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Reply to:
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CCMA DRMP/DEIS Comments
Attention: Planning Coordinator
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Subject: Comments on the Clear Creek Draft Management Plan RMP-EIS

Dear Planning Coordinator:

The California Off Highway Vehicle Association (CORVA) has approximately 3000 members throughout California and advocates for responsible motorized recreation on public land. CORVA also promotes community involvement in the land use planning process and maintains an educational program in responsible recreation.

California Off Road Vehicle Association's primary concern is that the land will be managed appropriately for continued motorized public access, and that the purposes of NEPA are fulfilled. This is the basis of our comments on the Clear Creek Management Area draft RMP-EIS.

- 1. Motorcycles are excluded under alternatives D and E without discussion of the rationale for doing so in the draft RMP-EIS. A clear rationale for exclusion of a specific vehicle type should be included in the document.**

Motorcycles, whether highway licensed or green sticker registered, are excluded from the entire CCMA in Alternative E and allowed only outside the ACEC in Alternative D. Full sized 4X4 vehicles are allowed on a permit only basis within the ACEC in Alternatives D and E . ATV/UTV use only is allowed in areas adjacent to the ACEC in alternative E. The draft RMP-EIS provides no explanation for the

exclusion of motorcycle use from the CCMA in these alternatives. There is no mention of how motorcycles might negatively affect cultural or natural resources or be a source of conflict that would preclude their use within the CCMA. The primary concern appears to be the potential for negative effects on human health and safety that would apply to all vehicles, not just motorcycles, according to the EPA study cited in the draft RMP-EIS. This point is further developed in comment number 2 below.

2. Alternatives that allow the use of full sized 4X4 vehicles in the ACEC and exclude other motorized vehicles must be revised to either exclude all vehicles from the ACEC or allow limited use of the area by all vehicles.

Management actions common to all alternatives include a combination of best management practices (BMPs) and administrative actions (i.e. supplementary rules) to minimize human health risks from exposure to airborne asbestos fibers and reduce emissions of hazardous air pollutants from BLM land use authorizations and management activities.¹

Our comments will not address the validity of the 2008 EPA CCMA Asbestos Exposure and Human Health Risk Assessment. This topic will receive extensive comments from other interested parties. Assuming the results of the EPA asbestos exposure studies form the basis for planning decisions the draft RMP-EIS indicates both Alternatives D and E pose similar risks to human health.²

The RMP-EIS summarizes the results of the 2008 EPA Health Assessment:

“Motorcycle riding, ATV riding, and SUV driving/riding had the highest exposure concentrations, in some cases exceeding even the U.S. Occupational Safety and Health Administration (OSHA) 30-minute Excursion Limit for asbestos. Only hiking was near ambient asbestos concentrations. For Overall OHV Riding, combining motorcycling, ATV driving/riding, and SUV driving/riding, trailing riders had significantly higher exposures than lead riders.”³

The 2008 EPA study provides little if any basis for allowing one form of vehicle use while excluding others. All forms of vehicular use resulted in significant levels of asbestos exposure. The draft RMP-EIS states:

“On the other hand, there would be no reduction in risk to visitors by restricting the use of vehicles types, such as ATVs or UTVs, because the levels of exposure to airborne asbestos fibers and the associated risks to human health would be the same as existing conditions for motorcycles and full-size vehicles on routes and trails in the Serpentine ACEC.”⁴

¹ DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009, p.23.

² DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009, p.341.

³ CLEAR CREEK MANAGEMENT AREA ASBESTOS EXPOSURE AND HUMAN HEALTH RISK ASSESSMENT May 2008, U.S. Environmental Protection Agency Region 9 75 Hawthorne Street San Francisco, California 94105, p. Es-2

⁴ DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009, p. 353.

This indicates that there is no clear rationale described in this document for restricting use by vehicle type and that in fact that all vehicle types result in some level of asbestos exposure.

3. The draft RMP-EIS does not provide adequate discussion of Alternative D that would allow a reasoned choice between alternatives. The draft RMP-EIS must be revised to include an adequate discussion of the issues related to Alternative D.

The draft RMP-EIS states:

*“In accordance with the National Environmental Policy Act (NEPA), alternatives must meet the purpose and need, as identified in Chapter 1; **be viable and reasonable**; provide a mix of resource protection, management use, and development; be responsive to issues identified in scoping; and meet the established planning criteria (also identified in Chapter 1), federal laws and regulations, and BLM planning policy.”⁵*

The analysis provided in the draft RMP-EIS is inadequate because Alternative D is not given fair and thorough discussion and is not established as a reasonable and viable alternative.

*“**Alternative D** emphasizes vehicle access for non-motorized recreation opportunities inside the Serpentine ACEC, and enhancing new OHV recreation opportunities outside of the ACEC. Resource uses consistent with BLM guidance and within human health risk constraints would be authorized in the ACEC. Emphasis would be on developing OHV recreation opportunities on public lands near Tucker Mtn., Condon Peak, or San Carlos Bolsa (Cantua Zone), where appropriate. Management actions would focus on protecting human health and safety by restricting motorized access in the ACEC to major routes, applying dust mitigation on major routes, installing a public wash rack, and by and eliminating camping and staging in the ACEC. Alternative D would limit motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on other BLM-administered lands in CCMA outside the Serpentine ACEC.”*

The draft RMP-EIS indicates that there is the potential to develop public access to the Condon, Tucker, and Cantua areas.

“There is a need to balance access to public lands with resource management and protection, including public health and safety. Areas where there is no public motorized access or access can be improved include the Condon, Tucker, and Cantua management zones.”⁶

In Table 2.6-14, the document makes an apparently contradictory statement regarding potential public access to the Tucker, Condon and San Benito River areas.

“Under Alternative D, none of the 3,300 acres in the Tucker, Condon, and San Benito River zones would be available for disposal. Retention of these lands would have minor adverse impacts on management efficiency and public access because all of these parcels have no existing (or reasonably foreseeable) public access. Otherwise, Alternatives E and F would have the same effects as Alternatives B and C.”

⁵ DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009, p.111.

⁶ DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009 , p.147.

The draft RMP EIS cites a previous study of the Cantua area but provides only the most limited discussion of the results of the study and how they might apply to motorized recreation in the adjacent CCMA.

“In the 1980’s, California State Parks prepared a Feasibility Study and Draft Environmental Impact Report (EIR) for a proposed State Vehicular Recreation Area (SVRA) on private lands adjacent to CCMA, known as the Martin Ranch, and BLM-administered lands in the Cantua Zone. This area was identified as suitable to consider for off-highway vehicle recreation because of the proximity to major urban centers. Therefore, this RMP/EIS also considers emphasizing off-highway vehicle recreation on BLM public lands in the Cantua Zone, and incorporates information from the California State Parks Martin Ranch SVRA Feasibility Study (1984) and Draft EIR (1985) into the analysis of environmental impacts under Alternative D.”⁷

The Martin Ranch SVRA Feasibility study indicates that this is a potentially viable area for an SVRA. This study area includes BLM lands that are proposed for purchase or exchange with the intent of developing an OHV area to provide opportunity for the Central Valley. According to this study there is the potential for an OHV area outside the Clear Creek ACEC, and that the elimination of impacts due to grazing in this area would more than offset those that would be expected from OHV use. Furthermore this area could be developed without including asbestos bearing deposits within the SVRA boundary.⁸

To summarize, the draft RMP-EIS provides contradictory statements related to the availability of public access to the Condon Peak and Cantua zones and little if any information about possible public access to the Tucker Mountain zone. The maps provided indicate that two alternatives, D and E, include development of recreation sites in the Condon and Cantua zones and that public access from New Idria Road and Los Gatos Road is planned for these areas. But there is no discussion of why recreational opportunity for off highway vehicles should be included or excluded for these areas. This is a key element of alternative D, yet any discussion of this element is lacking.

4. The draft RMP-EIS raises the issue of potentially asbestos bearing deposits in the Condon and Cantua areas. There is no discussion of the Tucker Mountain area. The document should either provide supporting information for this statement or remove this statement from the draft RMP-EIS.

The draft RMP-EIS makes the following statement:

“It is important to note that new route development, especially in the Cantua and Condon Zones, would likely result in the discovery of asbestos bearing serpentine inclusions and would present further health and safety issues at any points of crossing.”⁹

The draft RMP-EIS provides no information to support this statement such as soil survey results or GIS surveys. The Martin Ranch SVRA Acquisition study in fact indicates that asbestos areas were identified

⁷ DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009 , p 163.

⁸ Martin Ranch SVRA Acquisition Draft Environmental Impact Report, California Department of Parks and Recreation, October 1985, page 1 (Summary).

⁹ DRAFT CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT HOLLISTER, CA. Hollister Field Office, November 2009 , p.366.

and could potentially be excluded from the planned SVRA. This statement appears to be a matter of opinion and purely speculative. Supporting information must be provided or this statement should be removed from the draft RMP-EIS.