March 5, 2010

Mr. Rick Cooper
Field Office Manager
Bureau of Land Management
20 Hamilton Court
Hollister, California 95023

(via e-mail: Rick_Cooper@ca.blm.gov, Cc; Sky_Murphy@ca.blm.gov)

Dear Rick:

Attached is the response to the Clear Creek Draft RMP prepared on behalf of

- The Bay Area Mineralogists
- The Santa Clara Valley Gem & Mineral Society (San Jose)
- The Sequoia Gem & Mineral Society (Redwood City)
- The Peninsula Gem & Mineral Society (Los Altos)

I would like to request that at an appropriate time, you schedule a meeting with me to discuss and clarify any issues relating to our response. It was apparent in the preparation of the Draft that rockhounds had been identified as users of CCMA, but the Draft's proposed alternatives did not indicate an awareness of the logistics of how we go about our hobby in CCMA. As a result, none of the new proposed alternatives really met our needs. I would like to make sure that all of our concerns are fully and clearly understood as the RMP moves to its final stages.

As I indicated at the February 22 meeting at San Juan Oaks, we believe that by modifying Alternative E in some small ways BLM can satisfy our needs and still maintain asbestos exposure levels within an acceptable range for our activities. Of course, if it is realistically possible, the no-action alternative is our preference.

Thank you for your consideration. I look forward to talking with you soon.

Sincerely yours,

Bill Spence
President, Bay Area Mineralogists
Public Lands Rep, Santa Clara Valley Gem & Mineral Society

Rockhounding in CCMA - Summary

Although the draft RMP (the "Draft") acknowledges the unique mineralogical resources of the Clear Creek area and the longstanding use of CCMA as a rockhounding, scientific and educational resource (esp pp 256-259) and includes references to the ways in which rockhounds have historically accessed and used CCMA, the Draft and the "Preferred Alternative" E do little to accommodate use of CCMA by rockhounds and geologists in the future. Although Alternative E would allow "restricted access into the Serpentine ACEC by permit only", it is not clear if rockhounds are intended beneficiaries of that policy, and it seems clear that Alt E would not permit vehicle access into the ACEC in any event.

In their present forms, the stated Alternatives B-G don't specifically address any of the needs of the rockhound community. **Alternative A is, of course, our Preferred Alternative.**

In the spirit of a "menu driven" approach to the Alternatives, we suggest that **Alternative E (or whatever Alternative BLM adopts) can be modified to accommodate rockhounds by including the following features:**

a) Explicitly and formally designate rockhounding as an authorized recreational activity in CCMA
b) Authorize up to 6 rockhound visits per year under permit
c) No visit to exceed 3 days/2 nights
d) Authorize rockhound access to the existing network of roads and jeep trails within CCMA, including the serpentine zone.
e) Authorize up to two consecutive nights of overnight camping per visit adjacent to rockhounding sites.
f) Authorize visits at any time of year that temperature and road conditions permit
g) Rockhounds to use full size vehicles only and only on R- or T- designated roads

These proposals are amplified below, but to put them in context, it will be helpful to understand the usual nature of rockhounding visits.

Most rockhounds live some distance from CCMA and must drive 2 hours or more to get to the CCMA entrance. Carpooling is commonly practiced, and passenger loads of 2-3 persons per vehicle are the norm for day trips. Arriving at or before dawn is generally not practical. Typically another hour(+/-) of low speed driving over the CCMA road system is required to reach a rockhounding destination, and typically trips are limited to one or, at most, two collecting destinations per trip. Trips may be planned for 1, 2 or in the case of long weekends, 3 days duration. Multi-day trips necessitate overnight camping, which usually involves sleeping inside one's vehicle; tents are rarely used. Because the known and probable rockhounding sites are widely dispersed within CCMA; the serpentine zone is not suitable for extended hiking; and most rockhounds are too old

to endure extended hiking, rockhounds have always utilized the network of roads and jeep trails maintained by BLM to drive to within a few (i.e. less than 100) yards of their collecting destination. Steel hammers, chisels and pry bars are the usual equipment, and these tools militate against long treks from one's car. The preferred seasons for rockhounding are Spring and Fall when roads are clear, and temperatures are moderate. Arbitrarily selected closure dates frequently do not reflect these conditions. All rockhounds polled for this document indicated that their needs can be accommodated by 6 visits per year or less.

The economic impact to the local economy for the Bay Area groups included in this proposal is probably $100-150 per vehicle per Clear Creek visit, that money being spent in Hollister and/or Tres Pinos for meals, gas and groceries.

Basic Rockhounding Issues:

Asbestos Exposure

We believe that rockhounds most closely fit the "Hiker" or "Hunter" scenarios defined by EPA. For Hikers, as defined, 1-, 5- and 12-visits/year scenarios all fall within the CERCLA Acceptable Risk Limit. For Hunters, the 1-visit/year scenario falls within the Acceptable Risk Limit, and the 5-visit scenario straddles the CERCLA Limit. (The mean value is below the Limit, and the 95% UCL is above the Limit.) (Refer to Figure ES-1 on page ES-4 of the EPA Study.) Given the statistical padding and methodological uncertainties of the 2008 EPA Risk Assessment (the "EPA Study") it is our position that up to 6 visits per year can be accommodated for rockhounding activities without exceeding the CERCLA Acceptable Risk Limit. Noteworthy components of this position are as follows:

> **a) Our greatest exposure to dust occurs during the drive in/drive out activities on the primary access roads, i.e., R001 and R011. By authorizing overnight camping at the collecting sites, we can eliminate successive drive in/drive out events related to a 2- or 3-day visit. We do not object to the imposition of speed limits or the posting of minimum following distances. Due to road conditions, travel on the interior roads of the ACEC (i.e. roads other than R001 and R011) is generally done at speeds significantly less than 10 mph, which generates very little dust. CONTINUED ACCESS TO THESE INTERIOR ROADS IS CRITICAL TO THE ROCKHOUNDING COMMUNITY.**
>
> **b) Because we tend to be stationary in our on-site activities, it is our view that while actually recreating in CCMA, we would generate less dust than hikers or hunters, which is to say, virtually none.**
>
> **c) EPA explained that camping activities produced unexpectedly high asbestos readings because campers slept close to the ground, and the activities associated with setting up camp, cooking, socializing generated dust. Rockhounds generally do not camp in tents or on the ground as theorized by EPA, preferring to sleep in their vehicles. Moreover we tend to go to bed early and do not ordinarily stay up to socialize. Meals are simple; cookouts are not the norm.**

Even accepting EPA's risk assessments (which in general, we do not), rockhounding in accordance with the above proposals should keep rockhound asbestos exposures within limits that are acceptable by EPA/CERCLA standards.

Explicit Authorization of Rockhounding

As often (always?) is the case in Federal land law, rockhounds' rights to access and collect are not explicitly addressed in the Draft. Rather it is necessary to infer from the

various proposals and analyses in the Draft what rockhounds may do without violating the various restrictions. Moreover, rights implied but not explicitly granted can be more easily taken away at a later date. We believe that in view of the unique mineralogical values present in CCMA, the final RMP should explicitly authorize rockhounding in CCMA and make specific provisions related to that activity.

On a related note, the East Hernandez Landowners have made a proposal to provide BLM and the public with rights-of-way to the Tucker Zone if BLM designates the latter a "Wildlife Conservation and Wilderness Study Area". Although not explicitly stated in their February 20 proposal, it is the landowners' intent that rockhounding and fossicking should be permitted in this area. This was explicitly stated in the February 22 meeting at San Juan Oaks. Subject to BLM's acceptance of this condition, the rockhounding community supports the landowners' Tucker Zone proposal.

Access Routes

BLM's staff geologist can confirm that collectible mineral species are usually found at the contact of two rock types, such as the basaltic serpentine intrusion and the surrounding or enclosed Franciscan rocks of San Benito and Fresno Counties. Not surprisingly, therefore, collectible minerals in CCMA are almost exclusively found on the immediate perimeter of the serpentine emplacement (the ACEC) and in the calc-silicate outcrops within the serpentine zone. These outcrops are scattered around the ACEC, some near the periphery but some also in the heart of the ACEC. Alternative E would restrict vehicles to R011 and permit only foot access to areas within hiking distance of R011. This is not acceptable.

Most rockhounds accessing CCMA are over the age of 45, some over 70. For people in this age group rockhounding offers an ideal means of obtaining light recreation in the out-of-doors. However, for this age group extended hiking in potentially extreme weather conditions on hilly terrain is not practical and is potentially dangerous. Alternative E as currently proposed (traffic limited to R011) would so limit the access by Seniors to CCMA that it would effectively constitute **age discrimination.**

Historically the rockhounding community has been able to utilize the road and trail network maintained by BLM within the serpentine ACEC to gain access to collecting sites that could be reached only with a great deal of difficulty on foot. The ability to drive to close proximity of collecting sites has always been an important consideration in the popularity of CCMA. **THIS IS CRITICAL. Any proposal intending seriously to meet the needs of rockhounds, mineralogists and geologists must provide for continued access to the unpaved roads and trails network within the ACEC as well as for the continued maintenance of said roads and trails.** Permits would be an acceptable means of securing such access.

It is noteworthy that while mineral collectors are interested in the entire spectrum of mineral species in CCMA (including those at the Clear Creek Mine), lapidarists are interested primarily in CCMA's jade and "plasma agate" which are only found at or in

close proximity to the Clear Creek Mine. **For purposes of accessing these resources, some means of permitting limited access to R001 must be provided.**

The Draft prominently proposes "surface hardening" and "dust suppression" treatments of the "designated route network". If these measures are feasible and money is available for them, they would be welcome improvements. However, treating R011 at the cost of prohibiting travel on the existing network of roads and jeep trails is not a fair trade-off and would benefit environmentalist sightseers, whose destinations lie on or within easy reach of R011, at the expense of rockhounds whose destinations do not lie on R011.

Access Times

Preliminarily we would like to point out that the EPA Scenarios were constructed to simulate fiber exposures per visit, not per day. The Draft seems to have dropped that distinction, as use restrictions seem invariably to be stated in "days". This becomes an issue when evaluating the most expedient way to reconcile the practical needs of the activity with the restrictions that BLM deems necessary to promote health and environmental values, such as minimizing "drive in/drive out" exposure through overnight camping. Our proposal is that visits should be permitted 6 per year with potential duration not to exceed 3 days per visit. This scenario will accommodate even the most active members of our fraternity. For the vast majority of rockhounds actual usage will probably not exceed 3 visits/6 days per year under this proposal.

Seasonal restrictions should be governed by the practical realities of CCMA. In the summer it can become too hot to collect, and in the winter it may to too cold, too rainy or the roads too impassible. Access and collecting should be broadly permitted as the seasons dictate, including warm winter days or cool summer days. Arbitrary date cut-offs may needlessly limit collecting opportunities.

Dawn-to-dusk access limits and day-use-only restrictions would, in most cases, negatively and severely impact rockhounding activities, especially if combined with road access limitations (such as limitation to R011). From an asbestos-avoidance perspective as well as a practical one, rockhounds need the ability to camp over and not have to leave at dusk.

Camping

The Draft is not very explicit about where and under what circumstances camping will be permitted. It seems to suggest that camping will only be permitted in the Jade Mill campground. That would seem to benefit only hunters, as the Jade Mill will not be accessible from the New Idria entrance and R001 would be closed. This is not practical for rockhounds.

Most rockhounds drive 100 miles or so to access CCMA, so they are usually loathe to limit their visits to a single day trip. Two-day excursions are preferred, which

necessitates camping at least one night, usually sleeping in the back of one's vehicle. Permission to stay over one night (two nights in the case of 3-day weekends) must be granted by BLM.

Access Permits

To the extent that BLM wishes to control access by means of permits, rockhounds should not, in general, find them objectionable per se. Administrative procedures should be implemented to make the permits easy to obtain, e.g., by mail.

Collecting Sites

Beauty is in the eye of the beholder. Conservationists may see a scattered mine dump as an eyesore to be remediated and strewn with wildflowers. To mineralogists, these same dumps are virtual playgrounds, some with on-site antiques to be photographed or painted. Abandoned mines and mine dumps are rich mineral collecting sites where mining activities have utilized the mechanized tools of the industry to bring mineral specimen material from the depths of the mines and put it on the surface where it can be examined by mineralogists. The Clear Creek Mine, in particular, has been the source of many newly described mineral species which would have remained undiscoverd if not revealed by mining activities. In contrast, the reclaimed Aurora Mine property is now a mineralogical/rockhounding dead zone. While we recognize the possible need to prevent contamination of streams and groundwater by mine wastes, such remediation should be planned and executed with an eye to preserving access to these mineralogical resources to the maximum extent possible. Burying these valuable mineralogical resources would be a crime. The rockhounds' aesthetics are no less valid than those of the conservationists. Where naturally occurring contamination is the source of undesired stream runoff, remediation is unlikely to eliminate pollution in any event, and it is preferable to preserve the availability of collectible mineral species at such sites.

The EPA Theory

The formal basis for EPA's risk assessments at CCMA is EPA's so-called "IRIS" standard, which was developed in 1986. IRIS in turn was based on 14 epidemiological studies performed by researchers in the 1970's and 1980's. Generally these studies correlated, for persons who had been subjected over several decades to substantial occupational exposure to "asbestos" fibers, death records of respiratory disease with the length and extent of asbestos exposure. In these studies "asbestos" was presumed to mean one or more of six commercially used mineral species. Although a primary species was generally identified, none of these studies examined the specific mineral content of the asbestos in any detail. These studies relied for quantification of "asbestos" fiber counts in the workplace on PCM technology or, worse, subjective estimates of what had been present in the workplace decades before. The author of the IRIS study, Dr. Nicholson, was also the author of one of the anti-asbestos studies included. Thirteen of the 14 studies were anti-asbestosis studies, and Dr. Nicholson re-wrote the 14th study to comply with his vision. The study calculated mean risk values for occupational exposure (now used by OSHA) and more conservative 95th %ile Upper Control Limit ("UCL") values (or some similarly padded number) for environmental exposure which have been used by EPA at CCMA and elsewhere. These UCL factors estimate a significantly higher risk of disease by a factor of between 2 and 20 than the OSHA number. The Nicholson study precipitated the public hysteria over asbestos in schools and public buildings which has since been determined to have been unwarranted.

Since 1986 the IRIS standard has not been revised despite new studies relating to specific mineral species and their culpability in lung disease. Significantly, new studies have indicated that chrysotile (the most common asbestos type in CCMA) is relatively harmless in recreational exposure doses; that non-asbestos minerals have been implicated in lung diseases in Asia Minor that were previously attributed to asbestos; and that tremolite (previously regarded as a contaminant in commercial asbestos) was implicated in the highly publicized employee mesothelioma scare at Libby, Montana where it comprised a whopping 25% of the ore mined for "vermiculite" products. ATSDR subsequently determined that the Libby employees were contracting asbestosis, rather than mesothelioma.

Therefore the situation facing EPA is that their formal IRIS standard is now suspect with respect to chrysotile, while evidence is pointing to the 5 asbestos minerals known as amphiboles as the more likely health hazards. **The nature of the health hazard attributable to amphiboles, however, has not been quantified in any generally recognized study.** In this situation EPA has continued to defend the IRIS standard while alleging, **without government standards to support them**, that the amphibole minerals are even more dangerous than the IRIS standard would imply. In the context of CCMA, EPA has therefore collected numbers to demonstrate that the overall fiber load presents a risk according to IRIS but has also analyzed amphibole fibers in an effort to demonstrate that even if chrysotile turns out to be less dangerous than previously thought, there is still a dangerous amphibole burden at CCMA.

Methodology

In addition to drawing overly broad and unfounded assumptions, the methodology of EPA's Clear Creek study is riddled with methodological problems which seem to have been contrived to assure the shutdown of CCMA. BLM's own toxicologist addressed some of these issues in his letter to Rick Cooper (Dr. Karl Ford, Feb 8, 2008), at the end of which Ford concluded that "a combination of some additional analyses…and continued monitoring and institutional controls governing where, when, how, and who can ride, may reduce risk into the [EPA defined] acceptable range…." Methodological issues with the EPA study, including those cited by Ford, include the following:

1. The CCMA study specified vehicle runs in northern CCMA to determine asbestos dust levels associated with scenario-specific activities. All such runs were limited to Clear Creek Road between staging areas 1 and 4 and the trails immediately north and south of the road, including the Indian Hill and Alpine Mine areas. This area was known to be the historical center of mercury related industrial activity and concommitant pollution, and the geology of the Indian Hill area is known to contain amphibole minerals. Clear Creek Road itself is notoriously dusty. This area seems to have been selected to produce the worst possible dust readings in all of CCMA. Substantial tracts of CCMA land to the east, south and west of the survey area were not included in EPA's study. Trailing riders in the vehicle runs deliberately violated posted BLM rules about minimum trailing distances, intentionally riding in the dust plumes of the leading vehicles.

2. No record was kept of the specific routes taken by each rider in the study, making it impossible to correlate dust readings with soil samples.

3. Dust readings were correlated to rainfall records, but as Dr. Ford pointed out, they were not correlated to actual soil moisture readings which would have been more meaningful. The years in which the surveys were performed were particularly dry years and modest rainfall did not necessarily improve dust conditions, leading to higher dust/asbestos and amphibole readings.

4. The EPA study claims that nearly 8% of the fibers detected on the survey runs were amphiboles. However, 3/8 of those detected amphiboles were identified as "other amphiboles" which means any of approximately 75 mineral species in the amphibole family, none of which has historically been identified as "asbestos". This 3% is therefore presumably harmless, and its inclusion in the "nearly 8%" number is highly deceptive. The number of "asbestos" amphibole species detected is in truth barely 5% of the total fibers, virtually all of which were identified as actinolite. As noted at item12 below, there have been <u>no</u> epidemiological studies of the effects of actinolite on humans, and therefore there is no scientific basis for calculating risk posed to humans by actinolite in any kind of activity. EPA's assumption of human health risk from actinolite is purely speculative at this time.

5. The Nicholson IRIS study asserted that there is no threshold for adverse health effects due to asbestos, which is to say that any small amount could trigger negative health

impacts. EPA has upheld this notion in its discussions relating to CCMA, especially with respect to amphibole minerals. Recent studies, however, have found that dose levels and the duration of time over which those doses accummulate are critical for even the most dangerous types of asbestos. In other words there is an exposure threshold under which health risks are not significant. EPA just doesn't have enough data to pinpoint those thresholds.

6. The EPA study is a case study in how to use statistics to distort the truth. Some of these "statistical" devices include the following:

- The inclusion of "other" amphiboles in the "nearly 8%" amphibole calculation referred to above.
- The omission of relatively asbestos-free lead rider data from from all scenario risk calculations. EPA 's rationale for this is that they are using "health protective" (i.e. worst case) assumptions.
- "Health protective" rounding of calculations in the computation of risks in the various study scenarios. Multiple calculations are required for each scenario. They add up.
- Redundant use of the "95th percentile Upper Control Limit" ("UCL"). EPA has asserted that this is a standard statistical tool. Indeed it is if one desires to make extremely conservative estimates of risk. It should be understood that OSHA adopted from the IRIS study a mean or average risk value for workplace safety issues, whereas EPA adopted a more conservative, padded number. There is some question whether it was a 95th UCL or not, but it is greater than the mean number used by OSHA. Using this already padded number as its risk factor, EPA calculated scenario-specific risks for CCMA, again calculating the 95th UCL of those field calculations and asserting that these artificially elevated numbers should be compared to EPA's acceptable exposure limit. This device alone virtually guaranteed a failing grade for most of the activity scenarios in Clear Creek.

Again, Dr. Ford said in his memo to Rick Cooper, "It is understood that EPA guidance has a preference for arithmetic means and 95% UCL, however, the limited information available to me suggests the data are probably log-normally distributed. If true, the arithmetic mean and 95% UCL may overestimate the true concentrations." Indeed.

7. The EPA Study was planned specifically to take advantage of newly available Transmission Electron Microscopy ("TEM") for the analysis of air samples. EPA's belief was that TEM is better able to identify individual mineral fibers and therefore counts made using TEM would be more accurate. The methoodological flaw in this thinking is that TEM will indeed produce a higher count on a given sample than PCM. However, the IRIS standards were derived by comparing health data with counts made using PCM. Using an analytical method that produces higher counts in conjunction with a PCM-derived IRIS standard will necessarily imply a higher level of risk than if the count had been made with PCM. In the words of Dr. Karl Ford, "The IRIS cancer slope factor is probably based on PCM, so use of TEM may overestimate risk."

8. EPA has routinely ignored and/or disparaged competent studies that have arrived at findings contrary to EPA's. EPA regularly asserts that such studies are biased or incredible because they are funded by industry and/or published in industry journals. (If industry doesn't fund these studies, who will?) In fact, many of these studies have been published in generally accepted forums such as the New England Journal of Medicine. A fair reading of these studies indicates that they are at least as well documented as any anti-asbestos study relied upon by EPA and in most cases more methodologically rigorous, precise and objective. In comparison, EPA itself acknowledges that the studies utilized in developing the IRIS model were based on only rough estimates of asbestos exposure levels in industrial environments over many decades and on imperfect identification of asbestos species and causes of death. The non-EPA-sanctioned studies are entitled to objective and fair evaluation.

9. Current science suggests that chrysotile asbestos is subject to breakdown and expulsion by the body's defense mechanisms and that chrystoile fiber load from intermittent recreational exposures is ordinarily cleared in a matter of several days. It therefore poses little or no risk of health issues at recreational levels. EPA's IRIS model is currently being revised, at least in part to incorporate this emerging consensus.

10 Although the IRIS standard does not distinguish amphibole asbestos from chrysotile asbestos, EPA asserts that the former are even more dangerous than chrysotile and should be viewed with extreme caution. Currently the Best Available Evidence with respect to amphiboles is that

a) asbestiform amphibole minerals are not susceptible to chemical breakdown in the body like chrysotile;

b) at some level of exposure they can contribute to the likelihood of lung diseases, especially asbestosis;

c) all humans acquire during their lifetimes some amount of amphibole fiber accumulation in their lungs, if only from ambient levels in urban environments, the vast majority without developing lung related diseases;

d) the threshhold levels of amphibole fibers required to induce lung disease have not been established with any degree of reasonable certainty;

e) EPA has offered "health protective" lifetime risk estimates that are greatly exaggerated by means of methodological biases and statistical padding; and

f) Best Available Evidence suggests that although the health risks related to naturally occurring amphiboles are not zero, EPA has nevertheless grossly overestimated the risks, and this conclusion is supported by the absence of any epidemiological or anecdotal evidence of elevated lung health risks in real life among people who have lived, worked or recreated in CCMA. In other words, actual experience in CCMA does not bear out EPA's hypothetical risk calculations.

11. EPA has repeatedly asserted that children are at special risk from amphibole-induced mesothelioma, but BLM's own toxicologist has pointed out a recent study (Reid, 2007) indicating that dose and duration of exposure are the critical factors, not age of the subject.

12. Virtually all of the "amphibole" identified by EPA in CCMA was identified as actinolite. EPA (Den) asserts that actinolite is just as dangerous as tremolite based on its chemical similarity to tremolite. EPA toxicologists in North Carolina confirm that there have been **NO epidemiological studies** relating specifically to actinolite in humans to support this assumption. And as noted above there are no generally accepted risk characterizations for tremolite either. (Actinolite is a common mineral throughout California and no doubt comprises much of the ambient airborne asbestos in California's cities.)

Procedural Compliance Issues (NEPA, FLPMA)

Broadly speaking, BLM is obligated by federal law to to make land use planning decisions in accordance with the procedures specified by NEPA, FLPMA and others to ensure that all affected members of the public are aware of the process and its objectives; all affected persons have ample opportunity to participate in and make meaningful input to the decision-making; in rendering its decision, the BLM will fairly and impartially evaluate all public inputs; and BLM will in good faith develop a land use plan that to the best of BLM's ability will fulfill its historic charter to manage the public lands for the recreational benefit of the public. A fair reading of NEPA makes it clear that mere procedural compliance with its processes are not sufficient; BLM must also comply substantively with the law's intent. There can be no hidden agendas, and vicious compliance with the procedural requirements is not in itself sufficient to comply with the intent of the law.

We understand that Ray Iddings/Three Rocks Research will examine such issues in detail, so we will summarize only a few major concerns along these lines.

1. Most importantly, the Draft's planning objectives were stated in terms of generic boilerplate, never in concrete terms applicable specifically to the public uses of CCMA. This is a fundamental substantive breach of BLM's obligations under NEPA. This failure is one of the circumstances which leads many of CCMA's users to suspect a hidden agenda and a preordained outcome for this process.

2. The EPA Study of CCMA was clearly designed and implemented to "prove" a pre-determined result. (See "Methodology" above.) It is not the best available evidence. Worse, both EPA and, apparently, BLM have failed to give a fair and impartial review of conflicting studies and evidence.

3. Digesting and challenging the EPA study and the proposed RMP has been a daunting task to be performed in a 90-day period that included the Thanksgiving, Christmas and New Year holidays, not to mention Presidents Day, the Super Bowl, the Daytona 500 and the Tucson Gem & Mineral Show. The Draft itself is over 700 pages, and the effort required to seek out and digest the historical, legal and scientific issues related to the Draft is enormous. Dozens of people from multiple user communities have put in thousands of hours of effort to respond to the Draft. NEPA requires that our concerns be taken seriously.

4. Many of the studies relied upon by EPA and BLM are not readily available to members of the public, especially studies published in professional journals. As you know, there have been a multitude of FOIA requests in an attempt to get background information. EPA declined to provide us a copy of the TEM standard procedure on the ground that it was the the proprietary property of the ISO. There are many such hurdles. Much important information necessary to understanding the EPA Study and the administrative history of CCMA has been difficult or impossible to obtain.

5. BLM's obligation to cooperating agencies under federal law is to give such agencies' inputs a fair and objective hearing, including concerns relating to human health and safety. However, it is a misreading of federal law to assert that BLM is somehow obligated to prohibit or limit use of CCMA on the grounds of air quality concerns while the ambient air in our home cities contains even more asbestos than CCMA air. It is not BLM's charter to assure a completely risk-free recreational environment in CCMA.

Conclusion

In summary, BLM is chartered to administer the public lands for the multiple recreational uses of members of the public. It may properly seek to mitigate extraordinary risks to human health in pursuing its charter, but the burden is on BLM to demonstrate that any such mitigation is warranted by the best available evidence and is limited in scope to risks that are truly extraordinary as compared with normal daily risks. We believe the EPA Study suffers from a multitude of flaws and fails to provide BLM with the information necessary to sustain this burden

Nevertheless the proposals set forth above are, in our opinion, reasonable requests that will enable rockhounds to continue their hobby in CCMA without violating CERCLA's Acceptable Risk Limits as determined by the EPA Study. We trust you will agree and will make the appropriate adjustments to whichever Draft Alternative BLM ultimately adopts.

Thank you.