for all studies exclusive of mining and milling is 0.10. Because mining and milling exposures (long and curly fibers, preprocessed) are likely to be less typical of those experienced in the environment (processed, see also Sections 3-8, 3-9, 3-17, 4-2, and 5-1 to 5-8), the best estimate for the fractional increased risk of lung cancer,  $K_L$ , for environmental asbestos exposures appears to be 0.010."*

The context of EPA's IRIS asbestos exposure risk unit is primarily aimed at typical environmental exposures of individuals to processed asbestos and asbestos products, not naturally occurring asbestos (NOA) such as is found at CCMA. In the quoted passage

above, the author's inference is that since  $K_L$  values for mining and milling operations are so low, that to include them would result in a risk unit that would be too low to properly represent exposure risk relative to typical environmental (processed fiber) exposures and thus would not be protective enough. Conversely, if typical exposures to asbestos were mining and milling operations rather than operations involving processed fibers then hypothetically, the statements in EPA 1986 might state to the effect,

*Because ASBESTOS PROCESSING, TEXTILE MANUFACTURE, INSULATION MANUFACTURE/INSTALLATION, AND FRICTION PRODUCT MANUFACTURE exposures (PROCESSED) are likely to be less typical of those experienced in the MINING AND MILLING environment...,*

and the quoted passage from the IRIS Summary might state to the effect,

*In addition to the studies cited above, there were 9 studies of asbestos workers NOT in mining and milling which showed an increase in lung cancer. The slope factor calculated from these studies was HIGHER than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation.*

Clearly, the current IRIS asbestos risk unit of  $2.3E-1$  fibers/ml, as defined by the intentional exclusion of chrysotile mining and milling data from its construction, is therefore exclusive of chrysotile mining and milling and by association CCMA within which is the largest natural chrysotile deposit in the United States. The IRIS asbestos risk unit, used in EPA 2008, is used inappropriately and applies processed asbestos risk to a large natural chrysotile deposit where human exposure would be far more similar to asbestos mining and milling human exposure and completely unlike human exposure to processed asbestos and asbestos products. There is no discussion in EPA 1986, nor any other agency document which I can locate, indicating doubt regarding the validity or adequacy of the 3 chrysotile mining and milling studies excluded from the construction of the asbestos risk unit but that the slope factors determined in these studies were low, relative to other, more typical asbestos operations. Since the slope factors were low and the exposure environment (preprocess fibers) was not representative of typical exposure environments (processed fibers), these 3 studies were excluded. It is therefore analogous to say that the risk unit, as constructed, is too high and entirely not representative of mining and milling operation exposure risk, and by association, CCMA.

If the previously described hypothetical circumstance were to be true and the asbestos risk unit excluded processed asbestos epidemiological studies and then in time, there came to be a substantial human exposure to processed asbestos surely EPA, realizing that their mining a milling-born risk unit would not be protective enough for assessing exposure to these more potent processed fibers, would act quickly and with urgency to adopt a new and appropriate risk unit to match the new circumstances. In reality, the circumstances are reversed but the logical process of reasoning remains the same. EPA, in practice, prefers to apply bias on the side of over-protection for obvious reasons and thus ignores the unprocessed chrysotile reduced potency issue only because the current asbestos risk unit does not endanger lives. However, just because it doesn't endanger lives is no justification for EPA to wield bias in an unreasonable carte-blanche fashion.

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EPA 2008 used a boilerplate analysis of risk, which is tailored for situations in which commercially processed fiber is the contaminant, for unprocessed chrysotile fiber exposures. In order for BLM to make the most scientifically defensible land management decisions for CCMA, BLM should request of EPA to provide a representative risk unit constructed from available mining and milling epidemiological studies along with recalculation of the EPA 2008 risk estimates using said risk unit.

If EPA is unwilling to comply then BLM should obtain revised estimates by other means (all data necessary to construct the appropriate risk unit is available from a combination of PTI 1992, EPA 1986, and EPA 2008). BLM is well aware of this issue as it is discussed in detail in PTI 1992, as follows:

*“The URF is based on studies of workers exposed to a variety of asbestos types in diverse occupational settings. However, the URF does not include cancer incidence data from occupational populations exposed to chrysotile asbestos in mining and milling (U.S. EPA 28 1991a), and these studies may be most relevant*

*to the exposure to chrysotile asbestos at the site. Unofficial URFs ( $\cup$ URFs) ranging from  $0.0013 (f/cc)^{-1}$  to  $0.0047 (f/cc)^{-1}$  can be derived from data on lung cancer reported in three studies of workers exposed to chrysotile in mining and milling [McDonald et al. (1980); Rubino et al. (1979); Nicholson et al. (1979)]. These  $\cup$ URFs were derived by PTI by converting an occupational exposure period of 5 days a week and an inhalation rate of  $10 m^3/8$  hour work day to a continuous exposure period. The lowest  $\cup$ URF derived in this way is nearly 200 times less (182 times) than the current URF for asbestos and the highest value is nearly 50 times less than the current URF. Similarly, the  $\cup$ URF derived from data on mesothelioma incidence in a population exposed to chrysotile asbestos in a mining setting is  $0.031 (f/cc)^{-1}$  (McDonald et al. 1980; Berman 1992, pers. comm.), which is 7 times lower than the current URF for asbestos. Thus, use of the current URF may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA.”*

Attached at the end of these comments are representations of EPA 2008 results using the unofficial URFs ( $\cup$ URF) calculated in PTI 1992 and EPA 2008.

While EPA may be unwilling to openly admit that they overestimate the risk to visitors at CCMA, BLM is not required by any law or statute to accept EPA 2008 results and conclusions as statements of fact. BLM, as the sole agency in charge of management of CCMA is able to adjust EPA 2008 results, based upon solid scientific evidence, so that they more accurately apply to CCMA exposure risk.

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Further, there is a reported new issue of amphibole fibers detected. BLM 2009 highlights that the presence of amphibole asbestos was detected in EPA 2008. However, this claim should not be considered certain at this point in time. EPA 2008 reports that 34% of the activity-based air samples, of about 256 total analyzed samples, had identified amphiboles with an average fractional percentage of all fibers of almost 8%. At the same time, of about 73 soil grab samples collected, only 2 had any amphiboles present and those were reported as less than 1% amphibole. EPA 2008 used Transmission Electron Microscope analysis

(TEM, also referred as PCMe or ISO 10312) which allows for the speciation of fibers that are detected in air samples. PTI 1992, DOI-OOHS 2008, and Cooper, et al. 1979, as well as EPA at the Atlas Mine Asbestos Superfund site all performed TEM analysis on some samples yet the presence of amphibole asbestos fibers was not specifically reported in any of these investigations. There is a single mention of amphiboles in DOI-OOHS 2008 but the mention is a repetition of information which BLM conveyed to DOI-OOHS and since EPA 2008 fiber results were already known to BLM at that time, the mention of amphiboles is likely to be in reference to EPA 2008 preliminary findings. Additionally, as noted in an email from Rick Cooper (BLM) to David Shiriashi (OSHA), TEM analysis is, under certain circumstances, performed on OSHA mandated employee monitoring samples and any detected fibers are speciated;

*“Fiber counts were performed using polarized light microscopy with follow-up TEM analysis for filters exceeding one half of the OSHA PEL. The TEM analysis reported the percent asbestos and also speciated the fibers.”*

While I do not have access to BLM employee health records, DOI-OOHS 2008 indicates that BLM has 1271 employee asbestos monitoring sample results collected over the past 18 years, with 13 (1%) having been above the PEL and were reanalyzed using TEM. My understanding is that any sample result which is greater than half the PEL should be reanalyzed using TEM and if this is the case then there may be many more than just the previously mentioned 13 samples which have been analyzed using TEM. If any amphibole asbestos were present in those samples then BLM would have clearly been aware of this fact prior to EPA 2008.

There are at least 3 possibilities as to the source of amphibole fibers at CCMA, for each of which there are significant questions that, if left unanswered, may adversely affect BLM management decisions at CCMA until such a time that they are resolved.

- The amphiboles may be imported asbestos products used in kilns, retorts, or steam conduits, etc. of past mining and milling operations, existing in numerous locations throughout CCMA, as suggested by Fowkes and Iddings, 2008.
- The amphiboles may be non-asbestiform in nature (potentially cleavage fragments). If a fiber meets the defined dimensional characteristics of the PCMe method, TEM analysis is unable to distinguish between an asbestiform amphibole and its non-asbestiform analogue.
-

- The amphiboles may indeed be asbestiform and either widespread throughout the sampling area or isolated to multiple point-source outcrops.

Activity-based categorization (hiker, motorcycle, etc) of amphibole fiber fractional percentage of all fibers indicate a range of averages from 1.7% to 33% and within a given category the ranges were even higher with 0% always being the lower end of the range. The presence of amphiboles appears completely random with many instances where some members of the same sampling event had 0% amphibole fibers while another member of the same event group was found to have some high percentage of amphibole fibers present. This clearly rules out widespread occurrence and strongly suggests point-source locations that would be relatively small in size and would be either numerous or else high in concentration, which would allow small course deviations between multiple participants of the exact same sampling event to potentially have very different amphibole fiber counts. If amphiboles are confirmed to be asbestiform and are found in point-source locations then there is a reasonable expectation of being able to locate and segregate those occurrences.

Additionally, when amphibole fiber counts in Table H1 (Region 9, PCMe) are compared with Table H2 (all fibers, no minimum length or width rules applied), there is an equally stark difference. For chrysotile fibers, the average difference in fiber count between Tables H1 and H2 is 20-fold with a range of 1-fold to 168-fold and is the result of the natural size distribution of chrysotile fibers. However, for amphibole fibers, the average difference in fiber count between Tables H1 and H2 is only 1.7-fold with a range of 1-fold to 5-fold, only. While I am not an expert on the subject, my understanding is that this is not indicative of a natural amphibole asbestos fiber size distribution and could suggest that the identified amphiboles are non-asbestiform. It is also interesting to note that except for one, all 30 cases where amphiboles were detected in February 2005 event samples or earlier events, the amphiboles were identified as "other" (the one exception was identified as "Edenite"). For samples from all later events there are 59 cases where amphiboles were detected and all were identified as either "Actinolite" or "Tremolite" and none reported as "other." While this information does not prove anything, it casts some doubt as to the quality of mineral identification performed by the analytical laboratories contracted for analysis in EPA 2008. While the current IRIS risk unit does not differentiate between asbestos varieties there is scientific consensus that chrysotile fibers are less potent as a cause of mesothelioma, possibly by up to 2- 3 orders of magnitude, when compared with amphibole asbestos. There is also consensus that chrysotile fibers are less potent as a cause of lung cancer but the difference is not as significant and is as of yet, unsettled. In almost every EPA and ATSDR paper and publication regarding asbestos risk, dating back to at least the early 1980s, there is a brief comment or two pointing out to the effect that current evidence indicates or suggests that chrysotile is less hazardous than amphibole asbestos. Clearly, proper management practices at CCMA would benefit by having the above questions further investigated.

In conclusion, there is also the question regarding BLM's (and EPA's claim, as well) claim of major risk increase for children, compared to adults. While children are always a concern, as we all naturally want to protect them from harm, BLM 2009 by way of EPA 2008 provides no data indicating that there is any noteworthy increase in risk to children and inclusion of this somewhat dramatized concern appears almost to be an attempt to invoke an emotional response in the reader.

While it is true that 64% of the time the Child sample had a higher value than the Adult sample for the same activity, and conversely it should be noted that 36% of the time the Child sample was equal or lower to the Adult sample. The average increase in exposure for Child was only 24% greater than the average exposure for Adult. However, a more thorough analysis disproves the assumption of substantial increase in risk.

The calculation of total Child risk is a two-part calculation. The first half uses the Child activity fiber concentrations in conjunction with 12-years exposure duration (ages 6-18) and the second half of the calculation uses the Adult activity fiber concentrations for an 18-years exposure (ages 18-36). The inevitable result is that that 24% higher average fiber concentration for Child activities are effectively reduced by two-thirds (12-years divided by 18-years) in the total and thus average total Child risk is only 9% greater than the average total risk for an Adult. This results in only a relatively minor increase in the ELCR risk, keeping in mind that risk scale is logarithmic, and does not approach any imaginable difference that would be considered necessary to impose age restrictions on future CCMA access.

To further the argument that children are of special concern, BLM 2009 states;

*"Children have more time to be exposed and develop asbestos-related diseases. Medical experts do 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 adult."*

The number of potential excess cancers is based upon a persons entire lifetime, whether child or adult, living to the age of 70. EPA 2008 analysis is based upon a 30 year exposure and while one could attempt to argue that a child will have more years in which to develop asbestos-related disease or increase exposure beyond 30 years, this is almost equally as true for an adult since adult risk is assumed to be a 30-years exposure beginning at age 18 (a 12-years difference). However, in the context of EPA 2008 the risks are purely based upon 30 years exposure. Regarding the statement about medical experts not knowing whether differences in the lungs of a child might result in greater amounts of fibers being retained in the lungs, this is pure mumbo-jumbo, at best an unsubstantiated hypothesis, and possibly an attempt to invoke emotion in the reader for no other reason than that the subject of the matter is a child. This hypothesis continually appears in EPA documents yet none of those documents attempt to provide any

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substantiation or cite any references. In the ATSDR Report on the Expert Panel on Biomarkers of Asbestos Exposure and Disease, May 2006 (ATSDR 2006), the subject is discussed in response to question from Mr. Arnold Den, EPA Region 9, about this very subject. The verbatim discussion of the subject can be found in the panel's minutes and below is the paraphrased cumulative response, as reported in the meeting's final report;

*"A child has more particle deposition. However, they have the same latency as other people and there is no fundamental difference in obtaining and retaining asbestos fibers in small children."*

Considering that Mr. Den received this response to his question in May of 2006, I find it surprising that this unsubstantiated hypothesis is put forth in both EPA 2008 and thus also in BLM 2009. Considering the length of both documents, there is no credible excuse for injecting such a comment and then not devoting even a single sentence or reference to substantiate the claim.

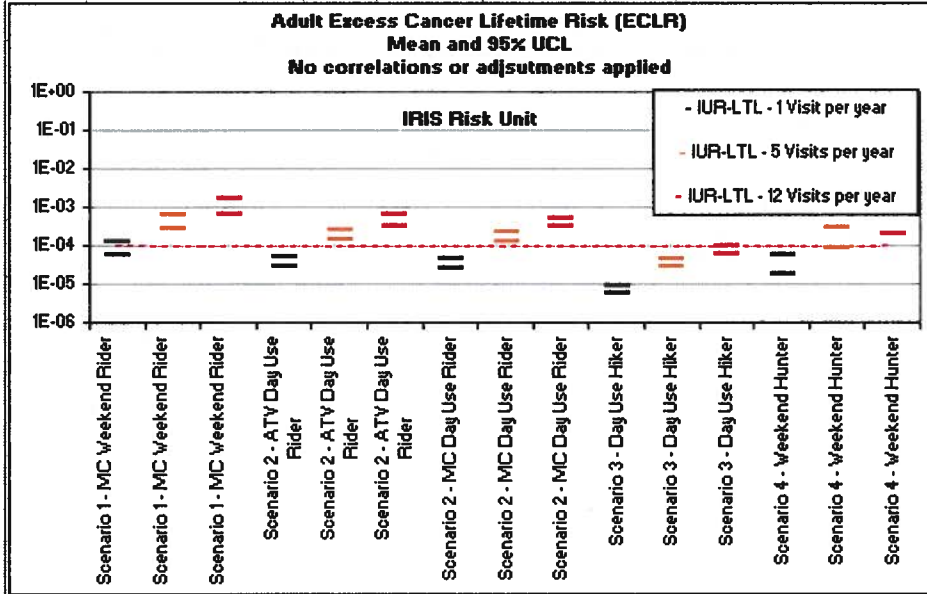
**Requested Corrective Action**

BLM must remove all proposed actions which are based upon EPA 2008 from each of the alternatives. While this may not be practical since it would effectively be a rewrite of the entire document, BLM may acceptably correct this issue by selecting management Alternative A, no action.

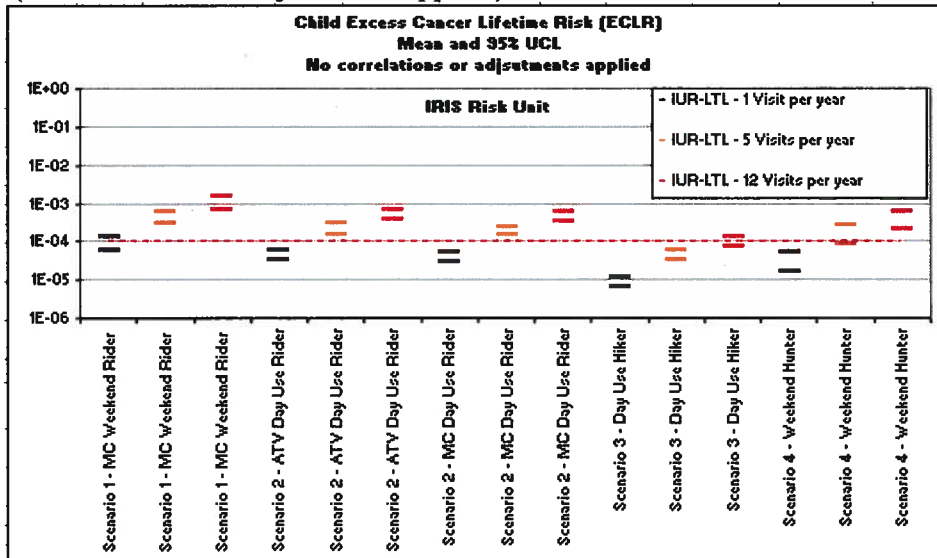
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4346 E. Los Angeles Ave., Simi Valley, CA 93063

**Attachments-**

**Adult IRIS Risk Chart (no correlations or adjustments applied)**

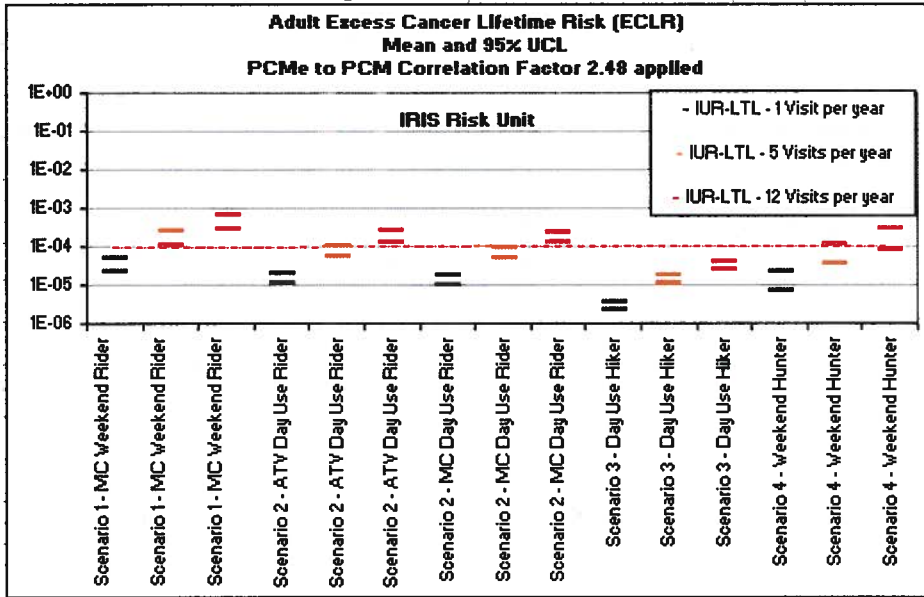


**Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart (no correlations or adjustments applied)**

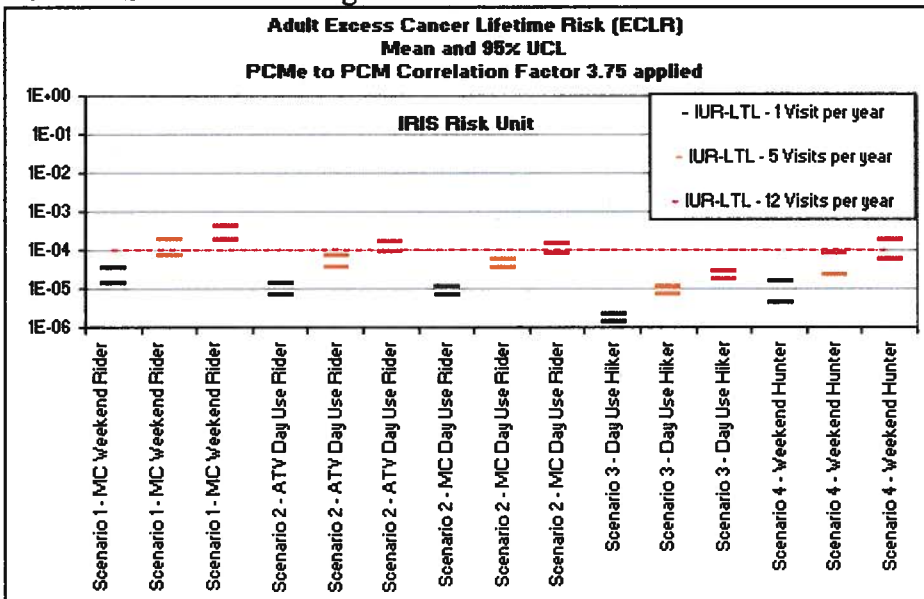


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Adult IRIS Risk Chart using PTI 1992 PCMe to PCM Correlation

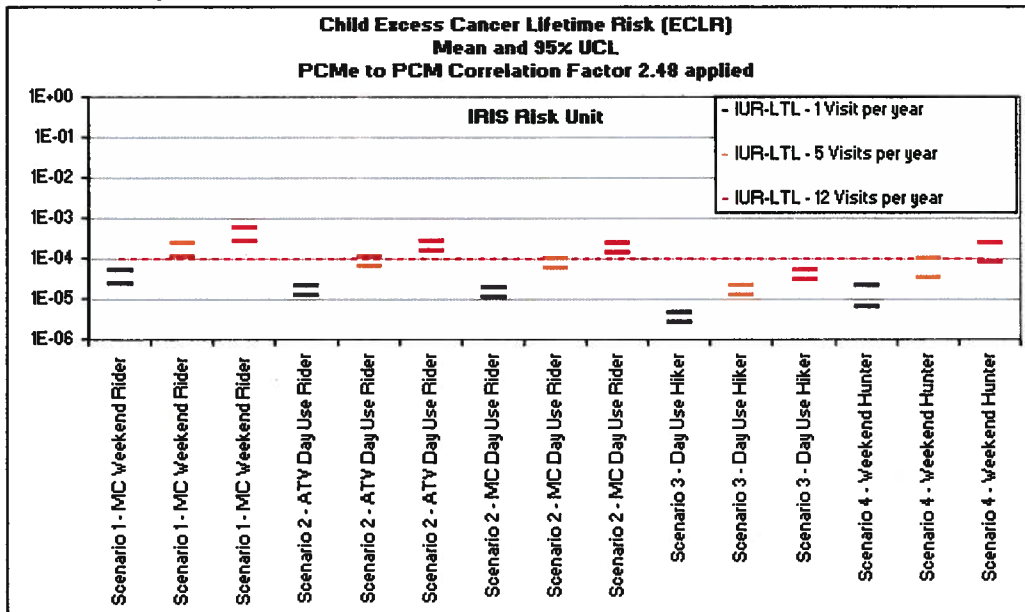


Adult IRIS Risk Chart using DOI-OOHS 2008 PCMe to PCM Correlation

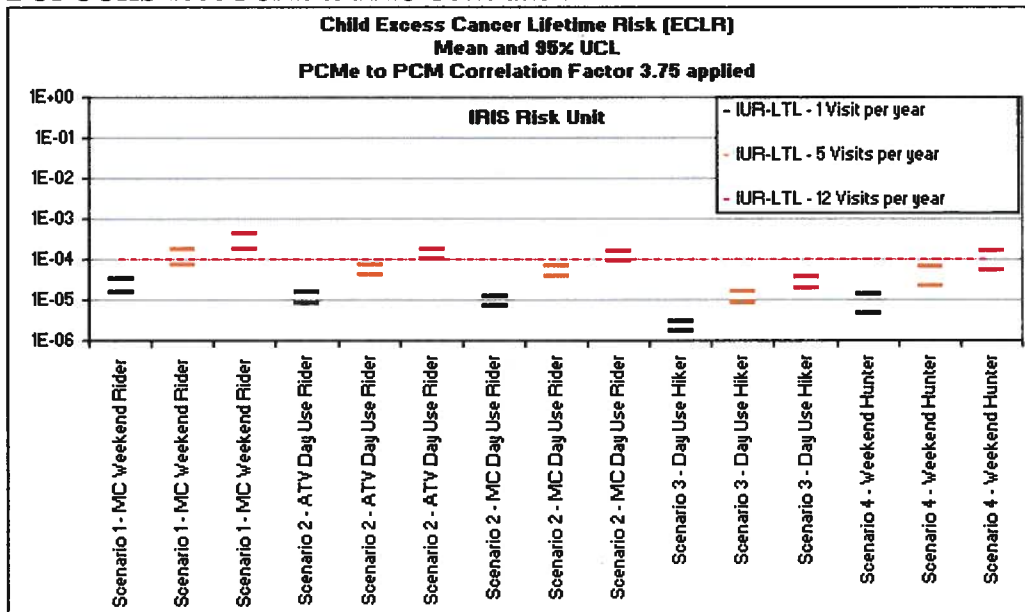


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Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart using  
 PTI 1992 PCMe to PCM Correlation

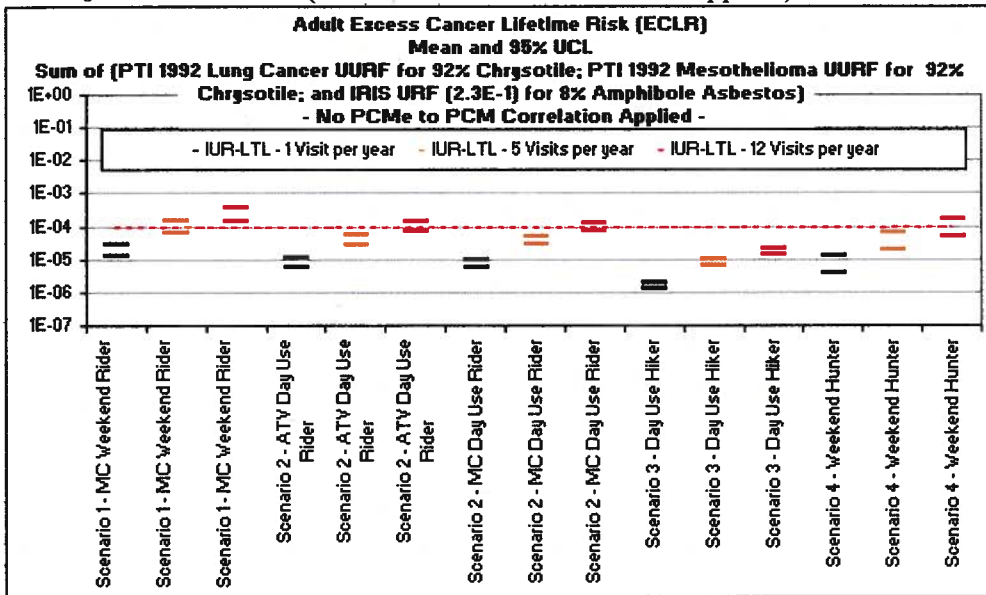


Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart using  
 DOI-OOHS 2008 PCMe to PCM Correlation



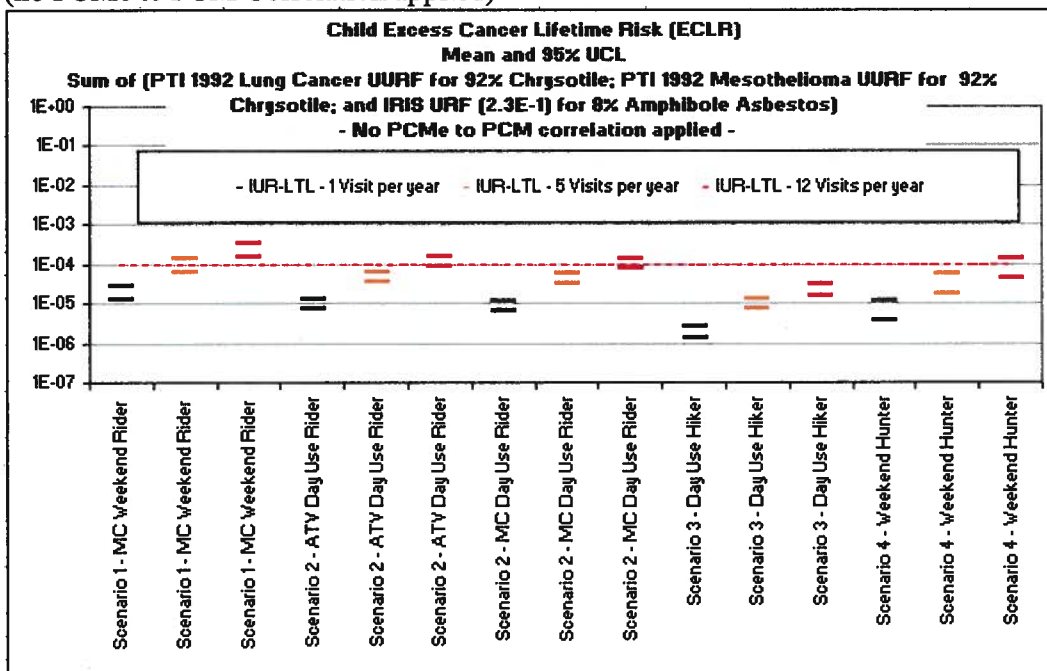
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Adult  $\mu$ URF Risk Chart (no PCMe to PCM Correlation applied)



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992

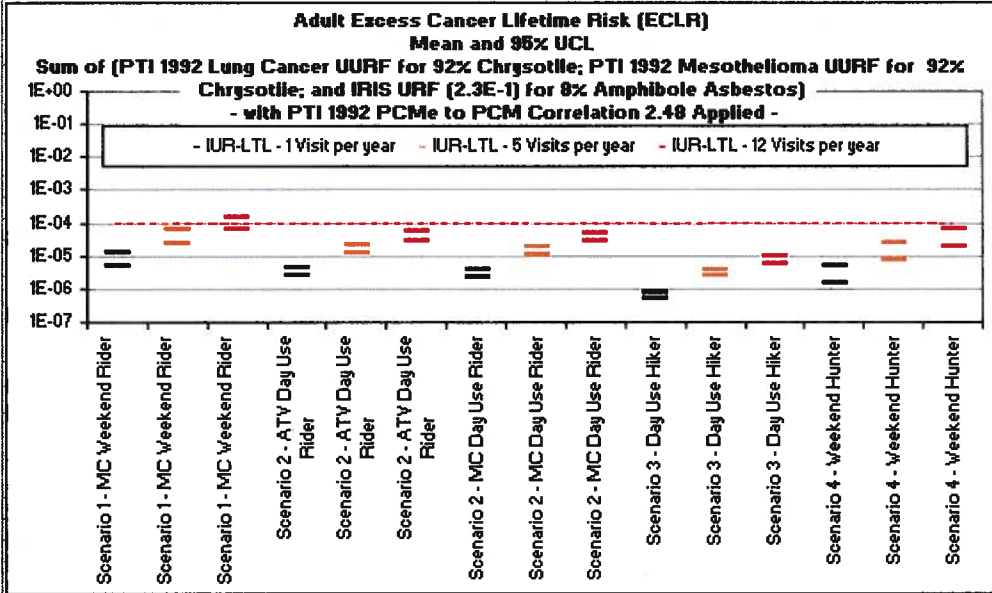
Total Child (12-yr) + Adult (18-yr)  $\mu$ URF Risk Chart (no PCMe to PCM Correlation applied)



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992

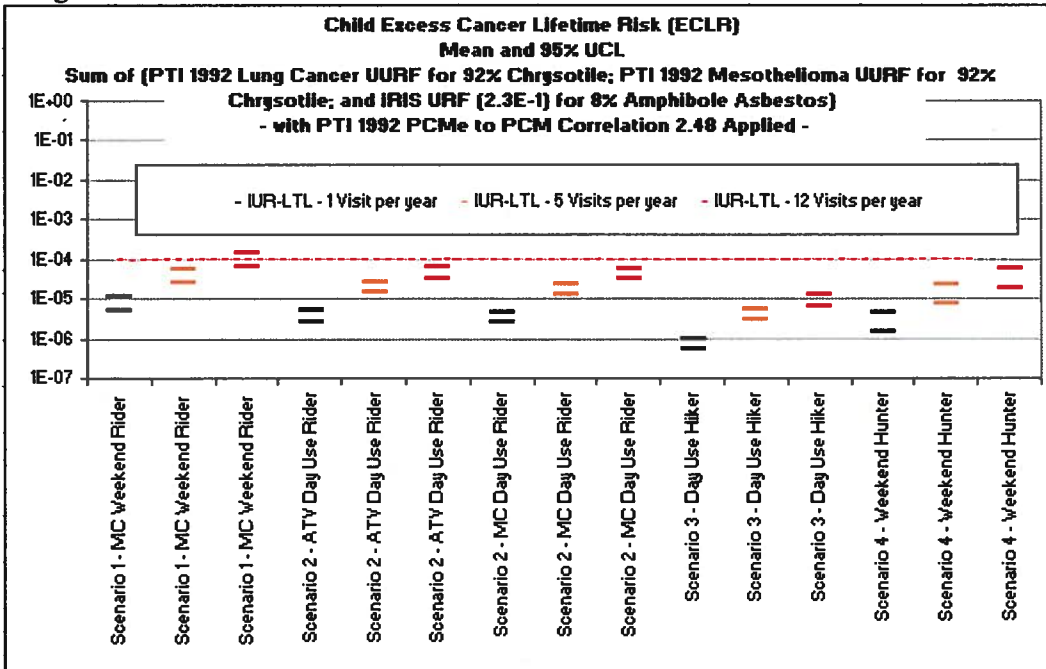
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Adult  $\mu$ URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs presented in PTI 1992 as well as most conservative PCMe to PCM correlation

Total Child (12-yr) + Adult (18-yr)  $\mu$ URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF ( $\mu$ URF) Charts employ most conservative  $\mu$ URFs illustrated in PTI 1992 as well as most conservative PCMe to PCM correlation

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(BLM 2009), DOI Control Number: DES 09-47

References;

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009, U.S. Department of the Interior, BLM, DOI Control Number: DES 09-47 (BLM 2009)

Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008, U.S. EPA Region 9 (EPA 2008)

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

BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, U.S. Department of the Interior Office of Occupational Health and Safety, May 2008 (DOI-OOHS 2008)

Airborne Asbestos Health Assessment Update, U.S.EPA document 600/8-84/003F, (EPA 1986).

ATSDR Report on the Expert Panel on Biomarkers of Asbestos Exposure and Disease, May 2006 (ATSDR 2006)

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## **Comment #7**

### **Missing Reasonable Alternative**

#### **Discussion**

There are 7 alternatives within the 2009 DRMP/EIS (BLM 2009) ranging from A (no action) to G (full closure from public access). The ultimate goal of the RMP/EIS is a balanced management plan that allows for maximum public use and maximum ecological protection. While maximum is not attainable for both aspects at the same time, the term "maximum" simply means the most possible under current or planned conditions.

Protection of the San Benito Primrose is the most cited ecological example where protection is needed. However, BLM 2009 makes not attempt at maximum San Benito Primrose protection within Alternatives A-C, which allow for continued OHV within the ACEC nor in Alternative D, which allows for vehicle through-travel only. One of the largest areas of potential San Benito Primrose habitat is the floor of Clear Creek Canyon, through which route R1 passes. By not adequately addressing San Benito Primrose habitat in alternatives A-D, some members of the public may be forced to request Alternative E-G at the expense of OHV/Hunters/Rockhound user groups while other members of the public may be forced to request Alternative A-D, at the expense of San Benito Primrose protection.

A very reasonable and common sense alternative which balances these two opposing interests is completely missing from BLM 2009. There should be an alternative between Alternative C and D and in this missing alternative, visitor usage on the floor of Clear Creek Canyon should be addressed. In this alternative, BLM would negotiate with the County of San Benito to close R1 from the intersection of R8 down to the intersection of R1/R5. Through-traffic of the affected portion of R1 would be routed from R1 to R2 via R6 with RS2477 rights retained by the county for the new R2/R6 routing. To accompany this change, R1 would be gated at the appropriate places to prohibit vehicle traffic from continuing up-canyon. OHV routes would be reconfigured so that loops begin from the ridgeline roads (R2 and R5) on either side of Clear Creek Canyon and loop down and back up so that the routes do not reach the canyon floor. Existing routes could be used by simply gating the trail at some altitude above the canyon floor and constructing a lateral traverse over to the next existing trail with access to the ridgeline. Two cross-canyon corridors would remain; T114 to T113/T115 and R1 from the north ridge to the R8 intersection. The T114 to T113/T115 corridor could be lined with pipe fencing to prevent trespass into the newly protected areas.

This alternative would substantially add to vehicle-free San Benito Primrose potential habitat. If a suitable alternative route for accessing R5 were opened then R1 could be terminated even further down-canyon.

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**Substantive comments for:**  
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**Requested Corrective Action**

**BLM must create a new alternative that addresses the issues discussed, above.  
Preferably, equivalent to Alternative A but with the changes suggested to route R1.**

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## **Substantive Comment #1, Regarding Purpose and Need:**

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

*“ 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**

EPA CCMA Asbestos Exposure and Human Health Risk Assessment 2008 (EPA 2008) does not provide significant new information relative to actual human risk and instead merely provides yet another analysis of exposures to CCMA users. Inclusion of “significant new information” found in EPA 2008 as a Need for Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009 (BLM 2009) is unjustified.

It appears that the existence of BLM 2009 may entirely be the result of the following paragraph found in section 1.0 Introduction of EPA 2008;

*“If the results of the EPA risk assessment were significant, BLM agreed to expeditiously initiate a National Environmental Policy Act (NEPA) review to consider the new information and potential management responses at the CCMA. BLM and EPA agreed that this subsequent NEPA review would address general public access and recreation at the CCMA. Therefore, BLM published the “Notice of Intent to Prepare the CCMA RMP/EIS” on September 6, 2007. The purpose and need for the CCMA RMP/EIS is to incorporate the results of this risk assessment and analyze a full range of alternatives to minimize and reduce the human health risk from exposure to asbestos at CCMA. BLM will complete public scoping for the CCMA RMP/EIS approximately 45 days after the public release of this risk assessment and expects to complete the RMP/EIS process in 2009.”*

It appears in this passage that BLM had previously agreed to allow use of EPA 2008 as a decision-triggering mechanism to initiate NEPA review for CCMA. This prior agreement cannot, in itself, be used as basis for the need of BLM 2009 but instead, EPA 2008 must factually present “significant new information” which is clearly lacking from when viewed in the context of previous asbestos exposure investigations at CCMA.

Neither BLM 2009 nor EPA 2008 defines what constitutes “significant new information” and readers are left to identify this information, if it exists, on their own. In light of this fact, I will address what I believe to be represented as such in BLM 2009.

- Magnitude of exposure
- Sampling techniques
- Analytical techniques
- Amphibole fibers detected
- Children are of special concern

1 – Magnitude of exposure:

There have been multiple exposure investigations performed at CCMA in the past; Cooper et al. 1979; Pependorf and Wenk 1983; Human Health Risk Assessment for the Clear Creek Management Area, prepared by PTI Environmental Services in 1992 (PTI 1992); EPA 1990a (Atlas Asbestos mine, located within the CCMA ACEC), and possibly others. Some investigations concluded that there was lesser exposure and some concluded that there was greater exposure. BLM was provided no significant new information by EPA 2008 which had not been previously been presented in any other previous investigation.

BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, prepared by the Department of the Interior Office of Occupational Health and Safety, dated May 2008 (DOI-OOHS 2008) provides actual, rather than simulated as in EPA 2008, risk analysis of occupational exposures for BLM employees at CCMA. It should be noted that in DOI-OOHS 2008, mean composite time weighted average exposure concentrations (composite TWA, fibers divided by actual sampling time only) for specific activities, which are analogous to individual activity-based exposure concentrations determined in EPA 2008, are lower than corresponding exposure concentrations in EPA 2008.

CCMA site-specific comparisons between PCM and PCMe analytical methods have proven that PCMe results overestimate exposure at CCMA. In PTI 1992, PCM to PCMe comparison of 10 CCMA activity-specific samples were performed and found a mean correlation of approximately 2.48 PCMe fibers to every PCM fiber which indicated that PCMe over counted fibers at CCMA by a factor of approximately 2.5. Yet another example of PCMe to PCM CCMA site-specific correlation appears in DOI-OOHS 2008. The table on page 11 of this document compares 10 activity-based comparisons where samples were analyzed by methods NIOSH 7400 (PCM), NIOSH 7402 (TEM), and ISO 10312 (PCMe, itself a TEM based method). Of these comparison samples, 5 have detectable levels of fibers which meet the dimension and counting rules for both PCM and PCMe (ISO 10312) and thus can be used to determine a site-specific correlation. In this case the average PCMe to PCM correlation is approximately 3.75 PCMe fibers = 1 PCM fiber.

Once the difference between PCMe and PCM fiber counts is taken into account then the 95% UCL exposure concentrations measured in EPA 2008 are approximately 2.5 to 3.7 times lower than initially reported in EPA 2008 and subsequently, 5 visits per year are reasonable for Adult Day Use MC, ATV, and Weekend Hunter using EPA 2008 exposure scenarios. See attached recreations of EPA 2008 IRIS Excess Lifetime Cancer Risk (ELCR) charts with PCMe to PCM correlations applied, at the end of these comments.

Additionally and possibly most importantly, the risk unit presented in EPA's Integrated Risk Information System (IRIS) Summary for asbestos, 2.3E-1 fibers/ml, is not appropriate for exposures at CCMA. This risk unit is derived from a number of

epidemiological studies associated with occupational exposure to asbestos. Notably missing are 3 studies, as subtly mentioned in EPA's IRIS Summary;

*“In addition to the studies cited above, there were three studies of asbestos workers in mining and milling which showed an increase in lung cancer (McDonald et al., 1980, Nicholson et al., 1979; Rubino et al., 1979). The slope factor calculated from these studies was lower than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation.”*

While the IRIS Summary does not indicate why these 3 studies were left out of the risk unit the reason is a little more comprehensible in the following passage from section 3.9.16, *Summary of Lung Cancer Dose-Response Relationships* of EPA document 600/8-84/003F, *Airborne Asbestos Health Assessment Update* (EPA 1986). Note:  $K_L$  represents fractional increase in risk per unit exposure for lung cancer;

*“As shown in Table 3-28, the geometric mean value of  $K_L$  using data from all studies, is 0.0065, and that for all studies exclusive of mining and milling is 0.10. Because mining and milling exposures (long and curly fibers, preprocessed) are likely to be less typical of those experienced in the environment (processed, see also Sections 3-8, 3-9, 3-17, 4-2, and 5-1 to 5-8), the best estimate for the fractional increased risk of lung cancer,  $K_L$ , for environmental asbestos exposures appears to be 0.010.”*

The context of EPA's IRIS asbestos exposure risk unit is primarily aimed at typical environmental exposures of individuals to processed asbestos and asbestos products, not naturally occurring asbestos (NOA) such as is found at CCMA. In the quoted passage above, the author's inference is that since  $K_L$  values for mining and milling operations are so low, that to include them would result in a risk unit that would be too low to properly represent exposure risk relative to typical environmental (processed fiber) exposures and thus would not be protective enough. Conversely, if typical exposures to asbestos were mining and milling operations rather than operations involving processed fibers then hypothetically, the statements in EPA 1986 might state to the effect,

*Because ASBESTOS PROCESSING, TEXTILE MANUFACTURE, INSULATION MANUFACTURE/INSTALLATION, AND FRICTION PRODUCT MANUFACTURE exposures (PROCESSED) are likely to be less typical of those experienced in the MINING AND MILLING environment...,*

and the quoted passage from the IRIS Summary might state to the effect,

*In addition to the studies cited above, there were 9 studies of asbestos workers NOT in mining and milling which showed an increase in lung cancer. The slope factor calculated from these studies was HIGHER than the other studies, possibly because of a substantially different fiber size distribution, and they were not included in the calculation.*

Clearly, the current IRIS asbestos risk unit of 2.3E-1 fibers/ml, as defined by the intentional exclusion of chrysotile mining and milling data from its construction, is therefore exclusive of chrysotile mining and milling and by association CCMA within which is the largest natural chrysotile deposit in the United States. The IRIS asbestos risk unit, used in EPA 2008, is used inappropriately and applies processed asbestos risk to a large natural chrysotile deposit where human exposure would be far more similar to asbestos mining and milling human exposure and completely unlike human exposure to processed asbestos and asbestos products. There is no discussion in EPA 1986, nor any other agency document which I can locate, indicating doubt regarding the validity or adequacy of the 3 chrysotile mining and milling studies excluded from the construction of the asbestos risk unit but that the slope factors determined in these studies were low, relative to other, more typical asbestos operations. Since the slope factors were low and the exposure environment (preprocess fibers) was not representative of typical exposure environments (processed fibers), these 3 studies were excluded. It is therefore analogous to say that the risk unit, as constructed, is too high and entirely not representative of mining and milling operation exposure risk, and by association, CCMA.

If the previously described hypothetical circumstance were to be true and the asbestos risk unit excluded processed asbestos epidemiological studies and then in time, there came to be a substantial human exposure to processed asbestos surely EPA, realizing that their mining a milling-born risk unit would not be protective enough for assessing exposure to these more potent processed fibers, would act quickly and with urgency to adopt a new and appropriate risk unit to match the new circumstances. In reality, the circumstances are reversed but the logical process of reasoning remains the same. EPA, in practice, prefers to apply bias on the side of over-protection for obvious reasons and thus ignores the unprocessed chrysotile reduced potency issue only because the current asbestos risk unit does not endanger lives. However, just because it doesn't endanger lives is no justification for EPA to wield bias in an unreasonable carte-blanche fashion.

EPA 2008 used a boilerplate analysis of risk, which is tailored for situations in which commercially processed fiber is the contaminant, for unprocessed chrysotile fiber exposures. In order for BLM to make the most scientifically defensible land management decisions for CCMA, BLM should request of EPA to provide a representative risk unit constructed from available mining and milling epidemiological studies along with recalculation of the EPA 2008 risk estimates using said risk unit.

If EPA is unwilling to comply then BLM should obtain revised estimates by other means (all data necessary to construct the appropriate risk unit is available from a combination of PTI 1992, EPA 1986, and EPA 2008). BLM is well aware of this issue as it is discussed in detail in PTI 1992, as follows:

*“The URF is based on studies of workers exposed to a variety of asbestos types in diverse occupational settings. However, the URF does not include cancer incidence data from occupational populations exposed to chrysotile asbestos in mining and milling (U.S. EPA 28 1991a), and these studies may be most relevant*

*to the exposure to chrysotile asbestos at the site. Unofficial URFs ( $\cup$ URFs) ranging from  $0.0013 (f/cc)^{-1}$  to  $0.0047 (f/cc)^{-1}$  can be derived from data on lung cancer reported in three studies of workers exposed to chrysotile in mining and milling [McDonald et al. (1980); Rubino et al. (1979); Nicholson et al. (1979)]. These  $\cup$ URFs were derived by PTI by converting an occupational exposure period of 5 days a week and an inhalation rate of  $10 m^3/8$  hour work day to a continuous exposure period. The lowest  $\cup$ URF derived in this way is nearly 200 times less (182 times) than the current URF for asbestos and the highest value is nearly 50 times less than the current URF. Similarly, the  $\cup$ URF derived from data on mesothelioma incidence in a population exposed to chrysotile asbestos in a mining setting is  $0.031 (f/cc)^{-1}$  (McDonald et al. 1980; Berman 1992, pers. comm.), which is 7 times lower than the current URF for asbestos. Thus, use of the current URF may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA.”*

It took me, a layman on this subject, only about 2 hours to construct revised risk charts using the available information found in PTI 1992 and EPA 2008. Copies of these revised risk charts are attached at the end of these comments. If one has ever wondered why there have been no confirmed instances of asbestos-related disease in persons exposed at CCMA, a look at these charts on pages 14-15 will open your eyes.

## 2- Sampling techniques:

In section 3.2.3.1 Naturally Occurring Asbestos of BLM 2009 is the following paragraph;

*“In 2004, as part of the process of evaluating the Atlas Mine cleanup for 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. 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 potential cancer risks associated with those exposures.”*

With the phrasing “...to use current asbestos sampling and analytical techniques...,” the reader is lead to believe that there was something new in the sampling methods used in EPA 2008 which were not used in PTI 1992. However, the sampling technique identified as “activity-based” (EPA 2008) or “activity-specific” (PTI 1992) are identical in both nature and means.

## 3- Analytical techniques:

In the above quoted passage from BLM 2009, the phrasing “...to use current asbestos sampling and analytical techniques...,” the reader is lead to believe that there was something new in the analytical techniques used in EPA 2008 which were not used in PTI 1992. While the majority of samples in PTI 1992 were analyzed with PCM and 10 samples were analyzed with both PCM and PCMe for comparison. PTI found that PCMe

results were about 2.48 times higher than PCM and since PCM is the basis of EPA's IRIS risk unit PTI chose to rely with PCM as the basis of their findings. It must be noted that PCM, barring analyst error, typically can only err in the direction of over-counting fibers relative to the EPA's current IRIS risk unit which can occur when there are a significant number of non-asbestos fibers present in a sample. EPA 2008 asserts that the analytical method used, PCMe, is equivalent to PCM however, this assertion is not completely true.

The IRIS risk unit used in both EPA 2008 and PTI 1992 investigations is  $2.3E-1$  fibers/ml and is constructed from epidemiological studies in which Phase Contrast Microscopy (PCM) was the method used to determine fiber concentrations in air. EPA prefers to use the TEM, ISO 10312 method (Phase Contrast Microscopy Equivalent, or PCMe for short) due to its ability to differentiate and speciate individual fibers. It must be noted however, that PCMe cannot easily distinguish an amphibole asbestos fiber from its non-asbestiform analogue (amphibole cleavage fragment) if the non-asbestiform amphibole fiber meets the dimensional requirements. In general, PCMe fiber counts do not correlate with PCM fiber counts and EPA's IRIS Summary for asbestos explicitly warns against directly applying fiber counts from any method, other than PCM, to the IRIS risk unit. Had PCMe (TEM) been used as the method to determine fiber counts in the original epidemiological studies then the IRIS risk unit for asbestos would not be  $2.3E-1$  fibers/ml, its current value, but rather it would be some other (lower) value. It is also valuable to note that OSHA feels strongly on the matter and the agency mandates PCM only for asbestos analysis of occupational monitoring samples, by legal statute.

PCMe employs special counting rules in an attempt to more closely replicate PCM results yet PCMe often, as in the case at CCMA, results in higher fiber counts. Yet, EPA 2008 fails to even apply all of the proper counting rules to achieve the closest possible equivalency between PCMe and PCM. In EPA 2008 a minimum fiber width size of 0.25 microns is used when in fact the PCM minimum width which was in place during construction of EPA's IRIS risk unit was 0.4 microns. Any fibers counted in EPA 2008 where the fiber diameters are less than 0.4 microns are over counts and will falsely increase the apparent risk. The most simple and accurate method, relative to the IRIS unit risk, to avoid this issue is to employ a site-specific PCMe to PCM correlation to the PCMe data, as discussed above in *Magnitude of exposure*. EPA's IRIS Summary for asbestos points out that there is no "generally applicable" conversion factor however, a site-specific conversion factor would not fall into that category. Once either the PTI 1992 or DOI-OOHS 2008 correlation is applied then risks are lowered by an amount equal to the correlation. While EPA maintains that the difference is not significant, that is not a valid conclusion within the context of the risk. While it may be true that the difference is not equal to an order of magnitude change (a commonly used definition of significant), the difference is substantial relative to the commonly acceptable ELCR limit of  $1E-4$ . Before adjusting for PCMe to PCM correlation, Day Use Motorcycle, Day Use ATV, and Weekend Hunter scenarios are within the acceptable limit for no more, or slightly less, than two visits per year. However, adjustment using even the lowest PCMe to PCM correlation shows that those same scenarios are actually within the acceptable limit for up to 5 visits (or very slightly less) per year, which is the number of visits which

BLM has determined to be the typical visitor use pattern. There are other legitimate and defensible adjustments (refer to prior discussion in *Magnitude of exposure*), aside from a PCMe to PCM correlation that show actual risk is significantly lower than represented by EPA 2008. See attached recreations of EPA 2008 IRIS Excess Lifetime Cancer Risk (ELCR) charts with PCMe to PCM correlations applied, as well as others, at the end of these comments.

#### 4 – Amphibole fibers detected

BLM 2009 highlights that the presence of amphibole asbestos was detected in EPA 2008 which, if true, should not be new information. However, this claim should not be considered certain at this point in time. EPA 2008 reports that 34% of the activity-based air samples, of about 256 total analyzed samples, had identified amphiboles with an average fractional percentage of all fibers of almost 8%. At the same time, of about 73 soil grab samples collected, only 2 had any amphiboles present and those were reported as less than 1% amphibole. EPA 2008 used Transmission Electron Microscope analysis

(TEM, also referred as PCMe or ISO 10312) which allows for the speciation of fibers that are detected in air samples. PTI 1992, DOI-OOHS 2008, and Cooper, et al. 1979, as well as EPA at the Atlas Mine Asbestos Superfund site all performed TEM analysis on some samples yet the presence of amphibole asbestos fibers was not specifically reported in any of these investigations. There is a single mention of amphiboles in DOI-OOHS 2008 but the mention is a repetition of information which BLM conveyed to DOI-OOHS and since EPA 2008 fiber results were already known to BLM at that time, the mention of amphiboles is likely to be in reference to EPA 2008 preliminary findings. Additionally, as noted in an email from Rick Cooper (BLM) to David Shiriashi (OSHA), TEM analysis is, under certain circumstances, performed on OSHA mandated employee monitoring samples and any detected fibers are speciated;

*“Fiber counts were performed using polarized light microscopy with follow-up TEM analysis for filters exceeding one half of the OSHA PEL. The TEM analysis reported the percent asbestos and also speciated the fibers.”*

While I do not have access to BLM employee health records, DOI-OOHS 2008 indicates that BLM has 1271 employee asbestos monitoring sample results collected over the past 18 years, with 13 (1%) having been above the PEL and were reanalyzed using TEM. My understanding is that any sample result which is greater than half the PEL should be reanalyzed using TEM and if this is the case then there may be many more than just the previously mentioned 13 samples which have been analyzed using TEM. If any amphibole asbestos were present in those samples then BLM would have clearly been aware of this fact prior to EPA 2008.

There are at least 3 possibilities as to the source of amphibole fibers at CCMA, for each of which there are significant questions that, if left unanswered, may adversely affect BLM management decisions at CCMA until such a time that they are resolved.

- The amphiboles may be imported asbestos products used in kilns, retorts, or steam conduits, etc. of past mining and milling operations, existing in numerous locations throughout CCMA, as suggested by Fowkes and Iddings, 2008.
- The amphiboles may be non-asbestiform in nature (potentially cleavage fragments). If a fiber meets the defined dimensional characteristics of the PCMe method, TEM analysis is unable to distinguish between an asbestiform amphibole and its non-asbestiform analogue.
- The amphiboles may indeed be asbestiform and either widespread throughout the sampling area or isolated to multiple point-source outcrops.

Activity-based categorization (hiker, motorcycle, etc) of amphibole fiber fractional percentage of all fibers indicate a range of averages from 1.7% to 33% and within a given category the ranges were even higher with 0% always being the lower end of the range. The presence of amphiboles appears completely random with many instances where some members of the same sampling event had 0% amphibole fibers while another member of the same event group was found to have some high percentage of amphibole fibers present. This clearly rules out widespread occurrence and strongly suggests point-source locations that would be relatively small in size and would be either numerous or else high in concentration, which would allow small course deviations between multiple participants of the exact same sampling event to potentially have very different amphibole fiber counts. If amphiboles are confirmed to be asbestiform and are found in point-source locations then there is a reasonable expectation of being able to locate and segregate those occurrences.

Additionally, when amphibole fiber counts in Table H1 (Region 9, PCMe) are compared with Table H2 (all fibers, no minimum length or width rules applied), there is an equally stark difference. For chrysotile fibers, the average difference in fiber count between Tables H1 and H2 is 20-fold with a range of 1-fold to 168-fold and is the result of the natural size distribution of chrysotile fibers. However, for amphibole fibers, the average difference in fiber count between Tables H1 and H2 is only 1.7-fold with a range of 1-fold to 5-fold, only. While I am not an expert on the subject, my understanding is that this is not indicative of a natural amphibole asbestos fiber size distribution and could suggest that the identified amphiboles are non-asbestiform. It is also interesting to note that except for one, all 30 cases where amphiboles were detected in February 2005 event samples or earlier events, the amphiboles were identified as “other” (the one exception was identified as “Edenite”). For samples from all later events there are 59 cases where amphiboles were detected and all were identified as either “Actinolite” or “Tremolite” and none reported as “other.” While this information does not prove anything, it casts some doubt as to the quality of mineral identification performed by the analytical laboratories contracted for analysis in EPA 2008. While the current IRIS risk unit does not differentiate between asbestos varieties there is scientific consensus that chrysotile fibers are less potent as a cause of mesothelioma, possibly by up to 2- 3 orders of

magnitude, when compared with amphibole asbestos. There is also consensus that chrysotile fibers are less potent as a cause of lung cancer but the difference is not as significant and is as of yet, unsettled. In almost every EPA and ATSDR paper and publication regarding asbestos risk, dating back to at least the early 1980s, there is a brief comment or two pointing out to the effect that current evidence indicates or suggests that chrysotile is less hazardous than amphibole asbestos. Clearly, proper management practices at CCMA would benefit by having the above questions further investigated.

#### 5 – Children are of special concern

While children are always a concern, as we all naturally want to protect them from harm, BLM 2009 by way of EPA 2008 provides no data indicating that there is any noteworthy increase in risk to children and inclusion of this somewhat dramatized concern appears almost to be an attempt to invoke an emotional response in the reader.

While it is true that 64% of the time the Child sample had a higher value than the Adult sample for the same activity, and conversely it should be noted that 36% of the time the Child sample was equal or lower to the Adult sample. The average increase in exposure for Child was only 24% greater than the average exposure for Adult. However, a more thorough analysis disproves the assumption of substantial increase in risk.

The calculation of total Child risk is a two-part calculation. The first half uses the Child activity fiber concentrations in conjunction with 12-years exposure duration (ages 6-18) and the second half of the calculation uses the Adult activity fiber concentrations for an

18-years exposure. The inevitable result is that that 24% higher average fiber concentration for Child activities are effectively reduced by two-thirds (12-years divided by 18-years) in the total and thus average total Child risk is only 9% greater than the

average total risk for an Adult. This results in only a relatively minor increase in the ELCR risk, keeping in mind that risk scale is logarithmic, and does not approach any imaginable difference that would be considered necessary to impose age restrictions on future CCMA access.

To further the argument that children are of special concern, BLM 2009 states;

*“Children have more time to be exposed and develop asbestos-related diseases. Medical experts do 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 adult.”*

The number of potential excess cancers is based upon a persons entire lifetime, whether child or adult, living to the age of 70. EPA 2008 analysis is based upon a 30 year exposure and while one could attempt to argue that a child will have more years in which to develop asbestos-related disease or increase exposure beyond 30 years, this is almost equally as true for an adult since adult risk is assumed to be a 30-years exposure beginning at age 18 (a 12-years difference). However, in the context of EPA 2008 the

risks are purely based upon 30 years exposure. Regarding the statement about medical experts not knowing whether differences in the lungs of a child might result in greater amounts of fibers being retained in the lungs, this is pure mumbo-jumbo, at best an unsubstantiated hypothesis, and more likely another attempt to invoke emotion in the reader for no other reason than that the subject of the matter is a child. This hypothesis continually appears in EPA documents yet none of those documents attempt to provide any substantiation or cite any references. In the ATSDR Report on the Expert Panel on Biomarkers of Asbestos Exposure and Disease, May 2006 (ATSDR 2006), the subject is discussed in response to question from Mr. Arnold Den, EPA Region 9, about this very subject. The verbatim discussion of the subject can be found in the panel's minutes and below is the paraphrased cumulative response, as reported in the meeting's final report;

*“A child has more particle deposition. However, they have the same latency as other people and there is no fundamental difference in obtaining and retaining asbestos fibers in small children.”*

Considering that Mr. Den received this response to his question in May of 2006, I find it surprising that this unsubstantiated hypothesis is put forth in both EPA 2008 and thus also in BLM 2009. Considering the length of both documents, there is no credible excuse for injecting such a comment and then not devoting even a single sentence or reference to substantiate the claim. This clearly exposes evidence of unsubstantiated bias on the part of both EPA and BLM regarding public access and recreation at CCMA.

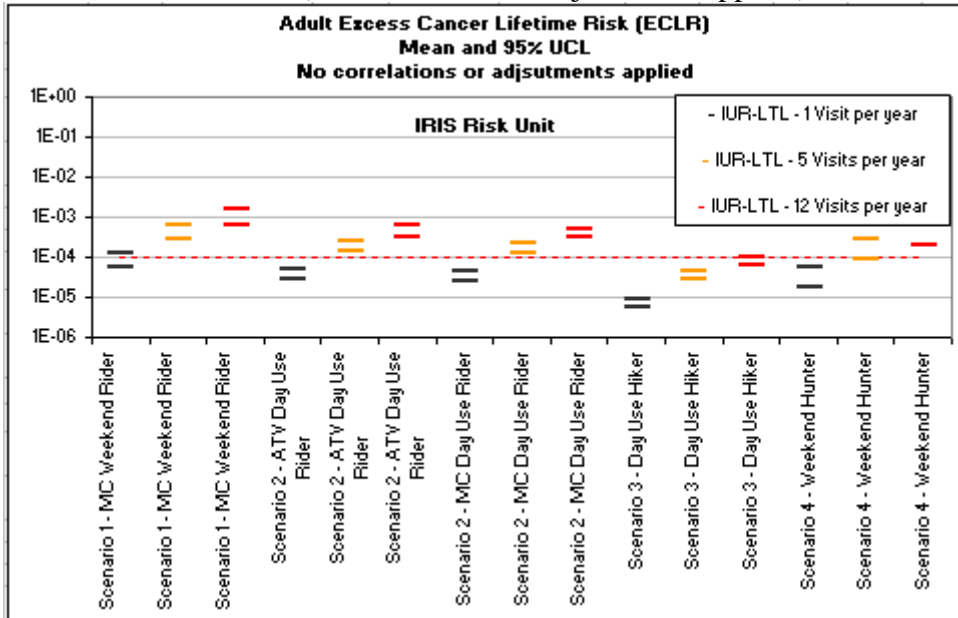
As an aside, it must be noted that EPA 2008 IRIS ELCR charts are in error for Child and Adult Hikers. Child Hiker risk is slightly over-indicated and Adult Hiker is significantly under-indicated on the respective IRIS charts. BLM need to verify that Child and Adult Hiker scenario risks in BLM 2009 alternatives are not likewise, incorrect. See revised IRIS risk charts attached at the end of these comments.

### **Requested Corrective Action**

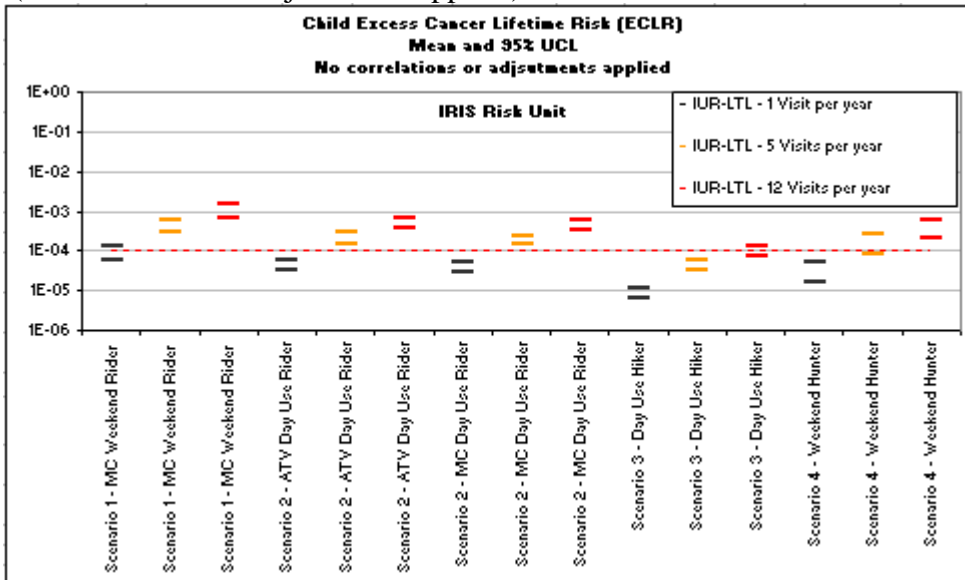
Claims of “significant new information” in EPA 2008 are, at the very least, significant misrepresentations of the facts. It is self-evident that the “significant new information” claim is, by far, BLM's primary Need for BLM 2009 and the invalidity of this Need effectively invalidates the majority of the entire document. The vast majority of the document presents actions and alternatives which are in response to the invalid claim of “significant new information” and the document should be rewritten without EPA 2008 as the underlying factor for the existence of said document or as the basis for proposed management alternatives.

**Attachments-**

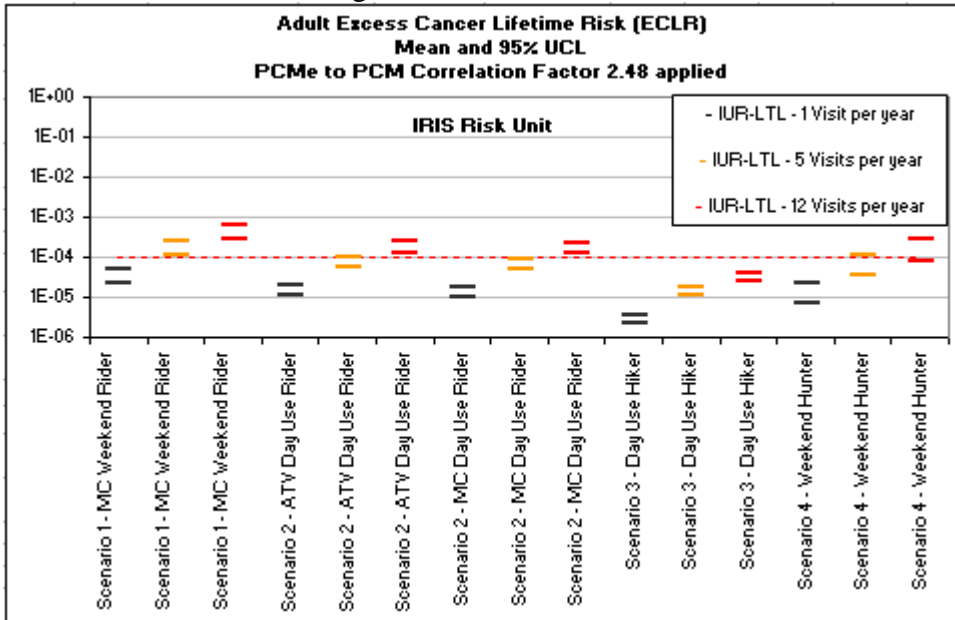
Adult IRIS Risk Chart (no correlations or adjustments applied)



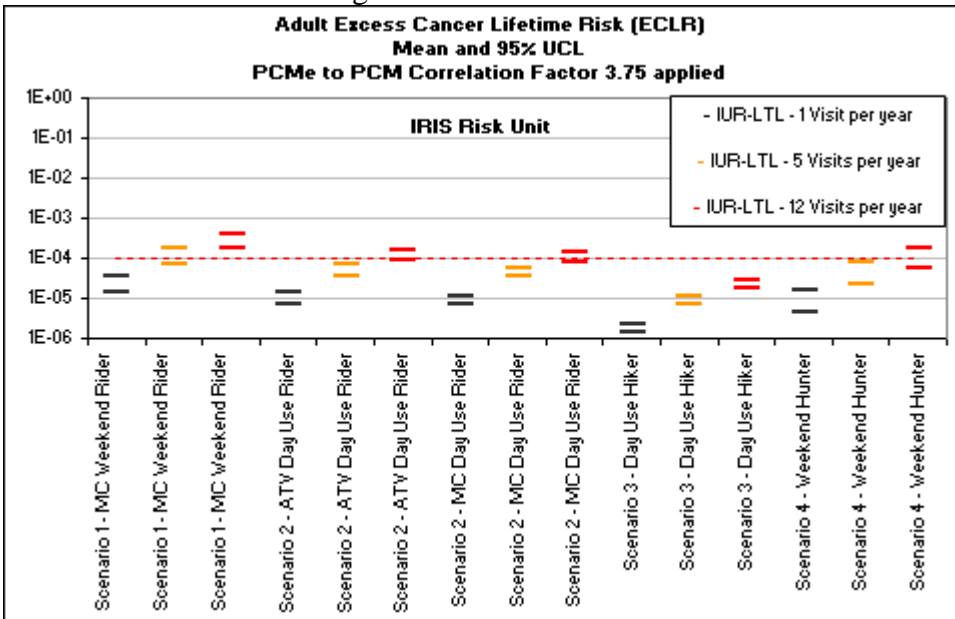
Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart (no correlations or adjustments applied)



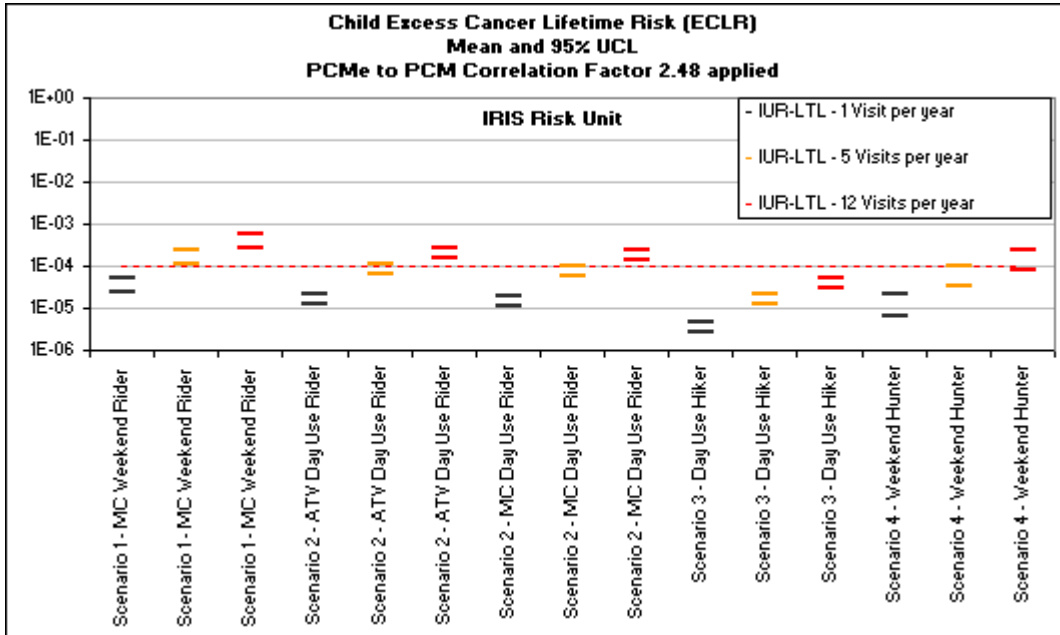
Adult IRIS Risk Chart using PTI 1992 PCMe to PCM Correlation



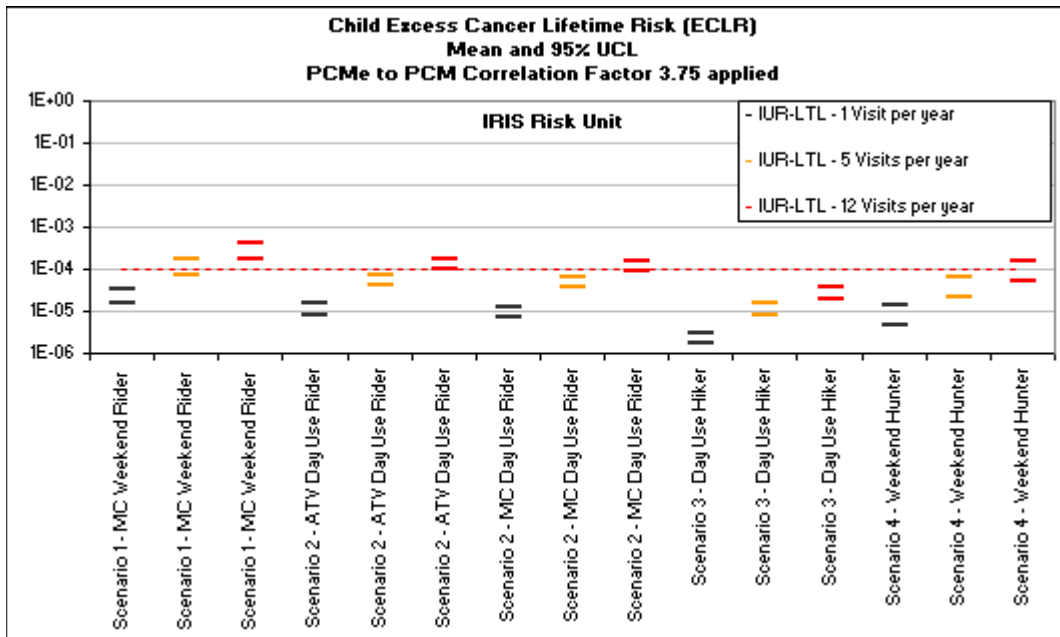
Adult IRIS Risk Chart using DOI-OOHS 2008 PCMe to PCM Correlation



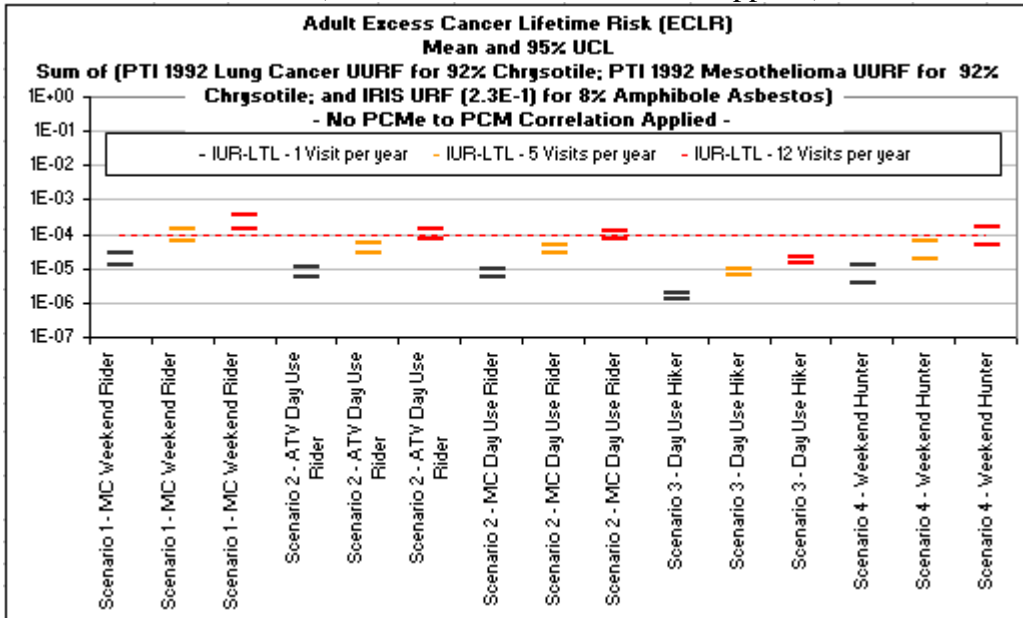
Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart using  
 PTI 1992 PCMe to PCM Correlation



Total Child (12-yr) + Adult (18-yr) IRIS Risk Chart using  
 DOI-OOHS 2008 PCMe to PCM Correlation

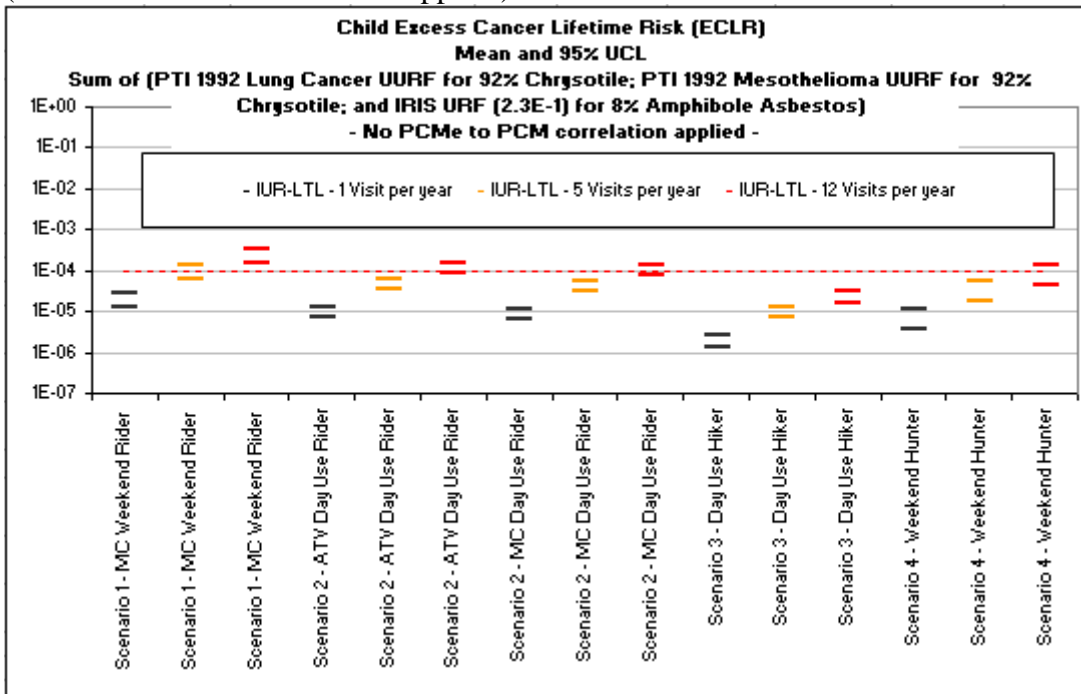


Adult  $v$ URF Risk Chart (no PCMe to PCM Correlation applied)



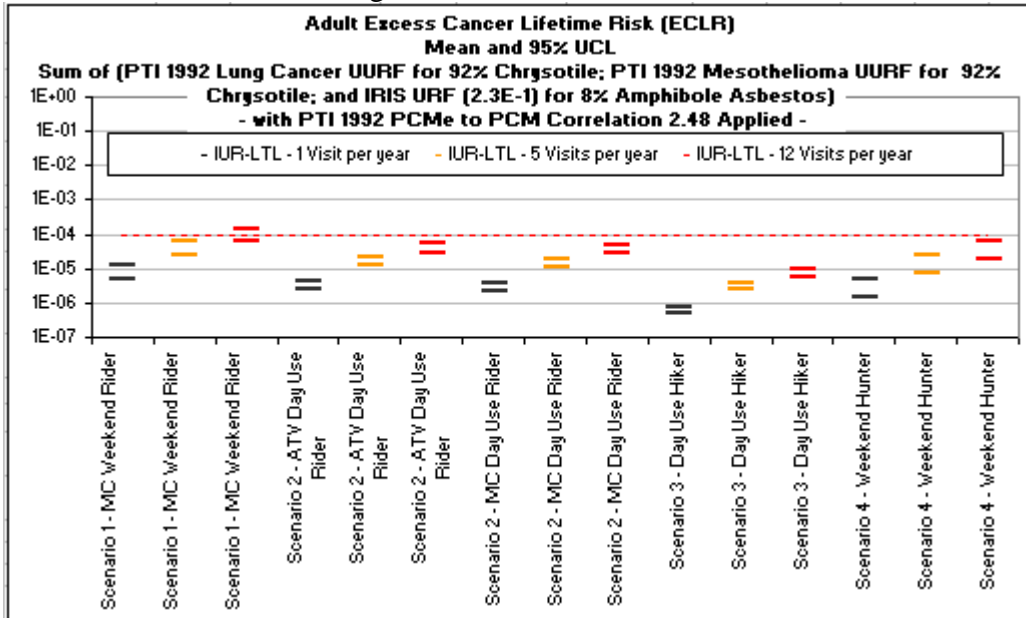
Unofficial URF ( $v$ URF) Charts employ most conservative  $v$ URFs presented in PTI 1992

Total Child (12-yrs) + Adult (18-yrs)  $v$ URF Risk Chart  
 (no PCMe to PCM Correlation applied)



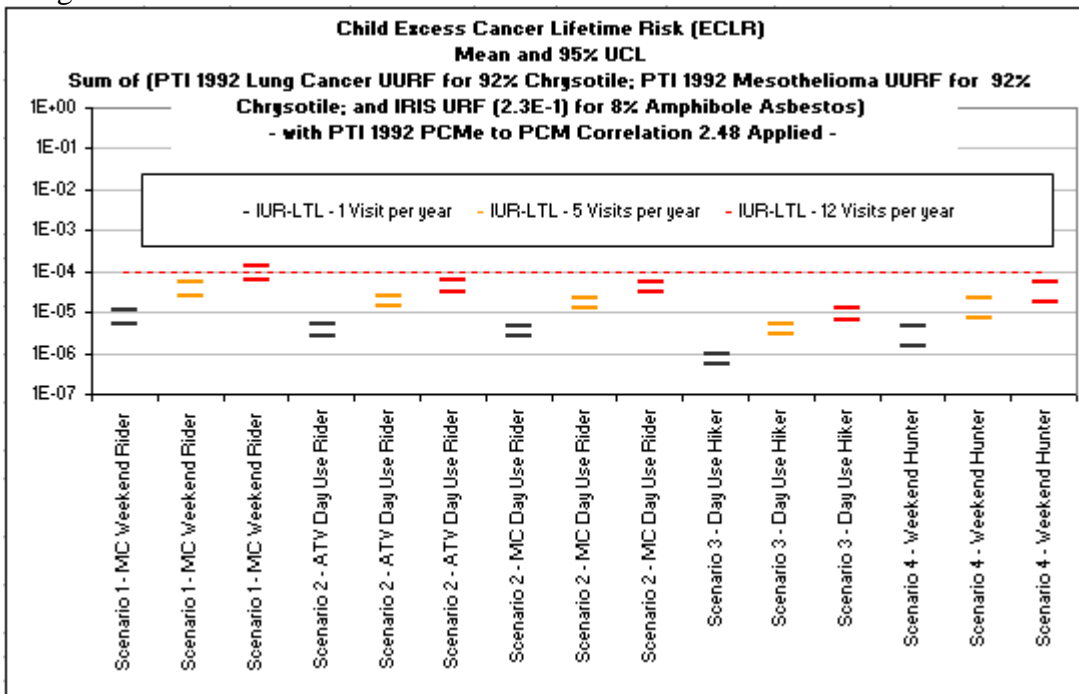
Unofficial URF ( $v$ URF) Charts employ most conservative  $v$ URFs presented in PTI 1992

Adult  $\nu$ URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF ( $\nu$ URF) Charts employ most conservative  $\nu$ URFs presented in PTI 1992 as well as most conservative PCMe to PCM correlation

Total Child (12-yr) + Adult (18-yr)  $\nu$ URF Risk Chart using PTI 1992 PCMe to PMC Correlation



Unofficial URF ( $\nu$ URF) Charts employ most conservative  $\nu$ URFs illustrated in PTI 1992 as well as most conservative PCMe to PCM correlation



## United States Department of the Interior



### BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
Phone (831) 630-5000 Fax (831) 630-5055  
[www.blm.gov/ca/hollister](http://www.blm.gov/ca/hollister)

January 9, 2008

*In Reply Refer to:*  
1703 (CA-190)(P)  
Complaint Number: 205446925

Mr. David Shiraishi  
OSHA Area Office  
1301 Clay Street  
Suite 1080 N  
Oakland CA 94612-5209

David Shiraishi,

Enclosed is the sampling plan and result of personal exposure monitoring of BLM employees working on the site that was followed during the 3 sampling episodes. The industrial Hygiene Field Team included three Certified Industrial Hygienists from the Department of the Interior/ Office of Occupational Health and Safety. Field Teams conducted three sampling trips where they characterized exposures during varying environmental conditions in different seasons of the year. A fourth trip is scheduled for January 2008.

Samples were collected using Sensidyne air pumps calibrated to 2.0 liters per minute. A pre and post calibration was performed using a Gilibrator. Calibrators had documented factory performance checks within the last 12 months. Field Teams experienced no problems with pumps maintaining proper flow rates however they had 2 samples that were discarded because of an inadequate tubing connection to the calibrator during the first sampling trip. Another sample was discarded when the filter contacted the ground during an ATV mishap.

After consulting with the OSHA Salt Lake City Laboratory, BLM selected Reservoir Environmental Laboratory to analyze the filters. Fiber counts were performed using polarized light microscopy with follow-up TEM analysis for filters exceeding one half of the OSHA PEL. The TEM analysis reported the percent asbestos and also speciated the fibers.

The results from both the Knoxville site and the Clear Creek site are included with this letter. BLM will continue with their protective measures. This includes continuing the medical surveillance of the Clear Creek Management Area workers and sampling each individual when they enter the CCMA. CCMA workers wear coveralls and have been fitted and medically cleared for respiratory protection. When the onsite work is complete they decontaminate their equipment and themselves prior to entering their personal vehicle. The data supports the conclusion that exposures are higher when conditions are driest. BLM will no longer perform certain tasks such as the SWECO or other work that disturbs the soil during

Substantive comments of Randall W. Johnson for  
*Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement*  
(BLM 2009), DOI Control Number: DES 09-47

these extreme dry conditions. The dry weather closure policy will also continue in the future to keep the public from accessing the site during the extreme dry conditions. This will reduce the need for employees to be on site during dry conditions.

If you have questions concerning the sampling project or need more information, please feel free to call me at (831) 630-5010 or Tim Radtke at (303)236-7130 ext. 226.

Sincerely,

Rick Cooper  
Field Manager

Enclosure(s)

NOA round 1 results summary  
NOA round 2 results summary  
NOA round 3 results summary  
Monitoring Plan

CC: CAPT Tim Radtke, CIH  
Karen Barnette, BLM DSD Support Services, CASO  
Rich Burns, BLM Ukiah Field Manager

References;

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement, November 2009, U.S. Department of the Interior, BLM, DOI Control Number: DES 09-47 (BLM 2009)

Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008, U.S. EPA Region 9 (EPA 2008)

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

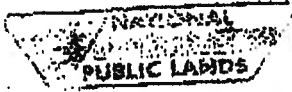
BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area, U.S. Department of the Interior Office of Occupational Health and Safety, May 2008 (DOI-OOHS 2008)

Chrysotile Asbestos in a California Recreational Area, Cooper et al., SCIENCE, Vol. 206, Nov. 9, 1979

Airborne Asbestos Health Assessment Update, U.S.EPA document 600/8-84/003F, (EPA 1986).

EPA 1990a (Atlas Asbestos mine, located within the CCMA ACEC

Popendorf and Wenk 1983



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.

Written public comments may be submitted by any of the following methods:

Hand: Place in drop-box during public meetings.

Mail: BLM-Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahomp@ca.blm.gov

Fax: (831) 630-5056 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Christopher Joughin
Affiliation (if applicable): Villa Racing
Phone: 661-342-9595
Address: 900 Del Rio St
City, State, Zip: SLO CA 93405
Email: cjoughin@calpoly.edu

COMMENTS

Need a decent place to ride.

ATTN CCMA RMP/EIS

To Whom it may concern,

03/03/2010

I support the No Action Alternative that restores historic OHV use on up to 270 miles of routes & approximately 450 acres of barrens

My family & friends have ridden at Clear Creek for over 20 years including the Quichien Wild Boar & Wild Piglet Enduros

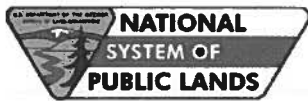
Please reopen Clear Creek to responsible OHV useage, the OHV community are great stewards of the lands & nature

Sincerely, Robert Jump

ROBERT JUMP  
33 COLEMAN DR  
SAN RAFAEL, CAL  
94901

10 MAR -5 PM 12:24

RECEIVED  
U.S. DEPARTMENT OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
14015 ST. R. CA 95026



**BUREAU OF LAND MANAGEMENT**

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

**PUBLIC COMMENT FORM**

Thank you for participating in tonight's public meeting for the **Draft** Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the **Draft** Environmental Impact Statement are encouraged.

**Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.**

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*Hand:* Place in drop-box during public meetings.

*Mail:* BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

*Email:* cahormp@ca.blm.gov

*Fax:* (831) 630-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Jeff Krebs  
Affiliation (if applicable): Property owner  
Phone: 831-706-6471 Email: Krebs@ci.mantrey.ca.us  
Address: 250 Hidden Valley  
City, State, Zip: Watsonville, CA 95076

**COMMENTS**

See attached letter.

MAR-4 PM 2:38  
BUREAU OF LAND MANAGEMENT  
10110 LAMAR AVENUE  
HOLLISTER, CA 95023

To: BLM Hollister Field Office

3-4-10

Attn: CCMA RMP/EIS

I have reviewed the draft EIS and request the following be addressed:

- 1) For all the alternatives include equestrian use. I have been using mules on the BLM property since 1986.
- 2) Proposed BLM land disposal in the Tucker area (page 546). You state that the BLM property is "disjunct from other public lands and have little or no existing public access". Include in all of the Alternatives the access that the private properties have to this BLM Land. This is a **significant adverse impact** to all the private properties having access to this public land from the lake, Cane Canyon, and Baker Canyon, should this BLM land be disposed.

As **mitigation** you could record an access easement to each property like mine for the current use of continuously joined BLM Land designated for disposal ( including BLM within Grazing allotments 4409, 4410, & 4411)that we use for hunting and other non-motorized (equestrian) recreation opportunities. The easement would also need to include stock gates through fences/gates at existing roads or trails that we currently use, should the private owner install fences and gates.

I am in the Lazy Ten Ranches association and own property with recorded access to this BLM property. I routinely access for hunting and recreation opportunities, the continuous joined BLM property with grazing allotment numbers 4409, 4410, and 4411. I access this BLM land from the road that goes around the Hernandez Lake, Cane Canyon, and Baker Canyon. This would be a significant adverse impact to our property should we lose the current access over the BLM land in the Tucker area for Hunting and other non-motorizes recreation opportunities (per your Alternative A objectives). The recorded Declaration of Covenants, Conditions, and Restrictions of Lazy Ten Ranches (recorded Nov. 25, 1981, Vol. 473 of official records, Page 831 specifically states "**protecting the value and desirability of, and which shall run with, the real property....**"

Attached for your review is marked pages from your EIS and the first two pages of the recorded CC&R document referred above.

Please call me for any clarification or additional information.



Jeff Krebs P.E.

250 Hidden Valley Road

Watsonville, Ca 95076

(831) 706-6471, E mail krebs@ci.monterey.ca.us

purposes and resolution of unauthorized uses of public lands would have an indirect impact on other resources; however, such actions would benefit the administrative efficiency of BLM activities. Private landowners would continue to use the BLM and County transportation network to access their private lands.

#### 4.18.3.2 Other Management Actions

##### Other Resources and Resource Uses

As described above, impacts from other management actions would primarily be related to land use authorizations. Under Alternative A, there would be no new areas of special designation (ACEC, Wilderness, etc.) and the existing ACEC and WSAs would remain. This impact on availability of land use authorizations would be negligible, however, because over the next 15 to 20 years, no more than 15 wells are planned to be drilled and a combined total of 74 acres of Federal lands disturbed (includes permanent and temporary disturbance). This estimate is based on oil and gas potential outlined in the Hollister Field Office Reasonably Foreseeable Development Scenario (Appendix VIII).

#### 4.18.3.3 Mitigation

Use permits and requests for ROWs and other uses would be considered on a case-by-case basis, including the level and type of impacts that would require appropriate and applicable mitigation measures.

#### 4.18.4 Impacts and Mitigation Common to Alternatives B and C

##### 4.18.4.1 Lands and Realty Management Actions

##### Land Disposal, Acquisition, and Exchanges

Under these alternatives, approximately 3,300 acres of land would be available for disposal in the Tucker, San Benito River, and Condon Zones. These lands are currently difficult to manage because they are **disjunct from other public lands and have little or no existing public access**. Therefore, making these lands available for disposal would have negligible **adverse impacts on lands and realty**, and moderate long-term benefits for management efficiency because BLM would be able to consider exchange or purchase of lands to acquire inholdings with high biologic, geologic or cultural resource values. In general the public land pattern would be consolidated and access to public lands would be improved.

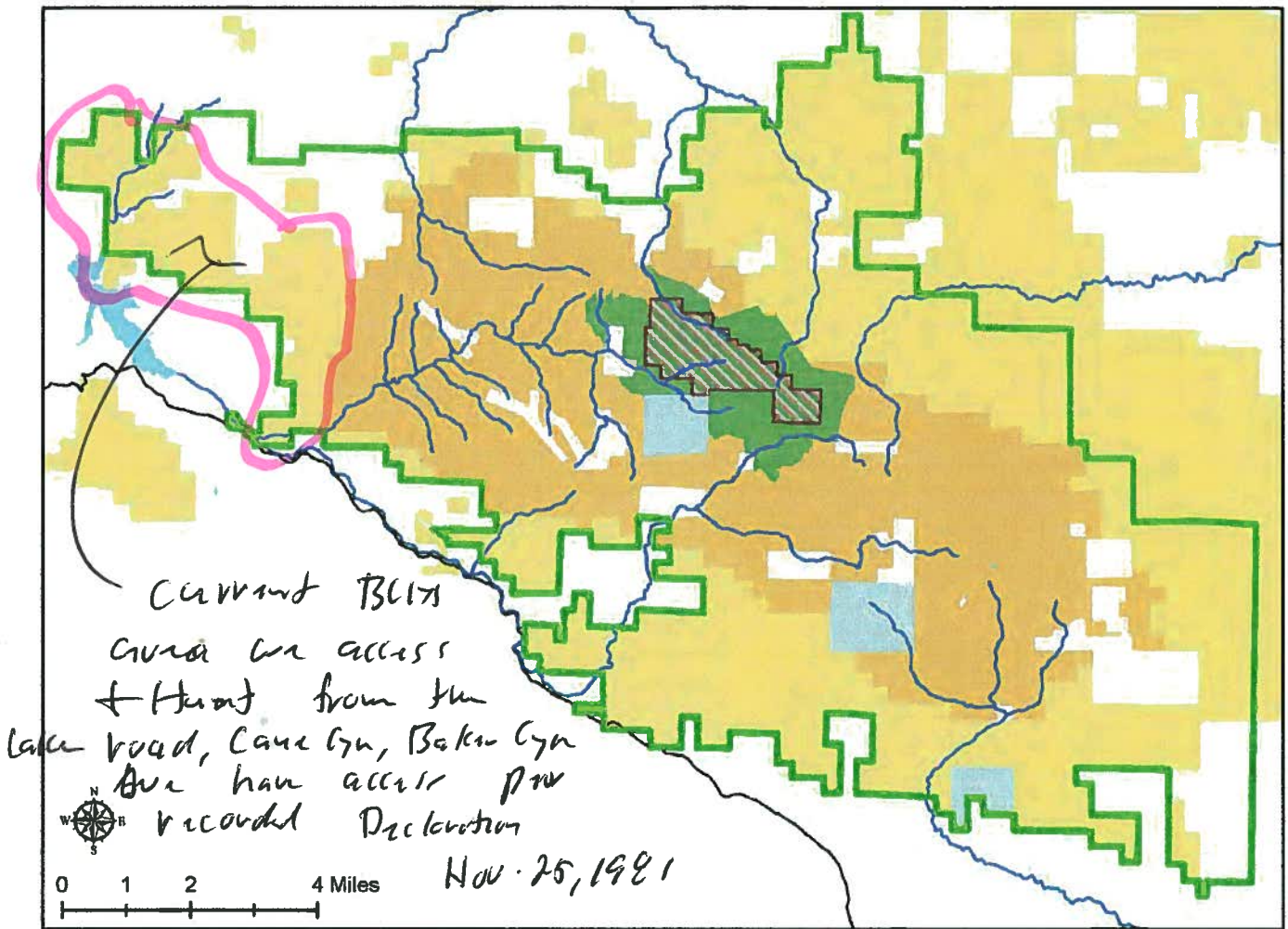
*adverse to  
our property MK*

##### Land Use Authorizations

Impacts from new activities, expanded rights-of-way (ROWs), or construction of utility sites and related facilities outside of designated or established corridors would vary depending on the approval of applications with appropriate mitigation measures. Similarly, allowable impacts from permit applications for apiary, commercial filming, or other uses would be considered on a case-by-case basis with appropriate mitigation measures. Closing and rehabilitation of roads not required for administrative purposes and resolution of unauthorized uses of public lands would have an indirect impact on other resources; however, such actions would benefit the administrative efficiency of BLM activities. Private inholders would continue to utilize the BLM and County transportation network as principle means of access to their private lands. BLM would consider ROW applications on a case by case basis.

#### 4.18.5 Impacts and Mitigation for Alternatives D & E

##### 4.18.5.1 Impacts from Lands and Realty Management Actions



Vol. 473  
 pag 831

## Special Management Areas

### Map 7 Legend

- Wild & Scenic River Inventory (APP VI)
- CCMA boundary
- Wilderness Study Area
- San Benito Mtn Research Natural Area
- Area of Environmental Concern (asbestos)

Table 2.4-1(a) Summary of Range of Alternatives

Alternative A (Current Management/No Action Alternative)

**Management Goal:** Authorize continued OHV recreation and public access in the Serpentine ACEC.

**Management Objectives and Allowable Uses:**

Travel Management and Recreation Resources

- Maintain designated CCMA route and trail network (up to 270 miles) for OHV use.
- Maintain designated open play areas (a.k.a. barrens) for OHV use (478 acres).
- Maintain the Condon, Tucker, and Cantua zones for hunting and other non-motorized recreation opportunities.

Public Health and Safety

- Apply dust-suppressant on major routes in CCMA. The initial application will be evaluated for continued use on an annual or semi-annual basis.
- Enforce Dry Season Use Restrictions from June 1st through October 15th, annually.
- 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 would result in a three day closure.
- Install a public vehicle wash facility.

Lands Acquisition and Disposal

- Acquire lands from willing sellers in the Tucker Mtn. area. Acquire state lands and private in-holdings from willing sellers through acquisition or exchange.

Energy & Minerals

- Allow no mineral leasing or sales within Clear Creek Canyon. Withdraw the RNA and Clear Creek Canyon from locatable mineral entry.

Livestock Grazing

- Authorize livestock grazing on existing allotments in CCMA. (Same for Alts. B, C, D, & E).

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 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:

- The Serpentine Area of Critical Environmental Concern (ACEC).
- The Condon Peak Zone, which includes the White Creek drainage area.
- The Cantua Zone, which includes CCMA public lands in the Cantua drainage, the San Carlos Bolsa, and a disjunct parcel near Idria.
- The Tucker Mountain Zone, which includes public lands surrounding Tucker Mountain, Baker, Byles, and Cane Canyons, and the main entrance to Clear Creek; and
- The San Benito River Zone, which comprises scattered parcels that border the Serpentine ACEC and other BLM-administered lands in the San Benito River watershed.

Table 1-2 identifies the total acres of BLM-administered lands for each of the five management zones.

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>

### 1.2.2 Planning Approach

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 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 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 document.

The ‘menu approach’ is a land use planning concept that allows BLM to identify a ‘*preferred alternative*’ for management of public lands that consists of a combination of management actions analyzed within the range of alternatives for Clear Creek Management Area. Using the ‘menu approach’, management actions that are consistent with BLM management goals and objectives 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.

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’

*Interpretation and Education:* Alternative E-G would provide educational materials relevant to appropriate use of public lands, and would have a neutral or beneficial effect on wildlife habitat relative to alternative A.

### Lands and Realty

Priorities for acquisitions under Alternatives E, F, and G would have similar benefits on wildlife habitat as Alternative B with a high value for biological resources. However, Alternatives E and G would make approximately 3,300 acres available for disposal in the Tucker, Condon, and San Benito River zones. Impacts on wildlife habitat from disposal of public lands would be negative and long-term based on the potential for these lands to be privately developed. Adverse impacts in the San Benito River and Condon zones would be minor because of the relatively small size of the parcels. Impacts in the Tucker zone would be moderate or major based on the amount of lands that would be available for disposal and potential modification of habitat that is part of an on-going elk preservation program between the California DFG and private land owners in the area.

#### 4.5.4.3 Mitigation

Mitigation measures are included in the management actions defined in Chapter 2. Potential impacts on wildlife species and their habitat from mineral and energy production, recreation, livestock grazing, wildfires, and woodcutting may be identified through Rangeland Health Monitoring. Additional mitigation measures are required to avoid, reduce, or minimize potential environmental impacts. Common to Alternatives E, F, and G are measures to use fire to improve wildlife habitat, to limit the use of fire retardant drops to prevent damage to vernal pools, to relocate man-made barriers that substantially impede migration outside of wildlife travel corridors, to reduce or rehabilitate redundant and damaging routes, and to use “no surface occupancy” stipulations.

#### 4.5.5 Cumulative Effects

Cumulative impacts may include unauthorized fires, livestock grazing above animal unit months, motorized access in sensitive habitat or outside of approved routes, and non-compliance with hunting regulations. The severity of cumulative effects would depend upon the species present within the area, the existing conditions of the habitat within the surrounding area, the type of activity proposed to occur, monitoring and reclamation efforts, and existing or proposed management goals and objectives. Public education, adequate planning, mitigation, and monitoring may reduce the significance of the impacts on wildlife species and their habitat.

Impacts on wildlife would result from increasing levels of human use and development throughout the region, regardless of management actions within the Planning Area. Therefore, the cumulative effects of CCMA management on biological resources would be similar under all alternatives. However, the overall emphasis on limited use and improvement of biological resources under Alternatives E, F, and G would provide more beneficial cumulative effects than Alternatives A through D.

##### 4.5.5.1 Impacts and Mitigation for Alternatives A, B, C, and D

Alternatives A, B, C, and D would contribute to enhancing the long-term protection of the sensitive habitat and special status species that occur throughout the CCMA. This would be accomplished by eliminating unregulated use, implementing Best Management Practices, completing significant road repairs and improvements, reducing the number of stream crossings and miles of routes in riparian areas by 50 percent, and reducing soil disturbing activities by reducing the number of miles of unpaved roads and substantially reducing the acres of barren play areas. Considering estimates that nearly half the

473 831

RECORDING REQUESTED BY

Hernandez Estates, A Limited Partnership

WHEN RECORDED, RETURN TO:

Hernandez Estates, A Limited Partnership  
206 San Benancio Road  
Salinas, CA 93908

Wide Insurance and Trust Company

# 9799

165575  
RECORDED AT 2:45 PM OF NOV 25 1981  
OFFICIAL RECORDS, SAN BENITO COUNTY - RONALD R. JACOB, RECORDER  
FEE 24.00

**A**  
DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS And Easements  
OF  
LAZY TEN RANCHES  
Recorded Nov. 25, 1981, Vol. 473 of Official  
Records, Page 831. A

This Declaration, made on the date hereinafter set forth by Hernandez Estates, A Limited Partnership, hereinafter referred to as "Declarant,"

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain property in the County of San Benito, State of California, being a portion of the real property commonly known as Lazy Ten Ranches which is more particularly described in Exhibit "A", attached hereto and incorporated herein as though set forth in full (the "Ranches").

NOW, THEREFORE, Declarant hereby declares that all of the Ranches described above and such additional real property as is annexed thereto shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the above-described Ranches or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I

DEFINITIONS

Section 1.01. Airstrip: "Airstrip" shall mean and refer to the airplane landing strip located on a portion of Section 17 and on adjacent property to the North presently owned by Fat City Feed Lots, Inc. The exact location and description of the Airstrip is set forth in that certain Easement Agreement recorded in the Official Records of San Benito County, California, in Book 469, Page 921, recorded August 21, 1981.

Section 1.02. Association: "Association" shall mean and refer to Lazy Ten Ranches Association, an unincorporated association comprised of Owners as provided herein.

43

473 832

Section 1.03. BLM Land: "BLM Land" shall mean and refer to that certain real property which is now or may hereafter become the subject of Bureau of Land Management grazing permit number GL 4409.

Section 1.04. Declarant: "Declarant" shall mean and refer to Hernandez Estates Inc., A Limited Partnership,

Section 1.05. Lot: "Lot" shall mean and refer to any legally created parcel of real property within the Ranches whether heretofore or hereafter created, together with all improvements made thereto or constructed thereon.

Section 1.06. Owner: "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any Lot which is a part of the Ranches, including contract sellers, but excluding those having an interest as merely a security for the performance of an obligation.

Section 1.07. Ranches: "Ranches" shall mean and refer to that certain real property hereinbefore described and such additions thereto as may be hereafter annexed to the ranches as provided in Section 5.04 hereto.

Section 1.08. Recreation Easement: "Recreation Easement" shall mean and refer to those certain rights granted in Section 3.01 hereof.

Section 1.09. Rules: "Rules" shall mean and refer to the Rules and Regulations adopted by the Association as provided in Section 2.4 hereof.

Article II

MEMBERSHIP, VOTING RIGHTS, AND POWERS

Section 2.01. Membership: Every Owner of a Lot within the Ranch shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

Section 2.02. Purpose: The purpose of the Association is to provide a mechanism through which the Rules referenced in Section 2.04 hereof may be adopted and implemented herein. It is not contemplated by Declarant that the Association shall own or obtain any interest in real property of perform any acts other than described herein.

Section 2.03. Voting Classes: The Association shall have two closed classes of voting membership:

A. Class A: Class A members shall be all Owners with the exception of the Declarant and shall be entitled to one vote for each acre of the Ranches owned. For the purposes

44

1307 Madison Drive  
Fort Washington, MD 20744  
February 26, 2010

10 MAR 18 PM 2:34

U.S. BUREAU OF LAND MANAGEMENT  
HOLLISTER

Hollister Field Office, BLM  
Attn: Sky Murphy, Planning Coordinator  
20 Hamilton Court  
Hollister, CA 95023

Dear Mr. Murphy:

These comments concern the draft management plan for Clear Creek. I grew up in San Diego, and I am retired from a career in the United States Air Force, during which my duties often took me back to California. One of my co-workers from the Air Force mentioned that you requested public comments.

It is deplorable that dirt bikers have leveled harsh criticism against BLM managers for this draft plan. That treatment is undeserved. BLM deserves commendation for the thoughtful analysis and reasonable alternatives in this draft.

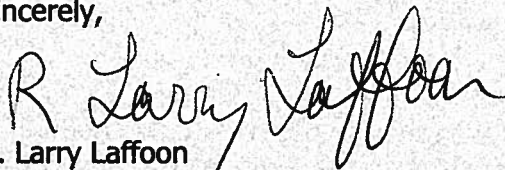
I fully support the approach of Alternative E, barring all motorized travel within the asbestos hazard zone, a total of 30,000 acres. The risk assessment by US EPA shows that asbestos fibers in the dust raised by dirt bikes and ATVs present a lung cancer risk exceeding EPA's acceptable risk range. BLM was quite correct to issue a temporary closure in 2008 and to propose a permanent closure in the draft plan.

This part of the Diablo Range has distinctive natural values, including the rare serpentine geology and the flora and fauna associated with serpentine soils. Although Clear Creek has undergone mining and has suffered from years of abuse by dirt bikes and ATVs, it can now be restored to make the most of its natural character. That restoration should be BLM's highest priority in the final plan.

The plan should keep motorized vehicles out and emphasize wildlife habitat, watershed values, and quiet forms of wildland recreation. Inasmuch as EPA advised that foot travel does not present excessive cancer risk, BLM should welcome the public on foot trails from staging areas at the periphery of the asbestos zone. That zone is only 4 miles wide, so a visitor can reach the heart of the area by walking 2 or 3 miles, a reasonable distance for visitors to see the spring wildflowers and enjoy activities such as picnicking, wildlife watching, rock hounding, hunting, and photography.

Thanks to BLM for defending Clear Creek, and for considering these comments.

Sincerely,

  
R. Larry Laffoon



BUREAU OF LAND MANAGEMENT

10 MAR 12 PM 12:35

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.

Written public comments may be submitted by any of the following methods:

Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Don Lahood

Affiliation (if applicable):

Phone: 650 280 4462 Email: dlahood@scbuildersinc.com

Address: 110 El Camino Dr

City, State, Zip: Scotts Valley, CA 95066

COMMENTS

Clear Creek needs to be re-opened. I have been riding there all my life. There is no other place that offers the same outdoor experience. Hollister, Carnegie, Mammoth Bar are too controlled. They are not open space "mountain riding". Tassanbarte is only accessible part of the year due to snow. Hungry Valley is too far for a one day ride. Thank you Don

HAND DELIVERED 3-5-10

Brian LeNeve  
P.O. Box 1012  
Carmel, CA 93921  
831-624-8497

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

March 4, 2010

RE: Clear Creek Draft EIS

Subject: Comments of Brian LeNeve

Gentlemen:

As a representative of CNPS I have spent countless hours at Clear Creek documenting illegal OHV activities, attending meetings, and participating in the 2006 management plan. As a representative of CNPS I have attended the EPA meeting, the scoping meetings, submitted a scoping letter, and attended the DEIS meeting. I have developed a number of concerns, and have come to a number of conclusions that go beyond the mission of CNPS to protect rare, threatened, and endangered plants and plant communities. Because of this unique perspective, I believe that the issues I am raising are significant and need to be addressed. I am therefore submitting this letter as an individual, and CNPS will submit a separate letter dealing strictly with plant issues.

The primary reason for the closure in May of 2008 and for the new management plan is the EPA's "CCMA Asbestos Exposure and Human Health Risk Assessment." I disagree with the findings of the assessment. I was on site on one of the days the EPA conducted its surveys. That day was during a Salinas Ramblers "Quicksilver Enduro" and the CCMA was so muddy that I was not allowed to drive in. That survey day showed high concentrations of airborne asbestos. Having been there and seen the conditions, it is hard to believe that particles of asbestos could have become airborne. On two different occasions when EPA representatives were questioned about that day, I was told that there were some dry areas. Even if there were some dry areas, which I seriously doubt, the entire day could not have been listed as a day of high concentrations unless the EPA picked the one high reading and used it as a benchmark for the whole day.

For years BLM monitored asbestos and did not find excessively high readings. It is hard to accept that all of the BLM monitoring reports are being disregarded and not compared to the EPA reports.

During four years and thirteen special recreational permit races the individual OHV organizations (Timekeepers and Salinas Ramblers) conducted air samples and never was the threshold of .1f/cc exceeded. It is hard to accept that these thirteen samplings are being disregarded and not compared to the EPA report.

While the EPA stated that the risks associated with travel in the asbestos area are unacceptable, neither EPA nor BLM can document asbestos related illnesses either in the

miners that worked in the area for countless years or from OHV users who have ridden in Clear Creek for over 40 years.

While I realize that the EPA has better equipment than BLM, the inconsistencies in the different readings, the questionable readings during very wet conditions, and the lack of asbestos related illness require that an independent study be conducted. The fate of public access to public lands cannot be based on questionable data.

I do not believe that the DEIS properly assesses the economic affect of the closure on the local communities. Page 124 notes that communities with high employment in retail motorcycle sales will be affected. The report does not consider the economic affects on other types of retail businesses such as gas stations, eating establishments, repair shops, or motels. The affect on these businesses must be considered, especially in the communities of Hollister and Coalinga.

I do not believe the area should be closed to the public. Even if there is a danger from asbestos, which there could be, the public should be given a chance to decide if they want to enter. I do not feel that the government has a right or duty to protect us from alleged dangers without our consent and without proving the danger is real. If the danger from asbestos is as great as BLM and EPA state it is, then the area should be permanently closed to all, including BLM employees. With no public access there would be no reason for BLM to enter the CCMA other than once a year as they do with other properties.

I have heard that the new decontamination facility is costing \$2.2 million dollars. It is hard to understand why BLM is spending \$2.2 million of taxpayer dollars on a decontamination facility if BLM believes the threat from airborne asbestos is that great. If BLM has determined that there should be no public travel through the area, then spending in excess of \$2.2 million for a facility that will decontaminate their vehicles when BLM travels through Clear Creek makes no sense. Spending that large a sum of money for a facility that may not be used is premature, unless BLM knows that public access is going to be allowed. If BLM can find a safe way to travel through and work in the CCMA then the public should be given the same opportunity. BLM spending money to build a decontamination facility and working in the ACEC removing staging areas, leads one to believe that BLM does not consider the risk of asbestos that great.

I find none of the alternatives proposed to be completely satisfactory for a variety of reasons; my main objection is that none of the alternatives have provisions for regulating OHV activities if the rules and routes are not adhered to.

I would suggest that there be a closure system in place like the "Yellow, Green, Red" routes specified in the State OHV Soil Loss Standards. If monitored (by anyone) and verified by BLM shows no off-route riding then the trail is classed as "Green." If there are a few (less than three) OHV tracks leaving a route the route is classed as "Yellow." Classed as "Yellow" would mean that if any more OHV tracks are found leaving that route in the next 6 months the route is closed for a year. More that three OHV tracks leaving a route would give the route a "Red" class, meaning that if any more OHV tracks are found leaving the route in the next full year the route is closed for a year. If any OHV tracks are found on a closed route then the route is removed from the system permanently and revegetated.

Alternative D is unacceptable for the following reasons:

1; Taking an area that has been used for hunting and creating new routes there is unacceptable to everyone other than motorcyclists.

2: Creating new routes is unacceptable because there is no purpose in destroying an area that has not been previously degraded by OHV use.

3: Limiting users less than 18 years is unacceptable for the reasons listed above in Alt C #4.

4: 60 miles of routes and county roads does not give opportunity for any users to appreciate the CCMA and will result in an excess of users on a very small route network leading to accidents.

5: There is no way to determine where these new routes will be and therefore no way to determine if valuable natural features would be impacted.

Alternative E is simply and totally unacceptable.

1: Only allowing use on one route with the only entrance from Idria will essentially result in no visitors to the CCMA and further result in costs for BLM that cannot be justified by user days.

2: Limiting user days is unacceptable for the reasons listed above in Alt. B #2

3: Limiting entrance to only those who obtain a permit will create a cost to benefit ratio that is prohibitive.

4: The county roads are not shown on the accompanying map. As of this date they are still county roads and BLM cannot prohibit use of them without county permission. At this time the County is holding hearings on whether to leave the roads open or closed. Regardless, it is the decision of the County as to the final outcome of the County roads.

5: Public lands should not be disposed of for the reasons listed in Alt. B #4

Alternative F is unacceptable in all forms.

Alternative G is unacceptable in all forms

In conclusion I believe that the CCMA should be re-opened until there is conclusive proof that asbestos is or is not a threat to human travel. The economic impacts to support businesses must be analyzed. A modified Alternative C as listed above should be implemented.

Sincerely,



Brian LeNeve



BUREAU OF LAND MANAGEMENT

10 MAR -1 PM 5:26

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

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Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

10 FEB 29 PM 1:39

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Name (Please print): CAROL LEPESH

Affiliation (if applicable):

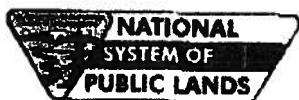
Phone: 408 482 1395 Email: glepesh@comcast.net

Address: 22 Evansmont Ct.

City, State, Zip: Pacifica, CA, 94044

COMMENTS

Please re-open Clear Creek. Since it's closure, my family is forced to travel much further to enjoy offroading in the winter months. This is waste ful, expensive, dangerous and puts more pressure on those facilities and areas. The Mojave desert would be an example of a "replacement" offv area for me. This is unjust as it has it's own issues from normal local traffic. Thanks.



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

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Name (Please print): JIM LINDEMANN
Affiliation (if applicable): RIDER
Phone: 408-371-8151
Address: 580 MCGLINCY LN #3
City, State, Zip: CAMPBELL CA 95008

COMMENTS

I HAVE BEEN GOING TO CLEAR CREEK SINCE 1976. NOT MANY PLACES LEFT TO GO. I HAVE NEVER SEEN RANGERS WEAR ANY PROTECTION? WHY??

NOT MANY PLACES A FATHER + SON CAN GO THAT ARE AS SAFE !!



**BUREAU OF LAND MANAGEMENT**

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

**PUBLIC COMMENT FORM**

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20 Hamilton Court  
Hollister, CA 95023

**Email:** cahornmp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: COMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

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Name (Please print): Justin McKinley

Affiliation (if applicable): \_\_\_\_\_

Phone: (905) 238-9018 Email: \_\_\_\_\_

Address: \_\_\_\_\_

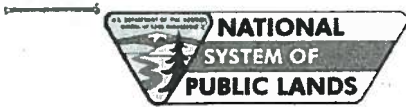
City, State, Zip: \_\_\_\_\_

**COMMENTS** We paid for the land!!! Taxes, how much more are you going to take from us?

\_\_\_\_\_

\_\_\_\_\_

10 JAN 29 10  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE



**BUREAU OF LAND MANAGEMENT**

10 MAR -3 PM 12:27

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

BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

**PUBLIC COMMENT FORM**

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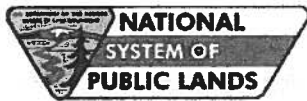
**Comments must be postmarked or received by BLM no later than March 5, 2010.**

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Name (Please print): Clarence D Mendes  
Affiliation (if applicable): SRMC  
Phone: 831-449-7488 Email: \_\_\_\_\_  
Address: 126 Rodeo Ave  
City, State, Zip: Salinas CA 93906

**COMMENTS**

When you reach the CCMA  
you should open trails outside of the  
alleged danger area so I can make a  
choice when I ride



**BUREAU OF LAND MANAGEMENT**

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

**PUBLIC COMMENT FORM**

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**Hand:** Place in drop-box during public meetings.

**Mail:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

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Affiliation (if applicable): SRMC  
Phone: 831-449-7488 Email: \_\_\_\_\_  
Address: 126 Rodeo Ave  
City, State, Zip: Salinas CA 93906

**COMMENTS**

I do not believe the limited exposure  
to the supposed danger that I would have on  
a trail ride would in any way harm me  
Reopen the CCMA

10 MAR -5 PM 12:00  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CALIFORNIA



BUREAU OF LAND MANAGEMENT

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Name (Please print): JACK MONGER

Affiliation (if applicable):

Phone: 559 686 3911 Email: JMONGER@HYDRAULIC-CONTROLS.COM

Address: 1363 E. SIERRA AVE.

City, State, Zip: TULARE, CA 93274

COMMENTS

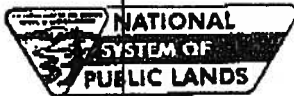
I WENT TO THE MEETING IN CORNINGA, CA, I THINK PEOPLE HAD GOOD IDEAS, FROM A OFF ROAD RIDER I SEE MORE & MORE LAND CLOSED TO US, WITH MORE PEOPLE RIDING THAN IN THE PAST, & I THINK THAT IS WHAT PEOPLE GET UPSET ABOUT. IF BLM DOESNT THINK THE LAND IS USEFUL, WHY DONT THEY SELL IT TO THE GROUPS THAT WANT TO USE IT. OVER

10 JAN 19 PM 2:25

**COMMENTS (Continued)**

BLM WILL NOT HAVE TO WORRY WITH IT &  
LET THE PEOPLE MANAGE IT. WIN WIN BOTH SIDES.  
THE PEOPLE DO NOT THINK GOVERNMENT LISENS  
TO THEM AT ALL. GOVERNMENTS ANSWER MOST  
OF THE TIME IS CLOSE IT.

THANK YOU FOR LISTENING  
Jack



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Name (Please print): DERRICK MORRIS  
Affiliation (if applicable): SALINAS RANGERS M.C. - PRIVATE CITIZEN  
Phone: 831-663-0261 Email: dmc@sygcorp.com  
Address: 9651 MARTIN LANE  
City, State, Zip: SALINAS CA 93907

**COMMENTS**

I HAVE BEEN GOING TO CLEAR CREEK FOR OVER 35 YEARS  
(SINCE I WAS 10 YEARS OLD). MY SON HAS BEEN GOING  
TO CLEAR CREEK ALL OF HIS LIFE (19 YEARS OLD NOW).  
THE EPA RISK ASSESSMENT IS FLAWED AND NEEDS TO

(OVER)

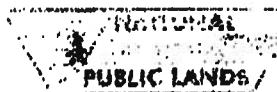
COMMENTS (Continued)

BE REMOVED FROM CONSIDERATION ON CLEAR CREEK USE.

THERE IS NO INFORMATION IN THE REPORTS REGARDING THE BLM SAMPLES TAKEN DURING THE ~~2000~~ ENDURANCE WHICH PROVIDE ACTUAL RIDING/RACE CONDITIONS THAT REPRESENTS THE WAY MOST OF US RIDE. WHEN RIDING WITH MY SON WHEN HE WAS YOUNGER I WOULD RIDE BEHIND HIM TO MAKE SURE I COULD HELP IF HE FELL PLUS THIS WAY HE WOULD LEARN THE AREA INSTEAD OF JUST FOLLOWING. SO HE WOULD NOT BE RIDING IN DUST AS WAS DEPICTED IN THE EPA REPORT.

THE RIDING COMMUNITY HAS LOST A PREMIER EVENT "THE QUICKSILVER NATIONAL ENDURANCE" WHICH WAS HELD ON IN CLEAR CREEK FOR ANNUALLY FOR 30 PLUS YEARS.

I HOPE THE BLM WILL RECONSIDER THEIR PROPOSED ALTERNATIVE AND CHOOSE AN ALTERNATIVE THAT ALLOWS OHV USE. ONCE BLM OPENS CLEAR CREEK, BLM SHOULD ADD NEW ROUTES OUTSIDE OF THE ABSTAIN ZONE WHICH WILL GIVE THE PUBLIC MORE OPTIONS OF WHERE THEY CAN RIDE.



BUREAU OF LAND MANAGEMENT

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Mall: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 830-5055 Attn: CCMA RMP/EIS

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Name (Please print): Johnny Musphree
Affiliation (if applicable):
Phone: (805) 610-9037 Email: johnnymusphree@hotmail.com
Address: 1012 Running Stag Way
City, State, Zip: Paso Robles, CA 93446

COMMENTS

Charge whatever it takes to get these special rights govt's off our case and pass the expense on to those of us that will pay to ride. Alternative "A" with a gate fee to help generate the capital required to regain use of the Clear Creek Management Area...

To the BLM in regards to  
the CCMA DEIS

Dee Murphy  
P.O. Box 700027  
San Jose, CA 95170

Pages enclosed 5 fully written.

10 MAR -2 PM 2:58

RECEIVED  
BUREAU OF LAND MANAGEMENT  
MARCH 10 1998

①

My name is Dee Murphy. I am writing about the closing of CCMA - Clear Creek Management Area.

On May 1, 2008 CCMA was closed by the BLM. The BLM conducted 3 public meetings (Coalinga, Hollister and Santa Clara) in January 2010. The BLM NEVER sought out any business comments on this closure until February 22, 2010 (last Monday). Last Monday the BLM Economic Impact Meeting was held here in Hollister. For this meeting the BLM ONLY invited 21 "important" businesses.

Seeing as I have lived in Hollister since 1992 I have observed all of the CCMA traffic here in Hollister and San Benito County. In 2008 on May 1<sup>ST</sup> CCMA was "temporary closed" because of ~~chryso~~ chrysotile. Numerous trucks with dirt bikes and HWD's who gas up, purchase food and supplies and eat at our restaurants here in

(2)

Hollister as it is a 1/2 hour drive from Hollister to Clear Creek. On the way home everyone purchases gasoline and usually a meal out.

Upon seeing the BLM only inviting a few select businesses (21 according to the BLM) I took it upon myself to take 7 hours of my time and went to 60 businesses in Hollister, Tres Pinos and San Juan Bautista. NONE of these businesses were notified of last Monday's meeting. I personally delivered a 4 page flier to all types of businesses encouraging them to come as the BLM did NOT invite them to their own meeting.

For an economic impact that shows how much this closure hurts is the following:

3

My husband, Dan Dunning owns Zoom Cycle Accessories in Santa Clara, CA. Since May 1, 2008 (closure date) our store sales have dropped 35-40% totally. This is about \$30,000 to \$35,000/month and a one year sales loss of \$420,000.

Our (Zoom's) economic impact is HUGE. With our stores chance of closing very high (we've been in business since 1971) seeing as we have lost 40% of sales.

The businesses here in San Benito County have suffered greatly. All sales are down, purchases of gas, food, supplies and lodging are down, taxes taken in are less and that is just because a few want to take CCMA from ALL the people.

(4)

The comment time for a business was only from February 23, 2010 to March 4, 2010 a total of 8 working days. The BLM will not allow an extension.

WHY NOT!

How much sales tax revenue has San Benito County lost if our store ALONE suffered a sales loss of \$420,000 and a tax revenue loss of \$40,000 in one year.

The BLM surely does not care ~~or~~ or know the actual impact of sales and sales tax revenue losses as they said in last Monday's meeting. (02-22-2010)

Here in San Benito County if businesses lost 35-40% of sales for example :

5

1) With  $\frac{1}{3}$  of Zoom's losses it would amount to \$140,000 in sales lost and \$14,000 in lost sales tax revenue/year

2) With  $\frac{1}{2}$  of Zoom's losses it would amount to \$210,000 in sales lost and \$21,000 in lost sales tax revenue.

So if 60 businesses at an average of \$18,000 (see above) in sales tax revenue per business the total sales tax revenue lost per year is

$\$18,000 \times 60 \text{ businesses} = \$1,080,000$   
in lost sales tax revenue/year and this is currently occurring now.

If the BLM is worried about my health  
stop 747 airplanes from taking off.  
Each 747 airplane in 2 mins pollutes the  
same amount as 2.4 million lawn  
mowers and airplanes use asbestos  
brakes. Option "A" is the ONLY option.  
Keep Clear Creek Open

Tucker Zone

Feb 23 2010

Sir:

I have been going into the area involved with this zone for over 17 years. We go at the invitation of friends owning property there. I have lived on the Monterey Peninsula since 1962. We love it here and it is home. After traveling many parts of the world we feel the Coastal Central California is still the best. This land over a period of years has indented my heart as being a special place, easy to reach and offers my family special attributes we find in a few areas remaining in California.

1. It is the only place where we find no noise other than what nature provides.
2. It is a place of low people concentration.
3. It offers limited phone availability and less cellular service for sending and receiving calls.
4. A great location for just sitting with no interruption and to read or whatever else you would enjoy in a quiet location
5. The nights are dark. A real problem in our world today as the National Geographic has recently disclosed in a lead article suggesting that only a few places remain in our world where there is darkness. It is very much needed in nature.
6. It offers a safe environment for outside cooking and campfires in the evenings all with very limited congestion from neighbors or smells.
7. It provides space for friendly conversation and unobstructed views, just to sit, watch and ponder.
8. It offers a clean atmosphere, little fencing and structures are limited to an occasional water tank and a cabin here and there.

This zone remains very beautiful. Please do not change that

Dennis Norrby





**BUREAU OF LAND MANAGEMENT**

MAR -2 PM 1:07

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**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

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Name (Please print): Dave Olsen  
Affiliation (if applicable): AMA Dist. 36  
Phone: 650-368-9563 Email: Gale Olsen @ SBC Global . Net  
Address: 1070 Alameda  
City, State, Zip: Redwood City CA 94061

**COMMENTS**

Dear Sirs,  
I am strongly opposed to the permanent closure of the  
Clear Creek Management Area. I would be in favor of any  
alternative that allows for the most OHV opportunities.  
I feel that if there is a concern about airborne

over

### COMMENTS (Continued)

asbestos, that a seasonal dry weather closure could be an acceptable compromise.

I attended the public meeting on 1-20-10 in Santa Clara, and did not hear a single speaker in favor of this closure. If the intent of public comment is to listen to the public's requests for the use of public lands, then I feel the public is trying to make it perfectly clear that they are not in favor of this closure.

It is my understanding that the type of naturally occurring "Crysatile" asbestos in its natural form has never been found to cause any health risk. It is also my understanding that no study has ever been done on the health history of any of the people who have mined this asbestos on a day in - day out basis over the last century.

I believe that the data collected on the type of exposure and duration of exposure from OHV use was not even close to the real world of the average user. I have competed in many Enduro races at Clear Creek and am proud to say I have advanced to the "A" level. With all the skill and years of experience that I have achieved, I am rarely able to keep up with a 15mph average speed of a race with a total length of 80 miles. And I would never keep that pace or ride that far, strictly for fun or recreation.

I believe that since the closure of Clear Creek there has been a strong negative effect on the other riding areas in the entire state from over crowding. I believe the health risk from running into one of the many other riders that is forced to ride in a smaller area, or from an accident on the highway trying to drive to an area that is much farther away, is far greater than any potential risk from Crysatile Asbestos.

OHV activity is a great family sport that allows everyone the opportunity to get outside and exercise while having fun together. With childhood obesity at epidemic levels, I think that any sport that can offer that should be strongly encouraged. I feel that sitting on the couch playing video games poses a far greater health risk than riding at Clear Creek!

Sincerely

Dave Dan





10 FEB 25 PM 12:41

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Name (Please print): Michael Orr  
Affiliation (if applicable): \_\_\_\_\_  
Phone: 805-674-0385 Email: \_\_\_\_\_  
Address: P.O. Box 1147  
City, State, Zip: Templeton CA 93465

**COMMENTS**

Please consider to reopen up  
the area for OHVs  
thanks



BUREAU OF LAND MANAGEMENT

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Name (Please print): Robert Orr
Affiliation (if applicable):
Phone: 205-674-0385 Email: Robert.Orr@smapon.com
Address: P.O. Box 1147
City, State, Zip: Templeton CA 93465

COMMENTS

The offroad industry has grown & the riding areas have gotten smaller. I have taken my family to Clear Creek many times and all have had a great time. Please consider reopening up this area even if there will be a gate fee.

Thanks
Bob Orr



BUREAU OF LAND MANAGEMENT

10 FEB 11 PM 12:07

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

RECEIVED U.S. DEPT. OF INTERIOR BUREAU OF LAND MANAGEMENT HOLLISTER, CA 95023

PUBLIC COMMENT FORM

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Name (Please print): RICHARD RAMSAY

Affiliation (if applicable):

Phone: 408-203-0411 Email: RICHARDNRAMSAY@YAHOO.COM

Address: 513 HILLER

City, State, Zip: BORMONT CA 94002

COMMENTS

LEAVE PUBLIC LAND OPEN TO THE PUBLIC! DONT SEARVE PRIVATE INTEREST!

**George & Lauria Riley**  
**12301 Harbour Circle**  
**Fort Washington, MD 20744**

February 24, 2010

Bureau of Land Management  
Attn: Clear Creek RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

10 MAR 18 PM 2:34  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CALIFORNIA

Dear BLM:

We compliment BLM on the draft plan for Clear Creek. We have traveled to Vandenberg and Travis Air Force Bases many times during our careers in the military. A friend who has family in your area told us about your request for comments.


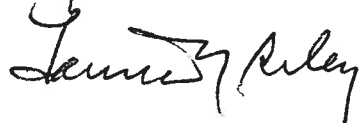
We heartily favor the proposal to exclude off-road vehicles from the 30,000 acres of the asbestos area, which BLM designated as an Area of Critical Environmental Concern (ACEC). We can understand that ORV riders are upset, but it's really a matter of lands that are unsuitable for ORVs because of the health hazard. U.S. EPA did a field study and risk assessment that verified the asbestos hazard.

As usual, ORV riders say there's no problem. That reminds us of the years and years the tobacco industry claimed tobacco was not a health problem. We would rather trust EPA's judgment. The best solution is to close the asbestos area to motorized vehicles, as in Alternative E. Even if ORV riders don't care about their own health, they should not expect BLM employees to maintain the trails at the risk of their health.

We do not favor building a new tourist route through the asbestos area. The construction and maintenance would endanger workers' health, and the road would be an unnecessary scar on the Diablo Range landscape. Instead, the entire ACEC should be considered a natural area dedicated to restoring the land and wildlife habitat. Your EIS mentions that the area is potential nesting habitat for California Condors, an endangered species. Trails leading in from peripheral roads would bring visitors into the area for nature-watching, rock-hounding, picnicking and hunting. EPA found that those activities do not present a health hazard.

Please pass on our thanks to the authors of the draft plan.

Sincerely,

**Liz Robinson**  
**1795 Houston Road**  
**Phoenix, Oregon 97535**

February 25, 2010

BLM, Hollister Field Office  
Attn: Clear Creek EIS  
20 Hamilton Court  
Hollister, CA 95023

Dear BLM:

Thank you for proposing the closure of 30,000 acres to ORVs in the Clear Creek Management Area. My mother grew up in the San Joaquin valley near this area, and my three uncles lived in Stockton, Bakersfield and Ventura.

BLM managers and staff do not deserve the insults and coarse language the dirt bikers have aimed at you. On the contrary, I believe BLM has done good work in analyzing the risks and resources of Clear Creek and formulating the alternatives.

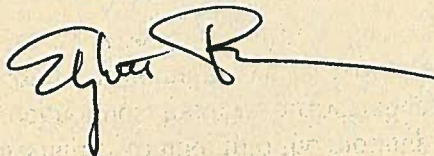
I favor the closure proposed in Alternative E, keeping all motorized vehicles out of the asbestos area. The area should be managed primarily as a natural area. US EPA has determined that asbestos jeopardizes the health of visitors riding dirt bikes or ATVs. If ORV routes were to be maintained, this would jeopardize the health of BLM and contractor employees who would be doing the work.

I urge BLM to drop the idea of developing a "scenic route" through the asbestos area, for the same reasons. Instead, I favor developing picnic areas and trailheads outside the asbestos zone, to serve as a base for visitors to hike into the mountains. These would serve picnickers, campers, hikers, rockhounds, hunters, birdwatchers, and wildflower lovers. A few trails, well built to require little maintenance, would let people enjoy the natural values of the area without endangering their health or the health of trail workers.

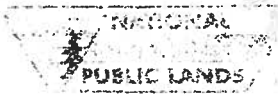
Dirt bikers and ATV riders have other places to play nearby, including Hollister Hills state vehicular recreation area, two county ORV parks, and BLM's Jawbone area. If crowding becomes a problem, the managers of those sites can always adopt a reservation system. They are used at many ORV parks around the country.

Thank you for considering my comments.

Sincerely yours,



10 MAR -2 PM 1:07



10 FEB 25 PM 12  
BUREAU OF LAND MANAGEMENT

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Name (Please print): CHARENCE SCHMITZ

Affiliation (if applicable): \_\_\_\_\_

Phone: 805 459-7549 Email: CSchmitz39@Northmead.com

Address: PO Box 3391

City, State, Zip: PASO ROBLES CA 93447

COMMENTS

I think Clear Creek is a great family place to ride we love it. Also they should not be able to sell motor cycles if there no place to ride or closed!!!

P8 1/2



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.

Written public comments may be submitted by any of the following methods:

Hand: Place in drop-box during public meetings.

Mail: BLM Hollister Field Office
Attn: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Jennifer Schreck
Affiliation (if applicable): self
Phone: (650) 269-5015 Email: jennschreck@yahoo.com
Address: 715 Los Ninos Way
City, State, Zip: Los Altos, CA 94022

COMMENTS

I beg the BLM to reconsider the closure of CCMA. Please restore this PUBLIC land to the uses allowed prior to the May 2008 closure. The EPA's

Page 12

## COMMENTS (Continued)

testing is extremely flawed and absolutely should not be used as the reason to close this incredible land.

I have had the extreme pleasure of visiting CCMA twice. Both times were in November (2006 and 2007), before Thanksgiving. Both times it was relatively warm, and VERY dry and dusty. Any tests done in November must be extended because they are not typical "moist" conditions.

CCMA is the most incredible place I have ever been riding or camping at. It is so beautiful I have never seen anything else like it. If it is not re-opened, I fear I will never again have the experience again.

We are adults. As an adult, I make life choices everyday. Should I drive to work? The benefit of being paid out weighs the risk of being in an accident on my way, so yes I will drive to work. The benefit I get out of riding at CCMA BY FAR outweighs the slight risk that I might get sick from the asbestos. I am not OK with being told that I cannot make such a decision for myself. I am also not OK with being told to stay off PUBLIC LAND.

PLEASE Reopen Clear Creek! Return it to the normal seasonal closing schedule and allow the public the RIGHT to explore THEIR land! Please give current and future generations the opportunity to experience this gorgeous part of California. Thank You,

Jennifer Schrock

Betsy Shade, M.D.  
1762 Belle Court  
Millersville, MD 21108

February 25, 2010

Rick Cooper, Field Manager  
Bureau of Land Management  
20 Hamilton Ct.  
Hollister, CA 95023

Dear Mr. Cooper:

This letter is to express my support for the closure proposal in the draft Clear Creek plan. My six children (ages now 10 to 14) love wild country, and we all hope this beautiful area of the Diablo Range will be in better condition when they grow up and explore our beautiful land for themselves. My brother-in-law comes from a family that has lived in this part of California for more than a century.

I can understand the Clear Creek asbestos situation because I'm a physician with experience in pulmonary medicine, and I'm familiar with the health effects of airborne asbestos fibers. I support BLM's proposal in Alternative E to bar motorized vehicles from the asbestos hazard zone, totaling 30,000 acres. That ban is based on the U.S. Environmental Protection Agency's risk assessment, summarized in the EIS at page 143. BLM is wise to rely on EPA's recommendations.

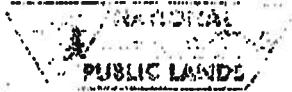
I urge BLM not to build or improve any roads within the asbestos zone. It would be better to manage the asbestos zone without ORVs or roads, restoring its natural character so it can serve the public as wildlife habitat and as a wildland recreation area for hiking, rockhounding, wildlife-watching, photography, and appreciation of the wild flowers every spring. Hiking trails are adequate access for these activities. EPA concluded that visitors on foot are not in danger from asbestos.

It is regrettable that dirt bikers have besieged BLM with name-calling and intemperate remarks. They have better and safer places to ride, including California's eight Vehicular Recreation Areas, other BLM areas, and county ORV parks.

Thank you for considering my thoughts. I wish you well in this planning effort.

Sincerely yours,

Betsy Shade MD



**BUREAU OF LAND MANAGEMENT**

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& Environmental Impact Statement**

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**Hand:** Place in drop-box during public meetings.

**Mall:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahormp@ca.blm.gov

**Fax:** (831) 830-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

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Name (Please print): Greg Shalbach  
Affiliation (if applicable): \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: 8195 Andover R.  
City, State, Zip: Cumbria, CA 93028

10 FEB 26 AM 6:05  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE  
20 HAMILTON COURT  
HOLLISTER, CA 95023

**COMMENTS**  
We pay for this Public Land!  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



BUREAU OF LAND MANAGEMENT

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Mail: BLM/Hollister Field Office  
Attn: CCMA RMP/EIS  
129 Hamilton Court  
Hollister, CA 95023

Email: calhormj@ca.blm.gov

Fax: (831) 630-5058 Attn: CCMA RMP/EIS

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Name (Please print): Ron DeShazer

Affiliation (if applicable): SRMC

Phone: 831 444 7134 Email: TRIKIDER@AOL.net

Address: 255 E. BOLIVAR ST SP 87

City, State, Zip: SALINAS, CALIFORNIA 93906

10 MAR -3 PM 12:27

COMMENTS

You know what we want, Reopen  
and leave Co Co alone, you do more damage  
with tractors than decades of bikes do.  
We pay taxes + vote, were not the uneducated

**COMMENTS (Continued)**

*Andigams you think we are!*

[The remainder of the page consists of approximately 25 horizontal lines for writing, which are currently blank.]

Michael C. Smith  
51 Allston Way  
San Francisco, CA 94127  
415-242-1220

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

10 MAR -5 PM 12:29  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE

March 4, 2010

To Whom It May Concern,

I am writing to comment on the plan to close off public access to the Clear Creek area.

Much has already been written regarding the actual danger to the public and whether or not it is real. As a contractor I have built homes on serpentine soil. I have hiked, camped, driven on and lived on or around serpentine soil as long as I have lived in California. I have also ridden motorcycles, driven cars, swam at the beach and engaged in any number of potentially dangerous practices on public lands and with the approval of our government. As a woodworker I know there are several types of wood much more toxic than serpentine soils but there is no restriction on its purchase. I could list many dangers in modern life, but you already know of them. There are many more serious dangers than driving on a dusty road. A road that can be covered with gravel if anyone were concerned about the risk of breathing dust

At the beach, for example, in Northern California we lose a few people every year to dangerous undertow currents, yet the only device to prevent such deaths is a sign in several languages warning of the risk. I propose a sign to the same effect at the entrance to the Clear Creek area.

As a rockhound I occasionally go to areas like Clear Creek. On my rockhounding trips I risk snake bite, ticks carrying disease, falls, all sorts of risks. I take these risks knowing full well of the dangers. So far I have not been injured and if I had I would take full responsibility. I don't need "Big Brother" to protect me from normal life. Please just keep it simple and just put up a sign warning the public and trust them to make an informed decision. Cover the site with gravel if it will help, but let us enjoy the great outdoors without unreasonable interference.

Sincerely,



Michael C. Smith

Att: CCMA EIS



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

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Name (Please print): Tim Stewart
Affiliation (if applicable): Dirt Biker
Phone: 805 391 0221
Address: 4010 Buena Vista Dr
City, State, Zip: Fresno Rodics .Ca. 93446

COMMENTS

After reviewing The EIR, I realize The only Alternative that will give us back The Clear Creek to use "at our own Risk" is alternative "A". Please consider This Alternative.



**BUREAU OF LAND MANAGEMENT**

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

**PUBLIC COMMENT FORM**

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Name (Please print): Jim Stewart  
Affiliation (if applicable): \_\_\_\_\_  
Phone: 905 239 3960 Email: \_\_\_\_\_  
Address: 4010 Buena Vista Dr  
City, State, Zip: Paso Robles Ca 93446

**COMMENTS** we have ridden the clear creek area for many years, it has otherwise been a "waste land", Not good for much else. using it for this purpose is the best use of this land. Since its closure we have experienced crowded conditions at the only 2 other sites in this area and have noticed an increase in accidents also please restore the use of this land to those of us who have enjoyed it for so many years. Thanks  
Jim Stewart

10/13/08 PM 12:41

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

**DRAFT PLAN COMMENTS**

Submitted by: David Stuck  
2612 Hollister  
Simi Valley, CA

Please withhold my name and street address from public review or from disclosure under the Freedom of Information Act, to the extent allowed by law.

The following 6 comments are on the EPA initiated CCMA Asbestos Exposure & Human Health Risk Assessment (AE&HHRA) 2008. The Risk Calculations were used as the basis to conduct the EIR and choose the Management Alternative Plans.

COMMENT #1

According to Figure 4, Pg 4, (attached), Two of the sampling results for SUV riders were anomaly high. These two results were two (2) and three (3) times higher than the next highest value. The outlying values\*\*\* for SUV riders is anomaly high and should be thrown out. That would reduce the calculated risk for weekenders! The weekend hunter scenario has the largest disparity between the mean and upper 95% confidence limit of any scenario. That disparity is partially due to calculations using these Anomalous data points.

**Outliers\*\*\***

Outliers are values in a data set that are not representative of the set as a whole, ***because usually they are very large relative to the rest of the data.*** Two of the sampling results for Campers at Clear Creek, were anomalously high. These two anomalous results were five (5) and ten (10) times higher than the next highest value.

EPA guidance suggests that, when outliers are suspected of being unreliable and statistical tests show them to be unrepresentative of the underlying data set, any subsequent statistical analyses should be conducted without the outlier(s) (EPA 2000b).

## COMMENT #2

The Hunting scenario contained six activities. One of which included is “camping”. Looking at “camping”, we find that “camping” has a high risk factor, as great as riding motorized vehicles! One of the basic rules when evaluating data, is the question: “does the data make sense?”. Does it make sense that a “camper” will suffer exposure as great or greater than a motorcycle or SUV rider with dust blowing in his face? NO!

According to Figure 1, (attached) Two of the sampling results for Campers were anomalously high and reside outside of the interior of the data distribution. ***These two anomalous results were five (5) and ten (10) times higher than the next highest value.*** These two anomalous values really throw off the upper 95% confidence levels (and raises the mean risk). These outlying values\*\*\* for campers is anomaly high and should have been thrown out. That would significantly reduce the calculated risk for weekenders!

## COMMENT #3

Figure # 6 (attached) show that the “weekend hunter” has the highest disparity between the mean and 95% UCL than any other scenario. That is peculiarly odd when the “Weekend hunter” scenario is basically a subset of the “weekend rider” scenario. They both have 2 hours of SUV riding, and 7-9 hours of “Camping”. Again we ask the basic question: “does the data make sense?”. Does it make sense that a Hunter/hiker will suffer exposure as great or greater than a motorcycle or ATV rider with dust blowing in his face? NO!

The weekend hunter has 14 hours of hiking (a low exposure activity) whereas the weekend rider has 11 hours of riding (a high exposure activity). It makes no sense that the “weekend hunter” would have a 40% greater disparity between the mean and 95% UCL than the “weekend rider”. That strongly suggests an error some place in the calculations (probably in part due to the use of the anomalous data described in comments #1, #2 & #4 ).

## COMMENT #4

The UCL for various activities include: Motorcycle .51 f/cc, Camping .44f/cc, SUV driving .32 f/cc. (attached)

The question “does the data make sense?” immediately comes to mind. Is a sedentary activity in camp, as dangerous as driving around and kicking up clouds of dust? The reasonable person would say no. I cannot accept that staying stationary in camp, is as dangerous as riding around on motor vehicles on dusty trails.

As in comment #2, the two anomalous values which really throw off the upper 95% confidence levels (and raises the mean), and these outliers\*\*\* should have been discarded.

#### COMMENT # 5

Nothing presented so far in the Health Risk Assessment demonstrates a severe risk for anyone other than motorcycle riders and other ATV riders who spend a lot of time ripping up the hillsides at high speeds. Weekend hunters (campers, hikers, rock collectors) can make 5 visits per year under current conditions, and the mean risk is still below the acceptable risk level of  $1 \times 10^{-4}$  excess cancers (attached).

**Key Point:** *According to figure 6, pg 5, The weekend hunter (camper, rockhound, etc.) can make 5 visits per year and their mean risk will still remain under the acceptable risk level of  $1 \times 10^{-4}$  excess cancers.*

#### COMMENT #6

Health Risk Assessments are conservative in nature, using “protection factors” to fudge the numbers upwards to overestimate risks rather than to underestimate risks. The purpose of a Health Risk Assessment to calculate Maximum potential risk, actual risks may be lower or non-existent. The calculations of risk for Clear Creek are nice. However, where is the “ground truth”? If the risks are as great as the calculations show, there must be hundreds of motorcyclists who have been riding in this area for over 40 years with asbestosis and mesothelioma. It should not be difficult to correlate the calculated risk with the real world risk based upon ACTUAL cancer cases. Yet not a single actual cancer in a living Clear Creek motorcyclist was presented as evidence their calculations have any validity in the real world..

## GENERAL COMMENTS on Draft Management Plan

#### COMMENT #7 Recommendation

Studies in other asbestos areas show that when scientists measured airborne asbestos after paving the road with inexpensive chip seal, airborne concentrations significantly declined. Tarring the road knocked down airborne asbestos concentrations by 93 percent to 98 percent. The main access roads at Clear Creek should be paved/sealed.. Speed limits should be instituted for unpaved roads.

#### COMMENT #8 Recommendation

The exposure for campers can be abated by several actions. Pave/chipseal the roads in the campground. Import gravel to re-surface the roads/trails/pathways in the campground. Import clay soils to cover native soils in the tent pitching areas and/or camping pads.

## COMMENT # 9

There is a tremendous difference between a factory plume of toxic gasses fumigating your home, and a naturally occurring material. It is called an assumed risk- you have a choice not to go to Clear Creek to ride motorcycles, hunt, or collect rocks. You don't have a choice with the factory smoke cloud evading your house. As long as the risks are noted, it is personal responsibility of the visitor (Which means you can't blame anyone else for your bad decisions). People who choose to visit Clear Creek are assuming a risk just like smokers assume a risk. Smoking is cancer causing and legal.

## CONCLUSIONS

- 1) Anomalous data points used in the Health Risk Assessment distorted the upper 95% upper confidence limits as well as the mean health risk and should have been discarded. Be that as it may, The Health Risk Assessment as presently calculated with the anomalous data points, shows that the weekend hunter (camper, rockhound, fisherman etc.) can make 5 visits per year (5 visits per year is more than the typical visitor will attend) and their mean risk will still remain under the acceptable risk level of  $1 \times 10^{-4}$  excess cancers.
- 2) An assumed risk is far different than a risk you have no option to avoid. People who choose to visit Clear Creek are assuming a risk just like smokers assume a risk. Smoking is cancer causing and legal.
- 3) The primary roads should be paved or chipsealed. to reduce asbestos exposure by up to 98%, and speed limits should be imposed on unsurfaced dirt roads.
- 4) *Access should be unlimited for non-motorized sports, as long as the risks and precautions are posted!*

## Draft Resource Management Plan: Selection of Alternative:

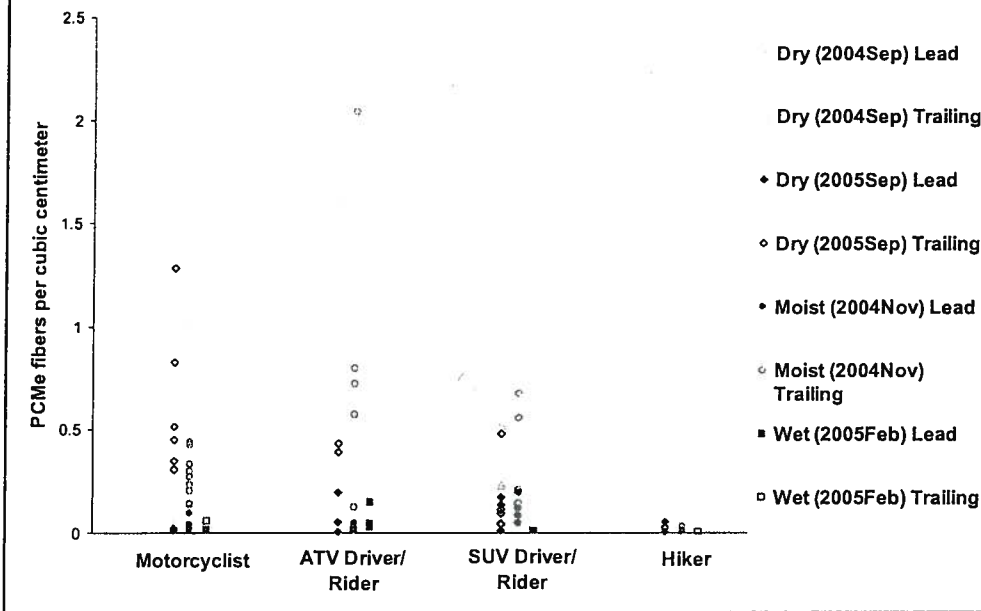
Alternatives A-D are acceptable.

Alternatives E, F and G are completely unacceptable as they ban the public from their own land.

**ALTERNATIVE OF CHOICE: D**

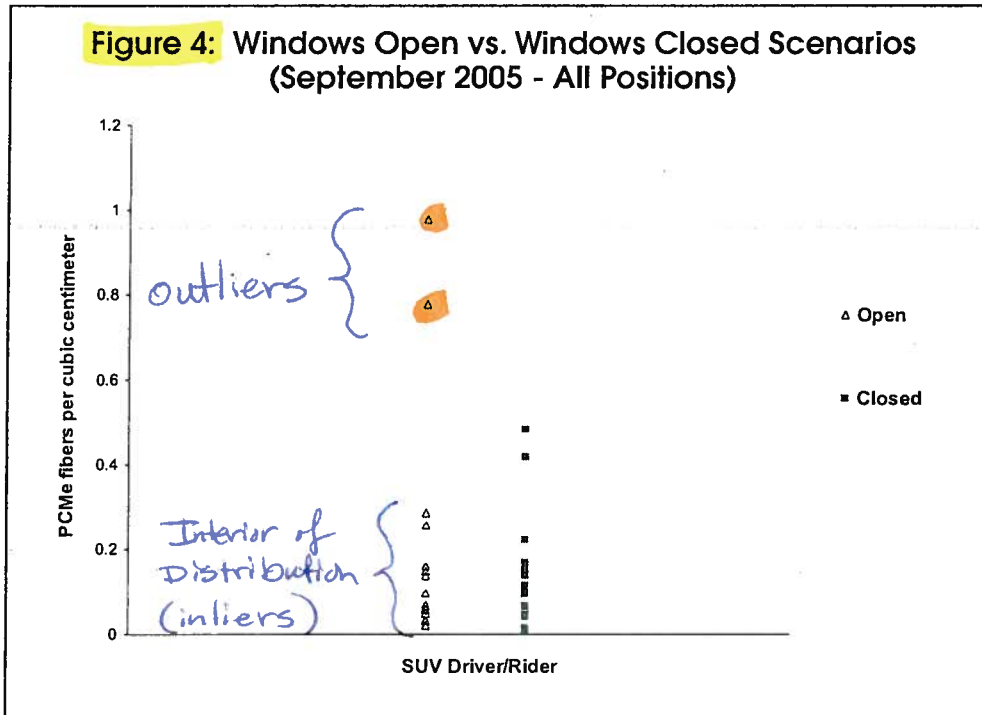
ATTACHMENT: COMMENT #1

**Figure 3: Comparison of Different Weather Conditions for Adult Receptors**



Wet Weather Reduces But Does Not Eliminate Exposure – 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.

**Figure 4: Windows Open vs. Windows Closed Scenarios (September 2005 - All Positions)**



SUV Exposures Were Significant – 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”.

ATTACHMENT: COMMENT #2

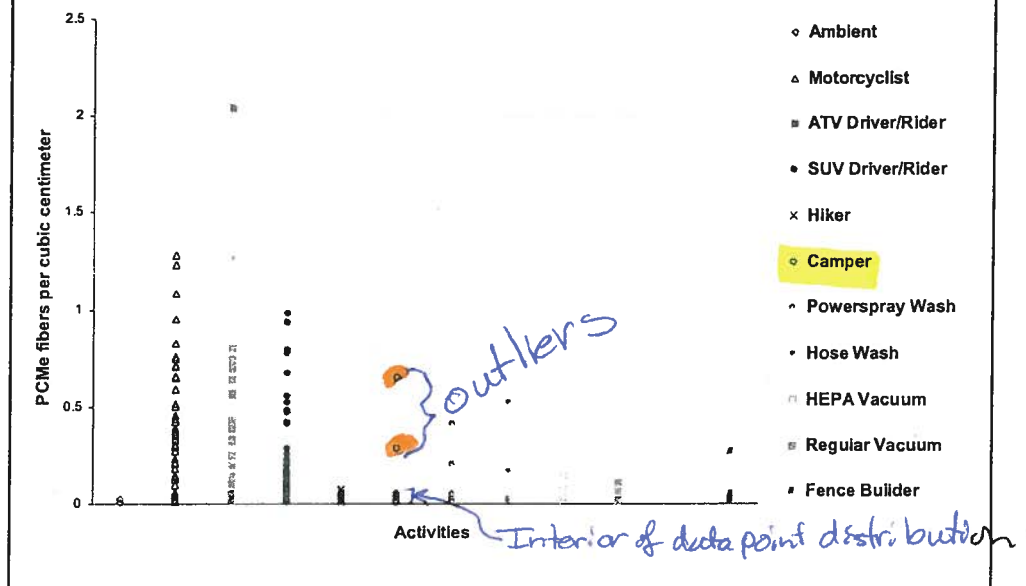
## Results

It is important to note that the asbestos concentrations used by EPA in the exposure and risk assessment and discussed in this fact sheet are for longer fibers known as phase contrast microscopy equivalent, or *PCME*, fibers. *PCME* fibers are those fibers whose shape and size have been most closely linked to asbestos disease.

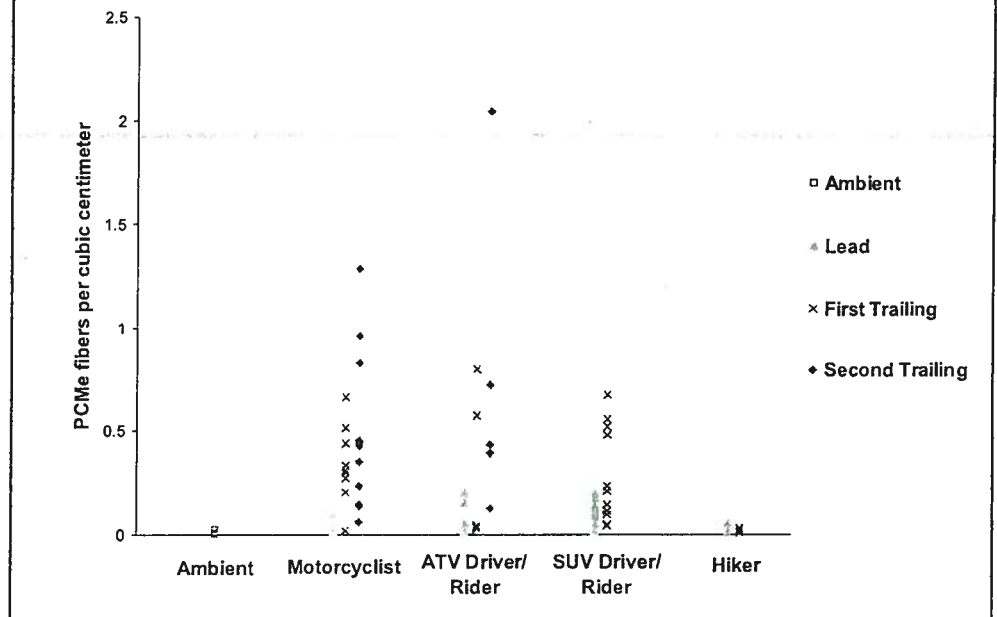
**The Activity Drives the Exposure** - Figure 1 shows the individual sample results for each activity and for measurements of CCMA *ambient air*. The data shows that the activities which typically create the most soil disturbance and dust, motorcycling, ATV driving/riding, and SUV driving/riding, also 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.

**Position Is Important** - 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. 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.

**Figure 1: Comparison of Ambient Concentration and Activities**



**Figure 2: Comparison of Different Riding Positions for Adults**



ATTACHMENT: COMMENT #3

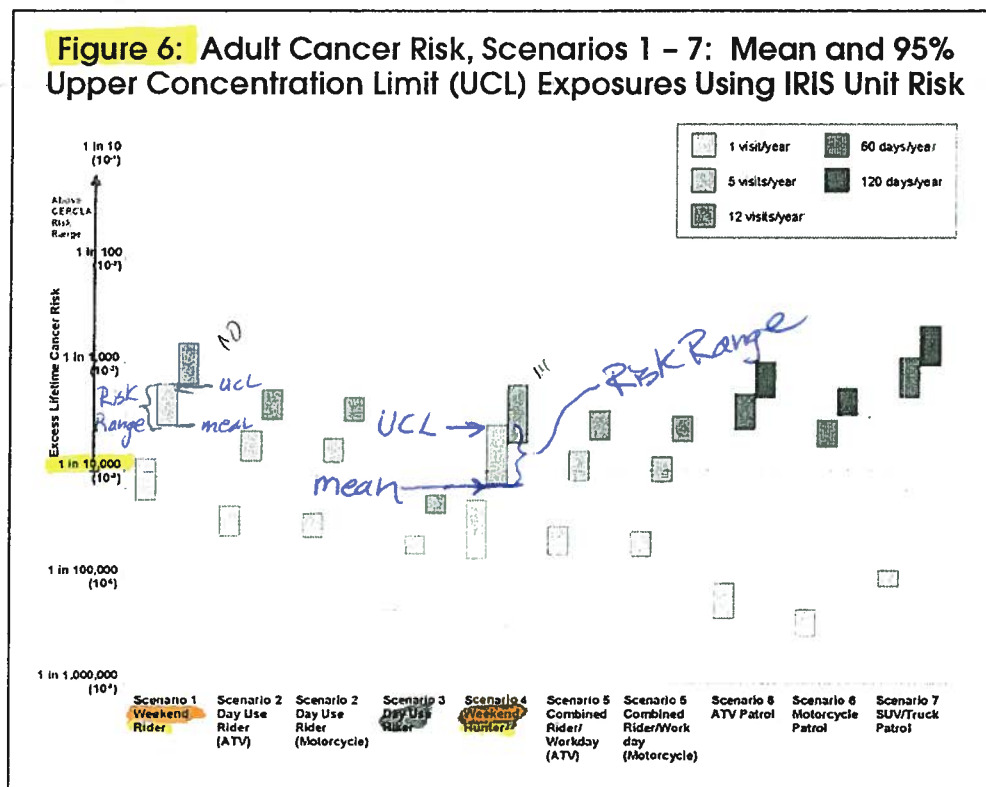
**CCMA Use Frequency** - The EPA RAGS guidance requires that risks be estimated for the reasonable maximum exposure (RME) that is expected to occur at a site under both current and future land-use conditions. Based on surveys and interviews, an earlier risk assessment conducted by BLM estimated a CCMA recreational RME of five off-road vehicle rides a year. Because some users indicated that they rode more frequently, the BLM assessment also used a "high" estimate of 12 days per year. Risks were also calculated for one day per year to provide a range of estimates and exposures. The EPA risk assessment incorporates the 1, 5, and 12 visit-per-year frequency of the earlier BLM assessment for Scenarios 1 through 5 and, at BLM's request, uses a 1, 60, and 120 day-per-year frequency for the worker Scenarios 6 and 7.

**Risk Assessment Results - Excess Lifetime Cancer Risk** estimates for Adult, Adult/Child, and Child exposures using the U.S. EPA IRIS risk model are shown in Figures 6, 8, and 10. The Excess Lifetime Cancer Risk estimates using the Cal/EPA OEHHA model are shown in Figures 7, 9, and 11. For reasons that are explained in more detail in the risk assessment report, the OEHHA toxicity value for asbestos is eight times higher than the IRIS value, and the OEHHA risk estimations are therefore eight times higher. The IRIS and OEHHA risk estimates can be thought of as bracketing the range of possible risks from CCMA asbestos exposure.

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as  $10^{-4}$  (1 in 10,000) to  $10^{-6}$  (1 in 1,000,000) excess lifetime cancer risk. 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. It is important to note that the risk assessment present quantitative estimates of excess cancer risk over a lifetime in a population based on the defined exposure scenarios. The scenarios have been designed to represent current and future exposures for recreational and working users of CCMA. The numbers do not predict individual exposures or individual health outcomes.

## What Do The Results Mean?

There was no combination of scenario, toxicity value, or visits per year that was below the risk of 1 in 1,000,000. Using the IRIS model, as shown in Figure 6, EPA's risk estimations found that, with the exception of Scenario 3 Day Use Hiker, making five or more visits to CCMA per year over a 30-year period would put recreational users above the  $10^{-4}$  risk range (1 in 10,000). **Only Scenario 3** (Day Use Hiking) had risk calculations within the acceptable range. The highest IRIS risk estimations,  $2 \times 10^{-3}$  (2 in 1,000), were calculated using the 95% UCL exposure concentration for 12 visits per year for recreational Scenario 1 and 120 visits per year for worker Scenario 7 (SUV Patrol).



ATTACHMENT: COMMENT #4

contrast microscopy (PCM). Mean asbestos concentrations for the riders ranged from 0.13 fibers/cc to 5.4 fibers/cc and the exposure concentrations for the first rider were lower than for following riders (mean of the EPA TEM-analyzed samples for all motorcycle riders, regardless of position, is 0.31 PCME fibers/cc). Analysis of the campsite samples showed that concentrations increased by an order of magnitude (0.05 fibers/cc v 0.5 fibers/cc) when vehicles were active (mean of EPA samples from staging areas inside CCMA was 0.003 PCME fibers/cc by TEM). Chrysotile was the predominant asbestos structure found in all the air and dust samples.

From November 1988 to April 1991, activity-based samples were collected by BLM personnel while they performed normal duties at CCMA and during sample runs which simulated motorcycle and ATV recreation. The samples were analyzed by PCM microscopy and formed the basis for the PTI Environmental Services "Human Health Risk Assessment for the Clear Creek Management Area" (1992 PTI HRA) which was prepared under contract with BLM. The data indicated that activities which disturbed soil resulted in asbestos air concentrations significantly higher than those measured in ambient air. Motorcycle riding, riding in an open SUV, and riding in a closed SUV produced significantly higher levels than those for ATV riding, and concentrations for lead riders participating in motorcycle and ATV activities were significantly lower than those for mid and tail riders. The results of the 1992 PTI HRA suggest that combined activities, including off-road vehicle riding for more than 9 days per year on average, could lead to unacceptable risk from asbestos exposure.

Quantitatively, the 95% UCL asbestos concentrations generated from the BLM samples were lower than the UCL concentrations generated from the EPA samples and the risk numbers calculated by PTI were therefore lower than those calculated in this risk assessment. The PTI report aggregated the BLM samples into an Off-Road Riding Scenario and an Other Activities Scenario. The 95% UCL for the Off-Road Scenario was 0.07 fibers/cc and for the **Other Activities Scenario** it was 0.04 fibers/cc. By comparison, the 95% UCLs for PCME fibers in the EPA samples by activity are: ATV riding 0.61 f/cc, **motorcycle riding 0.51 f/cc, camping, 0.44 f/cc, vehicle washing 0.37 f/cc, SUV driving/riding 0.32 f/cc, fence building 0.11 f/cc, vacuuming 0.07 f/cc, hiking 0.02 f/cc, staging at Oak Flat 0.012 f/cc, staging at Section 8 0.003 f/cc, and staging in CCMA 0.003 f/cc.** PTI reanalysis of some of the BLM samples by TEM found that the PCM analytical results were generally 2.5 times lower than the concentrations in the same sample analyzed by TEM, but the variation between the PTI and EPA sample measurements is significantly greater.

Some of the difference in the BLM and EPA sample results is probably attributable to the differences in the PCM and TEM analytical methods and the rules that each method employs for counting asbestos structures. PCM uses an optical microscope which magnifies the sample approximately 450 times. TEM uses an electron microscope that can magnify the sample 10,000 to 20,000 times or more. The greater magnification means that the TEM method can see asbestos structures much thinner than the 0.25 micron diameter visible by PCM and can see structures more clearly on a filter from a dusty environment. TEM can also determine whether a structure seen on the filter is actually asbestos and what type. In addition, the counting rules for PCM and TEM are different. The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for

ATTACHMENT: COMMENT #5

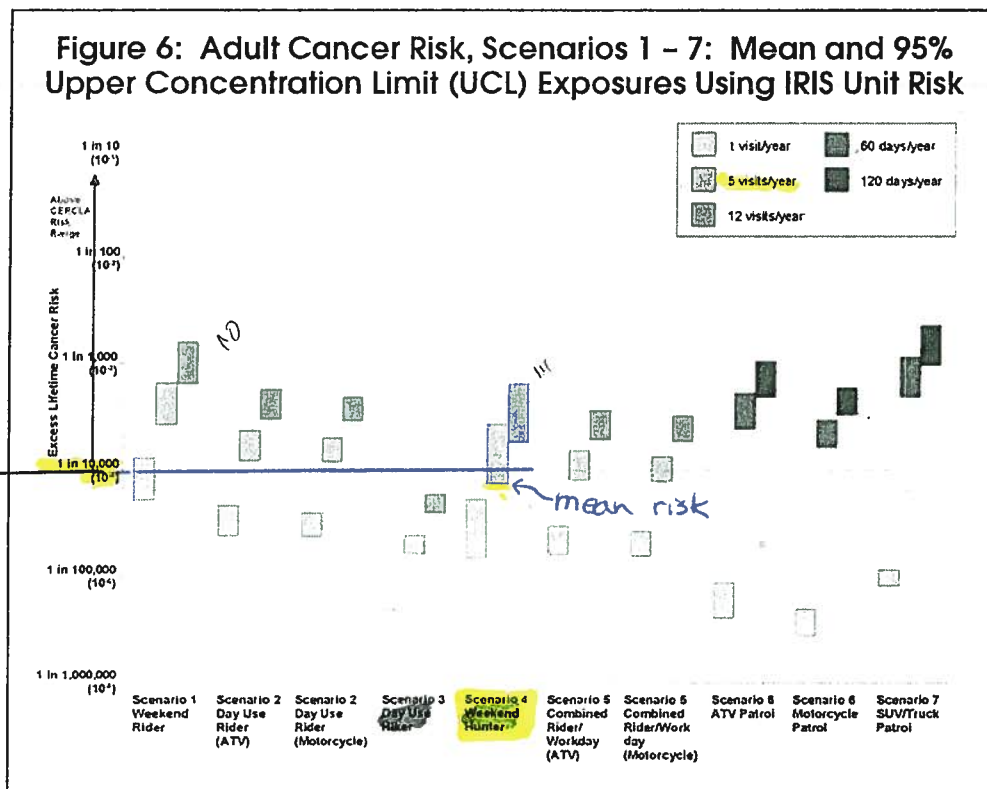
CCMA Use Frequency - The EPA RAGS guidance requires that risks be estimated for the reasonable maximum exposure (RME) that is expected to occur at a site under both current and future land-use conditions. Based on surveys and interviews, an earlier risk assessment conducted by BLM estimated a CCMA recreational RME of five off-road vehicle rides a year. Because some users indicated that they rode more frequently, the BLM assessment also used a "high" estimate of 12 days per year. Risks were also calculated for one day per year to provide a range of estimates and exposures. The EPA risk assessment incorporates the 1, 5, and 12 visit-per-year frequency of the earlier BLM assessment for Scenarios 1 through 5 and, at BLM's request, uses a 1, 60, and 120 day-per-year frequency for the worker Scenarios 6 and 7.

Risk Assessment Results - *Excess Lifetime Cancer Risk* estimates for Adult, Adult/Child, and Child exposures using the U.S. EPA IRIS risk model are shown in Figures 6, 8, and 10. The Excess Lifetime Cancer Risk estimates using the Cal/EPA OEHHA model are shown in Figures 7, 9, and 11. For reasons that are explained in more detail in the risk assessment report, the OEHHA toxicity value for asbestos is eight times higher than the IRIS value, and the OEHHA risk estimations are therefore eight times higher. The IRIS and OEHHA risk estimates can be thought of as bracketing the range of possible risks from CCMA asbestos exposure.

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as  $10^{-4}$  (1 in 10,000) to  $10^{-6}$  (1 in 1,000,000) excess lifetime cancer risk. 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. It is important to note that the risk assessment present quantitative estimates of excess cancer risk over a lifetime in a population based on the defined exposure scenarios. The scenarios have been designed to represent current and future exposures for recreational and working users of CCMA. The numbers do not predict individual exposures or individual health outcomes.

## What Do The Results Mean?

There was no combination of scenario, toxicity value, or visits per year that was below the risk of 1 in 1,000,000. Using the IRIS model, as shown in Figure 6, EPA's risk estimations found that, with the exception of Scenario 3 Day Use Hiker, making five or more visits to CCMA per year over a 30-year period would put recreational users above the  $10^{-4}$  risk range (1 in 10,000). **Only Scenario 3** (Day Use Hiking) had risk calculations within the acceptable range. The highest IRIS risk estimations,  $2 \times 10^{-3}$  (2 in 1,000), were calculated using the 95% UCL exposure concentration for 12 visits per year for recreational Scenario 1 and 120 visits per year for worker Scenario 7 (SUV Patrol).





# BUREAU OF LAND MANAGEMENT

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

### PUBLIC COMMENT FORM

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

**Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.**

Written public comments may be submitted by any of the following methods:

**Hand:** Place in drop-box during public meetings.

**Mail:** BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahornmp@ca.blm.gov

**Fax:** (831) 630-5055 Attn: CCMA RMP/EIS

**Comments must be postmarked or received by BLM no later than March 5, 2010.**

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Robert Tevis  
Affiliation (if applicable): \_\_\_\_\_  
Phone: 805 535 3412 Email: spacelined@tesha.net  
Address: Po Box 4419  
City, State, Zip: Paso Robles CA 93447

#### COMMENTS

Love Clear Creek alone. We need  
places to ride. We pay taxes it is  
public land. Let the public use it.  
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10 JAN 29 AM 7:18  
U.S. BUREAU OF LAND MANAGEMENT  
Hollister, CA

Bureau of Land Management  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

I am writing in response to the Draft Resource Management Plan (DRMP) and Draft Environmental Impact Statement (DEIS) for the Bureau of Land Management's (BLM) Hollister Field Office (HFO) Clear Creek Management Area (CCMA), November 2009. DOI Control Number: DES 09-47.

### **Introduction**

My name is David Tharp and I earned my AA degree, Bio-Diversity Specialist from the De Anza College Environmental Science Program and I am currently employed with a special district, land management agency in Santa Clara County.

My current duties include working on rare plant inventories in Santa Clara County. This includes locating and identifying populations, recording and mapping with knowledge of unique plant communities, particularly those typical to serpentine soil. This also includes understanding and working within CEQA compliance, reporting to California Natural Diversity Database and building a database for staff usage. I also provide recommendations for future habitat protection, restoration, and recreational uses.

I have been regularly visiting the CCMA since 1979 and have enjoyed and studied this incredible area for most of my adult life. I have many observations and have compiled much data on the Geology, plant life, and recreational use with in the CCMA through out this time.

At this time I will only comment on Appendix IV - *Camissonia benitensis* Compliance Monitoring & Adaptive Management Plan of the DEIS. This is the area where my expertise and experience lies.

**David Tharp**  
**20905 Old Santa Cruz Hwy.**  
**Los Gatos, Ca. 95033**  
**waterspot@verizon.net**

Page two, DEIS response, David Tharp

**Page 628 of the DEIS states:**

**2.2 Habitat Terminology**

“The criteria for identifying potential habitat were based on the work done by Taylor (1990). However, the discovery of several new CABA populations since then has somewhat broadened our understanding of what might be considered potential habitat. Therefore, while the criteria above are a general guide, the consideration of a site as potential habitat should not automatically be rejected if it fails to match the criteria in every way”.

**Ecology and Life History of the San Benito Evening Primrose, Taylor, PG 9 (1990) states:**

“All suitable habitat for *C. benitensis* was inventoried within its known geographic range. Because *C. benitensis* is limited by physiography (growing only on alluvial serpentine terraces) and density of woody vegetation (openings in serpentine chaparral), the amount of suitable habitat could be estimated.”

**Ecology and Life History of the San Benito Evening Primrose, Taylor, PG 39 (1990) states:**

“*Camissonia benitensis* occurs within a only a small fraction of the San Benito Mountain serpentine landscape. In effect, the species is insular, being limited to a single limited physiographic feature – alluvial terraces without dense woody vegetation. Geomorphic and edaphic processes are the primary natural factors that govern the abundance of suitable habitat for the species.”

**The Recovery Plan for *Camissonia benitensis*, U.S. Fish and Wildlife Service, PG 13 (2006) also describes *C. benitensis* potential habitat:**

*a) Physical characteristics: alluvial terraces or areas adjacent to slopes (alluvial outwash) below an elevation of approximately 1372 meters (4,500 feet). The habitat is flat to gently sloping (less than 3 degrees), on residual serpentine or serpentine alluvium, subject to frost heaving, and with minimal cover of surface gravel.*

*b) Biotic characteristics: the association of annual plants (Associated Species), and no more than 25 percent of the terrace covered with chaparral.*

*c) Habitat stability: the habitat is relatively stable with little soil erosion caused by natural processes (e.g., mass wasting), historical uses (e.g., mining activities), and current uses (e.g., recreational activities). The extent of stable habitat needs to include not only the current area occupied by *Camissonia benitensis*, but also sufficient surrounding habitat for maintaining stable soil and hydrologic processes, and for ensuring the species' ability to migrate within potentially suitable habitat at a site.*

## Discussion

The use of the term “potential” habitat is ambiguous and can be misleading it should be clearly described and clearly listed as a lesser priority.

If Ecology and Life History of the San Benito Evening Primrose, Taylor (1990) and The Recovery Plan for *Camissonia benitensis* U.S. Fish and Wildlife Service (2006) are out of date or the BLM feels these documents are incorrect a new study needs to be conducted and reviewed with the findings made public.

### **Page 629 of the DEIS states: 2.3 Noncompliance Terminology**

Incident.

**“the baseline is the suboccurrence or the potential habitat without any OHV tracks. Tracks will be obscured (e.g. raked) at each visit so that new incidents at each subsequent visit are easily detected. Tracks in one CABE suboccurrence are equal to one incident. A single incident that occurs in both the suboccurrence and potential habitat is recorded as one incident in the suboccurrence. “**

## Discussion

At the time of obscuring tracks there needs to be adequate documentation i.e. photo points, date, time, person submitting the documentation, OHV or other as the cause, and if it is a known occurrence or potential habitat. Again potential habitat should be considered a lesser priority.

### **Page 629 of the DEIS states: 2.3 Noncompliance Terminology**

Disturbance.

**“Disturbance to CABE, CABE habitat, and CABE potential habitat by motorized, non-motorized, and environmental factors, includes but is not limited to tire tracks, trampling of plants, soil compaction, soil displacement, trash, camping, soil erosion, and sedimentation.**

**OHV Disturbance Intensity (includes occupied and potential habitat):**

**Low: A new incident of OHV non-compliance with 1 distinct set of tracks since the most recent compliance monitoring.**

**Moderate: A new incident of OHV non-compliance with 2 distinct sets of tracks since the most recent compliance monitoring.**

## **Page four, DEIS response, David Tharp**

**High: A new incident of OHV non-compliance with 3 or more distinct sets of tracks since the most recent compliance monitoring”.**

### **Discussion**

There needs to be a mechanism in place that determines and documents other types of activity that cause “Disturbance”

OHV operation is not the only possible cause of disturbance so the description Low, Moderate, and High incident of OHV non-compliance should be further refined. Once again potential habitat is a lesser priority.

#### **3.1. Frequency:**

**“With substantially lower levels of vehicle use within the Serpentine ACEC anticipated for Alternatives D – G, frequency of monitoring can be reduced. Proposed frequency of monitoring all populations is four times annually (once every three months). Monitoring frequency may be increased or reduced in response to vehicle use and seasonal variation in use. Monitoring frequency shall not be less than twice per year. Monitoring all populations at the same time interval will eliminate the priority monitoring tiers used to present”.**

### **Discussion**

I am not sure how to respond to this proposed monitoring protocol. Has the BLM thrown out the public comment portion of the planning process and made the decision to exclude OHV activity in the CCMA prior to the completion of the public comment period?

This description puts connotations into the DEIS. Does the BLM feel that it is unable to adequately manage and protect the resource that is the CCMA? If BLM cannot provide the necessary service, education, and protection to the main user group the BLM will simply exclude that user group? Why was there no mention as to the frequency of proposed monitoring for Alternative A, B, or C?

## **Page 630 of the DEIS states:**

### **3.2 Habitat Monitoring**

**“Due to newly discovered CAGE suboccurrences within the CCMA and newly introduced suboccurrences since 2007, a total of sixty-four suboccurrences will now be monitored under this program, along with the surrounding potential habitat areas as defined on the project map.”**

## Discussion

“Introduced sub-occurrences” Does this mean the BLM is engaged in the cultivation, propagation, and distribution of a federally listed species?

This statement brings up all manner of questions about the credibility of the BLM HFO and the validity of the DEIS.

There is no mention of a reintroduction or introduction program for CAGE in the DEIS. How can the BLM conduct such a program without public knowledge and oversight? What is the program trying to accomplish reintroduction and or introduction? Who is conducting the program a credible botanist, a BLM HFO botanist, or BLM HFO field staff? I have further searched for mention of a reintroduction / introduction program. This program needs to be clearly defined in the DEIS.

I also question the moral and legal aspect of a reintroduction / introduction program. What are the goals of reintroduction / introduction by the BLM? Is the BLM attempting to recover the species to de-list or attempting to establish populations in areas to exclude anthropogenic activity?

Environmental Assessment  
DOI-BLM-CA-0900-2009-048-EA  
Staging Area Restoration  
Page 7

**Due to the status of Lower Jade Mill and SA 1 — 5 as potential San Benito evening primrose habitat, BLM has determined the need to restore CAGE populations at these locations.** In conjunction with restoration of Lower Jade Mill and SA 1 - 5, BLM has determined the need to make improvements to Upper Jade Mill CG in order to manage vehicular travel and recreation uses in appropriate locations to avoid conflicts with federally-listed plant habitat.

Page 8

A. The proposed action includes:

1) Widening and graveling the access route to Upper Jade Mill CG and installing a gate on R2. Upper Jade Mill CG and Oak Flat CG would also be graveled to reduce erosion and improve dust suppression.

**2) Restoration of Lower Jade Mill, SA 1, SA 2, SA 3, SA 4, and SA 5 to enhance San Benito evening primrose habitat.**

## **Page six, DEIS response, David Tharp**

The Endangered Species Act (ESA) clearly states.

*(h) AGENCY GUIDELINES.—The Secretary shall establish, and publish in the Federal Register, agency guidelines to insure that the purposes of this section are achieved efficiently and effectively. Such guidelines shall include, but are not limited to—*

*(1) procedures for recording the receipt and the disposition of petitions submitted under subsection (b)(3) of this section;*

*(2) criteria for making the findings required under such subsection with respect to petitions;*

*(3) a ranking system to assist in the identification of species that should receive priority review under subsection (a)(1) of this section; and*

*(4) a system for developing and implementing, on a priority basis, recovery plans under subsection (f) of this section. The Secretary shall provide to the public notice of, and opportunity to submit written comments on, any guideline (including any amendment thereto) proposed to be established under this subsection.*

## **Discussion**

I have not been able to find public listing in the Code of Federal Regulation or the Federal Register that shows the BLM HFO has the necessary permitting for a reintroduction / introduction plan. Also the EA titled “DOI-BLM-CA-0900-2009-048-EA” was not listed in the Federal Register this also brings up all manner of questions about the credibility of the BLM HFO and the validity of the DEIS as well as the above listed EA. This needs to be addressed in this DEIS along with the protocol that outlines the BLM’s plans concerning the *C. benitensis* re-introduction / introduction program.

## **Page 630 of the DEIS states:**

### **3.2 Habitat Monitoring**

...”Potential habitat areas are based on BLM GIS data”.

## **Discussion**

Is this GIS data based on soil composition, vegetation type, slope aspect.... or a combination of criteria? A project of this magnitude will also require field time of highly skilled staff to supplement GIS data and allow for the best possible outcome. GIS data is a tool, a starting point for actual field time to assess an area of potential habitat. GIS data should not be use exclusively to define potential habitat. These protocols need to be understood and clearly defined.

Once again potential habitat is used ambiguously and needs to be clearly defined and if Ecology and Life History of the San Benito Evening Primrose, Taylor (1990) and The Recovery Plan for *Camissonia benitensis* U.S. Fish and Wildlife Service (2006) are out of date or the BLM feels these documents are incorrect a new study needs to be conducted and reviewed with the findings made public.

**Page seven, DEIS response, David Tharp**  
**Page 633 of the DEIS states:**

**4.1 Adaptive Management Options Available to Managers:**

The following measures are available for increasing protection to occupied and potential CABA habitat if compliance monitoring indicates that existing protection is insufficient to control impacts to these sites. These measures should be applied so that they are tied to the specific type of infraction and the location where the infraction occurs; the measures should be applied in a stepwise process.

- **Site Monitoring**
  - Increase frequency of monitoring at specific suboccurrences with chronic noncompliance
  
- **Signing**
  - Increase signing. Sign Tier 1 and 2 CABA sites for educational and law enforcement purposes (i.e. Vegetation Study Area and Closed Area) unless vandalism is a risk.
  
- **Fencing**
  - Continued OHV non-compliance will determine if the next level of protection is necessary (complete fence enclosure, partial pipe barriers, complete pipe barriers, and route or area closure).
- **Pipe-barrier**
  - Generally a pipe barrier is only needed adjacent to very high use areas (staging or camping, and county roads) and along portions of the perimeter of protected areas. This level of protection is very expensive, as well as effective, and may be considered when other alternatives are unacceptable.
- **Closures**
  - Close trails, sub-watersheds, entire watersheds and larger areas, or the entire CCMA when monitoring shows continued OHV non-compliance in CABA suboccurrences and potential habitat on BLM managed lands exceeds thresholds identified below. Closures at the sub-watershed and larger areas will be determined by the Bureau and the Service to determine appropriate adaptive management actions. The groundwork for this strategy was included in the 2005 BO. The extent and degree of the closure is described below.

**Discussion**

If there is habitual trespass into closed areas the BLM need to address the individuals whom are trespassing and causing the damage to the habitat. This will require the BLM to actively patrol the known sixty-four suboccurrences during high use times. It also is important to educate the users of the CCMA through signage and personal contact through LE and responsible OHV user groups. Other OHV land managers have used these methods with outstanding results. Closure of the entire CCMA because of trespass in a select few areas is unacceptable. If the BLM is not capable of managing the resources in the CCMA or any lands they are directed to maintain there needs to be an overhaul of the agency with the public fully involved or the CCMA needs to have an agency that is capable of sustainable management of the CCMA.

This entire section needs to be repaired and redrafted to reflect a purpose of sustainable resource management and education of the users of the CCMA.

This entire section is somewhat alarming in the respect that it recommends of the closure of the entire CCMA because of the actions of a few of the users of the CCMA. It lacks responsibility for the BLM to actively manage the CCMA. It is also disturbing that there is no mention of contact of the responsible user groups prior to the closure of the CCMA because of these actions.

ccma deis response

10 FEB 11 PM 12:07

RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95020

Hollister BLM Mr. Rick Cooper  
Bureau of Land Management, Hollister Field Office  
20 Hamilton Court  
Hollister CA, 95023

Dear Mr. Rick Cooper,

As a business owner, this emergency closure has had a devastating effect on my ability to generate a living and feed my family. During California's financial crisis, do you really need to deprive the state of tax dollars by enforcing this closure? The DEIS does not contain any Economic Effects of the huge impact to regional economy like gas stations, restaurants, lodging, camping supplies, etc. This must be added to the DEIS with supporting documentation.

I have strong doubts as to the validity of the health assessments that warranted this emergency closure. The more I research this issue, the more I believe there is no basis to keep CCMA closed. This closure gives the appearance of administrative incompetence combined with a politically driven green agenda. There appear to be no documented cases of BLM employees diagnosed with cancer due to exposure at CCMA to the Chrysotile form of asbestos. These employees spend far more time in the area than recreational visitors, so if the employees are not experiencing related asbestos health problems then there must not be any real health risk.

My first trip to CCMA was directly related to feet injuries caused by playing soccer at age 14. I did not have a way to get around on foot and the doctors advised to do nothing for several years until the injuries could heal. By chance, my friends brought me to CCMA and let me ride a dirtbike. My life changing moment was being able to travel by an OHV, which was empowering and great for my self-confidence. Access to remote areas are difficult to somebody with a disability and denies them a chance to enjoy the beauty that is afforded to those with out. The EPA report is flawed and should not be relied upon for the agency's decision to enact a closure of the CCMA to all public.

Sincerely,

*Chris Toman*

Chris Toman  
4043 First St.  
Livermore CA 94551  
Feb.10,2010

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CHRIS TOMAN OWNER



HARVARD UNIVERSITY  
DEPARTMENT OF EARTH AND PLANETARY SCIENCES  
20 OXFORD STREET, CAMBRIDGE, MASSACHUSETTS 02138  
TELEPHONE: (617) 495-2351 FAX: (617) 495-8839

10 MAR -11 PM 2:58

Bureau of Land Management  
Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

March 1, 2010

Dear BLM,

I am writing with a brief but substantive comment on the *Clear Creek Management Area Draft Resource Management Plan & Environmental Impact Statement* of November, 2009. This lengthy document relies for its scientific substance mainly on a May 2008 EPA study, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*. Unresolved flaws in the EPA study render it unacceptable as a basis for public policy development. If important parts of this study were invalidated, the BLM 2009 management plan would collapse to the ground.

The scientific history of the New Idria district, known in regulatory jargon as the CCMA, goes back at least to 1853. Over the past 150 years, a huge number of studies of the geology and mineralogy of this region have been completed, including those of the legendary Robert G. Coleman. I have been personally engaged in geological research this region since 1988. I completed my Ph.D. thesis at Harvard University on this subject in 1995. I have continued to publish scientific studies of the area, the most recent of which was in 2009.

None of the studies referred to above has documented the presence of tremolite asbestos or any other type of amphibole asbestos in the New Idria district. Commercial asbestos produced at the KCAC mine has repeatedly been studied for presence of amphibole asbestos, with negative results, without exception. It was therefore surprising to me to read the EPA 2008 study that suggested substantial amounts of amphibole asbestos were present. If proven, the significance of this observation relates to the vastly different biomedical properties of amphibole asbestos compared with that of chrysotile asbestos. The location of such alleged occurrences in the EPA study cannot be determined because of the sample collection method used.

A scientific study that contradicts all previous research is always noteworthy, but it is a pillar of science and scientific integrity that new observations or experiments need to be reproduced by others in order to be accepted by the scientific community. A 2008 study on health risks from asbestos exposure by the Vermont Department of Health had to be retracted in 2009 due to inadequate methodology. Retracting this study not only

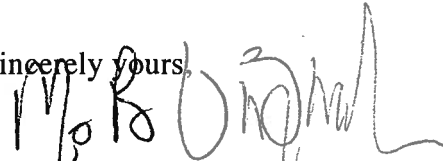
caused great embarrassment to the scientists involved, but to officials in regulatory agencies who relied on the flawed science.

However, it is the BLM and EPA position that independent scientific experts are not allowed into the CCMA to attempt to repeat the EPA observations, because that would result in exposure to hazardous airborne asbestos, particularly amphibole asbestos. This position is not only represents circular reasoning but is preposterous as a basis for public policy development. I have spoken with Mr. Rick Cooper, BLM Hollister Field Manager, on this subject, and although the conversation was very cordial, I learned that no access to outside scientific experts will be allowed during the process of developing new land management policies. This must change.

The most reliable scientific studies are those undertaken with the objective of increasing human knowledge. Some studies attempt to use scientific methods in order to justify a pre-existing conclusion or to augment a legal strategy. Such studies are not scientific studies at all, and do not meet the standard of scientific integrity required by 40 CFR 1502.2. The timing of the release of the 2008 EPA study and the announcement on the same day of the BLM closure order for the CCMA suggest that the EPA study was used as a pretext for this decision. Criticism of the EPA study has been widespread, and I believe that if it had been submitted to a peer-reviewed scientific journal it would have been rejected for publication due to flawed methodology.

If it turns out that the EPA 2008 study observations cannot be repeated by others, then BLM reliance on that document for policy development is invalid, both scientifically and possibly legally. I urge BLM to allow reasonable access to outside scientific experts in the CCMA, with results to be published for all to see. Only then will BLM be in a position to consider its regulatory options.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Mark Wan Baalen', with a stylized flourish extending to the right.

Mark Wan Baalen, Ph.D.  
Associate in EPS



BUREAU OF LAND MANAGEMENT

Draft Clear Creek Management Area Resource Management Plan & Environmental Impact Statement

PUBLIC COMMENT FORM

10 FEB 22 PM 1:53  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CALIFORNIA 95023

Thank you for participating in tonight's public meeting for the Draft Clear Creek Management Area (CCMA) Resource Management Plan (RMP) and Environmental Impact Statement (EIS). Your comments on the Draft Environmental Impact Statement are encouraged.

Please note that only written comments will be incorporated into the Proposed CCMA RMP and provided a formal response by BLM in the associated Final EIS.

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Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

Email: cahormp@ca.blm.gov

Fax: (831) 630-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): STANLEY VANCE  
Affiliation (if applicable): PRESERVATION AND MINERAL SOCIETY  
Phone: 559 264-0222 Email: \_\_\_\_\_  
Address: 3940 E. LOWE, PRESERVE CA 93702  
~~City, State, Zip:~~ \_\_\_\_\_

COMMENTS

ON CLEAR CREEK MANAGEMENT AREA I LIKE TO SEE IT OPEN LIKE IT WAS BEFORE IT WAS CLOSE-2 BACK WITH IT IF YOU CLOSE THE AREAS DURING THE WINTER MONTHS.

**COMMENTS** (Continued)

be the off The Road people would  
tear up the roads and when the  
summer comes the roads will have  
lots of ruts in them.

- and maybe close the  
area if the fire conditions get  
\* bad



**BUREAU OF LAND MANAGEMENT**

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

**PUBLIC COMMENT FORM**

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Attn: CCMA RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

**Email:** cahoimp@ca.blm.gov

**Fax:** (831) 830-5055 Attn: CCMA RMP/EIS

Comments must be postmarked or received by BLM no later than March 5, 2010.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Name (Please print): Frank Villa  
Affiliation (if applicable): Villa Ranch  
Phone: 805-542-9909 Email: \_\_\_\_\_  
Address: 34 South St  
City, State, Zip: San Luis Obispo CA 93901

09 FEB 10 PM 12:37  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE

**COMMENTS**

Please Help

ATTN CCMA RMP/EIS

BLM Hollister Field Office  
Attn: Clear Creek RMP/EIS  
20 Hamilton Court  
Hollister CA 95023

February 25, 2010

10 FEB 29 PM 1:09

RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Dear BLM,

Please consider this a comment in favor of closing the 30,000-acre asbestos hazard area to off-road vehicles, as BLM has proposed in the draft RMP and EIS for Clear Creek Management Area. A friend with longstanding family ties in your area alerted me to the good work BLM has been doing there.

The purposes described in the draft plan are appropriate, including: minimize asbestos exposure, reduce asbestos emissions, and protect sensitive natural and cultural resources from impacts due to recreation (EIS, p. 4). The field studies and risk assessment done by the Environmental Protection Agency establish that riding a dirt bike or ATV in this area five times per year involves a cancer risk exceeding EPA's acceptable risk range (EIS, p. 142).

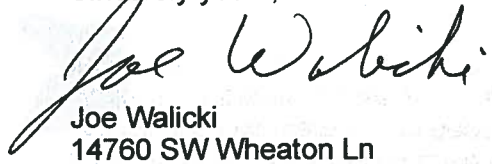
BLM wisely closed the asbestos hazard area in 2008. The draft plan is right to make that closure permanent, as outlined in Alternative E. The best use of this area in the future is as a natural area with emphasis on restoring the native ecosystems, wildlife habitat, and watershed values. The eroded, sediment-producing areas should be reclaimed to stop the erosion and bring back native vegetation. The area could become new nesting habitat for the endangered California Condor, which has been reintroduced farther north in the Diablo Range at Pinnacles National Monument.

I would caution BLM against undertaking any road building or road improvement in the asbestos area, such as the Spanish Lake – Wright Mountain road. Road work would be costly because construction workers would need protection against asbestos, as would future maintenance workers. A better course would be to keep all motorized traffic out of the asbestos zone and restore the wild character of the area. Pedestrian uses should be encouraged, including rock-hounding, hunting, hiking, bird watching, and botanizing. EPA found that pedestrians do not run into any extra risk from asbestos because they are not inhaling asbestos-laden dust as ORV riders do.

ORV riders may be angry about the closure, but they can't make the asbestos go away. They have other ORV areas designated for their enjoyment. For those who object to crowded ORV trails, a solution has already been adopted by ORV parks all over the country – reservation systems. There's no reason why offroaders shouldn't apply for reservations, as backpackers and river-runners have done for decades in popular areas such as Grand Canyon, Yosemite and Sequoia National Parks.

Thanks again to BLM managers and staff for the constructive proposal in the draft plan.

Sincerely yours,



Joe Walicki  
14760 SW Wheaton Ln  
Beaverton, Or 97007

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023  
0 MAR - 1 PM 5:26

Philip R. Ward  
5688 N. Pleasant Ave.  
Fresno, CA 93711

Feb. 28, 2010

10 MAR -3 PM 12:38  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Attn: Planning Coordinator  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

**Subject: CCMA RMP/EIS Comments.**

To Whom This May Concern:

**I strongly oppose all alternatives identified in the CCMA RMP/EIS that allow vehicular access in the San Carlos Bolsa and Cantua areas. I do support Alternative A with the exception that public access is allowed year round, not just on a seasonal basis.**

I grew up in the town of New Idria, attended its elementary school, rode the bus to Hollister for high school and was one of the town's last residents. My father is Mark Ward and our family has property in the western region of the San Carlos Bolsa area being considered by the BLM for public vehicular access.

I learned how to ride motorcycles at age 12, and spent my youth and early adulthood riding, camping and racing in the Clear Creek riding area. I was a member of the Mountaineers motorcycle club and am a two time winner of the club's annual New Years Race held in the Clear Creek area.

I am intimately aware of the soils and riding conditions in the area including the San Carlos Bolsa. I have walked, driven 4-wheel vehicles, and ridden motorcycles in this area and can speak from costly experience, that under certain wet conditions, the adobe clay in this area is impassable by motorized vehicles, period! It can even be extremely difficult to traverse by foot, and very easy to sprain an ankle as the adobe builds up on the bottom of boots. This soil can become incredibly sticky under certain conditions, and these conditions can happen year round.

I have not seen the results of an in-depth environmental study regarding the adobe soils in the Bolsa and find it very irresponsible of the Bureau for not investigating and addressing this key feature of the region. Opening this region will result in stranded public, destroyed roads, and trespasses onto virgin range land in an effort to travel in the area when wet. Opening this area just won't work and any attempt to circumvent the adobe soil issue will lead to the same result; vehicles can not travel in these wet soils under certain conditions!

I strongly encourage the BLM to reopen the Clear Creek area to year round use in response to a flawed EPA study and growing evidence of the real non-hazards associated with the chrysotile asbestos in the area. This area is perhaps some of the best riding terrain and soil around, and I have spent many hundreds of hours riding the trails, hills and roads in the area. It is a great place to take your family, camp and drive, ride and hunt. Please revisit the Clear Creek area and open it once again to the public. It is a perfect ORV area for everyone concerned.

In closing, I have traveled to my family's property in the San Carlos Bolsa area since I was young and have always marveled at the pristine, wild beauty of the region. It would be an environmental crime to allow public vehicular access into the area, especially when such a perfect region neighbors to the west, Clear Creek! I am speaking from experience when I say that this area is impassable by vehicle under certain wet conditions. Perform the in-depth environmental study that should have been conducted prior to this proposal, and you will come to the same conclusion, public vehicular access in the San Carlos Bolsa and Cantua areas should remain prohibited.

Sincerely,



Philip R. Ward  
Industrial Engineer

Mark L. Ward  
14791 Rd 28  
Madera, CA.93638-4014

Feb. 22. 2010

10 FEB 25 PM 12:41

**CCMA RMP/EIS comments:**

Attn: Planning Coordinator  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA. 95023

Dear Sirs:

As someone who has lived and worked at Idria for over 60 years, and the last 30 years in the San Carlos Bolsa area, I am intimately aware of the recreational uses in the Clear Creek and surrounding areas.

**1. I am strongly in favor of Alternative A.**

- (a) Excellent motorcycle riding in the Serpentine zone.
- (b) EPA report of asbestos hazard overstated. Flawed field work.
- (c) I know of no known lung problems caused by using the Clear Creek area from riding in the last 60 years.

**2. BLM preferred plan Alternative E**

- (a) Opening the road to the Bolsa, Cantua area to motorized vehicles will be harmful to the surrounding ecology and public safety.
  1. This area is wild, beautiful and basically undamaged to date.
  2. The road into this area has been closed to the general public for more than 100 years. Locked gates at Lillis (Martin) ranch on the east and Idria on the west.
  3. This road over the shale formations becomes impassable after modest rainfalls. The resulting muds are unbelievable and vehicles will become trapped.
  4. Due to the open grassland sections, controlling vehicle use over the entire area is impossible. Much damage will occur.
  5. The fire hazard will be greatly increased. One to two feet tall oat grass is tinder dry in summer.
  6. Numerous archeological occurrences (native Indians).
  7. Prolific and varied flora and fauna in riparian zones.

3. The BLM should do everything possible to protect this area as a wild and natural zone. The country, from Three Rocks to Tummy Gulch and beyond, should be preserved as a semi wilderness. There are few comparable areas left in California.

Summary:

I support alternative A, and strongly oppose any alternative proposing to open the Bolsa, Cantua area to motorized travel. To do so will endanger the public and result in damage to the surrounding country. Controlling vehicular use will be impossible.

Sincerely,

*Mark L Ward*

Mark L. Ward  
Mining Geologist, (ret)

James L. Ward  
14087 Oak View Dr.  
Prather, Ca. 93651

Feb. 26, 2010

10 MAR -3 PM 12:42

U.S. DEPARTMENT OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Attn: Planning Coordinator  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, Ca. 95023

Sirs:

After reading the proposed Alternative's A-G of the CCMA RMP/EIS **I strongly urge the adoption of Alternative A (Current Management/No Action Alternative)**. This is the only Alternative I feel appropriately balances recreational needs and environ-mental protection resulting in responsible land management.

I was raised in New Idria and spent decades hiking, riding, hunting and exploring the vast backcountry surrounding it. As a small boy I swam in handmade swimming holes in San Carlos Creek, Clear Creek and Sawmill Creek on hot summer days with my family and friends. As a young man I spent every spare minute riding my motorcycle around the unlimited trails and roads in Clear Creek and the surrounding backcountry, year round. I still have a vested interest within the San Carlos Bolsa drainage, as my family owns land in that area.

Although I no longer have time to explore the surrounding areas as I once had, I'm very familiar with traversing the various terrain characteristics on foot as well as by vehicle, under all weather conditions. I've experienced firsthand the effects of vehicular scarring of pastures and hillsides by motorcycle's, ATV's, and 4 wheel drive's. My family and I have spent thousands of man hours over the past 40 years repairing and preventing erosion damage caused by these vehicles that stray off of the managed riding areas and end up in the San Carlos Bolsa.

In reading the CCMA RMP/EIS, it is obvious that a reason-able amount of consideration has been given to protecting the environment and ecosystems scattered about the ACEC zone. It also identifies the various naturally occurring health hazards within its boundaries and references studies conducted by various authorities closing with the 2008 EPA study. That study concluded that the asbestos exposure exceeds the "PEL" under all but foot travel. Taken at face value, the EPA study would be alarming to most of the misinformed public. Disappointingly though, I found only generalized environmental or

public health statements pertaining to the Cantua zone. This zone, under the BLM's preferred alternative E, is proposed to be opened to year round vehicular access as well as under alternatives D & F to varying degrees. These alternatives are not only inconsistent with the growing emphasis on environmental conservation but a complete reversal of status for the majority of the zone. The San Carlos Bolsa drainage has had restricted vehicular access for almost 100 years. This limited access has successfully preserved its fragile native environment from irreparable public abuse and misuse.

As mentioned previously, I've explored most of the area now known as the CCMA under all surface conditions. The Serpentine areas along Clear Creek and San Benito Mountain were some of the best riding areas in the state, under all conditions. The shale and clay areas around Samson Peak, Santa Rita, Lion's canyon and the San Carlos Bolsa were avoided during the wet weather, especially the Bolsa and Cantua areas. Those two areas are difficult to traverse (even on foot) during wet conditions. Over the years numerous vehicles have been stranded, damaged or lost in the back country, with the occupants having to walk out to safety. There may still be two new 1974 Bultaco motorcycles somewhere in the bottom of Lion's canyon. The riders were found after two days of walking out towards I-5 and never returned to retrieve their bikes.

During the dry months the threat of wildfires are of high concern due to the tall grasses and extreme dry conditions typical of the Bolsa and Cantua areas. Currently managed grazing by the Martin ranch help reduce the fire danger annually. But with the reduction or elimination of grazing leases that will end. In addition to that a large part of those areas are choked heavily with brush making the open grassy pastures even more tempting to venture upon.

**The adoption of any Alternative that opens up outlying areas currently having no public vehicular access is ill advised and irresponsible land management.** Therefore, I strongly support Alternative A (Current Management/No Action Alternative) and will vigorously oppose any other proposed Alternative that jeopardizes almost 100 years of preservation and ecological protection provided to the San Carlos Bolsa and Cantua areas.

Sincerely:

James L Ward  
Hydrographer  
Southern California Edison Co.

**C. Robert Wells  
708 W. Jewel Avenue  
Kirkwood, Missouri 63122**

24 February, 2010

10 FEB 29 PM 1:09  
RECEIVED  
U.S. DEPT. OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Bureau of Land Management  
Attn: Clear Creek RMP/EIS  
20 Hamilton Court  
Hollister, CA 95023

Dear Sir or Madam:

I am writing to express support for your proposal to ban off-road vehicles from the asbestos zone at Clear Creek Management Area. Dirt bikers have harshly criticized BLM for this proposal, but I believe BLM deserves praise instead.

The 30,000-acre asbestos "area of critical environmental concern" has long been known to be on soils high in asbestos fibers. The risk assessment by the Environmental Protection Agency corroborated the human health risk in allowing dirt bikes to stir up clouds of dust on more than 200 miles of trails. That risk affects BLM employees as well as bikers. It would be cruel to expect BLM or contractor employees to endanger their health to maintain those many miles of ORV trails. Every use of the public lands must be kept within the capability of the land. Here, the asbestos limits that capability, so only nonmotorized activities should be allowed.

The closure as described in Alternative E would exclude all motorized traffic from the asbestos area. That is an appropriate response to the asbestos problem. The closure would yield benefits for the public by protecting wildlife habitat, including future nesting habitat for the California Condor, which has been reintroduced 30 miles north at Pinnacles National Monument. A few low-maintenance trails from trailheads outside the asbestos area would allow people to visit the area on foot without endangering their health. Peripheral camping and picnicking sites could also be built.

Again, I salute you for this proposal.

Sincerely,

*C. Robert Wells*

10 MAR - 1 PM 5:26  
RECEIVED  
U.S. DEPT. OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

February 7, 2010

CCMA RMP/EIS Comments  
Attention: Planning Coordinator, BLM  
Hollister Field Office  
20 Hamilton Court  
Hollister, California 95023

10 FEB 11 PM 12:06  
RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CALIFORNIA 95023

Dear Hollister Field Office,

I am a veteran who served 23 years in the United States Navy, 19 of those years in the central valley. I retired in 2001. I am a rockhound, and spend my time collecting gems and minerals, and have done so since I was a young child. I enjoy sharing my knowledge with others. Through the years I have visited many valley elementary schools to give rock, gem, and fossil lectures. My wife is a third grade teacher and each year invites me to come talk to her students about the earth, minerals, and the rock cycle.

The reason I am writing is because I was not aware that the Clear Creek Management Area was going to close until one week before it happened. I am a member in two valley rock clubs, which use the area from Oak Flats to Staging Area #6 on Route 1 to look for gems and mineral specimens. I have been visiting this area for over ten years. We use this route to access the creek area. We do not go off the road with our vehicles. This is the only area in the central valley to find quality jade (Jadite).

Rockhounds have rules, and a Code of Ethics we choose to live by. One of our rules is that if we remove a specimen which leaves a hole, we must fill in the hole so that no human or animal could become injured. Rockhounds respect nature and habitats, and will not destroy wildlife areas. When rockhunting at Clear Creek, we visit in small groups taking few vehicles. We drive on the designated roadways.

Under BLM's preferred alternative, Section E would not be viable for the rock and mineral collectors, due to the following reasons:

1. Many older people can not walk extended distances. I myself could not walk from Oak Flats to Staging Area #6 using R001 and back again in the amount of

time you have listed in REC-USE-B2. Most (if not the majority of) rockhounds are older, retired citizens, often with health related issues.

2. This Alternative would sadly cut rock collectors off from Jadite and other particular mineral specimens. The BLM new recreation areas do not have Jadite, and some of the other materials found only in Clear Creek, which have been collected by local rockhounds for the past 70 years.
3. In time, the use of Motorized Off-Highway Vehicles (OHV) in the new recreational area will destroy that area too, along with wildlife and their habitats.

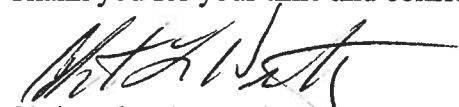
Since the closure of Clear Creek Management Area, I have been in continuous contact with BLM Environmental Planning Specialist, Sky Murphy. My goals are the same as the first time I spoke with him, to keep Route 1 (R001) and Clear Creek open to gem and mineral collectors (rockhounds). Under my proposal this area could and would be easy to manage. This would meet the needs of the rockhounding community and give us access to continue collecting the quality of specimens that we appreciate. Under your Alternative E, BLM has found another area for the OHVs to use, but there is no proponent for the rock and mineral collecting citizens.

### **Proposal**

I propose that BLM changes Preferred Alternative "E" to allow rockhounds the use of Route 1 (R001), from Oak Flat to Staging Area #6 by *full sized vehicles* only. This would give visitors full access to the creek area.

BLM should issue a rockhounding permit to be used at anytime during an entire year, weather permitting, and should not be limited to a number of days. Rockhounds visit Clear Creek six to twelve times per year. Use of a permit would be an easy way for the BLM personnel to manage people in this area. Anyone without a permit should receive a fine.

Thank you for your time and consideration.



Christopher Wertenberger  
144 W. Burlwood Lane  
Lemoore, California 93245  
559-924-4918

BLM Hollister Field Office  
Attn: CCMA RMP/EIS  
20 Hamilton Ct.  
Hollister, CA 95023

January 21, 2010

This letter is a follow up to my verbal comments at the January 20<sup>th</sup> Public Comment meeting in Santa Clara. For the sake of full disclosure, I do want to let you know that I am a governor appointee to the State of California's OHMVR Commission, and currently I serve as Chair of the Commission. The following comments are my personal views and are not those of the OHMVR Commission.

I am disappointed at BLM for their decision to close the area prior to completion of the DEIS process. California's OHMVR Program is charged with the statewide management and provision of OHV recreational opportunities and the protection of our State's resources. The loss of such a significant area as the CCMA represents a significant reduction in our ability to continue to meet our mission. The closure of these 63,000 acres has had a significant negative impact on our OHV Program. Displaced riders from CCMA are riding in other areas, most are going to legal riding areas such as our SVRA's but perhaps some out of frustration are riding illegally. One of the founding principles of California's OHV Program was to provide legal riding areas to contain and control environmental damage. Without Clear Creek, our mission in central California is severely compromised.

#### **DEIS COMMENT PERIOD MUST BE EXTENDED**

I have real concerns about the length of the document and the public's ability to comment in the specified timeframe. There is a lot of material in the document, some of which is technical, complex and controversial. Clear Creek is important to many members of the community and BLM needs to ensure everyone has an opportunity to review the document and provide thoughtful comments. CCMA's closure will have significant long-term impacts on a large number of Californians and local businesses. Such a decision must be processed with transparency and the full involvement and consideration of the community.

No disrespect to the BLM or its employees, but BLM must give consideration as to the complexity of the CCMA and documents. The document is 691 pages and came out on December 4<sup>th</sup>, during the holiday season. Most of those impacted are working people struggling in a bad economy. They do not have a lot of free time. To this end, I urge BLM to extended public comment period 90 days. Since the area is already closed, an extension would have no adverse impact on the BLM and EPA's claimed health concerns.

## **BLM NEEDED TO PROVIDE AN OVERVIEW OF THE DOCUMENT AT PUBLIC MEETINGS**

I was surprised and disappointed that BLM did not review the document and provide an overview at the meeting. BLM and EPA should have taken the time to explain the document to the public – the various alternatives, what they mean, etc. This is a large, complex document. It should not be expected that the public will be able to review and understand such a large and technical document.

## **IMPACTS ON ECONOMY & IMPACTS TO HOLLISTER HILLS SVRA**

Since the closure of CCMA, there have been significant impacts to Hollister Hills SVRA. On a regular basis the park reaches capacity early in the day. I have concerns about the impacts this closure is having on the economy and on Hollister Hills SVRA. BLM has not worked cooperatively with Hollister Hills to assess and consider the impacts as a result of all the displaced riders. They should have. I have also heard about the economic impacts on local businesses and communities. Has any consideration been given to the 'heath' of the local communities and the people that live there?

## **DISAPPOINTMENT AS A COMMISSIONER**

As a Commissioner I am disappointed that I was not contacted by BLM and kept informed as to the DEIS process, the documents released and provided an overview. I had requested the documents at our last two OHMVR Commission hearing and BLM officials promised me the documents in hard copy and an overview. This did not happen. This gives me concern as to the entire DEIS process. California's OHV program has, through our Grant Program, provided BLM with over \$145 million and almost \$10 Million specifically for CCMA. We consider BLM our partners in the States OHV Program. Is this how partners treat each other? Has BLM addressed how they could receive \$10M in for CCMA from the States grants program and then just walk away? At a minimum, as Chairman of the OHMVR Commission, BLM should have contacted me directly. From what I understand, BLM has also refused to work with the State's OHMVR Division. It is hard to understand why BLM, which has accepted substantial funding from the State will not work with our experts on this important component of our OHV Program.

Sincerely,



Gary Willard

10 Tripp Court

Woodside, CA. 94062

[gwillard@naibt.com](mailto:gwillard@naibt.com)

USA FIRST-CLASS FOREVER



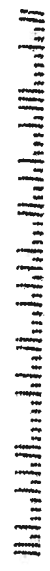
SAN FRANCISCO CA 941

28 JUN 2010 PM 5:1

10 Tripp Ct.  
Woodsidge CA  
94062

BLM Hollister office  
ATTN: CCMA RMP/EIS  
20 Hamilton Ct.  
Hollister, CA 95023

9502382535



03/04/10

Attention - Planning Coordinator/  
Rick Cooper, Field Office Manager

Bureau of Land Management

Hollister Field Office

20 Hamilton Court

Hollister, CA 95023

10 MAR -5 PM 12:34

Re: CCMA DEIS/DRMP

Mr. Cooper,

At this time I believe you need to extend the comment period for the DEIS/DRMP. The BLM took its time formulating these documents and, their release timing and comment period appropriateness is questionable.

From what I have been able to glean from the documents so far brings into question their scientific validity. The EPA's judgement is clouded and this entire proceeding is,

(page 1 of 2)

from a scientific viewpoint, obviously  
a political ploy to stop legal activities  
within the CCMA.

I am expecting this letter to be included  
in the Public Record.

I had been to the CCMA since 1973  
recreating, rock hunting, camping, hiking, admiring  
the flora & fauna, Motorcycling, swimming  
in the creek; at all times of the day  
and night until this current "Emergency  
Closure" was enacted. I did not see  
any form of law enforcement until approximately  
1979. Since that time, until the "Emergency"  
occurred, I have been regularly harassed by BLM  
Rangers verifying ~~by~~ my legality. Keep this  
area open even if science does turn out  
to indicate some risks. Risk is everywhere  
in our lives and as an individual informed or not  
an individual needs to make their own choices.

Yours Truly,  
William Willis ~~W. Willis~~ 03/04/10  
1591 Via Buena Vista  
San Lorenzo, CA  
94580 (page 2 of 2)

**Lo I and Won Yin**  
**3152 Gracefield Road #323**  
**Silver Spring, MD 20904**

10 MAR -5 PM 12:35

February 27, 2010

BLM Hollister Field Office  
Attn: Clear Creek RMP/EIS  
20 Hamilton Court  
Hollister CA 95023

RECEIVED  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

Dear BLM:

Please accept our compliments on the Clear Creek draft management plan, especially the proposal to ban dirt bikes and ATVs from the asbestos hazard area. Although we live far away, we often visit California, as my sister lives in San Diego, and our travels have taken us through the region of Clear Creek several times.

Off-road vehicles should be prohibited in the asbestos hazard area, as in Alternative E, and no roads should be built in that area. The US Environmental Protection Agency's risk assessment established that naturally occurring asbestos is churned into clouds of dust by ORVs, producing too high a risk of lung cancer. To solve that problem, BLM is right to ban ORVs from the hazard area.

We believe the highest value of Clear Creek is as restored wild lands, to serve the public as wildlife habitat, watershed, and a place for non-motorized forms of recreation. With a little help, nature will heal the erosion scars left by 200 miles of ORV trails.

Millions of people live within a few hours' drive of Clear Creek. This area will become even more popular in the future for outdoor recreation such as hiking, bird watching, photography, rock-hounding, picnicking, and hunting. Some of the former ORV trails undoubtedly can be converted to foot trails, with pedestrian access points just outside the asbestos zone.

We understand that dirt bikers have vilified BLM managers for daring to close the area. Perhaps they hope to intimidate BLM into ignoring the asbestos problem. But we appreciate your thoughtful, systematic approach to the management of Clear Creek. Thank you for this opportunity to participate.

Sincerely yours,

Lo I Yin  
Won O. Yin