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strens@att.net

February 28, 2010

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

This is a response to the BLM's draft EIS concerning the CCMA area. I will be addressing the Purpose and Need statement.

1. Wording in the DEIS. "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.."

Response

1. The EPA's report is an assessment, not a statement of fact. The report frequently states that the risks could be higher or could be lower. There are no CEQ (Council on Environmental Quality) regulations that require the BLM must respond to an assessment.

2. CEQ regulation 1502.24 Methodology and scientific accuracy states "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." Please review the attached emails, received under the FOIA (Freedom of Information Act) regarding my following statements. The first email, 04/11/2008, from Rick Cooper to Arnold Den and Jere Johnson of the EPA casts serious doubts about the scientific accuracy of the EPA report. Rick Cooper writes that the EPA has been consistent in mentioning that the risks could be much lower and perhaps zero. When the

final EPA risk assessment was released, the words "and perhaps zero", were omitted. Mr. Cooper has no scientific background in toxicology and therefore is not qualified to dispute any findings of the EPA.

3. In the same email Mr. Cooper writes that the BLM will be asked about making an emergency closure based on a model that may not accurately portray the risks to the public. Remember, this email is dated April 11, 2008. This shows that Mr. Cooper has predetermined the decision to close CCMA before the final EPA report was released and requested wording removed to augment his decision.

4. The second email from Karl Ford (BLM Toxicologist) to Mr. Cooper raises more doubts about the scientific accuracy of the EPA assessment. Mr. Ford writes "Instead, I have looked at EPA's IRIS database, NIOSH and WHO sources whose job it is to compile the world's literature. They all include chrysotile as a carcinogen although they usually acknowledge it is not a potent form." Section 1500.1 (b) Purpose of the CEQ regulations states "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." The EPA's risk assessment for the CCMA relied on data that was derived over twenty years ago. The risk assessment classifies chrysotile and amphiboles as having the same carcinogenic affect, when studies have shown (see references attached) chrysotile is less potent. This led the EPA to overestimate the risks in CCMA. They also violated Section 1500.1 (b) by not using later studies (that Mr. Ford reviewed) showing the relative risks of the two minerals (chrysotile and amphiboles).

5. Omitted from the EPA assessment were any epidemiology studies on the people that recreated, worked, or lived in proximity to CCMA, the very people that would be effected by exposure. The CEQ clearly states the need for quality science, which is lacking in the EPA assessment.

6. 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 from the purpose and need statement.

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 tho evaluate the public health risk associated with BLM land use authorizations.

Regards,

James Strenfel

McDonald JC. Epidemiology of Pleural Cancer. 1993

Gardner MJ Follow up study of workers manufacturing chrysotile asbestos cement products 1996

Jennifer S. Pierce, Meg A. McKinley, Dennis Paustenbach Critical Reviews in Toxicology 2008.

Rick
Cooper/CASO/CA/BLM/DOI
04/11/2008 01:42 PM

To Arnold Den/R9/USEPA/US@EPA, Jere Johnson
cc Karl Ford/NOC/BLM/DOI@BLM
bcc Janet Bedrosian/CASO/CA/BLM/DOI
Subject Uncertainty in model

Jere and Arnold,

Just reading through the executive summary. The last paragraph places some doubt as to the adequacy of the model used. The risks could be lower or 0. I am aware that EPA has been consistent in mentioning this and it was in the previous draft.

> *Uncertainty related to the toxicity parameters of the risk assessment includes the application of the IRIS and OEHHA asbestos toxicity models, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures.* ***This uncertainty could mean that the actual risks could be much lower than those estimated in the CCMA assessment and perhaps zero.*** *Another uncertainty, adjustments for early-lifetime childhood exposures, could mean that the actual risks are higher than those estimated in the report.*

I am sure BLM will be asked "why make an emergency decision on a model that may not accurately portray the risks to the public?"

The basis for the decision is the model's depiction that most of the activities exceed the acceptable risk range of 1 in 10,000.

Any thoughts on a reponse

Rick Cooper
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Karl Ford/NOC/BLM/DOI
06/30/2008 02:46 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM
cc Timothy Moore/CASO/CA/BLM/DOI@BLM
bcc
Subject Re: Comments to EPA Report from interested parties (FYI)

History: This message has been replied to.

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1. They did judgemental or biased sampling. They looked for either outcrops of amphibole or commercial asbestos at old mining camps and sampled at about 18 sample locations. This does not indicate how widespread any asbestos minerals are present. EPA collected soil samples in a more random fashion (3 representative samples per route and they have about 200 samples locations). EPA does not show sample locations and it would be good to have this data. Fowkes and Iddings are looking for commercial asbestos as an explanation for the amphibole forms.
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3. Both EPA and Fowkes and Iddings sampled along the main road, plus EPA sampled many more miles of routes off the main road (see Figure 1 of EPA report) for ATV/motorcycle and hiking. I tend to think the area composite airborne samples from these more remote locations would not be influenced by what are truly tiny remnants of the mining camps. In addition, I doubt much commercial asbestos was used because the weather is fairly mild and some of the camps may have predated common asbestos use. Commercial asbestos began in 1879, was incorporated in some city building codes by 1900 and was popular by 1950.
4. I have not evaluated the various studies Iddings and Ilgren have cited. That would be a fairly big effort to look not only at these but the rest of the literature. Instead, I have looked at EPA's IRIS database, NIOSH and WHO sources whose job it is to compile the world's literature. They all include chrysotile as a carcinogen, although they usually acknowledge it is not a potent form. If you would like me to, I will acquire the studies and review them. I believe Ilgren and Iddings represent a minority view on the carcinogenicity of chrysotile. Several of the studies cited by Iddings did not appear to address long term exposure or carcinogenicity.
5. I haven't read Ilgren's report yet, but I will do so in the next few days.

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National Operations Center - BLM
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Fax: 303-236-3508

Rick Cooper/CASO/CA/BLM/DOI

Rick Cooper/CASO/CA/BLM/DOI
06/30/2008 11:18 AM

To Karl Ford/NOC/BLM/DOI@BLM
cc
Subject Comments to EPA Report from interested parties (FYI)

James Strenfel
LAO Timekeepers MC
1427 Sprucewood Dr.
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February 8, 2010

BLM Hollister Field Office
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Hollister, CA 95023

Response to CCMA Draft EIS 2009

Alternate D is not compliance with CEQ (Council on Environmental Quality) regulation 1502.14 (b) which states, "Devote substantial treatment to each alternative considered..."

Alternate D emphasizes vehicle access for non-motorized recreation opportunities inside the ACEC and new OHV recreation opportunities outside of the ACEC.

The description of alternate D fails in the following ways.

1. *Omits any information, maps, or coordinates clearly indicating the trail system proposed. The map for alt. D only shows the general location and not any specific details of trail locations, road locations or visitor recreation facility locations.*

2. *Omission of any time frame for construction of trails and visitor recreation amenities.*

3. *Omits any costs associated with trail construction and visitor amenities construction.*

4. *Conflicting statements in the EIS. Page 547 under Land Disposal, Acquisition and Exchanges reads "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." Yet page 19 in the EIS under Alternative D reads "Emphasis would be on developing OHV recreation opportunities on public lands near Tucker Mt., Condon Peak, or San Carlos Bolsa (Cantua Zone), where appropriate.*

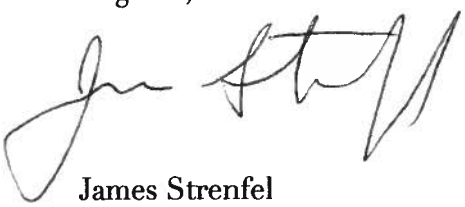
5. *Failure to describe what is "appropriate" in the above statement.*

6. *Failure to adequately discuss thoroughly what environmental consequences would occur with construction of trails, roads and campgrounds.*

Recommended action

The BLM needs to put "boots on the ground" in the proposed new OHV areas. Construct a coherent trail system plan and publish a proposed trail map. The BLM needs to inventory the areas for suitable parking, camping, staging areas and associated development needed to implement alt. D. These also need to be included in the associated map. All environmental impacts related to implementation of the alternate need to be addressed and brought to light. Costs to implement alt. D need to be calculated and presented for public scrutiny. The conflicting statement (above #4) needs to be resolved. A time frame for start, construction and completion of alt. D needs to be published. Only then can alternate D be considered a viable choice and in compliance.

Regards,



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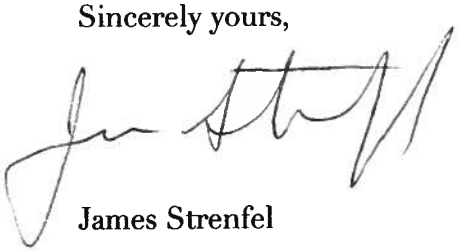
5. Omitted from the EPA assessment were any epidemiology studies on the people that recreated, worked, or lived in proximity to CCMA. A study could have profound new information on the actual risks associated with CCMA. The CEQ clearly states the need for quality science.

Solution

In order to correct the deficiencies of the EPA assessment, it needs to be abandoned and a new study done to include the latest scientific findings on chrysotile and amphiboles and include an epidemiology study.

Sincerely yours,



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February 19, 2010

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Response to CCMA Draft EIS 2009

Social Benefits of OHV recreation in the CCMA

CEQ regulation 1508.14 Human Environment in part reads " When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

Social benefits related to OHV use is not addressed adequately in the EIS. Please add the following to correct this deficiency.

In sociological terms, OHV use qualifies among the most complex forms of serious leisure. Therefore, there is a compelling case to be made for genuine consideration of motorized trail recreation on an equal footing as all other serious leisure activities occurring in CCMA.

Recreation research reveals that leisure activities can be rated according to quality, which is defined as an overarching quality-of-life benefit to the participant. Very high quality activities, called "serious leisure" by researchers in the field, require a considerable number of complex factors which, in combination, provide satisfaction, personal growth and fulfillment to the participant. (Stebbins, R.A. 1982 "Serious Leisure, A Conceptual Statement," *Pacific Sociological Review*)

Since Stebbins' early conceptual statement, the ideas around "serious leisure" and the associated improvements in quality of life and health, has been extensively explored by the leisure academy, resulting in a large body of literature on the sociology of complex hobbies.

Another apt description of serious leisure activities is " a social and emotional interactive process which deconstructs the social and historical biographical inequalities of lived experience to create with-equal other social human bond" (Podichak W. 1991)

In reviewing the literature there are a number of essential qualities which identify serious leisure:

1. High levels of emotional commitment
2. Complex planning and advance preparation
3. Learning new skills
4. Self-discipline to practice skills, with the goal of steadily improving performance
5. Operating within relationships with others (social reference point)
6. Success in familiar and in unfamiliar social settings
7. Problem solving, ranging from very simple to highly complex and potentially life saving.
8. Goal oriented challenge, and a moderate degree of personal risk
9. Pro-active interest in physical condition
10. A sense of accomplishment when the adventure is completed

The above list perfectly describes the total OHV trail-riding experience. This is why OHV use falls directly into the most complex forms of serious leisure. Examples of some other forms of serious leisure that are pursued on public lands include all types of skiing, mountain biking, mountaineering, rock climbing and kayaking. Therefore, there is a compelling case to be make for closely examining the perceived negative impacts and correcting inaccuracies. There is also compelling case to be make that the "err on the side of caution" policy, in matters of speculative negative impacts, is counterproductive to the BLM's purpose and mission of offering multiple use recreation opportunities on public lands.

There is also a case to be make in favor of reasonable trade-offs between the significant social benefits of OHV use and any measured negative resource impacts that may be noted.

To illustrate further, described here are some of the specific recreational experiences associated with single track, double track and fire road OHV usage.

- Riding difficult trails requires skill. It is a challenge to negotiate trail sections at speeds that maximize skill development, much like skiing difficult terrain or rock climbing. It is very satisfying to increase one's skills by riding more difficult trails with fewer mistakes, falls, engine stalls, etc. These riding skills involve dexterity, balance, hand-eye coordination, throttle control and mental preparedness.

- OHV users enjoy getting away from cities and jobs to the scenery, solitude, rugged terrain and wildlife of the CCMA. Riding trails allows us to experience much more of the environment than possible than other modes of transportation. Off-road riding yields a strong sense of accomplishment and relaxation and is an excellent way to refresh ourselves and relieve the tensions of everyday life and work.

- A wide variety of trails types challenges the different abilities of the riders.

- OHV users enjoy the comradeship with our fellow riders. The trail rides are often the only time we see each other. During the rides, time spent resting, eating and talking build social bonds.

- Trail riding is physically demanding.

- OHV use is often combined with other activities, such as camping and rock hounding.

- OHV use in the last ten years has seen tremendous growth in families recreating together.

- Children are exposed early in their lifetimes to the qualities listed above. (1 thru 10)

It is important to note that the quality of the CCMA experience is measured in hours, and the average speed of an OHV on easy single track could be as fast as fifteen mph and on a difficult trail as slow as three mph. Thus, mileage by itself is not the sole indicator of a quality experience. Rides can vary from as little as 20 miles to over 80 miles depending on the skill of the rider, the difficulty of the trails and the destination points along the way.

Regards,

James Strenfel

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I will be addressing the BLM's EIS regarding the Clear Creek Management Area. The following sentence is written under the Purpose and Need statement page III.

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.

Later in the EIS I found these statements.

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. (EIS page 174 3.6.5)

CCMA is known to harbor only one Federally-listed species, the San Benito evening primrose. Other Federally listed species potentially present within the CCMA include the California condor. (Page 174 3.6.5)

Response

The CEQ (Council for Environmental Quality, Executive Office of the President) regulation 40 CFR part 1500.1 reads in part, " Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question."
The purpose and need statement above, fails to meet these regulations. The red-legged frog, California condor and the tiger salamander have never been found in CCMA.
CEQ regulation 1502.20 reads in part "Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review."

The BLM's claim that the current management plan does not specifically address the California condor, red-legged frog and the tiger salamander is erroneous. The 2005 Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement does address the species listed. The species are also addressed in the 2007 Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California Record of Decision.

Solution/Change to Bring the CCMA draft EIS into Compliance

Remove the following sentence from the Purpose and Need Statement.
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. (Page III)
Additionally, remove any mention and discussion of the California condor, red-legged frog and the tiger salamander from the draft CCMA EIS.

Regards,

James Strenfel

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March 1, 2010

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Response to CCMA Draft EIS 2009

Wording from the EIS

However, differences in the water samples taken from below and above abandoned mine sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Disturbance by vehicles has also been a factor in increasing concentrations of metals transported downstream in the water. (Page 473 4.9.6.1)

Naturally occurring mercury was historically mined in the Clear Creek area. Two major activities have been conducted in the Clear Creek area which were evaluated for their possible contribution to mercury loads in the creek. These activities evaluated were: Off-Highway Vehicle use (OHV) and abandoned mine lands. Regional Board staff considered both of these activities in designing the water quality sampling program conducted in 2002.

For the 2002 sampling, seven locations were selected on Clear Creek and positioned to evaluate potential water quality impacts from the two major categories of activity. Sample locations were mostly located in pairs to evaluate water quality immediately upstream and downstream of a targeted area. For example, sites CL1 and CL2 were located upstream of any mining influences and bracketed an area of extensive OHV activity. Similarly, sample sites CL3 and CL4 were located just upstream and downstream of side drainages entering the creek in the vicinity of the Alpine mine and the Clear Creek mine. A third set of sample sites, CL5 and CL6, was located in the vicinity of OHV Staging Area Two.

As discussed earlier in section 4.1 "background data," a reasonable estimate for background levels of mercury in soils and sediment in the Clear Creek area is 0.2 mg/kg. Sediment data from the paired sample sites were essentially all at or below this value except for one sample collected at the furthest downstream location, the USGS gage.

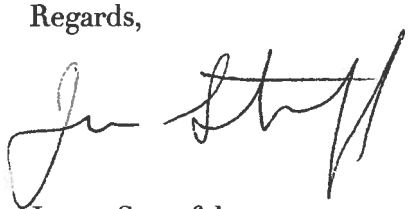
This indicates that sediment loading into the creek is roughly at background levels throughout most of the watershed, which suggests that the OHV activities are not causing any significant mercury loading. This data also confirms no appreciable loading is currently occurring in the vicinity of the Clear Creek and Alpine mine drainage. (Technical Support Analysis For Mercury Impairment Of Clear Creek and Hernandez Reservoir Central Coast Regional Water Quality Control Board March 10, 2004)

Discussion

Your statement in the EIS, above in italics, is connected to a study by Dynamac in 1998. Yet you choose to ignore the later study, above in bold, by the CCRWQB. Not only did you have this study available, you reference it in the EIS. CEQ regulations clearly state the need for high quality and accurate scientific analysis (1500.1)

Recommendation: Rewrite the entire paragraph using information from the later study to reflect the fact that OHV use is not contributing to higher metal content in streams, or delete the paragraph and any mention throughout the EIS of OHV use contributing to metal content in CCMA.

Regards,



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Response to CCMA Draft EIS 2009

The below is found on pages 500-501 of the EIS.

Probably one of the better studies related to the characterization of potential negative effects and impacts from OHV-based recreation on cultural resources is "The Effects of Off-Highway Vehicles on Archaeological Sites and Selected Natural Resources of Red Rock Canyon State Park" (2007) by Associate State Archaeologist Mike Sampson for California State Parks. This study was initiated to investigate OHV use and its effects upon cultural and natural resources within Red Rock Canyon State Park in Kern County and to identify "some practical measures to address problems associated with off-highway vehicle use" that may apply to the management of vehicular recreation in State Parks or other OHV use areas (Sampson 2007:1).
Some of the earliest OHV effect studies on cultural resources were performed by the BLM in California in the 1960s and 1970s. OHV-related damage was identified as the since "significant source of damage to archaeological sites and other historic properties, second only to development" (Sampson 2007:3). It became understood that OHV recreational use had the unintended consequence of enabling artifact collectors and looters to access vast areas of public land. As OHV technology improved, some lands which were formerly difficult to access became within reach. Irresponsible OHV use was documented as the primary cause for the "inadvertent or purposeful destruction of significant cultural features," occurring most frequently in areas closed to roads or campgrounds (Sampson 2007:4).
The Red Rock Canyon study identified thirty-six archeological sites within the State Park that were traversed by Park roads or "informal" OHV trails. Thirteen of the sites were prehistoric habitation locations with another eleven sites identified as prehistoric lithic scatters; the remaining twelve sites were historic camps or other resource. In fact, a historic stage station site is "regularly crossed by OHV traffic" (Sampson 2007:5).
Sampson's description of visitor use and recreation at Red Rock Canyon State Park mirrors the recreational activity that occurs at some of the historic sites in the CCMA, on both private and public land:
The site of Cudahy Camp has been impacted by modern-day camping and vehicle activity. Illegal target shooting would occur at this location and considerable trash has been left on-site by

campers. The campers damage the remains of the historic buildings and displace surface artifacts. The site has now been closed to camping. OHV users perform unauthorized hill climbs on the edge of the residential area that leave the bare slopes scarred and highly susceptible to erosion (Sampson 2007:8).
Although there was physical damage at each cultural resource, 17 of the 36 archeological sites in the study (46%) exhibited "pronounced damage resulting from regular OHV use and erosion that follows from vehicular activity." This more intensive damage included "measurable deflation of the sites within road beds or the trail treads, degradation of cultural deposits, vehicle scars resulting from off-trail riding, road damage requiring extensive and costly restoration efforts, loss of soils in measurable volumes, loss of vegetation, creation of deep gullies, displacement and damage to artifacts and cultural features, modern-day trash left on-site, [and] alteration of natural hydrologic patterns" (Sampson 2007:9). (Page 500-501)

The first sentence above *"Probably one of the better studies related to the characterization of potential negative effects and impacts from OHV-based recreation on cultural resources is.."* **This is an opinion, based on the readers perspective. Another reader may consider the study worthless. The BLM's EIS needs to present objective information without opinions. The study above did not reflect the other user groups mentioned in the study contributing to the destruction (campers, hunters, target shooters), instead singling out OHV use as the only destructive force. Sampson's study was conducted to determine the affects of OHV use at RED ROCK CANYON, not CCMA. CEQ regulation 1502.2 (b) reads "Impacts shall be discussed in proportion to their significance." Sampson's study has no significance on any OHV effects in CCMA. There is no mention of CCMA in the study and applying a study conducted on an entirely different area has no significance on CCMA.**
Also, CEQ regulation 1500.1 (b) reads in part "Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail." The action is question is how to effectively manage CCMA, not Red Rock Canyon.

Recommendation: Remove the entire dissertation about Red Rock Canyon and the Sampson study from the EIS.

Regards,

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March 1, 2010

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Response to CCMA Draft EIS 2009
The following paragraph is found on page 1 paragraph three of the CCMA EIS

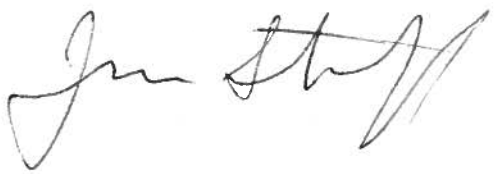
The Hollister RMP was updated in 2007 to establish goals, objectives, and management actions for BLM public lands that address current issues, knowledge, and conditions. However, BLM-administered lands in CCMA were not addressed in the Hollister RMP (2007) because the Environmental Protection Agency (EPA) was preparing an asbestos exposure and human health risk assessment to provide BLM and the general public information on the exposure levels from various types of activities in the CCMA. EPA initiated the study in 2004 in connection with the clean-up of the Atlas Asbestos Mine Superfund Site, also in CCMA, and concerns about the technical deficiencies of a 1992 health risk assessment that BLM used to evaluate CCMA visitor's exposure to airborne asbestos fibers in the area. Therefore, BLM agreed to work with EPA and the public upon completion of the study to incorporate the new health risk information into public land use decisions for the area.

Problem:
Omission of pertinent information.

Discussion:
The EPA, and the BLM agreed, that there were technical deficiencies with the 1992 health risk assessment performed by the BLM. Yet there is no explanation of why the assessment was deemed deficient. CEQ regulation 1502.2 (b) states "Impacts shall be discussed in proportion to their significance." To dismiss the 1992 report, prepared at a considerable expense, with a single sentence clearly violates 1502.2 (b). One cannot overemphasize the importance of the dismissal of the 1992 risk assessment.

Recommendations: The CCMA needs to address the following.
1. What were the technical deficiencies of the 1992 risk assessment, in complete and substantial detail.
2. How did the latest EPA's risk assessment address these technical deficiencies.

Regards,



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Clear Creek Management Area DEIS Comments in regards to the "Realistic Testing Process" regarding ATV riding dust collection.

-

I have been recreating and riding motorcycles in the Clear Creek Management Area since 1968. I am a accomplished AMA-District 36 Enduro rider and hold a"B" class district card. I have been a Police Officer for the City of Santa Cruz for over 17 years. During my tenure I have been assigned to the Traffic Division completing the California Highway Patrol Motorcycle Enforcement School in Sacramento. I am a certified Bicycle instructor, certified to train Police Officers in bicycle enforcement. I am certified ATV instructor and have trained almost half of the Police officers at the Santa Cruz Police Department to safely ride an ATV.

These comments reflect the "realistic testing process" the EPA conducted in 2004 and 2005 in the Clear Creek Management Area.

The roadway is fairly narrow in the area the photo (see link below) was taken and sheltered by tall vegetation on the left side of the roadway and an embankment on the right side of the roadway. The shelter from both sides of the roadway reduces the breeze/airflow to allow the dust to hang in the air for a longer time.

Looking at the roadway you can see the tractor tracks on the left side of the photo and they appear pretty deep in the soft soil.

The roadway appears flat, smooth, unpacked or loose all the way up to the track except for what appears to be a box scraper mark at the edge of the track.

Looking at the right side of the roadway next to the far edge you can see a distinct line/color variation from what appears to be another box scraper line.

The front ATV riders front wheel is just rolling with no dust being produced. You can clearly see that the rear wheels are spinning to produce roost/more dust.

The rear ATV riders front wheels are starting to turn right and he is accelerating. The front wheels are not disturbing the ground or producing dust but, you can see the rear wheel roost and his start to

slide the rear end to produce dust.

There is no dust being produced by the front wheels and the dust from the rear wheels is low to the ground but you can clearly see they are riding through a dust cloud. The photo was designed to be as realistic as possible however, I believe they are on their third or fourth pass, past the cameraman to produce enough dust to take a dusty photo.

Also the dust cloud down the road behind the ATV riders is where they were turning around. While turning they were flat playing/sliding the ATV's producing more dust, thus the test equipment is collecting more dust in unrealistic behavior in that area.

This is unrealistic behavior on the main county road through the CCMA. The roadway appears to be narrow and in an area that play/ trick riding would not take place because you cannot see far enough down the road to ride safely. The ATV riders appear to be riding too close to each other to safely start their slides to produce dust. We teach our children and the public to "Tread lightly" and be responsible on county roads where other traffic such as full size motor vehicles travel and will be encountered. Also the area this photo was taken appears to be in an area that is well sheltered from the wind. The roadway in this area appears to be freshly box scraped or graded to make the roadway very loose to produce more dust than normal during the test.

The BLM denies any road maintenance during these tests but you can clearly see fresh tractor and box scraper/grader marks on the roadway.

The test riders in this test are still wearing their test equipment during the time they are flat sliding to turn around and complete more passes/producing more unrealistic dust. Their test equipment is still collecting dust/data that is not realistic and should not be used.

CEQ regulation 1501.1 reads in part "The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."

Omitted is any information on the riders skill level and years of expertise operating these OHV's. Page B-2 of the EPA assessment reads "The trailing rider(s) remained in the dust cloud of the leading rider..." This shows a lack of expertise and knowledge of OHV riders use patterns. All experienced OHV users DO NOT ride in a cloud of dust.

This test is severely flawed and very biased based on the obvious

actions shown in the photo and how the test was completed.

The way this test was completed was in error and appears to be highly biased to produce more dust than realistically or naturally possible.

Recommendation:

The test data/dust recovered during this test is flawed and should be removed from the report because it was not a realistic or natural test that would produce accurate information.

http://www.epa.gov/region09/toxic/noa/clearcreek/images/assessment-atm-riders1.jpg

Thank you,

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