

March 4, 2010

John Davis
Timekeepers Motorcycle Club
AMA District 36 Enduro Steward
6828 Lenwood Way
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10 MAR -8 PM 2:50
RECEIVED
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
HOLLISTER FIELD OFFICE

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

RE: Comments regarding the November 2009, Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement

Dear BLM:

Please accept the follow Comments regarding the November 2009, Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement:

Comment 1: Purpose and Need – The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information.

Comment 2: Purpose and Need – habitat needs for species protected under the federal 1973 Endangered Species Act (ESA) for the red-legged frog, and tiger salamander.

Comment 3: Purpose and Need – habitat needs for species protected under the federal 1973 Endangered Species Act (ESA) for the California condor.

Comment 4: Purpose and Need – Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California.

Comment 5: Purpose and Need – All documented purposes and needs are not substantiated in the DEIS.

Thank You John Davis

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CCMA RMP/EIS Comments
Attention: Planning Coordinator
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Comment 1: Regarding DEIS Paragraph 1.1 Purpose and Need for the CCMA Resource Management Plan, first bulleted paragraph on page 4, which reads:

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 not **Significant New Information** and is not even new information. This study does not document any asbestos related findings that were not documented in previous studies undertaken within the CCMA. The latest EPA study does not require the BLM to take any action at CCMA. The EPA study documents numerous areas of uncertainty in their findings. The current CCMA management plan already addresses asbestos concerns via the dry season closure, asbestos signage, etc.

Recommendation:

Remove the following paragraph:

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.

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Comment 2: Regarding DEIS Paragraph 1.1 Purpose and Need for the CCMA Resource Management Plan, second bulleted paragraph on page 4, which reads:

The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.

Comment:

The BLM states a purpose of the CCMA DEIS is to address habitat needs of species protected under the Endangered Species Act. Then, on page 174 of the DEIS, paragraph 3.6.5 Special Status Species within the Planning Area the BLM states:

California red-legged frogs (*Rana draytonii*), while present in the San Benito River watershed fifteen miles or more downstream, have never been recorded in or near the CCMA. California tiger salamanders are present in sag pond habitat in the San Andreas Rift Zone to the west and in vernal pool habitat in the Central Valley to the east but have never been recorded in the environs of CCMA.

How can a new EIS be required for CCMA to protect endangered wildlife the BLM reports "have never been recorded in or near the CCMA"?

The BLM has failed to show why or how recreation within CCMA, an area without recorded evidence of the California red-legged frog or the California tiger salamander, would affect habitat for this wildlife.

Recommendation:

The Bureau of Land Management has failed to show a cause for action necessitating inclusion of the California red-legged frog or the California tiger salamander in the resource management plan or the environmental impact statement. The BLM has also failed to show a significant Purpose and Need for this discussion in the management plan or environment impact study, or how CCMA recreation affects the California red-legged frog or the California tiger salamander habitat. Therefore, the California red-legged frog or the California tiger salamander are not a specific factor requiring update of the management plan, and hence such discussion must be removed from the Purpose and Needs statement and must not be included in the final environmental impact statement.

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Comment 3: Regarding DEIS Paragraph 1.1 Purpose and Need for the CCMA Resource Management Plan, second bulleted paragraph on page 4, which reads:

The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.

Comment:

The BLM states a purpose of the CCMA DEIS is to address habitat needs of species protected under the Endangered Species Act. Then, on page 174 of the DEIS, paragraph 3.6.5 Special Status Species within the Planning Area the BLM states:

Despite its unique floral communities and its proximity to regions occupied by entire suites of Federally protected species, CCMA is known to harbor only one Federally-listed species, the San Benito evening primrose (*Camissonia benitensis*). Other Federally listed species potentially present within the CCMA include the California condor (*Gymnogyps californicus*),

How can a new EIS be required for CCMA to protect the California condor when the BLM reports "CCMA is known to harbor only one Federally-listed species, the San Benito evening primrose (*Camissonia benitensis*)".

The BLM has failed to show why or how recreation within CCMA, an area without recorded evidence of the California Condor, would affect habitat for this wildlife.

Recommendation:

The Bureau of Land Management has failed to show a cause for action necessitating inclusion of the California condor in the resource management plan or the environmental impact statement. The BLM has also failed to show a significant Purpose and Need for this discussion in the management plan or environment impact study, or how CCMA recreation affects the California condor habitat. Therefore, the California condor is not a specific factor requiring update of the management plan, and hence such discussion must be removed from the Purpose and Needs statement and must not be included in the final environmental impact statement.

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Comment 4: Regarding DEIS Paragraph 1.1 Purpose and Need for the CCMA Resource Management Plan, third bulleted paragraph on page 4, which reads:

Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Comment:

The BLM states a purpose of the CCMA DEIS is to address "Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California". Then, on page 135, in table 3.8-1 CCMA Visitor Use, the BLM documents a 65% decrease in visitor usage from 2005 TO 2008.

Additionally, the BLM documents no plans for energy production within the CCMA but does state in paragraph 4.12.3.1:

Current management actions outlined in the 1984 Hollister RMP and the 1993 Oil and Gas Amendment would continue to provide opportunities to develop energy and mineral resources on a case-by-case basis in areas deemed appropriate for development by BLM.

The BLM has failed to show why or how a decrease in visitor usage requires a new Management Plan or EIS for CCMA. Furthermore, the BLM has failed to show why or how energy production, which is not currently planned for the CCMA and is included in the 1984 Hollister RMP and the 1993 Oil and Gas Amendment requires a new CCMA Management Plan or EIS.

The BLM has failed to document in the DEIS why the CCMA DEIS should address issues pertaining to the San Joaquin Valley and the entire State of California.

Recommendation:

The Bureau of Land Management has failed to show a cause for action necessitating inclusion of the changes in social and economic conditions in San Benito County, the San

Joaquin Valley, and the entire State of California in the resource management plan or the environmental impact statement. Therefore, the changes in social and economic conditions in San Benito County, the San Joaquin Valley and the entire State of California is not a specific factor requiring update of the management plan, and hence such discussion and the entire bulleted statement in paragraph 1.1 must be removed from the Purpose and Needs statement and must not be included in the final environmental impact statement.

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Comment 5: Regarding DEIS Paragraph 1.1 Purpose and Need for the CCMA Resource Management Plan.

Comment:

Based on my previous 4 Substantive Comments (attached) the BLM has failed to follow NEPA process which requires the BLM to develop a proposal to address a need or action. The BLM's content in the November 2009 CCMA DEIS fails to document any of the purpose and needs listed in paragraph 1.1 of the document. This makes the November 2009 DEIS invalid.

Recommendation:

The Bureau of Land Management has failed to show a cause for action necessitating inclusion of any of the listed factors in paragraph 1.1 of the DEIS. Therefore, the BLM has not followed NEPA guidelines as described in the December 2007, A Citizen's Guide to the NEPA. Because NEPA requirements were not followed, the November 2009, CCMA DEIS is invalidate and the review/approval process of the document should be halted and CCMA should be reopened and managed according to the existing management plan. Any asbestos, wildlife or social/economic factors should be addressed within the existing guidelines established in the current CCMA Management Plan.

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Regarding CCMA Nov 2009 Draft RMP/EIS:
Section 4.0 Environmental Consequences

This section is solely based on the EPA's risk assessment report. In other Human Health Risk Assessments that have been accomplished at CCMA by or for the BLM have used a more diverse Study base. With comparing The 1992 PTI study and the 2008 EPA study what has changed?

Some other reports/data that could have been used: BLM Employee Exposure To Naturally Occurring Asbestos At CCMA and Knoxville Management Areas. Dated May 2008. All Samples taken at CCMA Permitted events(TMC Wild Piglet/ Boar, SRMC Quicksilver and others) From ? thru 2008 (I know of TMC events from 2000 on). Any Confirmed cases of anyone dying due to exposure to the CCMA Environment. This includes Miners, truck drives, mill workers, or people that have recreated in the area. Since the area has been mined since the mid 1800's, including 2 major mines (Atlas, KCAC) and significant use of OHV over the last 50 years.

There is sufficient data to determine if the theoretical results match the actual results.

The Document states that the EPA study provided "significant new information," yet when comparing the basics of the 1992 PTI study with the 2008 EPA study, I don't find any "significant new information." In fact, their conclusions are essentially the same; that is, the risk may be under estimated, or it may be over estimated.

Conclusions	1992 PTI Study	2008 EPA Study
Used BLM Employee Samples	Yes	No
Used Real Recreation Rider Samples	Yes	No
Used Simulated Recreation Rider Samples	No	Yes
Used: EPA Region IX Risk Assessment Guidance for Superfund	Yes	Unknown
Used: EPA federal Exposure Factors Handbook	Yes	Unknown
Used: Risk Assessment Guidance for Superfund	Yes	Unknown
Used: Standard Default Exposure Factors	Yes	Unknown
Used: PCM Analysis	Yes	Yes
Used: PCMe Analysis	Yes	Yes
Conducted Seasonal Analysis	Yes	Yes
Considered Diversity of Opinion	Some	No
Incorporated other studies: UC Berkeley (Murchio et al. 1978)	Yes	No
Incorporated other studies: UC Berkeley (Cooper et al. 1979)	Yes	No
Incorporated other studies: UC Berkeley (Popendorf and Wenk 1983)	Yes	No
Incorporated other studies: Risk assessment for Atlas mine and Coalinga (U.S. EPA 1990a)	Yes	No
Conclusion: Activity Causes Exposure	Yes	Yes
Conclusion: Children of Special Concern	Not Evaluated	Simulated
Conclusion: Higher Exposure, Higher Risk	Yes	Yes
Conclusion: Reduce Exposure, Reduce Risk	Yes	Yes
Provided Comparable Data for Prespective	No	No
Conclusion: Risk Unknown, that is, Could be Over Estimated or Under Estimated	Yes	Yes

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Regarding CCMA Nov 2009 Draft RMP/EIS:
Page 28 Table 2.4-1(a) Summary of Range of Alternatives, Alternative D.

Travel Management and Recreation Resources:
No OHV routes (60 miles?) show on Map D in appendix 1. What is the time line for implementation of new ohv ares?

Lands Acquisition and Disposal
Add, Establish New CCMA Boundary's to include all BLM Properties directly connected to present CCMA boundary's For more public recreational opportunities outside of the AECE.

Recommendation: Add were 60 miles of proposed OHV routes would be on Alternate D Map. Redefine CCMA boundaries's to include all adjacent BLM properties.

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Regarding CCMA Nov 2009 Draft RMP/EIS: Page Numbering problems

Numerous pages and page numbers are missing.

Missing Pages are #17 and # 584.

Missing Page Numbers on the page are #'s 129, 218, 222, 284, 294, 303, 321. and 475.

Numbers missing from back facing side of the page are (changes page number sequence) #'s 32, 33, 637, 659, and 691.

Recommendation: Correct page numbering for a more professional looking document. Put any information that might of been on missing pages back into the document.

Thank You John Davis