

**Comments to the
2009 Clear Creek Management Area
Draft Resource Management Plan
&
Draft Environmental Impact Statement**

10 MAR -2 PM 1:44
U.S. BUREAU OF LAND MANAGEMENT
DUNSMUIR OFFICE
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Substantive Comment EPA report

I now know why the EPA did not try to enforce any action to close CCMA to the public. After reviewing the EPA doc PTT-HHRA-1992 It becomes very clear, the EPA had to remove the statistical information from three of the most germane studies, the ones about the mill and mine workers at CCMA because if they were to leave those statistics in the URF (unit risk factor) became so small that it fell off the charts the risk became below zero, and that was not what they wanted to see.

By their own admission the EPA (page 28, 29 of PTT-HHRA-1992) omitted this information from their risk assessment model; they have rendered this risk assessment of CCMA useless and untrue and cannot be used to address the actual risks at CCMA. (1502.22)

The URF is based on studies of workers exposed to a variety of asbestos types in diverse Occupational settings. However, the URF does not include cancer incidence data from Occupational populations exposed to chrysotile asbestos in mining and milling (U.S. EPA1991a), and these studies may be most relevant to the exposure to chrysotile asbestos at The site. Unofficial URFs (URFs) ranging from 0.0013 (f/cc)' to 0.0047 (f/cc) can (" be derived from data on lung cancer reported in three studies of workers exposed to chrysotile in mining and milling [McDonald et al. (1980); Rubino et al. (1979); Nicholson et al. (1979)]. These URFs were derived by PTI by converting an occupational exposure period of 5 days a week and an inhalation rate of 10m³/8 hour work day to a continuous exposure period. The lowest UURF derived in this way is nearly 200 times less (182 times) than the current URF for asbestos and the highest value is nearly 50 times less than the current URF. Similarly, the UURF derived from data on mesothelioma incidence in a population exposed to chrysotile asbestos in a mining setting is 0.031 (flcc)' (McDonald et al. 1980; Berman 1992, pers. comm.), which is 7 times Lower than the current URF for asbestos. Thus, use of the current URF may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA.

The BLM has accepted the EPA risk assessment without question which is at least an incomplete analysis if not considered corrupted research .With this information the Agency has no rationale for changing the existing Plan and should revert to the existing plan. There is no purpose or need to change the existing plan, and the Emergency Closure should be removed.

Timekeeper M.C.

Substantive Comment

ASSUMPTIONS THAT LACK EVIDENCE

If the health risks was so great that an emergency closer was enacted, why after 18 months of making this RMP-EIS draft and 50 + years of mining, milling, and recreational use in the CCMA area there is no epidermal or forensic evidence to confirm the health risk of naturally occurring chrysotile asbestos from the serpentine soil and rocks to produce any type of cancer? The risk assessment has been taken as a statement of fact, when it is only an incomplete analysis (1502.22) based on some occupational models adjusted to look like they have some sort of meaningful relationship to recreational usage at CCMA. The truth is risk assessment is a fancy way of saying a wild guess of what the future may be. Many times statistics have been used to circumnavigate the truth or lack of it. Statistically it can be shown that there's a higher probability of dying, when driving to and from CCMA than recreating at CCMA. Motorcycle riding is not only a recreation it's also a sport the same as baseball, football, soccer or gymnastics. If the same risk assessments were placed on any of these sports none of them would be below the 1,000,000 to 1 percentage that the EPA is saying must be met to insure the safety and health to the public .The BLM take into consideration a risk assessment that fits the definition of "No Significance "and uses it to exclude any and all alternatives that may have been considered for CCMA. This decision has failed to find a reasonable balance between theoretical information and the value of motor recreation 1502.22(a), (3, and 4).

Timekeepers M.C.

Substantive Comment NO ACTION ALTERNATIVE

The BLM says this Draft RMP/EIS has been developed in accordance with the National Environmental Policy Act of 1969 (NEPA), and the Federal Land Policy and Management Act of 1976. This document contains the no action alternative, six additional action alternatives, and BLM's preferred alternative.

The CEQ regulations direct that RMP/EIS has a No Action alternative (40 CFR 1502.14(d)). The No Action alternative is the only alternative that must be analyzed in an EIS that does not respond to the purpose and need for the action. In the BLM's alternative "A" their version of a "No Action Alternative" has incorporated no less than 5 major changes to the RMP/EIS which clearly shows no respect of the rules and violates NEPA 6.6.2, ruling concerning the no action alternatives. The BLM defines Alternative A as (Alternative A represents the 'No Action' alternative and would reaffirm current management under the 1984 Hollister RMP (as amended). BLM would incorporate new health risk information into public outreach and education asbestos hazard information program to mitigate public health risk.) When in fact they have added changes in trail use, multimillion dollar wash facility, removed rights of miners to enter their mining claims, added seasonal restrictions, even a plan to reseed the staging areas with evening primrose an endangered species. How can they even consider this a no action alternative?

Hiding all these changes to be made under Alternative A and then saying it's a no action alternative goes to show how the draft is deceiving to the public. The only NO ACTION ALTERNATIVE is to delete this entire draft

The BLM has decided to incorporate their own rules to bypass NEPA in which the BLM can incorporate into any alternative any goals they want with no public or government interference

Timekeepers M.C.

Substantive Comment THE LACK OF NEED AND PURPOSE

The BLM state as the purpose and need for a new RMP for CCMA (1.1) page (3, 4)

- (a) 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.
- (b) 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.
- (c) 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.

There is no need or purpose for a new RMP for CCMA.

- (a) 40 CFR 1501.7(3) The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) is only one of many studies done in and around the area at CCMA .It does not impose any enforcement of change to the 1984 RMP. This is a risk assessment not a statement of fact. The (2006 EA) addressed this risk already. BLM developed a series of CCMA Amendments to the 1984 Hollister Resource Management Plan (RMP) to address public health and safety concerns associated with exposure to asbestos and other emerging issues. These amendments, approved in 1986, 1999, and 2006 included management goals and objectives to reduce and minimize risk to human health and the environment. However, they also continued to allow public access for multiple uses. No changes in the 1984 RMP are needed for a new study about an old concern.(1502.20 tiering)
- (b) 40 CFR 1501.7(3) The current management plan does not need to be addressed because as stated in this draft at (3.6.5) (page 174) 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. (3.6.5.6) page 187, The California

condor only has the potential to occur within the CCMA. If there is no evidence of need to address the listing and or habitat needs and agency wishes to keep these claims in the analysis, please add the following conclusion at the end of the discussion."However, no evidence has been uncovered to support this claim."

- (c) No changes are needed because the social and economic conditions are outside the scope of this RMP and according to page 279 (The findings from the ICF survey were compared to those presented in the 1990 Study. The results the number of households that drive off-highway for recreation decreased from 13.6% in 1989 to 9.9% in late 2003). The only social value placed in the Planning Area is as stated on page 148 (3.3.4.1) Motorcycle and ATV riding are the most prevalent recreation activities in the CCMA.

There appears to be only one change since the 2006 Decision, that's the EPA report. There is no reason to reopen all of the issues that were settled in the 2006 decision. The temporary closure of the CCMA should be removed and the 1984 Hollister RMP with Amendments (1986, 1999, and 2006) should be enacted.

Timekeepers M.C.

Substantive Comment NO BALANCE OF ANALYST

- 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..

During the scoping report these studies were brought to the attention of the BLM

(1) Ilgren/BRC April 16 Letter/Questions to EPA this information presents substantive questions to the BLM/EPA regarding the validity of the agencies' continued efforts to present the naturally occurring asbestos in CCMA as a health risk.

(2) Ilgren Article: Coalinga Chrysotile, A Short Fiber, Amphibole Free, And Chrysotile: Part V – Lack of Amphibole Asbestos Contamination

(3) Ilgren Article: Coalinga Chrysotile – The Case of the Missing 'Asbestos Study': Corporate Connivance or Plaintiff Ploy?

(4) The California Coalinga Chrysotile Miners and Millers – Further Evidence for a Lack of Attributable Disease including a Refutation of Egilman and Roberts's [2004] Claims

The BLM's omission of these studies in any of its analysts is evidence by their acknowledgement of them in the scoping report but no mention of the studies in the RMP goes to show no balance of analyst. These studies need to be included into the RMP to produce a more balanced analyst of the risks of Chrysotile type asbestos.

Timekeepers M.C.

Substantive Comment Social and Economic Contribution

The The Hollister Field Office (HFO) incorrectly states because the number of people and size of the economy associated with that population dwarf any of the social and economic contributions that might be made by public land resources. This is only an assumption on the part of HFO. The public outrage from closing CCMA may be proof of the social contribution these public lands have on the public. With lack of a survey or any baseline to make an informed judgment this statement should be removed.

3.15.3 Regional Setting

Throughout most of the western United States where public lands are located, the resident population within the administrative boundaries of a Field Office is small, and the public land area is often the major component of the total land area. However, the 12 counties in which the HFO public lands are located – Alameda, Contra Costa, Fresno, Merced, Monterey, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, and Stanislaus – have a resident population of over eight million, and the HFO administers only 2.5 percent of the total land area, about 274,000 acres. At 63,000 acres, CCMA comprises almost one-quarter (~23%) of the BLM-administered lands in the region. Other communities within commuting distance from CCMA include residents from Tulare, Madera, San Luis Obispo and Kings Counties.

The large population centers near CCMA have implications for public land management because they represent the potential user and customer base that is within a three-hour drive from CCMA, but they do not provide a useful context for discussion of socioeconomic conditions. The number of people and the size of the economy associated with that population dwarf any of the social and economic contributions that might be made by public land resources. To facilitate discussion of socioeconomic conditions, the local analysis area for this RMP/EIS will be defined as the Central Coast and the Southern Diablo Range – each of which focuses on communities most directly affected by the CCMA RMP/EIS alternatives. The Central Coast analysis area focuses on residents of Santa Clara, Monterey, and Santa Cruz counties; and the Southern Diablo Range analysis area includes San Benito, Merced, and Fresno Counties. San Benito and Fresno counties encompass CCMA and a large block of contiguous BLM public lands in the Southern Diablo Range located west of Interstate 5, north of the town of Coalinga and south of the town of Los Banos. ***Clear Creek Management Area 3.0 Affected Environment Draft RMP/EIS Social and Economic Conditions 273***

Timekeepers M.C.

Substantive Comment

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 to evaluate the public health risk associated with BLM land use authorizations.) needs to be rewritten to better define the word ASBESTOS . Thought out this document (Draft RMP/EIS) the word ASBESTOS has been used as naturally occurring asbestos which is an oxymoron there is no natural asbestos .asbestos is a manufactured product. The only natural material in question is serpentine rocks made up of mostly chrysotile deposits. 40CFR 1500.2 (b)

The new information has no conclusions in it which to make a fair and informed decision upon exposures to natural chrysotile deposits. Epidemiological studies are mentioned but are not cited or given as evidence. If this Purpose and need statement is to be left in the draft it needs to be changed to something that has to do with asbestos products brought into CCMA not the serpentine soil that's there.

Timekeepers M.C.

Substantive Comment

Purpose and need recreation

Page 4, Purpose and Need. The third stated purpose and need for this DEIS is stated as:

“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.”

As for recreation, increased demand for use of public land for recreation. Decreasing the area available for recreation doesn't address the “need “Thus, none of the alternatives addresses the need for this increased demand. All of the alternatives actually reduce the land available for recreation, not increasing it. The stated purpose and need for increased demand for public land for recreation are contradicted within the document by every and all alternatives which decrease the amount of land available, not increasing the amount available, which would satisfy the stated need. Given that the historic use of the area is for recreation, none of the alternatives satisfy the stated purpose and need.

Resolution

Remove all alternatives that would decrease the amount of land available for OHV recreation.

Timekeepers MC

Substantive Comment

page 2, states:

Human disturbance to the soils and plants in the serpentine ACEC is a special management concern, because throughout the ACEC, soil formation tends to be slow and the topsoil shallow. Plant regeneration is also slow, and accelerated erosion from human activities has negatively impacted soil and vegetative resources over the years.

There is no evidence of data supporting the assertion that there is accelerated erosion from human activities within the CCMA. There is also no supporting data indicating there is accelerated erosion of any kind. BLM photographs of the area from the 1930's show the area to look nearly identical to what it currently looks like now, not to bad for 80 years of use.

Delete the following from the paragraph: “, and accelerated erosion from human activities has negatively impacted soil and vegetative resources over the years”

Timekeepers MC

Substantive Comment

Page 53 makes several conflicting statements, and an omission error:

SSS-A1. Establish appropriate levels of surface disturbance to protect special status species and their associated habitats.

SSS-A11. Rehabilitate (by ripping and/or pitting) potential habitat areas for the San Benito evening primrose in Clear Creek Canyon.

SSS-A12. Initiate an ecological study of the San Benito evening primrose to determine habitat requirements.

The first statement is correct in that it is known that the San Benito Evening Primrose needs disturbed soils to thrive. There are already many areas of San Benito evening primrose in Clear Creek Canyon to replace the other inhabitants without a proper study is wrong. There is no data supplied to justify the ecological study, nor what problem it proposes to resolve.

Supply the missing data, or delete the SSS-A11 and SSS-A12 statement and just delete SSS-A1.

Timekeepers MC

Comment

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Supply the missing data, or delete the SSS-A11 and SSS-A12 statement.

Timekeepers MC

Substantive Comment

2.4.15.1 Goals and Objectives

The goal for social and economic conditions is to manage public lands to provide social and economic benefits to local residents, businesses, visitors, and future generations.

To achieve this goal, the following objectives are established:

- Work cooperatively with private and community groups and local tribal governments to provide for customary uses consistent with other resource objectives and to sustain or improve local economies.
- Maintain and promote the cultural, economic, ecological, and social health of communities associated with BLM public lands.

The Agency states they will provide for customary uses, but no customary usages are stated. Customary uses have been recreation and mining. When the KCAC mine closed, the last active large mine in the area. OHV usage has become the dominant use from the 1970's (page 205) to the present.

Resolution:

Add that the customary uses since the mid 1800's have been mining, and from the 1960's have also included dirt bike riding. Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area. It should also be noted that the area was previously known as the Clear Creek Recreation Area.

Timekeepers MC

Substantive Comment

Page 74 states:

SOCEC-A1. Protect and conserve natural values while allowing for tourism and commodity use of natural resources.

Since the closer of CCMA area the commodity use of the area has increased tenfold with the illegal cultivation of marijuana which is higher in customary usage than tourism has ever been.

Why this section talks about tourism is not understood since tourism is not a major part of its customary usage. Tourism historically is a minor customary use of the area at best. Unless there referring to page 273 which states: Discussions with area residents, public land users, and BLM staff indicate that, in fact, recreationists come from all over California and the U.S. to recreate in CCMA.

Page 205 states: "Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area."

Change the paragraph to read:

SOCEC-A1. Protect and conserve natural values while allowing for continued use for its historic use as a recreational area for dirt bikes, 4-wheeling, rock and mineral collecting, tourism, and commodity use of natural resources.

Timekeepers MC

Substantive Comment

2.5 BLM's Preferred Alternative

The CCMA RMP/EIS range of alternatives considers allowable uses, resources protection measures, and management tools that would protect human health and safety, natural and cultural resources, and the CCMA's unique recreation opportunities, which were overwhelmingly identified as a priority in the public scoping process. 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.

The document and the BLM acknowledge that the public overwhelmingly identified continued use of the area for recreation as the overwhelming number one issue, yet the agency failed to include that priority in the purpose and need. The document also fails to address the public's number one issue, which is continued access to CCMA for recreation.

This needs to be placed in the PURPOSE AND NEED

Enhance and maintain the public's access to high quality recreational opportunities, satisfying the overwhelming increased demand for use of public lands for recreation. Maintain CCMA's historic use of providing a unique and challenging recreational opportunity for OHV's

Timekeepers MC

Substantive Comment

Page II

The BLM is responsible for the sustainable management of public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of “multiple use” – a combination of uses that takes into accounts the long-term needs of future generations for renewable and nonrenewable resources. These resources include public health and safety, recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific, and cultural values.

The CCMA RMP/EIS provides an updated assessment of resources, uses, conditions, and trends; a forum for enhanced public collaboration and involvement; and a comprehensive impact analysis of reasonable management alternatives and resulting land use decisions.

The BLM is responsible for managing the lands for multiple uses, including recreation and cultural values. They also state that over 70 percent of the recreation within CCMA is within the serpentine area, and the overwhelming majority of public scoping comments identified CCMA’s unique recreation opportunities as the number one issue. Yet the BLM gives only alternatives that go against the will of the people and their mission statement. None of the alternatives expand recreational opportunities, they reduce them. The whole DEIS goes against the BLM’s mission statement, this is what enhanced public collaboration and involvement and reasonable management alternatives responsive to public input mean to the BLM. No fair or balanced decisions when it comes to OHV. 40CFR 1501,7(1) & 40CFR 1502 9(b)

The BLM should put in their principles of “multiple use” this does not include OHV use.

Timekeepers MC

Substantive Comment

3.15.4.4 BLM Contribution to the Local Economy

This whole section is not relevant to CCMA because it tries to generalize too much by adding other public lands administered by the BLM, Forest Service, the National Park Service, and California State Parks into the discussion. It is all meaningless assumptions or unrelated facts just bulk that is outside the scope of this document, the whole thing should be deleted.

Timekeepers MC

Substantive Comment

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 to evaluate the public health risk associated with BLM land use authorizations.) needs to be rewritten to better define the word ASBESTOS . The EPA talks about "asbestos" but does not make the difference in between the types Chrysotile and Amphibole.

San Francisco is perhaps the most contaminated large city in the world with "asbestos". Other towns in California exceed San Francisco, but don't have 8 million plus people exposed daily as the Bay area does. The idea that all fibers are equal, leads to San Francisco being the most deadly place in America. but it is not. It is not because the asbestos there is Chrysotile. We have not seen any environmental deaths in any other hundreds of Chrysotile towns in America. Yet when we get to Tremolite, the deaths simply jump out at the casual observer.

So, for over 30 years EPA has spent most of its time and energy and all of its money on Chrysotile asbestos sites, because on the surface, they look to be the worst. They have done this even though dozens of scientists have told them repeatedly and all of the data has shown, they should be spending money on amphibole sites and stopping those exposures. EPA and ATSDR ignored this and ignore it today. 95% of all asbestos is Chrysotile, but over 90% of all deaths are driven by Amphiboles. Thought out this document (Draft RMP/EIS) the word ASBESTOS has been used to describe both chrysotile and amphiboles as naturally occurring asbestos which is an oxymoron there is no natural asbestos .asbestos is a manufactured product. The only natural material in question is the serpentine rocks at CCMA that are made up of mostly chrysotile deposits.

The new information has no fair conclusions upon exposures to natural chrysotile deposits when all the EPA's information is based on Amphiboles type of asbestos. If this Purpose and need statement is to be left in the draft it needs to be changed to something that has to do with contamination of amphiboles asbestos products brought into CCMA not the chrysotile deposits in the serpentine soil that's there.

Timekeepers M.C.

Substantive Comment

4.2.3 Overview of Impacts of Hazardous Materials on Public Lands

In general, all the hazardous materials and public safety management actions in the range of alternatives would contribute to meeting the BLM's goals and objectives, because they are designed to improve the overall environmental resource protection and public safety for public land uses. However, the No Action Alternative would have major negative impacts to public health and safety by increasing the public's long-term risk of contracting cancer associated with exposure to asbestos from CCMA.

This is conjecture, since other scientific literature states otherwise. Only the EPA report comes to this conclusion. this shows no balance in the accurate scientific analysis.

Delete the above statement from the document.

Timekeepers MC

March 3, 2010

Michael Zesiger
Timekeepers Motorcycle Club
863 Brea Lane
San Jose, CA 95138

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

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

Dear BLM:

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

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

Substantive 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.

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

Substantive 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.

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

Sincerely,

Michael Zesiger

Substantive Comments regarding the November 2009, *CCMA DEIS*

March 3, 2010

Michael Zesiger
Timekeepers Motorcycle Club
863 Brea Lane
San Jose, CA 95138

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

Substantive 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.

My 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.

Substantive Comments regarding the November 2009, CCMA DEIS

March 3, 2010

Michael Zesiger
Timekeepers Motorcycle Club
863 Brea Lane
San Jose, CA 95138

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

Substantive 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.

My 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.

Therefore, I recommend the following:

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.

Substantive Comments regarding the November 2009, CCMA DEIS

March 3, 2010

Michael Zesiger
Timekeepers Motorcycle Club
863 Brea Lane
San Jose, CA 95138

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

Substantive 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.

My 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.

Therefore, I recommend the following:

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.

Substantive Comments regarding the November 2009, *CCMA DEIS*

March 3, 2010

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CCMA RMP/EIS Comments
Attention: Planning Coordinator
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20 Hamilton Court
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Substantive 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.

My 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 Mangement 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.

Therefore, I recommend the following:

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

Substantive Comments regarding the November 2009, CCMA DEIS

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.

Substantive Comments regarding the November 2009, *CCMA DEIS*

March 3, 2010

Michael Zesiger
Timekeepers Motorcycle Club
863 Brea Lane
San Jose, CA 95138

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

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

My 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.

Therefore, I recommend the following:

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.



Comments to the CCMA draft RMP & draft DEIS dated November 2009

Terry Pederson
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CCMA RMP/EIS Comments
Attention: Planning Coordinator
Bureau of Land Management
Hollister Field Office
20 Hamilton Court
Hollister, CA, 95023
e-mail to: cahornp@ca.blm.gov

Document reviewed: Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement, dated November 2009. DOI Control Number: DES 09-47

I am a Professional Engineer, and am a member and past president of the Timekeepers Motorcycle Club (TMC). I have been recreating and helping TMC put on motorcycle events in CCMA since 1984. During this time, I have acquired an extensive knowledge of the trails, and spent several years on the BLM Technical Advisory Team. I have also worked extensively with the BLM to build and maintain trails within CCMA to resolve resource and erosion issues.

1 Comment #1

Page III and page 4 of the document is the Purpose and Need. This lists 3 reasons for this document. The first issue is the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008). The DEIS states the EPA risk report "*provides significant new information that must be incorporated into the land use plan to evaluate the public health risk associated with the BLM land use authorizations.*"

This is an incorrect statement, as there is no new information provided by the EPA report. The area has been known to contain naturally occurring chrysotile minerals for over 150 years, which is why there are numerous large mines that used to mine the chrysotile minerals in the area. From page 14: "*CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of naturally occurring serpentine rock and soil which contain high concentrations of naturally occurring asbestos (NOA).*"

The area has been mined since the mid 1800's per the BLM (page 223). The BLM also has an EPA report from 1992 on the area that supplies the same or similar information. Neither EPA report has any action forcing statements telling the BLM they must or need to take any action in regards to CCMA.

Both the EPA and BLM acknowledge that chrysotile may be less potent than amphibole. Page 20 of the DEIS states: "*The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma.*"

The Purpose and Need fails to set forth a problem that needs to be resolved, it only states that there is a new EPA risk analysis. There has been no discussion of the problem to be solved, which is whether anyone is or has ever been harmed by the Chrysotile mineral present in the CCMA environment, i.e. is it a health hazard to the public while recreating within CCMA. There is absolutely no data supplied within the DEIS indicating anyone has been harmed, or that the surrounding communities have higher incidences of disease of any kind.

A minor amendment to the existing ROD is all that might be needed to deal with the new EPA report.

1.1 Resolution

Remove the following statement from the DEIS on pages III and page 4:
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.

Respectfully,
Terry Pederson
Timekeepers Motorcycle Club

2 Comment #2

Page III and page 4, Purpose and Need. The second stated need for this DEIS is stated as:

“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 174 of the DEIS states: *“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”*.

It goes on to say (page 174): *“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.”*

Thus, there are no red-legged frogs, nor tiger salamanders to protect, and nothing in the DEIS will resolve any issues associated with these two species. Thus there is no purpose, nor need for the DEIS with respect to these two species.

On page 442, it states: *“California condors are slowly increasing in numbers but continue to suffer from ongoing contacts with humans and human artifacts such as power lines, which elevates the significance of relatively unoccupied regions such as CCMA to the species.”*

Again, there is no problem to be solved in regards to the California Condor within CCMA, with the possible exception of the power lines within the area. Again, there is no stated problem or need, nor is there anything the DEIS that resolves anything with regards to the California Condor.

The last revision to the CCMA RMP was in 2006 per the DEIS, page I. There is no information presented that indicates anything new that happened in the two years from the last amendment closure order issued May 2, 2008 (DEIS page I), except the release of the EPA report, which doesn't justify a new DEIS, especially since the EPA report contains no action forcing statements.

This is also a violation of the CEQ rules which requires new decisions to tier off existing decisions. Since there is no problem, there is no need, so the existing ROD from 2006 is more than sufficient for existing Federally listed endangered species, which according to the DEIS only involves the San Benito Evening Primrose.

2.1 Resolution:

Remove the following statement from the DEIS as there is no stated problem, thus no need. There is also nothing within the document that resolves anything with the three species.

Remove from page III and page 4:

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.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

3 Comment #3

Page III and page 4, Purpose and Need. The third stated purpose and need for this DEIS is stated as:

“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.”

The purpose and need indicates an increased demand for energy production, yet the DEIS indicates this is not the case for CCMA. Stated on page 671:

“Based on an analysis of past oil and gas related activities within the boundaries of the Hollister Field Office (HFO) and the very small amount of federal mineral estate within areas of high development potential, we project that oil and gas activities on federal mineral estate within the Hollister Field Office area boundary will continue at a relatively minimal level.”

Appendix I, Map 10 shows the oil and gas potential within CCMA as none for the majority of the area, with the outside areas as moderate.

Page 298 states the following: *“However, the potential for development of areas in CCMA for renewable energy projects (e.g., wind and solar), additional communication sites, and other uses are limited, as wind and solar energy have low potential to produce significant economic activity.”*

Appendix I, Map 11 shows the wind energy potential for CCMA as less than 10.1 mph, which confirms the statement on page 298.

Thus the data within the DEIS shows that the area has no or very limited potential for energy production, oil, gas, wind, or solar.

As for recreation, decreasing the area available for recreation doesn't address the increased demand for use of public land for recreation. Thus, none of the alternatives addresses the need for this increased demand. All of the alternatives actually reduce the land available for recreation, not increasing it. Thus the stated purpose and need for increased demand for public land for recreation are contradicted within the document and alternatives which decrease the amount of land available, not increasing the amount available, which would satisfy the stated need. Given that the historic use of the area is for recreation, none of the alternatives satisfy the stated purpose and need.

3.1 Resolution

Change the following statement from page III and page 4 as shown below:

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

Comments to the CCMA draft RMP & draft DEIS dated November 2009

~~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.~~

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

4 Comment #4

Alternate A, page IV. There is required to be a No Action alternative, as required by the CEQ, 1502.14 (d). Problem is that this is NOT a no action alternative. Thus, the DEIS violates the CEQ requirement on including a no-action alternative.

Page 25, there is no present application of dust-suppressant, so this has been added. If this is all that is required to incorporate the new EPA report, then just do an EA to amend the existing ROD.

Page 25 also states the BLM will acquire state lands and private in-holdings from willing sellers through acquisition or exchange. This is not in the current management directive, as the BLM has consistently stated they will not acquire additional lands within CCMA due to them not being allowed to acquire any additional "contaminated" lands.

Page 25 states they will allow no mineral leasing or sales within Clear Creek Canyon, and will withdraw the RNA and Clear Creek Canyon from locatable mineral entry. This is also not the existing condition, and is being added in this DEIS.

4.1 Resolution:

Correct the DEIS to reflect the actual no action alternative as required by law, not a modified version as is currently in the DEIS.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

5 Comment #5

DEIS page I states:

“Though these plans provide a broad overview of goals, objectives, and needs associated with these public lands, the 1984 Hollister RMP and CCMA RMP Amendments (1986, 1999, 2006) lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 Hollister RMP (as amended) have presented some complex management issues that are appropriate to analyze in a “stand alone” RMP for the 63,000 acres of BLM-administered lands in CCMA.”

The statement indicates the existing CCMA RMP lacks detailed direction and are generally outdated, yet no information is presented to back these statements up. There is also nothing in the purpose and need backing up these statements. The purpose and need list 3 issues:

1. The EPA report.
2. Three Endangered species, which the DEIS states are not, and have never been found in CCMA, so there is no issue here.
3. The social and economic conditions in San Benito County and the rest of the state that have led to increased demand for use of public lands for recreation.

There is nothing stated in the DEIS about any political or environmental changes that need to be addressed, unless the EPA report represents the environmental change. The EPA report can't be considered an environmental change since it contains no new information, and contains no action forcing statement. The EPA report is a risk assessment only, and contains no statement forcing the BLM to do anything.

5.1 Resolution

Change the following paragraph on page:

5.1.1 Current:

The Planning Area has been managed in accordance with the 1984 Hollister Resource Management Plan (hereafter the '1984 Hollister RMP'), a broad-scale land use planning and management document that provides goals and objectives and defines necessary management actions to achieve these desired conditions. Since 1984, the 1984 Hollister RMP has been amended several times to address new issues and emerging trends on public lands in CCMA. Though these plans provide a broad overview of goals, objectives, and needs associated with these public lands, the 1984 Hollister RMP and CCMA RMP Amendments (1986, 1999, 2006) lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 Hollister RMP (as amended) have presented some complex management issues that are appropriate to analyze in a “stand alone” RMP for the 63,000 acres of BLM-administered lands in CCMA.

5.1.2 New paragraph:

The Planning Area has been managed in accordance with the 1984 Hollister Resource Management Plan (hereafter the '1984 Hollister RMP'), a broad-scale land use planning and management document that provides goals and objectives and defines necessary management actions to achieve these desired conditions. Since 1984, the 1984 Hollister RMP has been amended several times (1986, 1999, 2006) to address new issues and emerging trends on public lands in CCMA. These plans provide a broad overview of goals, objectives, and needs associated with these public lands, consisting of 63,000 acres of BLM administered lands in CCMA.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

6 Comment #6

DEIS page 1 makes the following statement:

EPA released the CCMA Asbestos Exposure and Human Health Risk Assessment on May 1, 2008. The result of the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.

The CEQ regulation 1502.1 states the document "*shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives ...*".

From DEIS page 326:

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

The DEIS has a serious omission of scientific data. The DEIS relies only on the theoretical risk analysis performed by the EPA, and includes none of the numerous epidemiological studies that state that chrysotile asbestos is either benign or mildly toxic, but significantly less toxic than the amphibole asbestos the EPA report is based upon. Further, the EPA data is based upon occupational exposure, not to the infrequent and episodic recreational exposures (EPA study, page es-6). In addition, there is no data supplied in the DEIS of the population surrounding the area, indicating that there is any increase or decrease in cancer cases compared to the rest of the state. Furthermore, there is not a single confirmed case of anyone ever dying due to exposure to the CCMA environment. This includes any of the miners, truck driver, mill workers, or people that have recreated in the area. Since the area has been mined since the mid 1800's, including two major asbestos companies (Atlas and KCAC), and significant use for OHV recreation over the last 50 years, there is sufficient time and data to determine if the theoretical results match the actual results in practice.

The EPA also published in December 2008 that Chrysotile asbestos is significantly less potent than amphibole asbestos, a position also held by the World Health Organization. Even though this was published prior to the release of the DEIS, this change in stance by the EPA is not reflected in their report.

The Purpose and Need fails to set forth a problem that needs to be resolved, it only states that there is a new EPA risk analysis. There has been no discussion of the problem to be solved, which is whether anyone is or has ever been harmed by the Chrysotile mineral present in the CCMA environment, i.e. is it a health hazard to the public while recreating

Comments to the CCMA draft RMP & draft DEIS dated November 2009

within CCMA. There is absolutely no data supplied within the DEIS indicating anyone has been harmed, or that the surrounding communities have higher incidences of disease of any kind. The two attached documents give a thorough discussion of the issues, referencing a wealth of studies.

See two attached documents listing numerous scientific studies contradicting the results of the EPA study:

CCMA Ilgren BRC letter to BLM on Health Risks Feb 09

CCMA Ilgren Questions for the EPA April 17

These two documents must be listed as a "Major Planning Issue" exactly as the EPA study is listed as a Major Planning Issue.

6.1 Resolution:

Include the following statement, and attach the above two documents to the DEIS: Contrary to the EPA Risk Assessment, the majority of scientific data based upon numerous epidemiological studies indicate that Chrysotile asbestos is significantly less potent than amphibole asbestos, and there has never been a confirmed death due to exposure to the asbestos within CCMA. The peer reviewed scientific studies indicate that Chrsotile has never been proven to cause disease, and in fact may be benign.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

7 Comment #7

DEIS page 2, states:

Human disturbance to the soils and plants in the serpentine ACEC is a special management concern, because throughout the ACEC, soil formation tends to be slow and the topsoil shallow. Plant regeneration is also slow, and accelerated erosion from human activities has negatively impacted soil and vegetative resources over the years.

There is no data supporting the assertion that there is accelerated erosion from human activities within the CCMA. There is also no supporting data indicating there is accelerated erosion of any kind. BLM photographs of the area from the 1930's show the area to look nearly identical to what it currently looks like. Most of the erosion within CCMA since 1984 occurred during the last El Nino, which caused considerable erosion. This El Nino was around 1997.

7.1 Resolution

Delete the following from the paragraph: “, *and accelerated erosion from human activities has negatively impacted soil and vegetative resources over the years*”

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

8 Comment #8

DEIS page 47, states:

TRANS-FG3. Decommission Clear Creek Road (R1), and reclaim closed roads to protect sensitive resources, reduce sediment transport, and control erosion.

Clear Creek Road (R1) is a county road, which the BLM does not have the authority or legal right to destroy.

8.1 Resolution:

Remove this statement from the DEIS

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

9 Comment #9

DEIS page 53 makes several conflicting statements, and an omission error:

SSS-A1. Establish appropriate levels of surface disturbance to protect special status species and their associated habitats.

SSS-A11. Rehabilitate (by ripping and/or pitting) potential habitat areas for the San Benito evening primrose in Clear Creek Canyon.

SSS-A12. Initiate an ecological study of the San Benito evening primrose to determine habitat requirements.

The first two statements are correct in that it is known that the San Benito Evening Primerose needs disturbed soils to thrive. There is no data supplied to justify the ecological study, nor what problem it proposes to resolve.

9.1 Resolution:

Delete the SSS-A12 statement.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

10 Comment #10

DEIS page 73 states:

Work cooperatively with private and community groups and local tribal governments to provide for customary uses consistent with other resource objectives and to sustain or improve local economies.

The DEIS states they will provide for customary uses, but no customary usages are stated. Customary uses have been recreation and mining. Mining usage ran from the mid 1800's until around 2002 (DEIS, page 269) when the KCAC mine closed, the last active large mine in the area. OHV usage has been the main customary use from the 1960's (DEIS page 245) to the present.

DEIS page 205 states: "Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area."

It should also be noted that the area was previously known as the Clear Creek Recreation Area.

10.1 Resolution:

Add that the following statement on page 73:

Customary uses since the mid 1800's have been mining, and from the 1960's have also included dirt bike riding. Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

11 Comment #11

DEIS, page 74 states:

SOCEC-A1. Protect and conserve natural values while allowing for tourism and commodity use of natural resources.

Why this section talks about tourism is not understood since tourism is not a major part of its customary usage. Tourism historically is a minor customary use of the area at best. The main customary uses of the area are recreation on dirt bikes, 4 wheeling, and rock collecting. Another minor use of the area is the illegal cultivation of marijuana, which is again higher in customary usage than tourism.

This is an omission error in not accurately describing the affecting environment and its customary and historic social uses.

DEIS page 205 states: "Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area."

DEIS page 273 states: Discussions with area residents, public land users, and BLM staff indicate that, in fact, recreationists come from all over California and the U.S. to recreate in CCMA.

11.1 Resolution:

Change the paragraph to read:

SOCEC-A1. Protect and conserve natural values while allowing for continued use for its historic use as a recreational area for dirt bikes, 4-wheeling, rock and mineral collecting, tourism, and commodity use of natural resources.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

12 Comment #12

CEQ regulation 1502.15 requires that the DEIS shall describe the affected environment. Nowhere in the document is CCMA described. The executive summary, page 1, states the HFO manages approximately 63,000 acres of public land within the 75,000 acre CCMA. The 30,000 acres within the Area of Critical Environmental Concern (ACEC), which is highlighted on many of the maps, so is well understood. What is not understood is exactly where the remaining 45,000 acres are. The DEIS also doesn't describe where the 12,000 acres of non-BLM land is located, and exactly who owns this land.

This is a serious omission error since it can't be determined exactly what areas are being affected by the document if they are not accurately described.

CCMA, as known to users only includes the 30,000 acres within the Area of Critical Environmental Concern. The term CCMA doesn't apply to the remaining area in the public's eye or understanding. I believe that is why the DEIS refers to these other areas as Condon Peak, Tucker Mountain, and the Cantau zones, since they are not part of what the public knows as CCMA.

12.1 Resolution:

Supply maps and tables describing these lands, along with identifying non-BLM lands and whether they are private, state, or other government owned lands.

Add a statement on page 1 that this DEIS only affects the approximately 63,000 acres of public land, with no affect to the remaining non-BLM managed land.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

13 Comment #13

DEIS page 19 gives the following description for Alternate D:

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 eliminating camping and staging in the ACEC.

Page 127, table 2.6-14 states the following

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.

This alternative promotes developing trails where the BLM admits there is no public access, nor do they see any access in the foreseeable future. CEQ regulation 1500.2(e) requires the alternatives to be reasonable. It is not reasonable to propose an alternative that requires access, but the agency acknowledges there is no access, nor do they see any public access in the foreseeable future.

The DEIS should have provided details on how access will be obtained, the timeframe for this to occur, and other details to determine if this is feasible or cost effective.

13.1 Resolution:

Since Alternate D is impossible to analyze, and doesn't appear to be reasonable nor feasible, Alternate D must be deleted from the DEIS.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

14 Comment #14

CEQ 1500.5(d) requires the agency to use the scoping process to identify the issues.

From page 84:

CCMA's unique recreation opportunities, which were overwhelmingly identified as a priority in the public scoping process.

The document and the BLM acknowledge that the public overwhelmingly identified continued use of the area for recreation as the overwhelming number one issue, yet the agency failed to include that priority in the purpose and need. The document also fails to address the public's number one issue, which is continued access to CCMA for recreation.

Also on page 84, the DEIS 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.

NEPA states the agency must be responsive to issues identified in scoping, but the BLM and the DEIS fail in this regards. They state they are required to be responsive, and state that the public overwhelming demanded continued use of the area, but the entire document omits anything other than the fact that this was the public's number one issue.

14.1 Resolution:

Add to the purpose and need the publics demand for continued access to CCMA for recreation. Suggest the following statement be added to the purpose and need on page III and page 4:

Enhance and maintain the public's access to high quality recreational opportunities, satisfying the increased demand for use of public lands for recreation. Maintain CCMA's historic use of providing a unique and challenging recreational opportunity.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

15 Comment #15

On page 84, the DEIS 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.

DEIS page 150, Table 3.3-1 lists the estimated costs for dust mitigation for unpaved roads. While the technologies are viable, they are not reasonable from a financial point of view. Every alternative specifies dust suppression, reference page 32, table 2.4-1.

Since the addition of dust suppressants isn't financially reasonable, its inclusion on every alternative violates NEPA policy.

15.1 Resolution:

Leave table 3.3-1 in the document to show the costs and technologies available, but state that costs are prohibitively not cost effective, and delete the dust suppression from every alternative.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

16 Comment #16

Page 253 defines Traditional Cultural Property:

A Traditional Cultural Property (TCP) is eligible for listing to the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (Parker and King 1998:1). Traditional cultural values are central to the way a community or group defines itself, and maintaining those values is often vital to maintaining the group's sense of identity. Properties with traditional cultural value ascribed to them often take on this kind of vital significance. Typically any damage to or infringement upon them is "perceived to be deeply offensive to, and even destructive of, the group that values them" (Parker and King 1998:2).

Page 254 states:

Arguably there are at least three distinct Communities that identify the CCMA in a distinct way with their own distinct meaning: the California Indian/Native American Community ("The Land"), the OHV Recreation Community ("The Creek"), and the Gem & Mineralogical Society Community ("Clear Creek"). These three Communities use the CCMA in a fashion that fits well with the definition of a TCP, and has demonstrated this relationship in a meaningful way with the CCMA as a property over time.

While it does appear that the BLM and the DEIS have recognized CCMA for the value the public places on the area, and have acknowledged its cultural value to the OHV community, they have failed to protect our traditional cultural use and value in any of the alternatives presented.

Not only is the area of high cultural value, with almost religious value for many of the local users, it is well known within the OHV community as recognized by the BLM in the following statement:

DEIS page 273 states: Discussions with area residents, public land users, and BLM staff indicate that, in fact, recreationists come from all over California and the U.S. to recreate in CCMA.

While the outside users may not be coming for its cultural value, they are attracted to the area due to its unique and challenging recreational experience.

16.1 Resolution:

Add to the purpose and need on page III and page 4 the following statement:
Maintain the traditional cultural usage of the area, and to get CCMA listed in the NRHP for the three groups that consider this area a TCP, the California native community, the OHV community, and the Gem and Mineralogical Society.

The purpose of getting the area listed is to ensure its continued viability to the affected groups.

Comments to the CCMA draft RMP & draft DEIS dated November 2009

Thank you for your attention to this matter.

Respectfully,

**Terry Pederson
Timekeepers Motorcycle Club**

17 Comment #17

DEIS page 277 states:

The major share of recreation use in the CCMA is concentrated in the Serpentine ACEC, with over 78,000 visits in 2006 and 2007 combined. Together they account for over 70 percent of the recreation use on public lands in the Planning Area.

DEIS page II states:

The BLM is responsible for the sustainable management of public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of “multiple use” – a combination of uses that takes into accounts the long-term needs of future generations for renewable and nonrenewable resources. These resources include public health and safety recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific, and cultural values.

From page 84:

CCMA’s unique recreation opportunities, which were overwhelmingly identified as a priority in the public scoping process.

17.1 Discussion

The BLM is responsible for managing the lands for multiple use, including recreation and cultural values. They also state that over 70 percent of the recreation within CCMA is within the serpentine area, and the overwhelming majority of public scoping comments identified CCMA’s unique recreation opportunities as the number one issue. Yet the DEIS gives only alternatives that go against the will of the people and their mission statement. None of the alternatives expand recreational opportunities, they reduce them. The whole DEIS goes against the BLM’s mission statement, and violates CEQ regulations requiring the DEIS to be responsive to public input.

DEIS page 300 states the BLM’s multiple use mandate:

For management actions that do not achieve the stated goals and objectives of that alternative, or that generally do not meet *BLM’s multiple use mandate*, or that result in significant negative changes to physical or social conditions, the impact is characterized as adverse.

17.2 Resolution:

Withdraw the entire DEIS and if necessary, do a minor EA to the existing 2006 ROD, and reopen the area for its traditional use as a recreation area immediately.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

18 Comment #18

DEIS page 277 states:

Compared to the recreation requirements of the millions of people who reside within 2 hours of other major blocks of public lands in Central California, the use of CCMA public lands is inconsequential.

This is a false statement, and no data is supplied to justify the statement.

Just prior to this on DEIS page 277, it states:

The major share of recreation use in the CCMA is concentrated in the Serpentine ACEC, with over 78,000 visits in 2006 and 2007 combined.

78,000 visits in two years is not inconsequential. In addition, there are no other major blocks of public lands in Central California available for OHV use. Even if there was a large block that could be dedicated for OHV use, it would have no established trails, which would take decades to develop to replace those lost at CCMA. Most of the CCMA trails are single track which can only be built by hand, a very time consuming and labor intensive process. The CCMA trails are based off the numerous existing mining roads, and have expanded over the past 50 years as dead end mining roads have been tied together to form loops.

This points out another example of the document failing to be responsive to CEQ regulations to be responsive to the public's input. It also highlights the HFO's failure to adhere to the BLM's multiple use mandate:

DEIS page 300 states the BLM's multiple use mandate:

For management actions that do not achieve the stated goals and objectives of that alternative, or that generally do not meet BLM's multiple use mandate, or that result in significant negative changes to physical or social conditions, the impact is characterized as adverse.

CCMA is the only significant OHV area within the HFO region on BLM land.

18.1 Resolution:

Delete the following paragraph from page 277 of the DEIS:

Compared to the recreation requirements of the millions of people who reside within 2 hours of other major blocks of public lands in Central California, the use of CCMA public lands is inconsequential.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

19 Comment #19

DEIS page 312 states the following:

Alternatives B through G would allow BLM the flexibility to continue visitor use fees. Use fees may exclude or detract certain visitors from participating in the activity for which the use fee is established. While this could adversely impact some visitors, most public land visitors are willing to pay a small fee for recreation opportunities in CCMA, and collection of visitor use fees could help improve recreation facilities and reduce the negative impacts associated with overcrowding or other environmental impacts. Overall, the adverse effects of visitor use fees would be outweighed by these potential benefits

The statement is both true and false. Alternative A, the No Action alternative, which would represent the management of the area just prior to its closure, already had a use fee implemented. Since this was already implemented, then visitor use fees must also be allowed in the existing management plan. The users have no problem with the continued implementation of the visitor use fees.

19.1 Resolution

Modify the first sentence of the statement on page 312 to state:

“Alternatives A through G would allow BLM the flexibility to continue visitor use fees.”

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

20 Comment #20

DEIS page 315 states:

Alternative D would only authorize full-size vehicles on County roads and BLM routes identified on Map D in the ACEC. These restrictions on allowable uses would have major long-term adverse impacts on OHV recreation in the ACEC. However, under this alternative, BLM would develop approximately 60 miles of trails to promote OHV recreation opportunities on public lands in the Cantua, Tucker, and Condon management zones. BLM would also establish new campgrounds, staging areas to support OHV recreation in the Cantua Zone, as well as lands surrounding Tucker Mountain. These new OHV recreation opportunities would provide moderate long-term benefits to OHV recreation in Central California and off-set some of the adverse impacts from prohibiting OHV recreation in the ACEC; although the quality and quantity of OHV recreation opportunities would still be diminished compared to Alternatives A, B, and C.

Page 127, table 2.6-14 states the following

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.

20.1 Discussion:

On page 84, the DEIS 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.

Developing 60 miles of trail in the Cantua, Tucker, and Condon areas isn't reasonable, nor acceptable, thus violates NEPA. Condon is south of CCMA, Tucker is north, and Cantua is south of Idria. None of these areas connect, so the trail network couldn't be connected, making the proposed trail network worthless. In addition, the BLM acknowledges on page 127, table 2.6-14 that there is no public access to the Tucker Mountain area, and there is no foreseeable public access.

Building 60 miles of disconnected trail is not an equivalent replacement for CCMA which has over 200 miles of existing trails that all connect.

Replacing over 200 miles of trail with 60 is not a viable trade. Alternative D must increase the mileage of trail to be considerably closer to the existing mileage to be considered even remotely equivalent to the existing recreational opportunities present in CCMA.

Comments to the CCMA draft RMP & draft DEIS dated November 2009

20.2 Response:

The DEIS should have supplied information on how these issues were to be resolved, but since it wasn't provided, this alternative can't be analyzed, so must be deleted from the DEIS. Delete Alternative D from the DEIS.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

21 Comment #21

DEIS page 324 and 325 states the following assumptions were incorporated into the EPA's risk analysis:

Dirt bikes speeds of 20 mph average and 6 hours riding per day for a day use rider.

21.1 Discussion:

This would mean that the average rider in the EPA study would ride 120 miles a day at CCMA. While this is not totally impossible, it definitely does not represent an average ride, nor an average rider. I doubt that anyone has ever ridden 120 miles at the creek in a single day. The longest most of us ever rode at the Creek was in the Quicksilver National Enduro, which for the top riders was around 100 miles in a single day.

Having laid out a loop for the Wild Boar Enduro just about every year since 1997, and doing the route sheet just about every year during that period, I can guarantee that the average speed for the average rider at the Creek is 15 mph maximum, not 20. This was told to me by the D36 enduro steward back around 1999, and confirmed through experience with putting on the events. I have been using 15mph as the average to calculate free times to get riders back on time, and still hear from numerous riders the event is a hare scrambles, meaning they could NOT maintain the speed average.

The Wild Boar was 70-85 miles long, and lasted 5.5 to 5 3/4 hours, and that was far more than the average rider usually rides in a day on a non-event ride. Note that 5 hours at 15mph equals 75 miles, and the Wild Boar took longer to do, and was approximately 75 miles of riding.

The average rider can maintain a faster pace during an event than normal for several reasons. One is they are simply following a marked course, so don't have to worry about which way to go at any intersection, nor do they have to wait for their buddies. In addition, since everyone is going the same direction, they don't have to worry about head-on collisions. Thus the average rider will actually go faster at an event, and 15 mph is the average speed of riders during an event at CCMA, and would be less for just play riding.

The average rider actually only rides 30-50 miles in a day, not 120, and usually does this in 3-4 hours, not 6 hours. Thus the EPA report overestimates:

20 mph speed average that is at least 33 percent high

6 hours is 150 to 200 percent over the actual

120 miles is 2 to 4 times the actual

Calculations in the DEIS on page 682 state the speed component is S/12 for dust generation

=1.67 for 20mph

Comments to the CCMA draft RMP & draft DEIS dated November 2009

=1.25 for 15 mph

Thus, changing the average speed from 20 mph to 15 mph reduces the dust emissions on an unpaved road by over 25 percent for a motorcycle. Thus the EPA tests were run at too high a speed, and reducing the speeds to what an average rider actually rides at would have resulted in considerable less fibers/cc in the test results, thus resulting in reduced risk assessment numbers.

Thus, the DEIS violates CEQ requirement 1500.1(b) on accurate scientific analysis.

The EPA analysis must be modified to reflect accurate information, or the BLM must discard the inaccurate EPA report, or at a minimum recognize that it overestimates the risk and compensate for its known overstatement of the risk due to overestimates of an average user. This was not done.

21.2 Resolution:

Since the EPA risk analysis isn't based upon accurate assumptions, it must be discarded as part of this DEIS. Remove all references to the EPA report.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

22 Comment #22

DEIS page 239 makes the following statement:

However, the No Action Alternative would have major negative impacts to public health and safety by increasing the public's long-term risk of contracting cancer associated with exposure to asbestos from CCMA.

This is conjecture, since the scientific literature states otherwise. Only the EPA report comes to this conclusion. Thus this is a violation of CEQ requirement 1500.1(b) on accurate scientific analysis

22.1 Response:

Delete the above statement on page 239 from the document.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

23 Comment #23

DEIS Table 4.4-2

This table lists major detrimental affects for Alternative D for nonserpentine areas, yet predicts that vegetation loss is less than Alternative A. Alternative A would continue usage on existing trails, thus would be no change for Alternative A, which the table reflects. Building 60 miles of new trails, which would require vegetation loss over the entire 60 miles of new trails absolutely has to be more than using the existing trails in Alternative A, which would result in no vegetation loss.

The table is wrong, and needs to be corrected to reflect actual results. These tables indicate a strong anti-OHV bias, as their conclusions are obviously wrong, with the intent for them to give the result desired, not the scientific facts.

Table 4.4-8 on page 379 again shows a strong anti-OHV bias with the results of predicted vegetation disturbance levels at the bottom of the table being obviously incorrect. Since most of the noxious weeds can't live in the serpentine area due to its harshness or toxicity, then the noxious weed problem will be a much bigger problem in Alternate D, where trails are created in the non-serpentine soils where the noxious weeds can thrive.

DEIS page 426, movement of Noxious weeds. Since noxious weeds can't grow in the serpentine region, and they thrive in the non-serpentine regions, then alternate A would have less impact than D since alternate D would and is shown to have major increases of movement of noxious weeds. This again shows the lack of scientific thought and reason, along with bias against OHV in the DEIS.

23.1 Resolution:

Correct Alternative D to show its predicted vegetation loss is greater than Alternatives A-C. This same or similar error is repeated in most of the Tables in this section and all need to be corrected. This includes table 4.4-8 for noxious weeds.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

24 Comment #24

DEIS table 4.4-3, page 376 states there will be continued intensive motorized recreation within both riparian and upland serpentine plant communities.

24.1 Discussion

Just about all trails near creeks have been closed, except for limited creek crossings at hardened locations, so there is no intensive motorized use in riparian areas.

24.2 Resolution:

Change this statement from:

Continued intensive motorized recreation within both riparian and upland serpentine plant communities. Limited motorized recreation within both riparian and upland nonserpentine plant communities.

To:

Limited motorized recreation within both riparian and upland serpentine plant communities. Limited motorized recreation within both riparian and upland nonserpentine plant communities.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

25 Comment #25

Page 520, table 4.15-2

This table again shows the lack of care shown in the remainder of the DEIS. The percent change for 2000-30 are incorrect for the Diablo Range and Central Coast. They simply added the percent change above, instead of recalculating, so the percent change is considerably higher than actual.

Diablo Range should be 70.4 percent increase, not 226.7

Central Coast should be 27.8 percent, not 80.0

25.1 Resolution:

Correct the table to show correct percent changes.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

26 Comment #26

DEIS page 522 states:

Recreation use of public lands is expected to increase as population grows not only in the Central Coast and Diablo Range areas that support local use but also throughout the HFO and California. If recreation use were to grow at a rate proportional to population growth in the Central Coast and Diablo Range areas, over 50,000 annual visits would be expected, compared to the estimated fiscal year 2006 use of 43,000 visits. However, a more likely scenario is that the increase in recreation visits would far exceed population growth as competition for recreation space accelerates and as word of the recreation opportunities on BLM lands in CCMA spreads. If use were to triple during the life of this RMP/EIS, over 90,000 visits annually would be expected. At this level of use, annual expenditures in support of recreation on public lands in the CCMA might reach as much as \$4 million in current dollars. Although still an inconsequential level compared to Central Coast and Diablo Range economies, it is likely that some individual businesses, like motorcycle shops in Salinas and Hollister, would continue to rely greatly on OHV recreation activity in CCMA, which currently represents about 80 percent of total use in the CCMA.

26.1 Discussion:

There is something wrong with the \$4 million figure. If you calculate the cost per visit, then \$4 million divided by the 90,000 visits comes to \$44 per visit. This is way under the actual costs of recreating at CCMA. First, for most of us the drive is around 200 miles round trip, so assuming 20 mpg, we burn 10 gallons of gas = \$30 for the truck. The bike will use about 3 gallons of premium = \$10, for a total of \$40 just in fuel. Add in food, and most riders stop in Hollister for breakfast, and dinner for around \$30, the cost of the bike, etc. and the cost is closer to \$150-\$200 per trip to CCMA, so the economic benefits to the community is at least \$6-8 million per year for 43,000 visits per year, which would increase to over \$14 million for 90,000 visits.

26.2 Resolution:

Correct the paragraph on page 522 in section 4.15.2.4 to reflect actual economic benefits to the community, ie change the \$4 million number to \$14 million.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

27 Comment #27

DEIS page 531, section 4.16.3.1 states:

Under Alternative A, VRM classifications would not change since the 1984 Hollister RMP was published. Alternative A would have minor to moderate impacts on visual resources because current management practices do not afford visual protection standards for acquired lands, which would leave these areas in danger of potential deterioration of visual quality.

Nothing is specified that would have any effects on the visual resources, so delete this statement. It appears to have been made only to justify closing the area with no information on what activities could affect the visual resources. Even Alternate A requires OHV to stay on designated trails, so there should be little or no change in the appearance. Even BLM pictures from the 1930's show there has been little change to the present.

27.1 Resolution:

Change the paragraph as follows:

Under Alternative A, VRM classifications would not change since the 1984 Hollister RMP was published. ~~*Alternative A would have minor to moderate impacts on visual resources because current management practices do not afford visual protection standards for acquired lands, which would leave these areas in danger of potential deterioration of visual quality.*~~

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

28 Comment #28

The BLM Manual 1601, Planning, requires the agency to perform and disclose Benefits-Based Management. In the case of CCMA, this would require the agency to disclose the benefits of the activities supported by CCMA, which include rock and gem collecting, 4 wheeling, and dirt bike riding.

This is a major omission that was not performed, or at least is not included in the DEIS. The risks and benefits need to be compared and analyzed and balanced to determine if one outweighs the other, or if the risk is acceptable. All activities have some degree of risk, and if the benefits outweigh the risks, they are socially acceptable. These include activities that are far more dangerous than recreating at CCMA, such as sky diving, scuba diving, horseback riding, etc.

28.1 Resolution:

Include the following as benefits for dirt bike riding:

Family activity allowing families to spend quality time recreating together, and keep in shape.

Amateur motorcycle competition

Learning new skills

Riding difficult trails requires skill. It is exhilarating 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, and engine stalls, etc. These riding skills involve dexterity, balance, hand-eye coordination, throttle control, and mental preparedness.

We enjoy getting away from cities and our jobs to the spectacular scenery, solitude, and rugged terrain of CCMA. Riding trails allow us to experience much more of the environment than possible by other modes of transportation. Off-road motorcycle 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.

I get great satisfaction from just being in CCMA, often times just doing trail maintenance and repair. It is the last place that I know that I actually feel free, and spiritually fulfilled. For me, this has been my spiritual escape for the last 25 years.

Building social bonds and getting to know other club members and other riders while putting on organized events at CCMA is a huge part of my life, the one reason I have remained in the Timekeepers Motorcycle for over 25 years. My whole life for the last 10

Comments to the CCMA draft RMP & draft DEIS dated November 2009

years has revolved around putting on the Wild Boar Enduro, which the closure has taken away from me. This is like having your best friend taken away for no reason.

The comradeship of fellow riders. The trail rides are often the only time we see each other. We usually spend some time during the ride discussing issues in our lives, and giving each other advice.

Trail riding is physically demanding. We get a lot of exercise in a days ride.

Trail riding gives us a great way to teach responsibility to our kids, along with being a great incentive. If they don't get adequate grades in school, their riding privileges are taken away for a period of time. They also learn responsibility and mechanical skills in learning to maintain their bikes. Learning to maintain the bike helps them learn in considerably more detail how the bikes work, including the internal workings of the motor. It also teaches them the value and necessity of maintenance, and to learn to take care and appreciate what they have since a bike can be easily destroyed if not maintained properly.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

29 Comment #29

The DEIS, pages III and page 4, states that the EPA report provides significant new information. The entire DEIS is based upon this single theoretical report, violating NEPA requirement 1502.24, Methodology and Scientific accuracy. This requirement requires the agency to be held to professional integrity, including scientific integrity and accuracy.

29.1 Discussion:

The EPA did an investigation and generated their report, which they delivered to the BLM. The problem is there is no actual data included in either the EPA report nor the DEIS to verify the EPA report represents the actual environmental conditions at CCMA in regards to risk. Many studies are available that contradict the results of the EPA report, and some that agree with it.

The EPA report is analogous to a stress analysis used to design and develop safety critical equipment such as airplanes. The stress analysis is used to guide the design, but it is absolutely not the final document used in getting an FAA certification for the new airplane, or a safety certification for other safety critical piece of equipment. Many assumptions and simplifications go into the stress analysis, as many assumptions and simplifications have gone into the EPA analysis. The EPA analysis uses a generic risk factor for asbestos, with nothing to correlate the risk factor they use for the specific minerals found at CCMA. The stress analysis uses simplified structures by removing most holes, and depends on assumed loads and boundary conditions.

The problem with the entire DEIS and EPA report is that this is where they stop. They make their conclusions prematurely without any considerations to actual conditions as required in the engineering field, and to satisfy the requirement for scientific integrity. Both the EPA report and the stress analysis are theoretical, and need to be validated with actual physical data to verify their validity. For the stress analysis, the part is built, in this case the plane. It is then tested on the ground and the test results compared with the analysis. If the test results differ from the analysis, the stress analysis is reviewed and modified to correct any incorrect assumptions such as loads or boundary conditions, etc. that cause the results to differ. The plane is still not FAA certifiable as even this testing may still not represent actual flight conditions since the testing is based upon the assumptions used in the analysis. New information may be identified in the actual flight testing indicating the loads are not what was assumed, which may increase stresses reducing the factor of safety below allowable limits.

The plane is then instrumented and flight tested to ensure among other things that the loads and stresses are within allowable ranges. In other words, theoretical results are not adequate for safety critical items. The government demands actual real world test results to prove the design meets safety requirements.

In the case of the EPA study, there are numerous epidemiological studies that contradict the EPA studies, and none of these are mentioned in the EPA report, nor the DEIS. The 1992 "*Human Health Risk Assessment for the Clear Creek Management Area*" by PTI Environmental Services for the Hollister BLM office, includes a discussion about the various epidemiological reports and conclusions, as does the Ilgren letter to the BLM along with the Ilgren questions to the EPA letter (see attachments). These epidemiological studies are analogous to the ground testing of the airplane. Neither the EPA report, nor the DEIS, includes any discussion of these epidemiological reports, nor do either try to resolve the conflict between the EPA report and the epidemiological studies that contend that Chrysotile is either benign, or very low in toxicity.

The final part of testing the airplane is the actual flight testing, and comparing the loads and stresses to allowable stresses the materials can handle. Until the plane passes this step with adequate factors of safety, it can not receive FAA certification, and these numbers are the most important to verify the design meets requirements. This is also the final step in verifying that assumed loads and boundary conditions were correct, or at least close enough that there is an adequate safety factor in the design.

The analogy for the EPA report and DEIS are medical reports correlating the EPA risk assessments with actual verifiable results in the population. The final and most damaging aspect of the lack of scientific integrity is the fact that neither the BLM nor the EPA can supply any proof or data that anyone has ever gotten sick or died from exposure to the chrysotile at CCMA. There are no reports of anyone ever being harmed for the entire 150 plus years of extensive use of the area, including the miners and mill workers of either the Atlas or KCAC mines. Both of the groups of miners and mill workers would have seen far higher concentrations of fibers in the air as they worked with higher concentrations and more purified chrysotile, especially in the mills. They also were exposed for far longer times as their exposure was an occupational use, not the periodic usage seen by an OHV user. Due to the extended usage of this area, over 150 years, there has been more than adequate time for any problem to arise and in the users and be visible in the medical background that would indicate there was a human health risk in using the area. The numerous epidemiological studies of CCMA over the years would have uncovered the medical indicators and proof if they actually existed.

This is actually confirmed in the 1992 "*Human Health Risk Assessment for the Clear Creek Management Area*" on pages 28-29 where it states the risk factor does not include cancer incidence data from occupational populations exposed to chrysotile in mining and milling. Per the 1992 report, page 29, the risk assessment "*may result in a 7 to 200-fold overestimate of risks for exposures to chrysotile asbestos at the CCMA.*"

If the overstatement is just 10, then when applied to the current EPA report, there is no problem with reopening CCMA immediately. Considering that the overstatement may be as high as 200, then we have the answer as to why the theoretical does not match actual results on the ground - the EPA risk assessment overstates the risk considerably, by over two orders of magnitude.

Comments to the CCMA draft RMP & draft DEIS dated November 2009

The EPA risk assessment failed to consider or compensate for the unique environment of CCMA, and instead used risk assessment values more appropriate for other areas, but inappropriate for the environment at CCMA.

29.2 Resolution:

The EPA report and DEIS violate NEPA requirement for scientific accuracy and integrity since there is absolutely no proof that chrysotile is hazardous to human health, demonstrated by the lack of any medical report indicating anyone has ever been harmed. The purpose of NEPA, 1500.1 (b) and (c), states the information must be of high quality and scientifically accurate to help public officials to make decisions that are based on understanding of environmental consequences. The only way to do this is to prominently state: **The scientific evidence shows that there is no scientific data that supports the EPA report, and that the actual on the ground evidence shows no harm has ever been documented to anyone from the environment within CCMA.**

The entire DEIS needs to be thrown out and the area reopened immediately under the existing 2006 record of decision.

Thank you for your attention to this matter.

Respectfully,

Terry Pederson
Timekeepers Motorcycle Club

Comments to the CCMA draft RMP & draft DEIS dated November 2009

Attachments for Comment #6 and 29 on following pages.

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Mr. Mike Pool
State Director
Bureau of Land Management
2800 Cottage Way, W-1928
Sacramento, CA 95825
916 978 4630

24 Feb 09

Re Critical Commentary on CCMA Closure.

Dear Mr. Pool,

On behalf of the BlueRibbon Coalition (BRC) I am providing further expert opinion regarding the correctness of the closure of the CCMA. This additional report is prompted by several recent events, including the updating of my detailed study of possible asbestos-related disease in CCMA human populations, as well as statements made by Field Office Manager Rick Cooper to the RAC in late January apparently suggesting that BLM still lacks meaningful data on potential human health issues and continues to defer to EPA findings on this subject. I remind you that myself and several others have provided such information. See, e.g., Ilgren to Pogacnik, 16 Apr 08; Ilgren to BLM 20 June 08; Iddings & Fowkes, 2008; Amador to BLM Hollister 19 June 08; Turke to BLM Hollister 20 June 08; and various public scoping meeting documents. I wish to summarize and elaborate here, and trust that BLM will respond appropriately in your upcoming RMP / DEIS, which we understand is now slated for an April, 2009 release.

I will restate my primary conclusion once again - there is no health related basis for the CCMA closure. I say this on the basis of my discussions with you and your colleagues last April, my 20 year study of the CCMA and extensive publications of this area; my final evaluation of the health of the Coalinga chrysotile miner and millers now in press (20 Feb 09); my review of the EPA May 2008 report and the voluminous detailed data set underlying this report obtained through FOIA's to EPA IX provided in four CDs and a fifth CD related to the same data as well as additional related unreported CCMA studies done in 2007 and 2008; the original EPA 2004 - 2005 CCMA ABS studies and attendant correspondence regarding same; the two earlier ABS CCMA studies done by the University of California at Berkley group in between 1977 and 1983 [Cooper et al, 1979; Poppendorf and Wenk, 1984] and the BLM between 1988 and 1991 [PTI 1992]; a phase 1 geological and historical archaeology reconnaissance study of routes R1 and R2 within the CCMA and adjacent areas (20 June 08) by Iddings and Fowkes; a recent EPA IX document ("Framework for evaluating asbestos sites" - USEPA / OSWER Asbestos Technical Review Work group, Arnold Den); an extensive literature review regarding the geological, mineralogical, industrial historical characteristics of the CCMA, I believe there is no health related basis for the CCMA closure. The individuals recreating on the CCMA are not at risk of attributable asbestos related

ILGREN REPORT ON CCMA - 1

disease. There is no basis for the EPA's 'extreme concern' for such people or any others exposed to Coalinga asbestos on and / or near the CCMA. The salient points supporting this opinion include, though are not necessarily limited to, the following:

1. Over two million individuals have recreated on the CCMA over the last fifty years and there is no evidence of attributable asbestos disease particularly a mesothelioma excess due to such exposures.
2. Thousands of men have incurred occupational exposures to asbestos whilst working on the CCMA and there is no evidence of attributable asbestos disease particularly a mesothelioma excess due to such exposures - which would have been in many instances exponentially higher than those recreating on the CCMA.
3. There is no evidence of attributable asbestos disease in the families of such workers show particularly a mesothelioma excess due to such exposures.
4. There is no evidence of attributable asbestos disease particularly a mesothelioma excess in individuals residing in and thus potentially incurring 'environmental' exposures near the CCMA due to such exposures.
5. The 2008 EPA CCMA ABS cancer risk estimates regarding recreational activity on the CCMA are totally ludicrous positing up to 1/100 cancers when no attributable cases have been identified in any exposed groups.
6. There is no evidence of naturally occurring 'amphibole asbestos' i.e. asbestiform amphibole in the CCMA. Thus
 - a. Detailed review of the data set underlying the EPA May 2008 report, indicates the majority of the amphibole structures were nonasbestiform on the basis of aspect ratio distribution.
 - b. Detailed review of the data set underlying the EPA May 2008 report indicates problems related to misidentification of amphibole structures including though not limited to a lack of quality control
 - c. Detailed review of the data set underlying the EPA May 2008 report, in conjunction with the existing geological and mineralogical literature of the CCMA, indicates the sources of the naturally occurring nonasbestiform amphibole would have included though not necessarily be limited to
 1. Rock contact zones from Jurassic Franciscan inclusions, jadeite pods, and synenites of the type described by Coleman [1957, 1961, 1986], Yoder and Chesterman [1950], Cohan [1962], Fowkes [2004], Iddings and Fowkes [2008] and other works and as alluded to by Poppendorf and Wenk [1984] per metamorphic zones.
 2. Naturally occurring cross fiber chrysotile from old asbestos mines near the head of Clear Creek and / or from commercial chrysotile used in some of the historical industrial materials e.g. around retorts and kiln stoppings [see Iddings and Fowkes, 2008].
 3. Nonasbestiform tremolite washed down a Clear Creek tributary from the Victor Claim to Staging area 4.
 4. Sources outside the CCMA (Amador pers com, 2008).
 5. Damaged malfunctioning sampling equipment.
 6. Historical industrial amphibole e.g from '150 years' of industrial mine dust collecting along the R1-R2 sampling routes [Iddings & Fowkes, 2008]
 - d. Earlier EPA CCMA documentation e.g. 1989 – 1990 said the only type of asbestos found in the area is chrysotile (also see Ilgren, 1004)

- e. EPA CCMA ABS 2004 – 2005 documents failed to mention finding amphibole.
 - f. Two earlier CCMA ABS studies (Univ. of Calif. Berkley [Cooper et al, 1979; Poppendorf and Wenk, 1984; the BLM [PTI 1992]) failed to identify amphibole asbestos in the CCMA air samples¹
 - g. Extensive analysis of the available geological and mineralogical investigations of the CCMA [e.g. Yoder and Chesterman, 1950; Coleman 1957, 1961, 1986; Van Balen 1995, 2004; Fowkes, 2004; Iddings and Fowkes, 2008; Eckels and Myers, 1946; and Cohan, 1962] failed to identify asbestiform amphibole.
 - h. Reanalysis of ore samples from the UCC Joe Pit [Pooley, 2008] failed to find amphibole [also see Ilgren, 2004].
 - i. The soil samples in the EPA 2008 report failed to identify amphibole at the limit of detection (1%) for PLM. Two samples were said to be ‘positive’ at <1%. One of the two samples was actually said to be negative by a second analyst (cf: file 05-034, “DSB” per “fifth” CD received from Sara Goldsmith, Esq., EPA labeled “CCMA, 10/7/08, 11 files provided responsive to EI’s voice mail of 9/25/08”).
 - j. No amphibole structures were found in two sets of soil samples taken after the EPA May 2008 report was issued (23 Feb 06 and 13 Dec 05).
 - k. Anomalously, the EPA 2008 report failed to list one single cleavage fragment in 169 tabular pages of direct transfer TEM data (in the “fifth” CD received from Sara Goldsmith, Esq., EPA labeled “CCMA, 10/7/08, 11 files provided responsive to EI’s voice mail of 9/25/08”). The structural information needed to confirm the alleged asbestiform nature of the amphibole structures was not provided in the FOIA response materials. This information included the sketches of the structures. A few photos were provided but all of them were totally black. The EPA repeatedly refused to provide representative samples of the direct TEM transfer filters to confirm the habit of the amphibole structures even though the precise filter numbers were available to limit the size of the request.
 - l. Some types of amphiboles were simply labeled as “other amphibole”, “nonregulated amphibole”, “EPA2 like amphibole”, “Libby amphibole” and “Libby like amphibole” but these were not defined further in the EPA FOIA response materials.
7. Coalinga type chrysotile fibers were extensively undercounted due to misidentification and / or arbitrary (‘for client’) modification of the standard ISO counting rules.
 8. Non-asbestos materials (NAM) e.g. cellulose and other non asbestos based fibrous materials were seen in up to 5% of some soil samples (“fifth” CD - “CCMA, 10/7/08, e.g. see O6-076: R116-01 – 013) but these were not identified in the air sampling data.
 9. The assumption that the ‘air samples collected (by the EPA) ... are probably more representative of the CCMA mineral mix than soil samples collected from discrete locations or from CCMA mines” was totally unjustified (e.g. see Pooley, 2008 and

¹ Prior to the ABS conducted by the EPA for the 2008 report, the BLM had recently undertaken heavy construction along some parts of the sampling routes, scarifying the soil surface and thus potentially laying bare areas of contact potential tremolite containing rock [Amador pers com 2008]

the points listed above). In fact, the EPA sampling point nearest any of the CCMA mines (i.e. the UCC Joe pit) was more than 6 miles away.

10. The EPA air sampling data was confounded due to overload. Some of this appeared to be due to rainy weather i.e. many filters were clogged with mud and thus thrown out). Damaged and malfunctioning equipment were also potentially confounding.
11. It is totally unclear why the EPA waited thirty years ago to insist on the closure of the CCMA since Cooper et al [1979] published a report in one of the most widely read scientific international journals three decades ago indicating that the asbestos levels generated on the CCMA by the same type of ABS recreational activities exceeded OSHA levels².
12. The EPA has continued to insist on asbestos superfund 'cleanup' measures in the absence of compliance standards e.g. the EPA put three sites at the CCMA onto the NPL in 1990 for Superfund remediation and six years later took at least one of the Sites off the list on the grounds they had been 'cleaned-up' despite the absence of pre- and post-cleanup benchmarks.
13. The EPA's Superfund contractors [WCC, 1989] concluded that the 'intensity of recreational use ... did not change the ranking position' in their risk matrix and 'primary ranking criteria' for asbestos superfund cleanup on the CCMA.
14. The EPA's asbestos risk models have overestimated the risk of mesothelioma in other settings such as the Thetford chrysotile residential studies [Camus et al, 2002] leading the authors to conclude the EPA risk assessment methodology was seriously flawed. .
15. The EPA continues to rely on their base 1986 risk assessment document [EPA600/8-84-003F: Nicholson's "Airborne asbestos health update] even though the EPA sent it to Sir Richard Doll and Prof. Julian Peto for critical review and comment in 1985. Doll and Peto thus stated, amongst other things, that 'brief intense exposure to chrysotile has never been shown to cause either lung cancer or mesothelioma'
16. The EPA's CCMA [2008] document said the risks could be overestimated if the asbestos from the CCMA did not biopersist. However, the EPA failed to acknowledge the fact that Coalinga chrysotile does not biopersist [Ilgren and Chatfield, 1998].
17. The EPA's CCMA [2008] document said "the only fiber size which has been linked to asbestos disease (is) the longer ... PCME fibers". However, in the same document the EPA said most of the Coalinga chrysotile fiber was 'short' leading one to conclude that this is another source of risk estimation³.

² One would have thought the EPA would have acted on the basis of Cooper et al's [1979] findings since they said 'this is the first instance of which we are aware in which naturally airborne asbestos, not the result of mining, milling or other industrial activity has been shown to occur at levels comparable to those in the workplace. It reflects of course the extremely high chrysotile content of the New Idria Serpentinite. The airborne fibers in the Clear Creek recreational area have diameters, lengths, and concentrations that could be hazardous to health if inhaled over long periods of time. ... sustained or frequently repetitive exposures to concentrations such as reported at Clear Creek especially by children, do not seem justifiable. The reported 'airborne concentrations approach the maximum that might be expected from natural sources in view of the unusually high concentrations of chrysotile in the rocks (approaching 100%) and soil, the dry terrain, and the dust generating activities that were taking place'. ... "The need for restrictions of use or other protective measures for the general population should be considered. Occupational health standards provide guidelines but they are not legally applicable or appropriate in view of the nature of the exposures and the population at risk. An industrial plant in which the observed concentrations prevailed even intermittently would be required to take action to meet OSHA regulations. Environmental Protection Agency standards that prohibit visible emissions containing asbestos presumably would be violated if an industrial site permitted such dust clouds. The Federal Government probably cannot ignore exposures in a recreational area under its control if its guiding principle is that there is no threshold level of carcinogenic effect for asbestos so that 'exposures must be reduced as low as feasible'" [Cooper et al, 1979].

³ The EPA CCMA [2008] document also said the dust clouds from crocidolite fiber tend to occur as very short fibers and that 'the majority of fibers detected in CCMA air samples ... present with a fiber size distribution similar to that recently published for commercial chrysotile'. Neither statement is true.

18. The EPA's CCMA [2008] document claimed children are more susceptible than adults to asbestos exposure and mesothelioma development. There are no human data to support this proposal. In fact, children exposed from birth to the most potent mesothelioma inducing agent known, fibrous erionite, still develop mesotheliomas twenty or more years after first exposure in a manner similar to adults. In contrast, Selikoff suggested older workers at the amosite plant in Paterson NJ were more susceptible than younger ones for mesothelioma . development [Seidman et al, 1986].
19. The EPA's CCMA [2008] claimed 'noncancerous' effects may be more important than cancer ones. However, the only significant noncancerous effect is asbestosis and this only occurs at occupational exposure levels of the kind that would never be found at the CCMA.
20. The EPA's CCMA [2008] document claimed the CCMA recreational exposure situation is somehow similar to the environmental exposure settings found in Turkey, Sicily, and New Caledonia. This is totally incorrect. The mesothelioma excess found in those locations is due to the use of a tremolitic asbestos whitewash (Turkey and New Caledonia) and the use of a rare amphibole called flouredenite (Sicily) as a building material.

In conclusion, I continue to see no reason whatsoever for the BLM to close the CCMA. The closure is not consistent with the science. There is no evidence of risk to those occupationally, paraoccupationally, and/or environmentally/recreationally exposed to the asbestos found on the CCMA or any materials viewed by others as having 'asbestos like' properties namely amphibole cleavage fragments. Not one single case of attributable asbestos related disease has been identified out of the millions thus exposed over the last 50 years. If the form of asbestos presently of concern was as toxic as other types of asbestos, such disease would have been identified.

Yours most sincerely,

/s/ E.B. Ilgren

Ed Ilgren

1 Ilgren to Pogacnik [16 April 08]

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16 April 2008

Re Requested Questions for the EPA regarding alleged risks to those recreating on the CCMA.

Dear Dr. Pogacnik

Thank you very much indeed for meeting with the recreation committee [community].

In follow up to our discussions yesterday at the meeting, I have drafted some additional questions for the BLM and the EPA to consider. These relate to the EPA's recent statements (Hart to Beehler, ca 2005, doc #00000-21) regarding the risks to those 'recreating' on the CCMA in which they express 'extreme concern' for the health of these individuals due to their alleged exposures to 'high' levels of Coalinga chrysotile. I do not share their concerns. Geological, mineralogical, industrial hygiene, animal and human data indicate Coalinga chrysotile poses no such health risk and has, moreover, never posed a health risk to those who incurred environmental / recreational, domestic, or occupational exposure to this form of asbestos. This is supported by, though not limited to, the series of publications I provided you with today, the numerous citations made therein and additional information in this letter. I would therefore like the EPA to address the following questions.

Why has there never been a single proven case of attributable asbestos related disease due to Coalinga chrysotile following occupational, domestic and / or environmental exposure?

Why did Annual health surveys of the UCC work force conducted from 1970 to 2003 by Dr. Duane Hyde, Director of the Monterey Health Group, [1994]¹ and testimony by Dr. Hyde in 2003 [In: Szabo vs Bindex et al, 5 Dec 03]] reveal no evidence of asbestos disease in this workforce?

Why did the radiological survey of the UCC workforce conducted by Dr. Hilton Lewinsohn as part of the sale of the UCC holdings to KCAC i.e. the Lewinsohn report [1985] also fail to find evidence of attributable asbestos related disease in the UCC workforce?

Why did Mc Donald and Mc Donald's [1980] North American mesothelioma mortality analysis fail to note an excess in the area around the New Idria Serpentine².

Why did Coleman [1996] and Ilgren [1997, unpublished³] say attributable asbestos related disease due to Calidria asbestos had never been reported in the New Idria area?

¹ Also see Hyde, 1984, 1988, 1989 and Kumar 1992

² The paper refers to a chrysotile mining area in California. Mc Donald said (pers com 1996) this was the New Idria area.

2 Ilgren to Pogacnik [16 April 08]

Why did the Calif. Cancer Registry California Cancer Registry Public Use and Population Files (1988-1996) [Ilgren, unpublished, 2000] ⁴ fail to identify a mesothelioma excess in the three counties in which the New Idria Serpentinite is found something confirmed in 2002 by Dr. Lisa Scott [Scott pers com 2002] of the CCR headquarters in Sacramento⁵?

Why did Dr. Paul Mills, the Director of Epidemiology at Region 2 of the California Cancer Registry (CCR) fail to find in 2002 in a descriptive epidemiologic analysis of mesothelioma in Fresno County (1988-2000) a mesothelioma excess in that area? ⁶.

Why has there never been a single attributable mesothelioma reported in the Coalinga chrysotile mining and milling workforces since work commenced in 1960, in their families, in residents of the towns (e.g. Coalinga, King City, Huron, etc) near the New Idria serpentinite, or in any of the thousands of workers (e.g. in the oil industry, mercury, chrome, coal, etc) that also incurred in a manner similar to the Coalinga miners, substantial exposures to this material?

Why did Plumlee et al [2006] from USGS Region 8 fail to find an asbestosis excess in the region of the New Idria Serpentinite after examining national age-adjusted rates of asbestosis-related mortality by county for U.S. residents age 15 and over for 1970-1999?

Why did Plumlee et al [2006] also fail to find a mesothelioma excess in the same area on a combined epidemiological and geologic map (see figure 11 in [Plumlee et al, 2006]) allegedly showing spatial correlations between ultramafic rock and mesothelioma rates by county in California⁷?

Why did Pan et al's [2005] cancer registry based, case-control analysis aimed at assessing a possible association between residential proximity to naturally occurring asbestos with the incidence of malignant mesothelioma in California, fail to find such an association in the area of the New Idria Serpentinite⁸?

³ Presentation to the International Mesothelioma Group, 1997, Philadelphia

⁴ Schlagg, director of the Calif. Cancer Registry pers com 2000

⁵ She found the mesothelioma incidence in Fresno, Monterey, and San Benito counties from 1988 to 2000 to be at "background" levels for men (1.1 – 1.8) and women (0.5 females) with no cases less than 50 years of age.

⁶ A total of 83 residents of Fresno County California were diagnosed with mesothelioma. These cases generated an annual age adjusted incidence rate of 1.5/100,000 in males and 0.4/100,000 in females which are similar to national rates published by the "Surveillance Epidemiologist and End Results [SEER]" program of the National Cancer Institute [Ries, 2002]. Moreover, the distribution of the year of diagnosis of mesothelioma indicated that the actual age adjusted rates of mesothelioma had not changed appreciably

Table 4: Date of diagnosis of mesothelioma cases in Fresno Co., 1988-2000

Year of diagnosis	No.	Percent	Rate/100,00
<=1990	23	27.7	1.4
1991-1995	28	33.7	0.9
>=1996	32	38.6	1.0
Total	83	100	

80.7% of mesothelioma cases in Region 2 were histologically confirmed; 16.7% were diagnosed on the basis of positive exfoliative cytology; one case was based solely on clinical diagnosis and one only upon radiographic studies

⁷ The map had been reproduced from a graphic prepared by UC Davis as originally developed by Pan et al [2005] based in part on geologic information compiled by Churchill and Hill [2000].

⁸ Mr. Terry Trent, one of Pan et al's colleagues even told the authors and their academic (e.g. Dr. Bruce Case, Prof. Jerrold Abraham) and regulatory advisors (e.g. Dr. Michael Lippsett and Dr. Melanie Marty, OEHHA Cal EPA) and the media (e.g. Mr. Andrew Schneider and Mr. Chris Bowman) this was so i.e. that 'Studies continued by the State of California over a good many years and at

4 Ilgren to Pogacnik [16 April 08]

Run 1	4.3	1.0	13	3.3
Run 2	4.9	23	188	61
Run 3	2.9	6.5	42	24
Ranger	0.4	0.1	3.8	0.5

f/mL - fibers per milliliter

Why has the EPA taken thirty years to forcefully express such concerns about the toxicity of Coalinga chrysotile when it knew Cooper and his colleagues at the university of California and the USGS made such reports?

Why did it take thirty years for the EPA to express such concerns about those recreating on the CCMA when the EPA went to enormous lengths twenty years ago to protect the residents of Coalinga and nearby towns from far lower Coalinga fiber chrysotile exposure levels by Superfund remediation of the parts of the New Idria serpentinite 'proximate' to those areas?

Why has the EPA failed to provide guidance to the BLM over the last thirty years regarding the compliance standards from such environmental recreational exposures when Cooper et al 1979 examined the same situation and stated that while OSHA standards provided 'guidelines' they were neither legally applicable nor appropriate 'in view of the nature of the exposures and the population at risk'?

What compliance guidelines is the EPA recommending as an 'environmental standard' since to date there it does not appear to have ever issued such guidelines? This was certainly the case concerning environmental exposures after 911 as discussed in Ilgren [2002].

To the extent the CCMA is part of the New Idria serpentinite and the EPA 'remediated' parts of the ore body to protect 'proximate human receptors', why did the EPA fail to rely on data specific and relevant to Coalinga chrysotile as required under CERCLA in developing its ROD?

Why did the EPA fail to consider any information at the time the ROD was being produced (1985 - 1990) about Coalinga chrysotile since there was evidence that strongly suggested even by that time that this form of asbestos was for the most part biologically inactive? Thus, by 1990 it was known that

Coalinga chrysotile was amphibole free (which was even noted by EPA IX's contractors) [reviewed by Ilgren, 2004a]¹⁰.

Coalinga chrysotile was a 'short' fiber preparation and used as such by the US Government as the 'short chrysotile fiber' standard in various experimental studies including long term animal bioassays conducted in this country and abroad.

Coalinga chrysotile thus being 'short' was therefore subject to enhanced clearance [reviewed by Ilgren, 2008a].

Coalinga chrysotile was 'thick' in an aerosol and thus less respirable [reviewed by Ilgren, 2008b]

Coalinga chrysotile's purity and size characteristics (vs) were explainable on the basis of its geological and mineralogical characteristics [reviewed by Ilgren, 2004a],

¹⁰ By 1990 the Health Effects Institute [HEI, 1991a,b] had compiled much of the world's literature regarding fiber type and numerous studies cited therein strongly suggested chrysotile was far less toxic than amphibole asbestos specifically for mesothelioma production.

3 Ilgren to Pogacnik [16 April 08]

Why after many years of litigation against Union Carbide and nearly 20 years of intensive 'legal discovery' prompting extensive investigation into the health effects of Coalinga chrysotile has no case of attributable mesothelioma been reported in that workforce?⁹

Why have attributable cases of mesothelioma not been found when the Coalinga chrysotile miners and millers generally retired to the New Idria area [Kleber, pers com] and the 'local landscape' has been continually scoured for potentially compensable cases and the public bombarded with ads in the news, on television and the radio asking to report any possible case of mesothelioma?

Why has the EPA suddenly expressed 'extreme concern' over these CCMA related 'recreational' exposures when Cooper et al 1979 documented what were allegedly the highest environmental asbestos exposures ever found and even said that these would exceed the extant asbestos exposure standards set forth by OSHA?

Why has the EPA expressed extreme concern about the highest fiber levels found in their studies of motorcyclists and, on the basis of these readings, proposed high risk estimations for such individuals, when there has never been any evidence of attributable asbestos related disease in general or mesothelioma in particular ever reported in anyone recreating for any length of time on the CCMA for the past fifty years or in any person exposed to this material under any circumstance as indicated above?

Why has the EPA now expressed extreme concern when historical exposure levels recorded by Cooper et al are from five to 65 times higher than those recorded by the EPA?

Concentrations of airborne fibers longer than 5 µm detected by light microscopy and concentrations of total dust collected on personal samplers. *positions not fixed after rider 1 (from Cooper et al, 1979)

Location of sampler	Position of rider on line	Fibers per milliliter	Total dust (mg/m ³)		Fibers per milliliter	Total dust (mg/m ³)
Motorcyclists	1	0.9	0.97	1	0.6	0.0
Run 1,	2	5.6	31	2	3.0	12
5.1 km	3	2.3	19	3	3.0	37
(15 minutes)	4	4.3	21	4	4.9	20
	5	2.8	59	5	4.4	13
	6	5.3	61	6	3.1	22

Comparison of light and electron microscopic counts of fibers collected on personal samplers worn by motorcyclist No. 4 and by the ranger. (from Cooper et al, 1979)

	Light microscope	Electron microscope		Chunks (number/mL)
	length > 5 µm (f/mL)	length > 5 µm (f/mL)	length < 5 µm (f/mL)	
Motorcyclist				

very high expense, in the one area that showed no correlation of disease with naturally occurring asbestos, (included) the New Idria Deposit" [Trent to all cited: Exhibit 11 to Schenker's testimony in Sierra Terra v CARB, 2006].

⁹ In 1992, a third party action against UCC by the Conwed Corporation sought information about the health of the UCC miners and millers but after 11 years failed to identify any evidence of attributable disease [Ilgren 2002b]. In 1995, a large property damage case against UCC filed by the Chicago Schools system and a mass consolidated personal injury action filed in 2003 in West Virginia also failed to reveal any evidence of attributable disease. Dr. Peter Barrett conducted a detailed radiological review of the UCC miners and millers based on personal study of chest x rays, medical records, and the Lewinsohn and Hyde reports. He also failed to find attributable disease [Barrett, 2002]. In 2003, Kelly Moore Paint [KMP] filed a large personal injury claim against UCC.

5 Ilgren to Pogacnik [16 April 08]

characteristics which significantly contributed to its lack of biological activity [Ilgren 2008a,b,c; 2004, etc]

Coalinga chrysotile's unusual features accounted for its failure to produce fibrosis and tumors in animals after long term high dose inhalation studies and well controlled low dose injection studies [reviewed by Ilgren & Chatfield, 1997, 1998a, 2002a, 2004d]¹¹.

Coalinga chrysotile's inability to produce adverse biological effects in animals by inhalation was due to its lack of biopersistence [reviewed by Ilgren & Chatfield, 1998b; Ilgren, 2008c].

Short fiber asbestos preparations from materials other than Coalinga chrysotile were negative in well controlled inhalation and injection studies [described and discussed in Ilgren, 1993; Ilgren & Chatfield, 1997, 1998a]

Coalinga chrysotile exposed workers did not appear to have attributable disease despite long term high dose occupational exposure (EPA, 1990, Sunnyvale community meeting transcript, see end of letter**).

Moreover, why did the ATSDR tacitly assumed the toxicity of Coalinga chrysotile was the same as any other type of asbestos even though:

The ATSDR was told by senior mining management that the Coalinga chrysotile miners and millers failed to show evidence of attributable disease after long term high dose exposure and sufficient latency; that these workers were locally available for study and follow up^{12 13}; that their medical records¹⁴ could be obtained through local and regional medical centers (Coalinga, Mees Memorial, Fresno, Bakersfield, Stanford); and that relevant regional case control mesothelioma mortality data could be obtained from CCR headquarters and the CCR Regional divisions (1, 2, and 3) covering the three counties within which the New Idria deposit was situated; and from the published literature [Mc Doanld and Mc Donald, 1980].

The ATSDR knew from their contractor's reports [WCC, 1987, 1988, 1990] many hundreds if not thousands of men had also mined nonasbestos minerals from the New Idria serpeninite such as chromite, mercury, magnesite, graphite, uranium and other materials from no less than 94 mining sites from 1860 to 1990.

¹¹ The NTP could and should have conducted the inhalation studies in a fully monitored and regulated way in a manner identical to the ingestion study [Mc Connell et al, 1985a,b]. It should as a matter of course in the production of the documentation underlying this Superfund Action considered in detail the findings of the inhalation study. Instead, the NTP pathologists made the Coalinga inhalation investigation their 'personal study' [Busey pers com 2007], 'buried' the detailed data set whilst transmitting erroneous 'conclusions' in a corrupted and highly cursory fashion [NTP 1982, 1983; also see Ilgren 2004c].

¹² The lead toxicologist of the EPA IX Superfund program said "The focus of the Superfund program is not on past disease incidence ... (but) on preventing ... the occurrence of disease in the future and cleaning up environmental contamination situations so that they will be safe in the future." This is not a bone fide excuse for not conducting the relevant follow up studies. Nothing could be more relevant than the health outcome of over 1,000 men occupationally exposed to high doses over known exposure durations of the material in question.

¹³ Dr Bill Nelson of EPA IX ATSDR (pers com 1994) said he suggested to Dr. Richard Procnier, the JM Atlas Coalinga Superfund manager, before 1990 that these men should be followed up but Procnier never took up the suggestion. Procnier [per com 1998] said that EPA IX sent some ATSDR personnel such as Dr Reebor Brown to Coalinga in 1998 to attend a physicians grand rounds and to talk to the public and the ranchers 'who did not understand anything about asbestos ... most people don't even know it is naturally occurring'. The physicians were thus told 'asbestos was endemic to the area and asked patients if they ever worked at the mines and if they would inform the ATSDR about any lung cancer cases they knew of'. They also intended to do a similar 'grand rounds' at the King City Medical Center in March 1998.

¹⁴ ATSDR [1988] said 'it would have a lot of trouble looking at medical records due to problems with confidentiality. One of the physicians at the ATSDR had looked at the local mortality rates and found they were not increased'. [Procnier per com 1998]

6 Ilgren to Pogacnik [16 April 08]

The ATSDR knew, given their knowledge of the extreme friability and enhanced exposure parameters of Coalinga chrysotile asbestos on the Serpentinite, such men would have incurred potentially serious occupational exposure to Coalinga chrysotile.

The ATSDR made no effort whatsoever to determine the health of any of them even though these non-asbestos producing mines made up the majority of the mining sites on the Serpentinite.

The ATSDR [1988] knew thousands of people in Coalinga, Huron and other small neighboring towns lived near the mine tailings, the run-off from those tailings, and / or with one or more of the miners and millers.

The ATSDR knew these residents could have incurred potentially significant domestic (para-occupational) and / or environmental (non-domestic) exposure to Coalinga chrysotile¹⁵. Nonetheless the ATSDR made no effort whatsoever to determine the health of any of these individuals.

The ATSDR proposed extraordinarily elevated attributable cancer risks for certain groups driving through and / or conducting agricultural activities on the Serpentinite (also see [Ilgren, 2004c]) e.g. for those exposed 'during off-road vehicle activities at the Atlas and JM Coalinga Sites, the ATSDR [1988, Table 6-13] determined maximum cancer risks of 2/100 to 1/1,000 for trucks and motorcycles respectively on the Atlas site; 1/10 to 4/10 for trucks on the JM site and 3/100 to 6/1000 for motorcycles on the JM site. For those exposed to Coalinga asbestos 'generated during agricultural tilling activities'¹⁰ in the settling basin area near the town of Coalinga (ATSDR Table 6-14), the ATSDR [1988] determined a maximum risk of 6/1000 for mesothelioma and 2/10 for lung cancer.

The ATSDR and the EPA, despite these astronomical risk predictions, did nothing to identify attributable disease in these allegedly 'high risk' groups even though more than ample latency had elapsed for disease to develop. On what basis has the EPA now posed exceptional risk factors for the CCMA recreational groups and why has it done nothing to identify the current health status of this group since again more than ample latency has elapsed for disease to develop in a sizable group of traceable individuals?

Why did the EPA Superfund Site selection criteria for remediation of the New Idria ore body exclude 'air transport potential' and rely primarily on 'net area of disturbance'? And why did the EPA appear to exclude the contribution of the vast, dense network roads, pits, and trails from their ranking evaluation matrix when the impact of the roads was said to create more disturbance than the three largest mines combined¹⁷? And if indeed 'recreational use' was such an important factor in human exposure, why did EPA IX's Superfund contractors [WCC, 1989] say the "intensity of recreational use ... provided additional data (but) did not change a ranking position established by the prime ranking criteria"?

¹⁵ EPA IX Superfund Contractor reports [WCC, 1987, 1989] also described the extent to which the Coalinga chrysotile was washed down from the hills to pose a hazard to proximate human receptors. Other documents [EPA, Oct., 1994] indicate that asbestos was discovered during the Atlas and Coalinga Asbestos Mine Site investigations in the City of Coalinga, so the City was 'cleaned up' (1990 - 1992). ATSDR [3 Nov 88] also proposed significantly elevated mesothelioma risks for residents e.g. 3/10,000 for the Hansen residence (table 6-9, ATSDR 1988)

¹⁶ Pyle, J [Bennett, Johnson & Galler of Oakland] asked the author [29 May 97] for his Calidria papers since Pyle was retained by numerous migrant workers to claim against the Asbestos companies. After reading the papers and failing to find clear evidence of disease, Pyle told the author he decided not to continue his representation of the migrant workers.

¹⁷ "The total surface area of the southern half of the New Idria area occupied by exploration-related roads is estimated to be 224 acres *This is more than the disturbance area of the three largest mines (Atlas, KCAC-Joe Pit, and Christie Pit) combined ...* The contribution to increased sediment production and transport rates of the New Idria area by these roads and possible remediation measures warrants further, more detailed study The contractors also said the vast numbers of pits did not "constitute a major class of surface disturbance" but admitted that in some cases they could not tell the difference between a pit and a mine site with certainty

7 Ilgren to Pogacnik [16 April 08]

Why did EPA IX, CARB (California Air Resources Board), the Monterey ARB and other regulatory agencies cite the KCAC asbestos operations in their Hot Spot's Air Toxic Program for posing a risk to human health due to Coalinga chrysotile exposure¹⁸, when the EPA's Superfund contractors appear to have excluded mining status from the final site ranking criteria?

Why did the Director of EPA IX tell Congressman Samuel Farr [25 Sept 96] she was 'very concerned about the uses of Clear Creek' since she believed even 'indirect exposure' such as 'living next to an asbestos mine' posed a significant cancer risk when the EPA contractor's concluded that active mining did not change the site ranking criteria?

Why did the Director of EPA IX say it was unfair to compare fiber emissions from crushed serpentine of the kind the public would be exposed to with exposures 'miners may have been exposed to in the occupational environment' on the grounds 'miners and millers were exposed to coarse unprocessed fibers which may not be representative of the actual fiber size distributions found in environmental settings'? Why should this be when most recreating on the CCMA are actually exposed to 'coarse fibers' [Ilgren, 2008b] of the kind found near mines [Ilgren, 2004] which have also been said to be associated with 'very low' risks by the CARB [1990]?

Why has the EPA continued to pursue the closure of the CCMA when they removed the City of Coalinga and the Coalinga Mine / JM Superfund Sites from the NPL after less than ten years of remediation? What evidence does the EPA have to indicate the residents of the City of Coalinga are exposed to any less Coalinga chrysotile than before the remediation was conducted or, on a time weighted basis, to any less Coalinga chrysotile than those recreating on the CCMA?

What is the most recently updated, externally peer reviewed 'best available science' the EPA relied upon per their Tier 1 IRIS source that specifically serves as the basis for their risk assessment of the CCMA? What specific individual original source documents are being used by the EPA in this regard?

Why does the EPA continue to regard short fibers as toxic as long fibers when EPA sponsored studies [Berman et al, 1996; Berman and Crump, 1999] and reports [ERG, 2003; EPA Final Risk Assessment, 2003] say fibers less than 5u in length do not contribute to toxicity and fibers less than 10u are weakly if at all toxic?

Why does the EPA continue to regard chrysotile as potent an inducer of mesothelioma as amphibole asbestos when the expert panel assembled by the EPA to review this subject concluded that chrysotile was a very weak inducer of mesothelioma [Final Risk Assessment 2003]; when NIOSH sponsored studies of Siberian chrysotile miners and millers [Dobransky, 1998] failed to identify a single mesothelioma amongst these 10,000 workers historically exposed to astronomical concentrations of chrysotile from 1876 to 1995; when NIOSH sponsored studies of US chrysotile textile workers failed to identify any more than two mesotheliomas amongst thousands of men working at that plant from 1896 to 2003 (when both of the mesotheliomas had also been exposed to crocidolite); when NIOSH sponsored studies of rats exposed for 18 months to high concentrations of short fiber chrysotile failed to produce any attributable disease [Platek et al, 1985]; when EPA cosponsored long term inhalation studies of Coalinga chrysotile in rats failed to find any attributable disease [vs]; when a detailed critical review of cohorts exposed to chrysotile failed to identify a single clearly attributable mesothelioma amongst more than 220,000 occupationally exposed workers [Yarborough, 2006]; when the EPA's reliance experts produce 'contradictory' publications claiming chrysotile is 'the' cause of mesothelioma [Smith and Wright, 1996; Stayner et al, 1996] when these very documents are replete with errors of omission, commission, and interpretation; when the EPA was told in 1985 by Sir Richard Doll and Prof

¹⁸This is not supported by the data e.g. CARB to Monterey ARB request for reanalysis re 'extraordinarily high concentration in a sample taken from site 7 at the mine on July 27, 1988' but KCAC's paralleled sample showed low levels i.e. 0.059 s/cc of which only 0.012 f/cc was asbestos.

8 Ilgren to Pogacnik [16 April 08]

Julian Peto [Peto to Kotchmar, 1985] it had grossly overestimated the ability of chrysotile to make mesothelioma specifically stating that it was much less tumorigenic in this regard than amphibole asbestos and that they knew of no instance of a brief intense exposure to chrysotile producing mesothelioma; and when there has been no evidence of mesothelioma excess in the 11,000 women residing in Thetford even though their homes were often dwarfed for many decades by chrysotile tailing piles hundreds of feet high [Case, 2002] leading Camus et al [2002] to conclude that since the EPA risk model predicted 150 female mesotheliomas in Asbestos and only one was observed and while it predicted 500 in Thetford only 10 were seen, the model was potentially seriously flawed due to nonrandom errors? And this was the case even when 10 of the 11 women in this study resided with and incurred significant domestic exposure living with one or more worker.

Why with this overwhelming evidence that chrysotile is not mesotheliomagenic and Coalinga chrysotile is absent amphibole asbestos (vs) would the EPA conclude Coalinga chrysotile poses a risk of mesothelioma?

Why with the detailed information on the specific size characteristics of Coalinga Chrysotile and the manner in which it is very rapidly cleared from the body (vs) even when subject to long term high dose exposures (vs), would the EPA believe Coalinga chrysotile poses a health risk?

What would support the EPA's claim that 'even brief exposures to asbestos levels found in the CCMA may cause fibers to remain in the lung for an extended period of time' and by inference produce attributable disease?

Why, with the detailed response to the Cal EPA's criticisms of the first three parts of the Coalinga chrysotile animal study reports, has the EPA totally failed to 'counter-respond' to the points offered in rebuttal?

Why does the EPA tell the BLM that 'OSHA standards do not apply to the general public' but fail to provide applicable compliance guideline standards for the BLM to work with?

Why have EPA consultants and cosponsored workers provided the US government with corrupted data on Coalinga exposed animal studies which, if properly processed, reported, and published in full and in a timely way, should and more than likely would have led to the conclusion that Coalinga chrysotile was not biologically active [Ilgren, 2004] ?

Why did these EPA consultants and cosponsored workers make the Coalinga chrysotile inhalation animal study their 'private investigation' relegating the entire data set to the NTP archives rather than publishing these materials as mandated by the NTP [Ilgren, 2004] ?

Why did these EPA consultants and cosponsored workers deny the existence of the Coalinga chrysotile inhalation study under oath whilst giving testimony in the asbestos litigation for Plaintiff [Ilgren, 2004]?

Why would the EPA rely on ecological correlation studies to suggest a causal association between NOA deposits and mesothelioma when no such correlation exists for New Idria or, for that matter, any other NOA site inside or outside California (e.g. Van Gosen et al, 2006; Chidester 1962; also re "Rockville Quarry" Maryland County MD; Soapstone Ridge - Atlanta GA; Staten Island chrysotile, etc)?

Why has the EPA now expressed extreme concern over CCMA related fiber levels significantly below those found in the New Idria area 25 years ago by Baxter 1983 (attached)?

Why has the EPA not expressed potential concerns regarding the exposures incurred by workers and residents in those parts of Northern Nevada exposed to fibrous erionite during the mining and processing of gold when it is known that fibrous erionite is the most potent inducer of mesothelioma known?

9 Ilgren to Pogacnik [16 April 08]

In conclusion, I see absolutely no reason why, on scientific grounds, the BLM should close the CCMA in an effort to 'protect' those recreating on that part of the New Idria ore body. In the absence of any sound scientific information from any quarter to suggest Coalinga chrysotile per se poses a health risk, I believe closing the CCMA would, amongst other things, create undue, unwarranted alarm amongst those historically recreating at this facility. I would be willing to meet with the appropriate counterparts in the Agencies to discuss these and other matters in detail.
Thank you.

Yours most sincerely,

Ed Ilgren.

Cc: Ms. Jan Bedrosian, Deputy State Director, External Affairs. [\[Redacted\]](#)
Cc: Mr. Don Amador, Blue Ribbon Coalition.

**Particularly poignant testimony¹⁹ was given by Mr John Davies, former mining manager of JM Coalinga who had also worked at Atlas. Mr. Davies had, in fact, opened the JM facility in 1960 and closed it in 1974. Mr. Davies told EPA IX about the health of the

¹⁹ pg 62: MR. DAVIES: "In regard to all of this research that you gentlemen have done, how many of the men at work in the asbestos industry in the Coalinga area did you contact to see how much asbestos contamination they tolerated throughout the years that they worked in the asbestos industry before you come up with these figures? MR. HIATT: I am not aware that we contacted anyone. MR. DAVIES: That's just what I thought. MR. HIATT: The reason for that is that the association between asbestos exposure and cancer has been very clearly demonstrated in a number of other human exposure situations, including other mining and milling operations. The focus of the Superfund program is not on past disease incidences. The focus of our program is on preventing future -- the occurrence of disease in the future and cleaning up environmental contamination situations so that they will be safe in the future, irrespective of what may have happened in the past. MR. DAVIES: I understand that. But there is a question in the back of my mind because I know an enormous amount of the boys that work and men that worked in these mines up here. And I happen to be one of them".

pg 72 MR. BAKER: "Earlier the question was asked whether there was any attempt made to contact the people who worked up at the mines and he indicated that, in fact, we had made attempts and had contacted various people who had worked at the mines before. Most the information that was gathered from them did not pertain to whether they were having any personal health affects, it pertained to things they knew about the operation at the site and companies involved and things like that. So obviously, they never contacted you, Mr. Davies, but there were some people who were working at the mine".

pg 79 MR. DAVIES: "As I have said before, I have heard you talk about all of these percentages and all of this and all of that, and I can show you another gentleman that's right here in this town that worked with me except for about the time that we spent at Atlas, that all the time I spent with Coalinga Asbestos, except for about four months. In the first -- I would say the first three-and-a-half or four years that we were in that plant there was times that the tailings would stop up. We didn't stop the mill, we went right out in the tailings pile and cleared the shoot and went right on back -- kept right on going. And sometimes, if he would have been as far as from here to that lady right over there, I couldn't have seen him because of the asbestos that we were in. And we have come out of there at times when we had to breathe through our mouth and our nose and be choked up. And I spent 13 years in the asbestos industry, and before that 20 years in submarines so you talk about them little things and I can show you a lot of other boys that's worked eight, nine, ten years in the plants. Of course, we cleaned them up as the years went along and it got a lot better, but since I was maintenance foreman, I was still -- had to go into the tailings piles and had to get men in there with me and bag house and what have you and be out there on a windy day something when the dust was blowing and all of this and that. And I have -- and then in the last five years I have had double pneumonia and acute valley fever and they can't find a one spot on my lungs even today. So when you breathed with them little things like the gentleman right here, he's worrying about him getting on a motorcycle, I probably breathed in more asbestos in one eight-hour shift than he would if he road his motorcycle for 20 years. So I have got kind of an odd feeling and that's the reason I want to know who you talked to because I practically known everybody that worked in the asbestos industry here and several of the people that worked in Canada".

10 Ilgren to Pogacnik [16 April 08]

JM Atlas miners and millers at an EPA sponsored Community Meeting on May 30, 1990 in Sunnyvale, California. Davies lucidly described the extremely dusty conditions at both operations in discussion with an EPA Superfund toxicologist, Greg Hiatt. Davies said he was unable to name a single worker with asbestos disease 30 years after the operations started and 16 years after they closed. Atlas senior management, outside counsel, carriers and successors did not know of any compensation claim awards made to Coalinga chrysotile miners and millers. The JM and Atlas operations used an exclusively dry processing method. Despite the high fiber levels with readings frequently in excess of 20 fml²⁰ there has been no evidence of attributable disease.

MR. HIATT: "With respect to your personal experience, I would say you're lucky. MR. DAVIES: The only thing I am saying is that if I am lucky, I can name you about 500 other boys around California that must be awful lucky".

²⁰ Davies was also a maintenance foreman at Atlas for 8 months ca 1974. He said it was dirtier than JM. The ventilation was poorer and the dust collection equipment to bag house was bad. There was no requisition system in place to order new equipment when it was needed; JM Studies



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CCMA RMP/EIS Comments
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March 2, 2010

First Need Unsupported

Gentlemen:

This letter is a substantive comment on the Draft Resource Management Plan and EIS which was prepared by the Hollister Field Office for the Clear Creek Management Area in November 2009. This comment asserts that the need to prepare a new Management Plan is unsupported because:

1. The EPA study does not present "significant new information".
2. The EPA study does not compel the Agency to any action.
3. Existing management plans are sufficient to address current concerns.
4. A solution has been created where there is no evidence that a problem exists.

The information that the EPA Risk Assessment presents is not new, certainly not "significantly new". Over the last thirty years there have been many studies conducted at the CCMA by many scientifically qualified agencies and individuals for various reasons with respect to the asbestos. There is no new information which supports the need for a new management plan.

The latest EPA study does not compel the agency do anything at all. It simply presents a model of risk. A model of risk that is based on a set of assumptions, toxicity levels and exposures that may, or may not, represent actual conditions. The EPA report does not suggest, imply, demand, or in any other way compel the Agency to develop an entirely new management plan.

The current management plan addresses the issue of asbestos at the CCMA. Specifically: dry season closure, warning signs, and public outreach and air quality. If this is not sufficient, a amendment to the current management plan would be appropriate. Here are some extracts from the 1984-ROD:

An intensive asbestos hazard awareness program has been initiated for visitors in the area. This program disseminates information on the nature of the asbestos health hazard and ways to minimize exposure

Intensify the current asbestos awareness program through signing, pamphlets, and individual user contacts.

A full—time visitor services technician will be required for intensified public information and education programs related to the asbestos hazard and ORV designation

The Agency has failed to use prior decisions that have addressed the issues.

Preparing a new management plan in response to this EPA study is effectively creating a solution where no problem exists. To illustrate, I draw your attention to the alternative of no action, (alt. A). If there were a health problem as the result of asbestos exposure, we would see alt. A reflect a condition of continued health problems. There would be some number of incidents of sickness, disease and an increase in mortality in areas around the CCMA and in populations of people who visit the area. The effects of each proposed management options would also reflect a varying degree of reduction or increase of these effects. In the case of the proposed management plan, the problem has not been identified. We do not see detrimental health effects quantified in alt. A and an anticipated increase or decrease in those numbers in other alternatives. A solution has been created where no problem exists.

In order to elevate these concerns, please remove the following paragraph from the document:

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.

If the Agency decides not to remove this statement from the document, please add this line to the end of the statement of need:

Although the EPA study provides no new information, does not recommend any action, and the Agency is unaware of any sickness, disease or mortality as the result of the current plan.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

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March 2, 2010

Second Need Unsupported

Gentlemen:

This letter is a substantive comment on the Draft Resource Management Plan and EIS which was prepared by the Hollister Field Office for the Clear Creek Management Area in November 2009. This comment asserts that the Agency has failed to use prior decisions. The need stated in the document is:

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.

Here is an extract from the 1984 ROD:

Public lands will be managed for the protection and enhancement of sensitive, rare, threatened, or endangered species. All known or potential habitat will be evaluated prior to implementing actions which may affect them. Consultations in accordance with Section 7 of the Endangered Species Act will be conducted if appropriate.

From the current DEIS/RMP, I submit the following:

CCMA is known to harbor only one Federally-listed species, the San Benito evening primrose (*Camissonia benitensis*).

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. .

Figures 5 and 6 provide maps of known or potential occurrences of special status species

Figure 5 and 6 are not included in the document.

In order to address these concerns, please remove the following paragraph from the document:

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.

Should the Agency deem that this paragraph remain, please add this line at the end of the paragraph:

“Although, the current management plan does address the issues, and there is no evidence that either the tiger salamander or the red-legged frog has ever existed within the CCMA, and the CCMA is known to harbor only one Federally-listed species, the San Benito evening primrose.”

Sincerely,



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March 2, 2010

Third Need Unsupported

Gentlemen:

This letter is a substantive comment on the Draft Resource Management Plan and EIS which was prepared by the Hollister Field Office for the Clear Creek Management Area in November 2009. I have the several concerns with the need stated:

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.

1. These issues are covered in the current management plan and this DEIS presents no new information that is relevant. The following is taken for the 1984-ROD:

The overall management goal for the 1986 Clear Creek Management Plan and ROD was to "Protect significant cultural, historical and visual resource values as well as the unique soil and vegetation of the area" principally based on the belief that the cultural resources of the region were regarded as "irreplaceable aspect" of the area (USDI 1986a:2-3).

2. The claim "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" is not relevant to a DEIS that addresses only the CCMA as there is no correlation between population growth and use of public lands for recreation.

3. With respect to the CCMA, I provide some extracts from the document to illustrate demand for recreation is falling, and potential for energy production is low at the CCMA:

potential for development of areas in CCMA for renewable energy projects (e.g., wind and solar), additional communication sites, and other uses are limited, as wind and solar energy have low potential to produce significant economic activity.

Oil and gas development potential is very low as the New Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area.

Table 3.8-1

Table 3.8-1. CCMA Visitor Use Year	Visitors
2003	50,000 (Estimated)
2004	50,000 (Estimated)
2005	43,235
2006	43,187
2007	35,267
2008	28,428

4. The agency proposes to replace an existing management plan with a new management plan that acknowledges an "increase in demand for use of public land for recreation and energy production", yet documents a reducing trend for visitor use and a low potential for energy production. Yet it produces a set of alternatives that reduces public land available for recreation, and in Table 2.4-1(a), Summary of Range of Alternatives never mentions energy production. Every alternative decreases recreation use rather than increasing it to accommodate demand. The low potential for energy production remains low regardless of the management option.

Further, the Agency proposes to replace an existing management plan with a new management plan that acknowledges an "increased awareness and social value placed on cultural and natural resources", and documents the social value placed on CCMA's 50 year history of OHV as a cultural resource, yet produces a set of management plans that to ever increasing degrees, reduces the OHV opportunities from 242 miles available to motorcycles, ATV and 4WD to eleven miles for SUV only.

There is no rational for such a proposal. The proposed action does not flow logically from the purpose and need presented in the document when compared against a theoretical risk to human health and the absence^{of} epidemiological evidence.

5. And the last point "an increased awareness and social value placed on the cultural and natural resources in the Planning Area." Yet the preferred alternative deprives the public of access to all but the tiniest fraction of the cultural and natural resources. "

In order to address these concerns please remove the following paragraph from the document:

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.

If the Agency decides not to remove the paragraph, please add the following statement to the end of the paragraph:

However, BLM estimates indicates that the visitor use is decreasing and the potential for energy production is low for the CCMA and the social value placed on the natural and cultural resources in the planning area have been addressed in the current management plan.

Sincerely,



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March 2, 2010

Alternative of no action

Gentlemen:

This letter is a substantive comment on the Draft Resource Management Plan and EIS which was prepared by the Hollister Field Office for the Clear Creek Management Area in November 2009. This comment asserts that the document does not include an alternative of no action.

Alternative A, as presented does not represent an alternative of no action. A dust suppressant is not currently being applied to the major routes within the CCMA, and the word install as used in "Install a public vehicle wash facility." describes a future action that does not represent current conditions.

In order to address this concern, please remove the references to dust suppression and public vehicle wash facilities from the alternative of no action.

If the Agency determines that this request cannot be accommodated, please change the references as shown below in the alternative of no action.

1. Apply dust-suppressant on major routes in CCMA. The initial application will be evaluated for continued use on an annual or semi-annual basis. Although this action has never been done in the past.
2. Install a public vehicle wash facility. Although one does not currently exist.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized initial 'M' followed by a long, horizontal flourish.

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March 2, 2010

Asbestos Exposure Not Quantified

Gentlemen:

This letter is a substantive comment on the Draft Resource Management Plan and EIS which was prepared by the Hollister Field Office for the Clear Creek Management Area in November 2009. This comment asserts that the purpose listed to minimize asbestos exposure cannot be adequately analyzed with the data provided in the document.

On the premise that if the document contains purpose, it must directly support a stated need and those purposes must be quantified to be adequately analyzed.

Purpose #1 - minimize asbestos exposure - asbestos exposure has not been quantified in this document. In order to adequately evaluate any of the management options presented, one must be able to compare the existing conditions with the anticipated results for each management option. Without data to support this, it is not any analysis but a guess.

While it is convenient to point to the EPA study and say this is the exposure, the EPA study is a theoretical model based on a set of assumptions. The study does not reflect actual conditions.

And, no doubt, closing the CCMA to all but the bare minimum of access will minimize the exposure. Any reasonable analysis of alternatives must be able to gauge its effectiveness relative current conditions.

To further illustrate the need to quantify exposure, I direct your attention to the no action alternative. The no action alternative should indicate that the exposure is x and as a result we see an increased incidence of detrimental effects. This leads to a need to reduce the exposure for the purpose of reducing the detrimental effects. Alternative B would show that the exposure either increases or

decreases, thus the detrimental effect either increases or decreases. Alternative C is another option that results in a different exposure than Alternative B and so on. When finally placed in a chart, one would then be able to compare the effectiveness of each alternative. Without quantifying the current exposure, it is impossible to judge the relative effectiveness of the alternatives.

In order to elevate this concern, please include in the document any data available on current exposure to asbestos and its correlation to detrimental health effects.

If the Agency is able to accommodate this request, change the first purpose in the purpose statement on page 4 to the following:

- 1) minimize asbestos exposure. Although there is no data to represent the current conditions.

Regards,



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March 2, 2010

Reduce Asbestos Emissions Not Needed

Gentlemen:

This letter is a substantive comment on the Draft Resource Management Plan and EIS which was prepared by the Hollister Field Office for the Clear Creek Management Area in November 2009. This comment asserts that the purpose listed to reduce asbestos emissions is not identified as one of the needs to be addressed in this document.

The stated needs which are the basis of this new management plan are :

- 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.
- 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.
- 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.

Nowhere in the needs presented above do we see the need to reduce asbestos emissions. Asbestos emissions are not identified in the Risk Assessment prepared by the EPA.

In order to produce a management plan that addresses a particular issue, one must demonstrate that a need for that issue exists. The agency must present a problem to be solved. Without a need, the Agency has effectively created solution for a problem that does not exist.

In order to address this concern, the Agency should change the document to reflect the following items with respect to asbestos emissions:

If the Agency deems that these changes are unwarranted or impractical, please alter the purpose statement as described below:

2) reduce asbestos emissions. Although no current need exists to do so.

Regards,



Martin Markham