

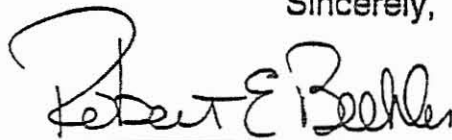
Dear Reader:

The Bureau of Land Management (BLM) is pleased to share with you this Record of Decision which amends the 1984 Hollister Resource Management Plan (RMP) and replaces the 1986 Clear Creek Management Plan. This RMP Amendment replaces recreation, watershed, and sensitive resource guidance and decisions originally approved in the 1984 RMP and the 1986 Clear Creek Management Plan. It also reaffirms and carries forward cultural, fire and livestock management decisions. The amended guidance and decisions are now in effect and will provide management direction on approximately 50,000 acres of public land in the Clear Creek Management Area.

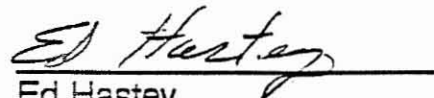
The decisions described in the following pages were made with special consideration for environmental, social and economic issues. Your comments and concerns have helped us to better understand and resolve those issues.

We appreciate your time and effort in participating in this project, and we look forward to your continued interest in the management of your public lands.

Sincerely,



Robert E. Beehler  
Field Manager  
Hollister Field Office



Ed Hastey  
State Director  
California State Office

January 7, 1999

Date

## BLM MISSION STATEMENT

The Bureau of Land Management is responsible for the balanced management of public lands and resources of the American people. Management is based upon the principles of multiple use and sustained yield; a combination of uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific and cultural values.

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**APPROVED RESOURCE MANAGEMENT PLAN AMENDMENT  
RECORD OF DECISION  
for the  
CLEAR CREEK MANAGEMENT AREA**

**INTRODUCTION**

This approved Resource Management Plan (RMP) Amendment provides guidance and direction for the use of public lands managed by the Bureau of Land Management (BLM), and amends the existing RMP originally adopted in 1984. The scope of this plan amendment is limited to land-use decisions relative to the Clear Creek Management Area (CCMA), managed by the BLM's Hollister Field Office. The CCMA encompasses approximately 50,000 acres and lies within the counties of Fresno and San Benito, California. Lands affected by this RMP Amendment include only those public lands within the CCMA.

This record of decision (ROD) documents approval of the proposed action as modified. The decision, as described in the modified Alternative 3 (page 9) is to apply a **Limited Use** vehicle designation for all public lands within the CCMA, to redesignate an existing Outstanding Natural Area as a Research Natural Area and expand its boundaries to accommodate research, ecological and vehicle designation objectives, and to formalize the expanded boundaries of the existing Area of Critical Environmental Concern based upon 1992 soil surveys. This ROD briefly describes the core values to be protected and describes major projects to be undertaken to meet specific resource condition objectives. Included with this ROD are: I) a background discussion and overview of the planning process, including issues originally addressed and alternatives analyzed, public participation, and supplemental issues; II) a discussion of the environmentally-preferred alternative and why it was not selected; III) the text of the modified BLM-preferred alternative formally adopted with this ROD; IV) a written Decision Record; V) a Corrected Comparison of all Alternatives; VI) an Approved Alternative Monitoring Plan; VII) a map showing existing and approved designations.

**I. BACKGROUND**

**Planning**

Specific land-use planning for the CCMA was developed in the Hollister RMP of 1984, and culminated in the Clear Creek Management Plan of 1986. Key land management concerns in the development of those plans included human health risks from asbestos exposure, recreation use management, watershed management, and quantity and quality of rare plants and rare plant habitat.

From 1986 to 1991, the area was managed for dispersed recreation and rare species and vegetative community protection. Staging and camping areas were constructed, hardened crossings along the Clear Creek road were built, signs and kiosks were

installed to inform visitors, and fences and pipe barriers were constructed to protect sensitive resources. However, botanical studies during these years revealed that the status of the federally threatened San Benito evening primrose was continuing to decline. A report on the watersheds of the area showed that non-maintained roads and wet season road use were causing significant erosion problems and were potentially impacting biological resources. Additionally, on-going risk assessments continued to list asbestos as a significant health risk, calling in to question the policy of continuing public recreational use of the area. In 1990, the BLM re-initiated formal public planning efforts to resolve these issues.

In 1993, a draft Environmental Impact Statement was issued, in which six alternatives for management were analyzed. Hundreds of comment letters on the draft EIS were received, many of which pointed out inaccuracies or inconsistencies in the proposed action. After intensive review of the comments and re-analysis of data, the BLM issued a final EIS (FEIS) in 1996 with a substantially modified proposed action. The six alternatives analyzed and presented in the FEIS are described below:

**Alternative 1** was the "No Action" alternative and continued the existing management plan regime. Existing recreational use patterns would continue, although a dry season closure would be enforced.

**Alternative 2** accelerated implementation of the existing activity plan to a five year schedule. In particular, outstanding projects such as dust suppression of main roads, wash rack construction, and specific erosion control structures would be targeted as priority completion items. Recreation would still be the main management focus. Camping would continue at Oak Flat and the six staging areas, as well as informal sites outside riparian zones. A dry season closure would be continued.

**Alternative 3** was the BLM-proposed action, and was changed from the Draft EIS. Under the revised proposed action, the Clear Creek Management Area would be managed under a "Limited" use designation, whereby vehicles would be restricted to a designated route system. The use of open "play" areas would be reduced and until designation of these areas was complete, only seven areas would be open for OHV use. The San Benito Mountain Natural Area would more than double in size. All occurrences and high potential habitat for the San Benito evening primrose would be protected. A vehicle wash rack would be constructed and available for public use. Camping would be allowed at Oak Flat, the six staging areas, and at selected, dispersed locations throughout the area. Education, research and monitoring efforts would be expanded. Seasonal route closures would be implemented during excessively wet or dry periods.

**Alternative 4** was the BLM-preferred alternative in the Draft EIS, and included proposals to restrict OHV use substantially. Under this alternative, all watersheds would be closed to motorcycles with the exception of lower Clear Creek Canyon. The remainder of the CCMA would be open to four-wheeled vehicle use only. Camping

would be restricted to the Oak Flat Campground and to areas off of serpentine. The San Benito Mountain Natural Area would be expanded to the same extent as Alternative 3. Projects described under Alternative 3 would be implemented with regard to erosion control, dust suppression and sensitive species protection.

**Alternative 5** closed the Clear Creek Management Area to motorcycles. All other vehicle travel would be restricted to a small network of dust-suppressed roads. Camping restrictions would be identical to Alternative 4. The boundaries of the San Benito Mountain Natural Area would be identical to Alternative 4, and erosion and resource protection projects as described in Alternative 4 would be implemented.

**Alternative 6** emphasized natural values protection and enhancement. The entire ACEC would be co-designated as a Natural Area and managed to protect unique scenic, botanical, geologic and watershed resources. Primary resource management objectives would be maximum protection of the natural resources and enhancement of scientific research potential. Vehicle and camping restrictions would be identical to Alternative 5. Alternative 6 was the environmentally preferred alternative.

### **Public Involvement / Consultation and Coordination**

A public participation plan was prepared to ensure that the public would have numerous opportunities to be actively involved in the planning and environmental process. Both formal and informal input has been encouraged and used throughout the planning process. Tentative issues, planning criteria and alternatives were published in the Federal Register "Notice of Intent to Prepare a Plan Amendment" of 1991 to facilitate the agency and public dialogue which had commenced in 1990. The final issues and alternatives addressed in the EIS were developed in response to public and agency comment. The Federal Register "Notice of Availability of Planning Criteria" was published in 1992, and BLM staff conducted meetings with affected or interested publics, and with federal, state, and local agencies. Open house workshops were held in Hollister, San Jose, Coalinga, and Clovis. The Draft EIS was released in November, 1993, and copies were sent to individuals and organizations who responded to previous mailings. Copies were also sent to agencies and corporations potentially affected by the plan. The public comment period was open from November, 1993 to February, 1994, during which time the BLM held three public meetings and received over 600 comment letters. Since February of 1994, BLM has continued to work and correspond with agencies and interested publics to discuss implementation issues.

The final EIS was issued on May 10, 1996, and was open for protest until June 10, 1996. During that time, 11 protest letters were received. Environmental groups, recreation interest groups, and regulatory agencies protested the plan's proposed action, citing regulatory violations, failure to properly implement the requirements of the National Environmental Policy Act (NEPA), lack of commitment, and insufficient and/or incorrect information. During the course of the next year and a half, the BLM met with all but one of the protesting parties, and corresponded with all, in an effort to address

these issues. The BLM re-crafted the language of the preferred action to provide more clarity, to include schedules and monitoring commitments, and to tie proposed actions to specific resource condition objectives. The revisions were made within the scope of all alternatives analyzed and the preferred alternative text, as modified, is included in this ROD. The BLM received one letter withdrawing a protest and one letter withdrawing part of a protest. BLM dismissed the remaining protests and prepared detailed letters for each of these remaining protesting parties. Many issues were resolved through meetings, correspondence and revisions to the preferred alternative language.

Under the provisions of the Endangered Species Act, a formal "Section 7" consultation process was initiated with the United States Fish and Wildlife Service (USFWS) because of the sensitivity of management for the protection of the San Benito evening primrose. A "non-jeopardy" opinion was rendered by the Service in October, 1997. Informal consultation has continued with the USFWS. The Service is actively working with the BLM to re-craft a recovery plan for the species.

### **Supplemental Issues**

Several issues surfaced in 1995 either after the EIS had been finalized and sent to the printer or during the protest period. There were four main issues, including: a) "Natural Area" designations and their utility under new policy direction; b) the actual legal boundaries of the existing Natural Area designation within the CCMA; c) the status of the San Benito Mountain Natural Area and its potential co-existing status as a Wilderness Study Area; and d) errors relative to air and water quality or relative to tabular information. These are discussed below.

a) Natural Area Designation. The BLM as an agency is emphasizing designation of Areas of Critical Environmental Concern (ACECs) instead of Outstanding Natural Areas (ONA's). To simplify management, existing designated ONA's could remain as designated or be re-designated as ACECs through the planning process. There would be no regulatory authority remaining for areas designated as ONA's, unless supplemental rules were adopted. The other type of Natural Area, "Research Natural Area" (RNA), would remain a viable designation option, should an area qualify under the RNA designation guidelines. The San Benito Mountain area was designated as an Outstanding Natural Area in the early 1970's, and lies within the larger Clear Creek Serpentine ACEC. This Serpentine ACEC was designated because of the health concerns associated with the naturally occurring asbestos within the serpentine soils and because of the unique vegetation and forest types associated with serpentine soil. The San Benito Mountain Natural Area was also designated because of the unique vegetative communities associated with serpentine soils. A question arises as to the utility of keeping the Natural Area designation at all, since it is within a designated ACEC. However, historical planning documents, management and education efforts, and public use show that area is managed and perceived as different and distinct from the ACEC. The continued management emphasis, as described in the FEIS (FEIS, page 13) and in the presentations of each alternative, is education and research. Upon

careful review of the planning record, BLM has determined that the most appropriate designation for this area is a "Research Natural Area". This would allow management distinct from, but complementary to, management within the ACEC, highlight the area's scientific importance, and yet still allow appropriate public use. Maintaining the "Natural Area" name would afford continuity, and by virtue of the name, most likely also afford continued respect for any use restrictions in the area. When the Final EIS was released, the BLM also issued a Federal Register Notice proposing to change the name of the San Benito Mountain Outstanding Natural Area to the San Benito Mountain Research Natural Area. No comments were received relative to the proposed name change. Although the name change was not part of the original draft or final EIS's, the name change has been available for public review and comment since May, 1996. This ROD affirms the name and designation change from an Outstanding Natural Area to a Research Natural Area.

b) Legal Boundaries of the Natural Area. The legal boundary of the Natural Area was extended by 380 acres in 1984, with the approval of the Hollister RMP. However, it was never formalized with the publication of a Federal Register notice, and master title plats do not show the expanded boundary. In the May, 1996 Federal Register Notice referenced above, the BLM formalized the approved expansion of 380 acres and published the legal description of the expansion. The formal legal boundaries area shown on the ROD map.

c) WSA Status. Under the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM was mandated to study all public lands for wilderness potential. Those not meeting certain wilderness criteria could be dropped from further wilderness study. However, all existing designated Natural Areas were automatically put in the wilderness study category, and could not be dropped from further wilderness review except by Congress. The 1500-acre San Benito Mountain Natural Area was in existence prior to 1976 (the 380-acre proposed extension referenced above was not formalized at the passage of FLPMA), and as such was automatically to be nominated and held for wilderness study. The BLM made an administrative error in 1981, in that it "dropped" the San Benito Mountain Natural Area from further wilderness study. The area was dropped because of its small size and the presence of roads and communication facilities. It wasn't until 1995 that this error was discovered. Since then, the BLM has re-incorporated this area into Wilderness Study Area management, and has written an environmental assessment to address impacts to the area and to analyze remedial actions. Regardless of the Natural Area designation, the Wilderness Study Area designation covering 1500 acres will remain in effect until Congress makes a determination as to the area's suitability. As such, the BLM's Interim Management Policy (IMP) for lands under wilderness review will apply.

d) Errors. During the protest process, errors or omissions in the FEIS were documented. This ROD provides correct information relative to these items. Protesters noted that there were no specific air quality conformity statements for the two air basins affected by the EIS. Additionally, not all the beneficial uses for the waters of the area

were noted, nor was a complete summary of the water quality in the CCMA included in the FEIS. Finally, it was noted that there were tracking errors in the FEIS table entitled "Comparison of All Alternatives". The following text addresses each of these items in turn.

Air Quality Standards and Conformity The BLM received a memo from the Monterey Bay Unified Air Pollution Control District (MBUAPCD), which stated that for this North Coast Air Basin, "Direct and indirect emissions of VOC and NOx are below the threshold level of 100 tons/year applicable to the North Central Coast Air Basin; thus a general conformity finding is not necessary." Additionally in the memo, the MBUAPCD stated that: "Since the NCCAB is unclassified for the federal PM-10 standard, a general conformity finding is not needed for PM-10 emissions."

There are approximately 5,000 acres of public land falling within the San Joaquin Valley Unified Air Pollution Control District. These are located in the remoter, far eastern portion of the management unit, which receives substantially less vehicle use. Based upon modelling vehicle use in this area, the BLM is in conformity with the two stated air quality standards for this area, including 50 tons/year for serious ozone non-attainment areas, and 70 tons/year for serious PM-10 non-attainment areas. Modeling showed 8.5 tons/year for PM-10. Extrapolating from the modelling done by MBUAPCD for NOx and ROG (precursors to ozone), the BLM is well below the 50 ton/year limit, at approximately 7.8 tons/year.

The BLM is in conformity with stated air quality standards currently. Each successive alternative analyzed in the FEIS was more restrictive relative to vehicle use and the existing situation. Conformity findings would be unchanged under the approved proposed action.

Beneficial Uses of CCMA Waters The beneficial use of drinking water was not included in the description of beneficial uses of the waters in this area. The waterways in the CCMA are considered non-potable because of the asbestos concentrations naturally present, and because of the potential for heavy metal concentrations naturally occurring or occurring as a result of past mining activity. However, waters from the CCMA flow into the Hernandez Reservoir, designated to meet a "high quality" standard, which may include drinking water.

Water Quality: Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality study in 1997 to determine the magnitude of heavy metals being deposited into streams from 15 abandoned mines. Soil and water sampling was completed below, at, and above each of the mined areas. Results from this study indicated several things. The background concentration of metals detected in soils tended to be above stated standards, and is consistent with the natural geochemistry of the area. However, there were differences in the water samples taken from below and above mined sites,

indicating that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Accessibility to vehicles was also found to potentially be a factor in whether a site was found to have lesser or greater concentrations of a metal in the water downstream. As a result of this study, five mine areas, the Alpine, the Aurora, Clear Creek, Larious Canyon, and the Molina were determined to not only pose the greatest ambient hazard in terms of inhalation of hazardous materials, but also pose the greatest water contamination risk. These were all closed to vehicle use with the issuance of a Federal Register notice in February, 1998.

The extent of the contribution of heavy metals and asbestos into the Hernandez Reservoir remains an issue. Unregulated human use of the CCMA could exacerbate water quality problems, but given the underlying geology of the area, some continued natural contribution of mercury and asbestos may be unavoidable. By eliminating unregulated use, by eliminating vehicle access to abandoned mines, and by completing significant road repairs and improvements, the BLM hopes to minimize the potential for additional human-caused impacts to the subject waterways.

Additionally, a barren area erosion and use report was completed in April, 1998. This report includes an objective ranking of barrens, based on a variety of factors, (including vegetation, slope, soil type, current condition/use and proximity to stream channel) relative to their potential to contribute significantly to the erosion budget naturally and/or with sustained vehicle use. The BLM will be using this information, in a public process, as it designates routes and areas available for vehicle use. Coincident with the designation process, the BLM will continue to implement Best Management Practices, including installation of erosion control structures on routes, limiting vehicle use in highly erosive areas, using heavy equipment in appropriate seasons, and implementing wet season closures.

The BLM has current information relative to suspended sediment, water flows and bedload measurements from a United States Geologic Survey gaging station, which operates continually at the mouth of Clear Creek. This information has been compiled and is available at the BLM office, and on-line at "<http://water.wr.usgs.gov>". As more years of data become available, this information will be invaluable for comparison, monitoring and prediction purposes.

More sampling needs to be completed, and more years of stream data needs to be collected, to determine whether channeling use away from mines, reducing vehicle use of barrens, and installing erosion control structures on routes, is having the desired effect of reducing erosion and contaminated sediment delivery downstream.

Comparison of All Alternatives A corrected comparison of all alternatives is included in Chapter V.

## II. DISCUSSION OF ENVIRONMENTALLY PREFERRED ALTERNATIVE

Alternative 6 is the environmentally preferable alternative because actions proposed under this alternative would result in decreased human disturbance of the area, and a management emphasis on maintaining and enhancing natural systems and processes. Research would be the primary management activity. Impacts to water and soil resources from human use would be minimized, as well as the inherent human health threat from asbestos. The environmental advantages of adopting this alternative, however, were outweighed by other factors of consideration, including the long history of public use of the area, the value of a large, primitive recreation area accessible to the larger San Jose Metropolitan area, and the availability of other management options to protect rare species and other sensitive resources recovery and protection. Through extensive public comment and involvement, it was determined that a policy of informed use relative to the asbestos issue was a better policy than essentially eliminating use altogether. A strict biological inventory and compliance regime has been worked out in consultation with the USFWS, in order to document improvements or problems as public use continues. The BLM chose to select a balanced use alternative, with the belief that sensitive resources could be protected while still providing for public use. Should documented declines continue resulting from public use, however, then uses will be restricted. For these reasons, Alternative 3, as modified, is selected as the approved action.

### III. APPROVED ACTION: ALTERNATIVE 3 - DISPERSED OHV USE - MODIFIED

#### RESOURCE CONDITION OBJECTIVES

1. Reduce asbestos exposure and asbestos emissions while still providing opportunities for OHV use. Minimize dust emissions from main roads. Ensure that BLM employees meet all OSHA requirements.
2. Protect existing populations of the San Benito evening primrose and attempt to expand its range to areas that have moderate and high potential habitat for the species. Manage to ensure that sensitive species and communities maintain or enhance their condition.
3. Maintain or enhance water quality in all watersheds. Reduce erosion and sediment transport in all CCMA watersheds by reducing the number of miles and barren acreage available for vehicle use, and by implementing BMP's for all road work.
4. Expand the boundaries of the San Benito Mountain Natural Area to include a contiguous cross-section of the unique serpentine and adjacent ecotones found only within this area, using easily identifiable geographical landmarks as boundaries, wherever possible.
5. Manage the Clear Creek Management Area as a **Limited Use** area. Based upon resource management criteria, designate routes and open play areas available for OHV use as resource conditions warrant.

#### SUMMARY OF ALTERNATIVE

Miles of designated vehicle routes: approximately 270

Acres of open barren slopes (hillclimbs): approximately 937

Miles of routes dust-suppressed: up to 30

Miles of routes maintained annually: 30.5

Expansion of the San Benito Mountain Natural Area: up to 4082 acres

Number of San Benito evening primrose populations protected: 16 known and as they are discovered

Number of primrose habitat areas protected: approximately 50

Number of watersheds having erosion & sediment control projects: All

#### MANAGEMENT ACTIONS

To meet Resource Condition Objective (**RCO**) # 1 (Minimize asbestos exposure) :

1. The BLM will augment its existing public asbestos hazard information program by including information about asbestos risk and air sampling results in recorded messages and public outreach programs/materials. The BLM will expand its air monitoring protocol. Asbestos information already developed will be maintained on

recorded messages and on the visitor information boards. Additional outreach materials will be developed by the Spring of 1998.

2. Staging Areas and approximately 30 miles of main transportation routes will be dust-suppressed as appropriate to reduce dust generation and associated asbestos exposure.
3. Dispersed camping throughout the year will be allowed outside of sensitive resource zones such as vernal pool areas, sensitive riparian corridors and sensitive species habitat. Over the next three years, the BLM will work with interested groups to develop a plan to relocate off-highway-vehicle (OHV) staging areas outside of the ACEC as appropriate, and to encourage campers to select camping areas outside of the ACEC. New developments and /or enhancements will include appropriate and feasible components to reduce risks, such as vehicle wash racks and dust suppression.
4. Routes through abandoned mines will be eliminated or relocated wherever feasible, within one year of adoption of the plan amendment.

To meet RCO # 2 (Protect sensitive plants and communities):

5. Known and newly discovered occurrences of the San Benito evening primrose and other sensitive resources including rare plants such as rayless layia, vernal pools, and riparian zones will be protected from vehicle and camping disturbances. Also, moderate to high potential habitat currently capable (based upon habitat modelling and field investigations) of supporting sensitive species will be protected from vehicle and camping disturbances. Protection efforts will be a high priority. Currently unprotected occurrences will be protected by Spring of 1998. New occurrences will be protected within one field season of discovery.
6. Vegetation manipulations, such as brush clearing, prescribed burns and seed or seedling introductions will be evaluated and implemented as appropriate for San Benito evening primrose habitat areas of high and moderate potential.
7. Vernal pools will be designated closed to vehicle use and no-camping buffers zones will be defined within one year of the approval of the plan.

To meet RCO # 3 (Enhance water quality and reduce erosion):

8. Beginning with the Fall 1997 use season, road closure to vehicle use during periods of extreme wet weather will be enforced. The BLM will implement wet season closures when road conditions are such that sustained vehicle use will compromise the integrity of the road surface and/or when BLM patrol persons determine that accessing the area will be unsafe for employees or visitors.

9. Barren hillslopes greater than 10 acres in size will be reviewed to determine potential for erosion and sustainable OHV use. After completion of the barren area inventory and subsequent designation, a subset of all barrens will be monitored annually to determine soil loss and water quality impacts. Barren acreage available for OHV play will be adjusted accordingly.
10. Recurring and corrective maintenance on county and/or administrative routes will be implemented annually as appropriate. Corrective maintenance will also be completed on technical 4WD and 2-track routes as needed with a goal of defining a 3-5 year maintenance cycle for the whole route network.
11. Identified erosion control structures over the main route network will be installed within 3-5 years. BLM will concurrently complete an evaluation and project plan for implementing appropriate drainage structures on the remainder of the routes in the CCMA.
12. All abandoned mines (as identified in the 1989 EPA abandoned mine report) will be field reviewed and sampled to evaluate their potential to impair surface water quality standards, both from a non-point source and point source (NPS/PS) perspective. This project will be completed within approximately three years. Access routes in and around mines will be determined within one year of adoption of the plan.

To meet RCO # 4 (Expand boundaries of the SBMNA):

13. The San Benito Mountain Natural Area will be redesignated as a Research Natural Area and may be expanded to as much as 4,082 acres. A research management plan will be developed to encourage scientific studies in and around this area. The area will be proposed for a mineral withdrawal.

To Meet RCO # 5 (Designate CCMA as Limited Use Area):

14. The 50,000-acre CCMA will be designated a Limited Use area. Existing open routes and areas in the BLM database (comprised of United States Geological Survey topographical map information, orthophoto quads, aerial photos, and Global Positioning System field mapping information) at time of approval of the Record of Decision, will continue to be open for vehicle travel until disposition of routes and areas had been analyzed by the environmental process. Environmental review of all known open and closed routes and areas in the database will be completed within 1 year. Criteria to be considered will include proximity to sensitive resources (stream crossings, special designations, biological and cultural resources, mine sites), private land, erosion and maintenance concerns, motorized and non-motorized recreation opportunities, and administrative and local access. On-going physical designations, (signing, barriers, etc.) of open and closed routes and barren areas will continue and will be monitored for compliance. No route proliferation will be allowed, and violations of use designations will be subject to appropriate law enforcement action.

15. Signing of routes and areas where use is allowed and where use is prohibited will be completed within 1-3 years. Signs and route markers will be kept to a minimum so as to preserve the wildlands experience. Physical protection of sensitive resources (including route closures and barrier construction) will be largely completed within 2-3 years and will continue as appropriate. A review of new or alternate routes dispersing use (particularly outside of the ACEC) and avoiding sensitive resources will be completed within three years. Meetings with a Technical Review Team (TRT) or similar group will be held as needed to review management and project implementation.
16. No new routes or areas will be considered for vehicle use unless the new route/area proposal has been reviewed through the environmental analysis process. Any routes existing at the time of the ROD, but which are not in the BLM database, will be evaluated under the same process as new routes.
17. The re-mapped ACEC will be legally described to reflect serpentine soil mapping surveys. The San Benito Mountain Wilderness Study Area (WSA) will be managed under Interim Management Policy for WSA's until officially designated or dropped.
18. The BLM will expand its outreach and education program to explain the new plan to the public. In addition, the BLM will continue to work with interest groups to encourage public involvement in volunteer programs to assist with public outreach (Tread Lightly, Leave No Trace), trail maintenance projects, environmental protection, and natural history interpretation and education. New user maps will be available with the Record of Decision and will be updated as appropriate.

#### **IV. DECISION RECORD AND DECISION RATIONALE**

I approve the Hollister Resource Management Plan Clear Creek Amendment Proposed Action, as modified, to address the supplemental issues identified above, and to include stipulations required by the United States Fish and Wildlife Service Biological Opinion. Based on the environmental analysis of the proposed action, I have determined that implementing this action as modified, will not cause unnecessary or undue degradation to public lands. Supplemental environmental analysis will not be required as a result of the modifications to the preferred alternative, since all decisions were analyzed within the scope of the planning process. The only exception to this is the name change of the San Benito Mountain Outstanding Natural Area to the San Benito Mountain Research Natural Area. As described earlier in this document, the name change was published for public comment in May, 1996, and no comments were received. This ROD incorporates the action to rename the San Benito Mountain Outstanding Natural Area as a Research Natural Area. Henceforth the name will be "San Benito Mountain Research Natural Area".

Approval of the plan includes my decisions to designate the Clear Creek Management Area a "Limited Use" area, meaning that motor vehicles and off road vehicles must remain on existing routes and that cross country travel will no longer be allowed anywhere in the management area except for those barren areas specifically identified for that use.

The route system will be managed so as to encourage use on designated numbered and/or signed routes, and to allow use on all other routes which are not physically and/or signed closed. With the approval of this ROD the BLM will designate approximately 270 miles of routes for encouraged use. These encouraged and allowed routes will be shown on a user map.

The barren areas will be managed so as to encourage use on designated numbered and/or signed barrens (play areas), and to allow use on all other barren areas which are not physically and/or signed closed. With the approval of this ROD there will be approximately 937 acres of barrens where use will be encouraged or allowed. These barrens will be shown on a user map.

The BLM recognizes that at the time this ROD is signed, many existing routes in the CCMA have not been evaluated for resource conflicts and protection objectives. The identification and evaluation of these routes will be an on-going process. When a route is found to conflict with sensitive resource values (riparian areas, protected plants species habitat, vernal pools, mines, etc.), the BLM will work with the Technical Review Team (TRT) as appropriate to determine how to mitigate conflicts. Because resource conditions can change, the BLM will be reviewing closed and open routes and making adjustments through the public planning process to ensure that any changes to mileages and acreages available for vehicle use not only have received adequate environmental review, but also to ensure that resource condition objectives are being met. Initially, the BLM will focus its efforts on evaluating those routes and barrens that occur in conjunction with high priority areas for protection such as riparian corridors, vernal pools, and endangered and protected species habitat.

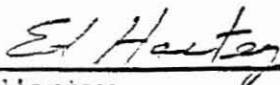
The BLM recognizes both the inherent biological uniqueness of the barrens and the conflicting yet valuable recreational experience that the barren areas provide in the CCMA. By excluding vehicle use from two-thirds of the barren areas, and allowing use on those barrens located outside of the

The BLM recognizes both the inherent biological uniqueness of the barrens and the conflicting yet valuable recreational experience that the barren areas provide in the CCMA. By excluding vehicle use from two-thirds of the barren areas, and allowing use on those barrens located outside of the most ecologically sensitive areas, the BLM will achieve some measure of balanced use which can be evaluated for success in meeting resource condition objectives. Many of the encouraged and designated routes traverse through barren areas that have both public and private ownership. The BLM will not encourage use on private land, and the BLM will work with the TRT and landowners in an on-going process to establish measures addressing transient use and identification of acceptable travel corridors across barren complexes.

This ROD affirms public use of the area under a policy of informed use relative to asbestos issues. Rather than to prohibit overnight camping in the asbestos zone, for example, it is my decision to allow informed use but to encourage use and camping off of the serpentine by developing additional camping facilities off of the serpentine. This ROD adopts the approximate 4082 acres as stated in the Final EIS Proposed Action (Alternative 3) and affirms the name change to a "Research Natural Area", recognizing that the ultimate boundaries of the expansion will be determined through a public process and will be based on management, natural resource, and recreation considerations. The name Research Natural Area will also be applied to the area of expansion. A Research Management Plan will be developed with public and academic involvement pursuant to current regulation and BLM policy.

Wet season vehicle closures will be enacted and will be based upon criteria per a final published Federal Register Notice. The criteria include rainfall amounts and duration, as well as common-sense safety concerns. The criteria guidelines were distributed to members of the BLM's technical review team, and will be published in a draft Federal Register Notice for public review and comment. Proposed gate locations to secure wet season closures are shown on the attached ROD map.

The proposed action, as modified, was selected because it provided the best mix of management options to protect resources, reduce erosion and water quality impacts, reduce risk, and still allow for dispersed recreation, both motorized and non-motorized. Background information, including mitigation and monitoring provisions, are described in the following documents, which are incorporated by reference: 1) Hollister Resource Management Plan Amendment for the Clear Creek Management Area Draft (November 1993) and Final (August, 1995) EIS'; 2) U.S. Fish and Wildlife Service Biological Opinion, (October, 1997); 3) Clear Creek Programmatic Road Work Environmental Assessment (October, 1995); 4) San Benito Mountain Natural Area/ WSA Remediation of Unauthorized Actions Environmental Assessment (October, 1995); 5) Research Natural Area Federal Register Notice; 6) MBUAPCD conformity memo; 7) Wet season closure criteria - Federal Register Notice; 8) Hillclimb Canyon /Mine Site Closure Federal Register Notice.

  
\_\_\_\_\_  
Ed Hastey  
State Director

11/7/99  
\_\_\_\_\_  
Date

**V. Comparison of All Alternatives** (corrections from FEIS are noted in bold italics - modified alternative in bold)

	ALTERNATIVE #1  EXISTING MANAGEMENT  (NO ACTION)	ALTERNATIVE #2 IMPLEMENTATION OF CLEAR CREEK MGMT PLAN (within 5 years)	ALTERNATIVE #3 DISPERSED OHV USE	PREFERRED ALTERNATIVE #3 AS MODIFIED	ALTERNATIVE #4 RESTRICTED OHV USE	ALTERNATIVE #5 OHV CLOSURE	ALTERNATIVE #6 ENHANCEMENT OF NATURAL VALUES
MANAGEMENT EMPHASIS	Emphasis on OHV recreational use, no new restrictions imposed	All areas remain open with implementation of CC Mgmt Plan completed within five years	Vehicle travel in the Clear Creek Management Area will be limited to designated routes. Most open areas will be conditionally closed to OHV use pending an open area inventory to determine which hillclimbs are compatible with this use	Clear Creek managed as a "Limited Use" area for vehicle recreation, under a policy of Encourage Prohibit and Allow.	Clear Creek Watershed zoned for dual purpose OHV use (2 & 4 Wheel drive vehicles). Other watersheds zoned for 4 wheel drive access only on designated roads and trails (closed to motorcycle use).	Clear Creek managed for non-OHV dependent uses with all vehicle restricted to designated roads	The Area of Critical Environmental Concern (ACEC) and Natural Area managed to protect and enhance the unique scientific, scenic, ecological, geologic, botanical and watershed values.
ASBESTOS POLICY/PUBLIC HEALTH AND SAFETY	Public makes informed choice about visiting asbestos area. BLM employees monitored to meet OSHA standards. Dry season restrictions to OHV (est. May-Sept.)	Visitors will have a public vehicle wash rack provided to reduce the transport of asbestos to users homes & communities. Six miles of the lower Clear Creek County road will be dust suppressed.	No change from Alt. # 2 except for 23 miles of additional dust stabilization on the main vehicle access routes (county roads). This is provided to reduce the amount of asbestos emissions to onsite users.	Public makes informed choice about visiting asbestos area. BLM employees monitored to meet OSHA standards. Restructuring camping and staging to encourage overnight use off of hazardous asbestos area. Asbestos risk abatement measures as feasible. Enhanced education & air monitoring program.	No change from Alt. #3 except for a reduced vehicle access network and geographical area open for OHV use. This is provided to further reduce airborne asbestos emissions.	OHV use eliminated, which will significantly decrease visitor usage. The vehicle access network (27 miles) would be graded but not dust suppressed.	No change from Alt. #5.
WATERSHED MANAGEMENT	No sediment dams or closure of open areas. Erosion and sediment transport impacts not mitigated.	Sediment dams constructed to mitigate OHV generated sediment and off-site transport of sediments via Clear Creek drainage	No change from Alt. #2.	Erosion and sediment stabilization projects to reduce sediments in all watersheds - emphasis on drainages most affected by historic & current use.	No change from Alt. #3 except for the addition of standards to stabilize other actively eroding watersheds outside the Clear Creek watershed.	Erosion and sediment stabilization projects to reduce sediments in all watersheds - emphasis on drainages most affected by historic use.	Erosion and sediment stabilization projects to reduce sediments in all watersheds.
WATERSHED EROSION AND SEDIMENTATION ESTIMATES	Road network includes 420 miles of unpaved road/trails. 2876 acres of OHV hillclimbs open. Total sediment yield = 30,059 tons per year. <b><i>This is an approximately a 20% increase over</i></b>	Road network includes 405 miles of unpaved road/trails. 2876 acres of OHV hillclimbs open. Total sediment yield = 28,893 tons per year. <b><i>This is an approximately 4% reduction over Alt. 1.</i></b>	Road network includes 270 miles of unpaved road/trails. 937 acres of OHV hillclimbs open. Total sediment yield = 11,327 tons per year. This is an approximately 62% reduction over Alt. 1.	Road network includes 270 miles of unpaved road/trails. 937 acres of OHV hillclimbs open. Total sediment yield = 11,327 tons per year. This is an approximately 62% reduction over Alt. 1.	Road network includes 119 miles of unpaved road/trails. 1229 acres of OHV hillclimbs open. The total sediment yield = 8,640 tons per year. This is an approximately 71% reduction over Alt. 1.	Road network includes 27 miles of unpaved road/trails. No acres are open for OHV hillclimbs. Total sediment yield = 5,249 tons per year. This is an approximately 82% reduction over Alt. 1.	Road network includes 27 miles of unpaved road/trails. No acres are open for OHV hillclimbs. Total sediment yield = 5,249 tons per year. This is an approximately 82% reduction over Alt. 1.

	<i>estimated natural conditions.</i>						
SAN BENITO EVENING PRIMROSE	16 populations and 15 habitats protected	16 populations and 15 habitats protected	16 populations and 50 habitats protected	All protected per USFWS Biological Opinion	16 populations and 50 habitats protected	16 populations and 58 habitats protected	16 populations and 58 habitats protected
SAN BENITO MOUNTAIN NATURAL AREA	<i>1880 acres</i>	<i>1880 acres</i>	4082 acres	<b>4082 acres</b>	4082 acres	4082 acres	<i>17,310 acres</i>
RECREATIONAL OPPORTUNITIES	<p><i>2876 acres open for OHV play on barren slopes. 2048 acres of hillclimbs (play areas) closed.</i></p> <p>420 miles of roads and trails limited to designated routes.</p> <p>Camping allowed as under current conditions</p>	<p><i>2876 acres open for OHV play on barren slopes. 2048 acres of hillclimbs (play areas) closed.</i></p> <p>405 miles of roads and trails limited to designated routes.</p> <p>Camping restricted to staging areas and to Oak Flat Campground and to areas outside riparian zones.</p>	<p><i>207 acres conditionally open in the interim, and up to total of 937 acres open, pending barren slopes inventory. 3987-4717 acres of hillclimbs (play areas) conditionally closed.</i></p> <p>155 miles designated in the interim, up to about 270 miles of designated roads and trails pending route inventory</p> <p>Camping allowed at Oak Flat, and in designated areas within the Serpentine ACEC.</p>	<p>Targets of 937 acres of barren hillslopes open, and 3987 acres closed - final acreages open or closed per resource condition objectives and environmental review. At time of ROD any hillclimb not administratively or physically prohibited will be allowed for use pending final designation.</p> <p>Target of 270 miles of routes available for motor vehicle use - final mileage open dependent on resource condition objectives and environmental review. At time of ROD, any route not physically or administratively prohibited will be allowed for use until final designation.</p>	<p><i>1229 acres open for OHV play on barren slopes. 3695 acres of hillclimbs (play areas) closed.</i></p> <p>119 miles of roads and trails limited to designated routes.</p> <p>Camping allowed at designated Campgrounds.</p>	<p>0 acres open for OHV play on barren slopes.</p> <p>26 miles of roads limited to county road system.</p> <p>Camping restrictions same as Alt. #4</p>	<p>0 acres open for OHV play on barren slopes.</p> <p>26 miles of roads limited to county road system.</p> <p>Camping restrictions as in #4 and #5.</p>



	3) Ozone				
WATER QUALITY	<p>1) Sedimentation as shown by stream flow in Clear Creek</p> <p>2) Aquatic/Riparian health (Proper Functioning Condition) (species diversity, abundance, etc.</p> <p>3) Beneficial Use: High quality standard not impacted at Hernandez Reservoir (mercury, pH, O2, etc.)</p>	<p>1) Meet suspended solids and bedload standards. Best Management Practices for controlling sediment from Non-point Source contributors (roads and trails) such as erosion control structures and wet season restrictions. Determine success criteria for installed erosion structures. Stabilize potential for run-off from point sources such as barrens and mine sites</p> <p>2) Suite of variables, protocols and reporting to be determined with USFWS, CDF&amp;G and Regional Water Quality Control Boards.</p> <p>3) Suite of variables, protocols and reporting to be determined with EPA and Regional Water Quality Control Boards</p>	<p>1-3) Area and or route closures and/or remediation as necessary Compliance and effectiveness monitoring;</p>	<p>1) Contract maintenance with U.S.G.S for stream gauging station. (Annual report provided by USGS). 2 Resources staff and heavy equipment operators for. Inspections and assessments of erosion control structures, and inventory for new erosion control work along routes. 3 workmonths total.</p> <p>2) 2 Resources staff + other agency staff and/or seasonals to gather and input data and to develop protocols with agencies - 2 workmonths</p>	<p>1) \$40,000 annually for stream gaging station (BLM funds); \$160,000 annually corrective and recurring route maintenance/erosion control (4/5 Green Sticker, 1/5 BLM)</p> <p>2-3) USFWS waterways inventory project for amphibians and fish-eating raptors from Hernandez to New Idria (\$200,000 over 3 years - USFWS). Riparian Restoration projects - \$15-30K annually from greensticker/OHV</p>
SPECIAL STATUS SPECIES & HABITAT AND/OR SENSITIVE HABITAT	<p>1) San Benito evening primrose, populations and high potential habitat</p>	<p>1a) Status maintained or enhanced; documented by annual inventories &amp; report. 1b) Data collection, compliance reporting &amp;</p>	<p>1) Incremental restrictions on use in immediate area including fencing, other barriers, route and/or areal closures. Potential complete CCMA closure per</p>	<p>(All) Resources staff patrols per Recovery Plan, USFWS opinion, and BLM determinations- Estimate 4-6 Workmonths annually between</p>	<p>1-3) \$30,000 annually, (½ BLM ½ OHV)</p>

	<p>2) Rayless layia, populations &amp; high potential habitat</p> <p>3) Vernal pool habitat with associated species closed to vehicle and camping disturbance</p> <p>4) Other serpentine plant endemics &amp;/or rare wildlife</p>	<p>documentation standards per USFWS biological opinion</p> <p>1c) Damage as defined by BLM and USFWS</p> <p>2 - 4) Status maintained or enhanced, documented by annual inventories &amp; report. Compliance with closures / restrictions documented</p>	<p>USFWS Biological Opinion requirements and BLM documentation.</p> <p>2-4) Incremental restrictions on use in immediate area including fencing, other barriers, route and/or areal closures.</p>	<p>monitoring, compliance reviews, database maintenance and annual reporting requirements</p>	
SPECIAL DESIGNATIONS	<p>1) San Benito Mountain Research Natural Area</p> <p>2) ACEC</p> <p>3) Limited Use Designation</p> <p>4) WSA</p>	<p>1) Compliance with vehicle designations within boundary and maintenance of Class I Visual Resource Management Classification</p> <p>2) Plans of Operation filed for mining claims and bonds posted.</p> <p>3) Compliance with vehicle designations</p> <p>4) Non-impairment of natural resources and monthly patrols.</p>	<p>1) Restrictions on use in area of non-compliance, including fencing and barriers. Establishment of new and/or maintenance of ROW stipulations to ensure Class I VRM standard maintained</p> <p>2) Redress through BLM regulation and mining laws.</p> <p>3) Areal restrictions, including signing, fencing, and closures as appropriate</p> <p>4) Immediate notification of Interim Management Policy of violation</p>	<p>1-4) 2-3 Staff for 3 Workmonths, for patrolling, monitoring, and repairing and installing appropriate fences</p>	<p>\$16,000 annually (1/2 BLM, 1/2 Green Sticker)</p>

## Appendix 2. Timeline for implementing actions of the approved Clear Creek RMP Amendment

### Timeline for Major Decisions

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#### Part A. Timeline for Major Decisions.

##### ---- At Signing of ROD:

###### ➤ Natural Area Renamed to Research Natural Area

- CCMA Designated as Limited Use
- Additional asbestos information available on hotlines, factsheets, world-wide web, visitor information boards
- Proposals in review for alternative camping/staging/access outside of asbestos zone
- 5 mines closed to vehicle use
- Vernal pools designated as closed to vehicle use
- Interim Visitor Map available

##### ---- 6 months after signing ROD:

- Dust suppression of Staging Areas and up to 30 miles of main routes as feasible
- Additional dispersal route completed out of Oak Flat to reduce vehicle use in Canyon
- Site design complete for re-design of Indian Hill to control erosion
- All remaining unprotected known occurrences of San Benito evening primrose protected
- Access to or through abandoned mines eliminated as appropriate
- Preliminary resource evaluations completed on high priority routes/barrens
- Wet season closures begin to be enacted as appropriate
- Complete BLM review/revisions of evening primrose recovery plan

- Research Natural Area Management Plan completed
- Visitor Guide to the area completed

----: By End of Year 1

- No camping zones defined around vernal pools as appropriate
- Route and Barren area designation completed, RNA boundaries determined
- New User Map Completed
- Erosion control structures completed on main route network and 20 additional miles
- Intense inventory and repair of 20 new route miles with erosion control structures

----: By End of Year 2

- Existing camping off of serpentine enhanced by restructuring Oak Flat
- New campground of off serpentine - final site design - include review of appropriate supporting infrastructure, including electricity, heavy equipment storage & washrack
- Water Sampling at all Abandoned Mines completed
- O&M of installed erosion control structures, new structures on add'l 20 miles
  - Cont. dust Suppression at Staging Areas and up to 30 miles of Main routes as feasible
- Restructuring of Staging Areas 5 & 6 and construction of new trail as appropriate
- Inventory 20 new route miles for erosion control structures
- Cont. monitoring and inventory of rare species

--- By End of Year 3

- Cont. dust suppression of Staging Areas and up to 30 miles of main routes as feasible
- Begin construction of alternative camping facility

- Cont. monitoring and inventory of rare species
- O&M of installed erosion control structures, new structures on add'l 20 miles

----: By End of Year 4

- Cont. dust suppression
- Cont. route repair and erosion inventory on 20 new miles
- Revised User Map Completed if needed

----: By End of Year 5

- Full O&M of existing facilities maintenance, including dust suppression
- Continue route maintenance and erosion control structures, + erosion inventories on mileage
- Cont. rare species monitoring