

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
HOLLISTER FIELD OFFICE

ENVIRONMENTAL ASSESSMENT / BIOLOGICAL ASSESSMENT
DOI-BLM-CA-0900-2009-048-EA
Staging Area Restoration

DATE INITIATED: June 09, 2009

CONTROL NUMBER: DOI-BLM-CA-0900-2009-048-EA

CASE FILE/SERIAL NUMBER: NA

PROPONENT: BLM

PROJECT: Staging Area Restoration

LOCATION: Clear Creek Management Area (CCMA)

Staging area or campground	Project size (acres)
Upper Jade Mill	2.09
Lower Jade Mill	1.03
SA 1	0.41
SA 2	0.22
SA 3	0.31
SA 4	0.75
SA 5	0.25
TOTAL	5.06

AFFECTED ACREAGE: 5.06 acres total →

7.5' QUADRANGLE: Hepsedam, San Benito Mountain, and Idria

LAND STATUS: Public

SPECIAL DESIGNATION AREA: Serpentine Area of Critical Environmental Concern (ACEC)

AUTHORITY: Federal Land Policy and Management Act of 1976 (FLPMA)

LAND USE PLAN CONFORMANCE:

The proposed action is subject to and in conformance with the 1984 Record of Decision (ROD) for the Hollister Resource Management Plan (RMP), as amended, and the 2006 ROD for CCMA RMP Amendment and Route Designation. Conformance of the proposed action with specific resources condition objectives and management actions approved within these RODs are discussed in Section I (Introduction) of this environmental assessment.

RELATIONSHIP TO OTHER POLICIES, PLANS, and PROGRAMS

The proposed action is in conformance with Executive Order 11644:

Executive Order 11644 (*Use of Off-Road Vehicles on the Public Lands*), February 9, 1972 (87 F.R. 2877), to establish policies and provide for procedures to control and direct the use of Off-Highway Vehicles on Federal lands so as to (1) protect the resources of those lands, (2) promote the safety of all users of those lands, and (3) minimize conflicts among the various uses of those lands.

The proposed action also complies with 43 CFR 8342.1, which establishes criteria to consider when the BLM makes route and area designations. The BLM bases designations on the protection of resources of the public lands, the promotion of safety of the users of the public lands, and strives to minimize conflicts among the various users of the public lands. Designations must be in accordance with the following criteria:

- Areas and trails shall be located to minimize the damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.
- Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats, and for the protection of vernal pools, riparian areas, and known and newly discovered occurrences of sensitive and rare plants and communities and related moderate to high potential habitat. Special attention would be given to protect endangered or threatened species and their habitats.
- Areas and trails shall be located to minimize conflict between OHV use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in the area, taking into account noise and other factors.

The US Fish and Wildlife Service's Recovery Plan for *Camissonia benitensis* (2006) provides guidance and outlines activities that would contribute to recovery of the species. In particular, the recovery action narrative recommends that BLM:

1. Protect known occurrences and suitable habitat for *Camissonia benitensis* throughout its range in the CCMA.

1.1.3 Close selected terrace sites to camping and OHV use.

Stream terrace sites comprise the principal habitat for *Camissonia benitensis*. In situations where camping and staging activities conflict with species protection, the Bureau should consider available alternatives including site closures. The Bureau should accompany any closures of camping or staging areas with interim signage and construction of vehicle barriers at the closed areas, as needed. Staging areas 1 and 5 in Clear Creek Canyon are a high priority for species protection and should have a high priority for closure because *Camissonia benitensis* recently colonized those sites.

The proposed action is also in conformance with the 1990 Clean Air Act Amendments, and the Comprehensive Environmental Responsibility & Clean-up Liability Act (CERCLA):

Federal regulations under the Clean Air Act specify best management practices to reduce emissions of hazardous air pollutants and toxic air contaminants. Section 112 (b) of the 1990 Clean Air Act Amendments identifies "asbestos" among 189 substances subject to these regulations.

CERCLA requires federal agencies to assess alternatives "to determine whether they can adequately protect human health and the environment, in both the short- and long-term, from unacceptable risks posed by hazardous substances, pollutants, or contaminants present at the site by eliminating, reducing, or controlling exposures to levels established during development of remediation goals consistent with Sec. 300.430(e)(2)(i)." Sec. 300.430(e)(2)(i) states, "For known or suspected carcinogens, acceptable exposure levels are generally concentration levels that represent an excess upper bound lifetime cancer risk to an individual of between 10⁻⁴ and 10⁻⁶ using information on the relationship between dose and response. The 10⁻⁶ risk level shall be used as the point of departure for determining remediation goals for alternatives when applicable, relevant and appropriate requirements (ARAR) are not available or are not sufficiently protective because of the presence of multiple contaminants at a site or multiple pathways of exposure."

I. INTRODUCTION

The Hollister Resource Management Plan (RMP), adopted in 1984, provides management guidance for the Clear Creek Management Area. The RMP outlined management goals and resource management decisions, and established the 31,000 acre Clear Creek Serpentine Area of Critical Environmental Concern within the 75,000 acre CCMA. The Hollister RMP also called for the preparation of watershed management guidelines or Best Management Practices (BMPs). These measures outlined management practices to control erosion and reduce sediment transport.

In 1986, a more detailed activity plan was prepared for the CCMA, to implement decisions adopted in the Hollister RMP and to incorporate the BMPs from the watershed management guidelines. This was the first CCMA Plan Amendment developed to manage a complex ecosystem comprised of sensitive and unique plant communities, a highly erosion-prone watershed, and unique serpentine soils containing naturally occurring asbestos. Other key land management concerns in the development of the 1986 Plan included human health risks from asbestos exposure and recreation use management.

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,

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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 1995, BLM prepared a Proposed RMP Amendment and Final Environmental Impact Statement (EIS) to re-evaluate CCMA land use decisions within the Hollister RMP (as amended) that existed at the time. The Proposed RMP Amendment and Final EIS incorporated new information about asbestos related health risks which became available in 1992. The Proposed RMP Amendment responded to these new issues and addressed existing public uses within both the CCMA and the Serpentine ACEC. The following issues were identified and addressed in the 1995 CCMA RMP Amendment and Final EIS:

1. airborne asbestos emissions,
2. public health risks associated with asbestos exposure,
3. asbestos sediment production and transport,
4. San Benito evening primrose recovery,
5. watershed and riparian zone management, and
6. existing multiple uses.

The 1995 Proposed RMP Amendment was not adopted by BLM until the 1999 Record of Decision (ROD) for the CCMA RMP Amendment was approved. The 1999 ROD identifies the following actions to meet resource conditions 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.

The 1999 ROD lists the following approved management actions to meet resource conditions objectives:

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

3. ... 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.

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

4. 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...

In Section IV of the 1999 ROD, the "Decision Rationale" states, "it is [BLM's] decision to allow informed use but to encourage use and camping off of the serpentine by developing additional camping facilities off of the serpentine." Section V (Comparison of All Alternatives) notes the following approved actions under PREFERRED ALTERNATIVE #3 AS MODIFIED for ASBESTOS POLICY/PUBLIC HEALTH AND SAFETY and WATERSHED MANAGEMENT, respectively:

- Restructuring camping and staging to encourage overnight use off of hazardous asbestos area.
- Erosion and sediment stabilization projects to reduce sediments in all watersheds - emphasis on drainages most affected by historic & current use.

Finally, the Record of Decision for CCMA RMP Amendment and Route Designation (2006) acknowledges (on pg. 1-10) that the US Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC) have voiced concerns regarding possible impacts to public health and safety from naturally-occurring asbestos within the CCMA. BLM has agreed to work with the EPA to address the human health risk associated with naturally occurring asbestos, and the Hollister Field Office will continue to consult with DTSC, the State Air Resources Board, the State Water Resources Board, and the Monterey and San Joaquin Air Pollution Control Districts regarding concerns for public health and safety.

The 2006 ROD further explains (on pg. 2-5), "the [human] health risk of exposure to naturally occurring asbestos in CCMA will be analyzed in a subsequent planning process that will incorporate the results of a human health risk study that is being conducted by the Environmental Protections Agency", and "upon completion of this study, BLM will work with EPA and the public to appropriately respond to the new information. If the information is significantly different than the 1992 risk assessment, BLM will expeditiously initiate a NEPA process to consider the new information and potential management responses at the CCMA in light of any new findings." Therefore, the BLM Hollister Field Office has prepared the following Proposed Action and Alternatives identified in Section III of this EA to meet the purpose and need described in Section II, below.

II. PURPOSE AND NEED FOR PROPOSED ACTION:

The purpose of the proposed action is to meet the goals and objectives of the 1984 Hollister RMP (as amended), the associated FWS Biological Opinions for the CCMA RMP Amendments, and the FWS Recovery Plan for *Camissonia benitensis* (2006). Additional purposes for the proposed actions are to manage vehicular travel and recreation uses in appropriate locations to avoid conflicts with federally-listed plant habitat and to reduce human health risks associated with exposure to asbestos in the Serpentine ACEC.

During the 1950's, 60's, and 70's, the current locations of Staging Areas 1, 2, 3, 4, and 5, along with many other stream terraces adjacent to Clear Creek (and within the Serpentine ACEC) were utilized by the public as informal OHV staging and camping areas. Following the discovery of San Benito evening primrose in 1960 (*Camissonia benitensis*; CABA), the US Fish and Wildlife Service listed the species as 'threatened' under the Endangered Species Act (ESA) on February 12, 1985. Pursuant to the ESA and a FWS Biological Opinion (BO, 1-1-85-F-67) designed to avoid jeopardizing the continued existence of CABA, BLM became responsible for protection of the species' occupied *and potential* habitat in CCMA. The BO was based on BLM's first CCMA Amendment to the Hollister RMP (1986), which approved mineral development withdrawal in Clear Creek Canyon, concentration of camping and staging areas, and enhancement of sensitive plant habitat and population sizes. The 1986 Plan stated that a major goal was to reduce the high concentration of visitor use in Clear Creek Canyon, where environmental conflicts resulted from over-use of relatively small areas like informal campgrounds and staging areas. The 1986 Plan and its associated BO also noted that serious conflicts existed with CABA habitat and water quality and erosion along the serpentine stream terraces of Clear Creek.

Therefore, BLM initiated protection efforts that included establishing formal campgrounds (CGs) and staging areas (SAs), and fencing occupied CABA habitat to exclude OHV and other recreation impacts. Formal CGs established included Oak Flat and Jade Mill, and the previously informal SAs became formally managed for staging OHV and other recreation activities. Despite these efforts, unauthorized OHV use continued to adversely affect occupied and potential CABA habitat in CCMA.

Following concerns expressed by FWS and other non-governmental organizations about the continued effects of OHV on CABA, and the release of a 1992 study of human health risks from asbestos exposure in CCMA, BLM determined the need to reevaluate existing land use decisions in another CCMA RMP Amendment, which was completed in 1995. Pursuant to the ESA, BLM requested consultation with the FWS on the effects of implementing the 1995 Plan. The resulting FWS BO (1-8-96-F-20) and its conclusion that the 1995 Plan would not jeopardize the continued existence of the species was based on the BLM proposals to further protect existing populations of CABA and "attempt to expand its range to areas that have moderate to high potential habitat for the species". However, implementation of the 1995 Plan did not begin until approval of the 1999 Record of Decision (ROD) for the CCMA RMP Amendment.

The management actions approved in the 1999 ROD are discussed in detail in Section I (Introduction) of this EA. Although BLM took several actions to protect CABA following approval of the 1999 ROD, many continuing concerns expressed by non-governmental organizations about the progress of protection efforts (including route designation) and BLM's ability to mitigate the continued effects of OHV on potential CABA habitat resulted in a lawsuit

filed under the ESA. As a result, BLM completed yet another CCMA RMP Amendment in 2006 to designate routes and barrens available for OHV use.

Pursuant to the ESA, BLM requested consultation with the FWS on the effects of implementing the CCMA RMP Amendment for Route Designation (2006). The resulting FWS BO (1-8-05-F-20) and its conclusion that the 2006 Plan would not jeopardize the continued existence of the species was based on the BLM proposals to monitor the condition of CAGE occurrences, monitor OHV compliance, decrease recreation-related erosion and the associated chronic adverse effects to CAGE habitat, and to implement closures if OHV use results in unacceptable impacts to CAGE or its habitat. FWS BO (1-8-05-F-20) also offers the following conservation recommendation to minimize or avoid adverse effects on CAGE and help implement the Recovery Plan for *Camissonia benitensis* (2006):

1. The Bureau should coordinate with the County of San Benito to reroute Clear Creek Road out of Clear Creek Canyon. Even if the Bureau's efforts to reduce the adverse effects of authorized OHV use and eliminate unauthorized OHV use are fully successful, the presence of staging areas and Clear Creek Road will likely result in sediment movement into Clear Creek that would exceed natural levels.

Upper Jade Mill CG is underlain by nonserpentine soils and thus, does not provide potential habitat for San Benito evening primrose. Lower Jade Mill CG, however, is underlain by serpentine soils and is regarded as potential habitat for the species. All five of the existing SAs are also situated on relatively level serpentine stream terraces adjacent to a perennial stream (Clear Creek), which are key conditions that qualify the areas as potential habitat for San Benito evening primrose. High levels of impact to the SAs due to heavy OHV traffic and camping, however, prevent them from supporting San Benito evening primrose. SA soils have been subject to both compaction and burial beneath sediment.

Due to the status of Lower Jade Mill and SA 1 – 5 as potential San Benito evening primrose habitat, BLM has determined the need to restore CAGE populations at these locations. In conjunction with restoration of Lower Jade Mill and SA 1 - 5, BLM has determined the need to make improvements to Upper Jade Mill CG in order to manage vehicular travel and recreation uses in appropriate locations to avoid conflicts with federally-listed plant habitat

In May 2008, EPA released the CCMA Asbestos Exposure and Human Health Risk Assessment (AEHHRA) for public review. The EPA's detailed study describes the extent of the asbestos exposure risk to people participating in recreational activities at the CCMA. The risk assessment found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA. "EPA's sampling results demonstrate that in areas where asbestos is present in the soil, activities which create dust also create asbestos exposure," said EPA Toxicologist Daniel Stralka, PhD. "Higher dust generating activities produce higher exposures and, therefore, higher risks. The asbestos levels measured in the breathing zone at CCMA are in the range seen in industrial environments and are at levels of concern. Reducing or eliminating dust generating activities in CCMA will reduce exposure and reduce the risk of developing asbestos-related disease." Recreation activities that were analyzed in the EPA's AEHHRA included OHV use and staging activities in Clear Creek Canyon.

Based on the potential for CCMA visitors engaged in these activities to be exposed to airborne asbestos emissions above the EPA's "acceptable risk range", and Resource Condition Objectives #1 and #2 outlined in the Hollister RMP, as amended by the 1999 ROD, BLM has determined the need to remove the existing staging area facilities from within the Serpentine ACEC in order to reduce human health risk from exposure to asbestos.

Note: Resource Condition Objectives #1 and #2 outlined in the Hollister RMP, as amended by the 1999 ROD, are incorporated by reference in Section I (Introduction) of this EA

III. PROPOSED ACTION AND ALTERNATIVES:

A. The proposed action includes:

- 1) Widening and graveling the access route to Upper Jade Mill CG and installing a gate on R2. Upper Jade Mill CG and Oak Flat CG would also be graveled to reduce erosion and improve dust suppression.
- 2) Restoration of Lower Jade Mill, SA 1, SA 2, SA 3, SA 4, and SA 5 to enhance San Benito evening primrose habitat.

Proposed Action 1. Upper Jade Mill and Oak Flat Campground Improvements.

Upper Jade Mill CG is situated upon nonserpentine soils near the boundary of the Serpentine ACEC in CCMA. The once primitive CG was improved in 2008 by leveling campsites, installation of post and rail to delineate the CG, and placement of picnic tables and barbecue pits. The proposed action is to widen the portion of R2 between R1 – Clear Creek Road and Upper Jade Mill CG to a minimum of 16 feet and apply 4" aggregate base (gravel) on both the access road and within the campsite. The same 4" aggregate base would also be applied within the Oak Flat CG. Finally, a gate will be installed on R2 immediately north of Upper Jade Mill CG to control motorized access to the Serpentine ACEC.

Proposed Action 2. Staging Area Removal & Habitat Restoration (Lower Jade Mill and SA 1 – 5).

Lower Jade Mill and SAs 1, 2, 3, 4, and 5 are regarded as potential habitat for San Benito evening primrose due to their key habitat features of being serpentine terraces with relatively level topography and close proximity to a perennial stream (Clear Creek). Their current highly-impacted condition, however, has rendered them unable to support San Benito evening primrose. Soils of the CG and all SAs are highly impacted from high levels of OHV traffic. Additionally, the soil surfaces of SA 1, 2, and 4 have experienced high levels of sediment deposition. Excavation of small soil pits throughout all three SAs has revealed that the original well-developed soil profile is now buried by an average of 7 inches of serpentine sediment over large areas of the SAs. **Figure 15** shows an example of the well-developed soil profile (Henneke soil series) buried beneath a thick layer of nutrient-poor serpentine sediment. **Figures 10, 11, and 13** show the variable depth of sediment deposition over SAs 1, 2, and 4, respectively. Deepest sediment deposition has occurred where routes uphill of the SAs intersect the SAs, forming an alluvial fan.

Studies of San Benito evening primrose growth and performance on nutrient-poor serpentine sediment similar to that which covers the SAs, has revealed that the species has poor establishment and grows very poorly upon it (O'Dell 2009, unpublished data). Amendment of the nutrient-poor serpentine substrate with organic amendments such as yard waste compost or peat moss, greatly increased establishment rate and productivity of the species, both in terms of biomass and seed production. This is the same effect that has been seen in other plant species grown on nutrient-poor serpentine substrate amended with yard waste compost (O'Dell and Claassen 2006a, 2006b, 2006c). The same studies have shown that the amendment must be mixed into the substrate in order to maximize rooting depth and productivity. The duration of benefits from organic amendments on plant growth are on order of decades, whereas chemical fertilizers are rapidly lost from the soil profile through leaching and their benefit to plant growth declines rapidly within a year or two.

Given that the SAs without soil amendment would likely not provide optimal habitat conditions for San Benito evening primrose in their current condition, we considered two soil amendment options including 1) removal of the sediment to expose the original soil surface, followed by ripping to relieve compaction, and 2) surface amendment of the sediment layer with yard waste compost, followed by ripping and disking to incorporate it into the substrate. Sediment volume which would need to be removed from the SA to expose the original soil surface vs. yard waste compost volume required to amend the serpentine sediment to a depth of 8 -10 inches at 30% (vol./vol.) compost were calculated. The volume of sediment which would have to be removed from SA 1, 2, and 4 and deposited at a suitable nearby location (such as a mine pit) is 1255 cubic yards. In comparison, the volume of compost required to amend the SA sediment layers with 30% (vol./vol.) compost incorporated to a depth of 10 inches is 430 cubic yards. **Table 1** shows the sediment removal and compost amendment volumes for each SA. Due to the high cost of removing and disposing of the sediment, the decision was made to use the second less-costly soil amendment option of amending the sediment layers with compost.

All soil disturbance activity will be limited to when soils are moist (fall/winter) to reduce dust generation. Prior to soil treatment, the pit toilets at SA 1 – 5 will be removed intact. The pit left by removal of the pit toilet will be filled with clean serpentine substrate. At Lower Jade Mill CG, SA 3, and SA 5, soils of each site will only be ripped with heavy equipment to at least 9 inches to relieve compaction. At SA 1, 2, and 4, approximately 3 inches of yard waste compost will be surface applied and then incorporated by ripping and/or tilling at least 9 inches deep into the substrate. Ripping and tilling equipment may include a D8 caterpillar, ASV track-walked caterpillar, and/or SWECO trail machine with ripper, tiller, or disk attachments. Following ripping and amendment incorporation activities, the substrate will be settled, tamped, and/or raked back to a relatively smooth surface. Routes introducing sediment to SA 1, 2, and 4 will be graded with installation of water bars and erosion control to slow overland flow and redirect water off of the route and the SA. Erosion control materials may include rice straw bales, rice straw rolls (wattles), loose rice straw with or without tackifier, and jute geotextile. Routes T105, T108, T115, and the large barren hillclimb immediately south of SA 4 are targeted for these maintenance and erosion control installation activities. Following the conclusion of soil disturbance activities, Lower Jade Mill CG and SA 1 – 5 will be seeded with a mix of locally-collected, serpentine tolerant grass and forb species. Lastly, all entry points to Lower Jade Mill CG and SA 1 – 5 will be closed with fencing to exclude any future OHV impacts.

Table 1. Sediment removal and compost addition volume comparison for SA 1, 2, and 4.

Staging Area	Sediment removal (yd ³)	Compost addition (yd ³)
1	450	130
2	205	70
4	600	230
TOTAL	1255	430

Figure 1 shows the location of the project areas within the Clear Creek watershed of the Clear Creek Management Area located in southern San Benito county. **Figures 2 – 8** show the current condition of the CG and SAs. **Figures 9 -14** show the CG and SAs in detail and the proposed activities at each location. Lower Jade Mill CG and SAs 1- 5 are surrounded by potential San Benito evening primrose habitat. Lower Jade Mill CG, SA 1, and SA 5, have occupied habitat (suboccurrences) immediately adjacent to or within close proximity to the proposed project areas.

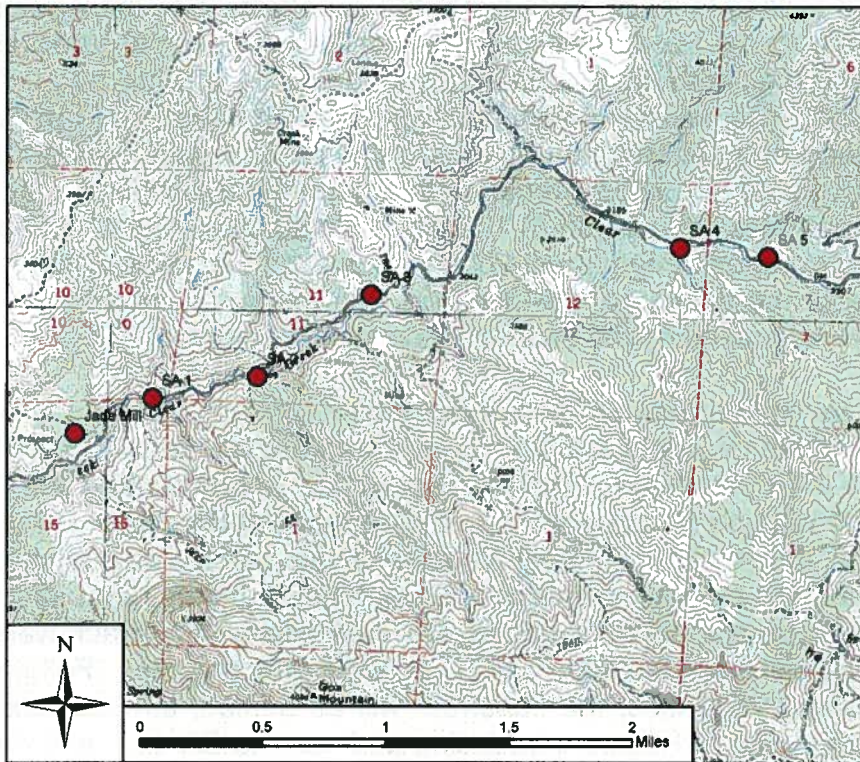


Figure 1. Location of campgrounds and SAs within the Clear Creek Management Area.



Figure 2. Upper Jade Mill campground.



Figure 3. Lower Jade Mill campground. Although there is little sediment deposition on the SA, soils are compacted.



Figure 4. SA 1. Sediment averaging 8 inches depth covers half of the SA. Soils are compacted. Most of the sediment originated from T105 which departs from the SA up the slope to the right.



Figure 5. SA 2. Sediment averaging 7 inches deep covers most of the SA. Soils are compacted. Most of the sediment originated from T108 which departs from the SA up the slope in the background.



Figure 6. SA 3. Although there is little sediment deposition on the SA, soils there are compacted.



Figure 7. SA 4 (Indian Hill). Sediment averaging 6 inches deep covers most of the SA. Soils are compacted. Most of the sediment originated from the large barren hillclimb slope in the background.



Figure 8. SA 5. SA 5 was closed and fenced in 2008. Abundant native annual buckwheat (*Eriogonum* sp.) is now growing within the SA. Although there is little sediment deposition on the SA, soils there are compacted.

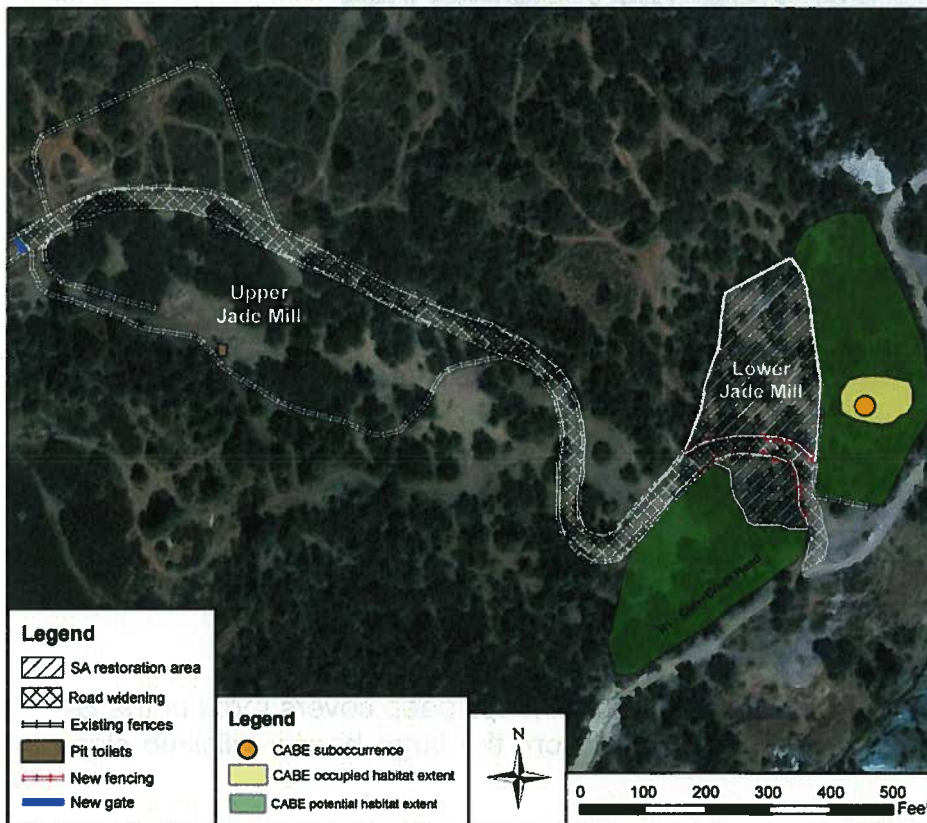


Figure 9. Upper and Lower Jade Mill campground project area.

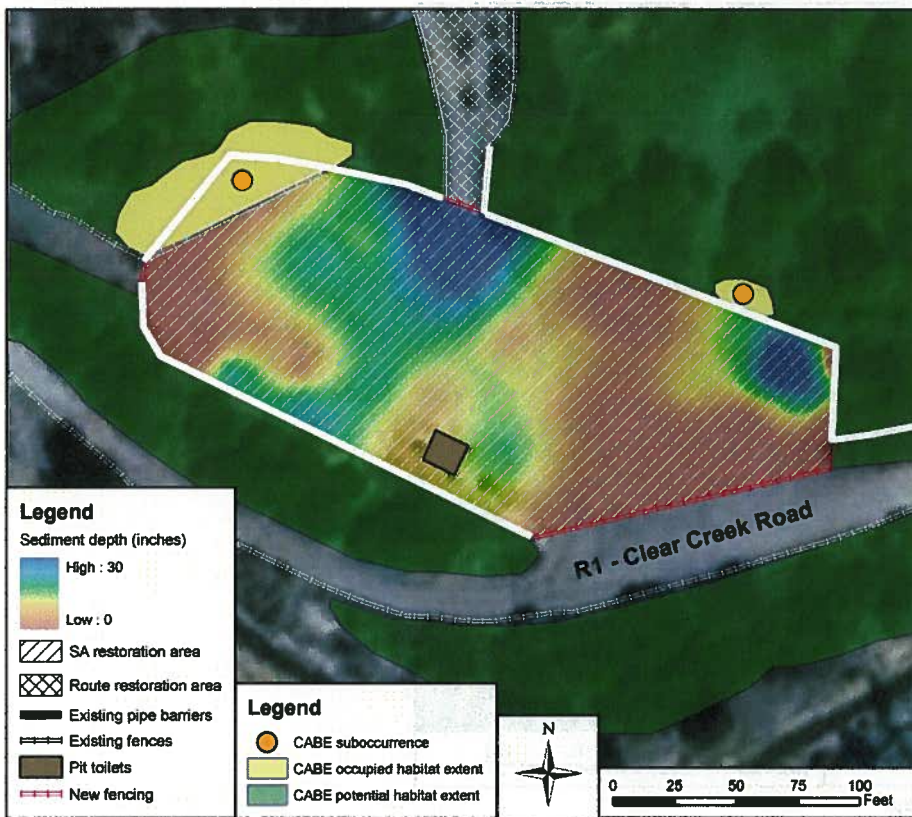


Figure 10. SA 1 project area.

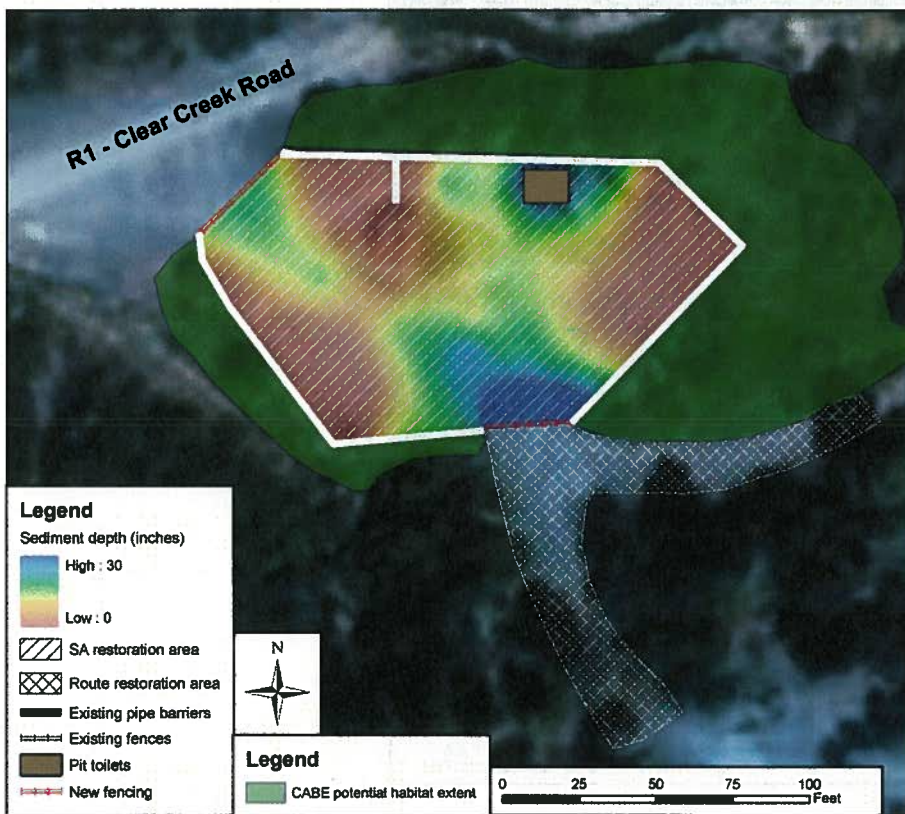


Figure 11. SA 2 project area.



Figure 12. SA 3 project area.

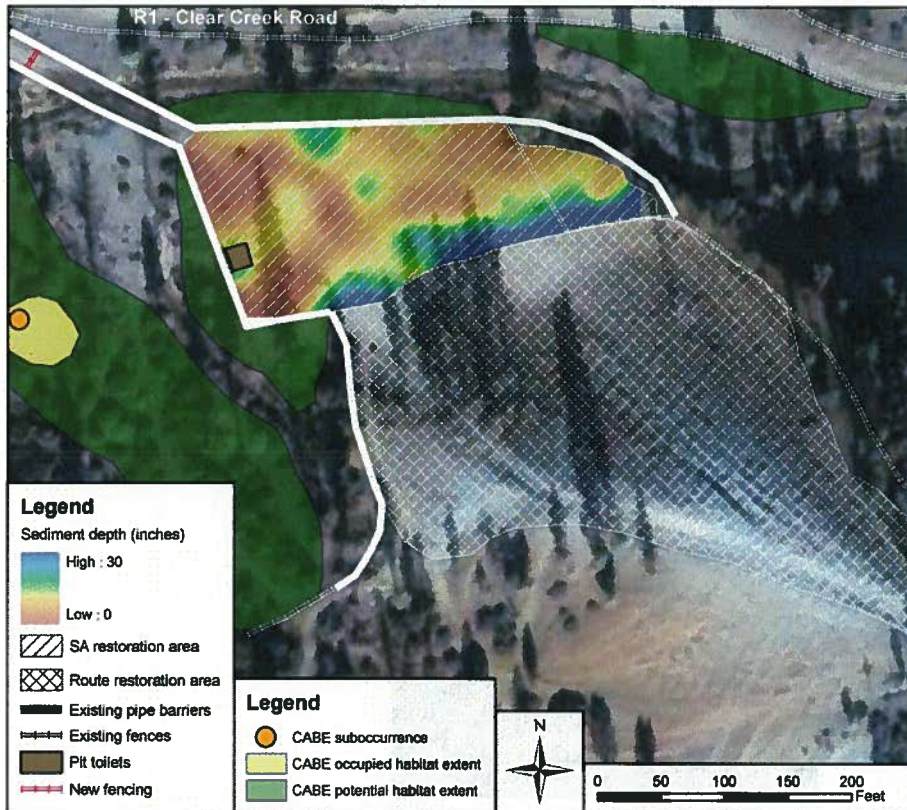


Figure 13. SA 4 project area.

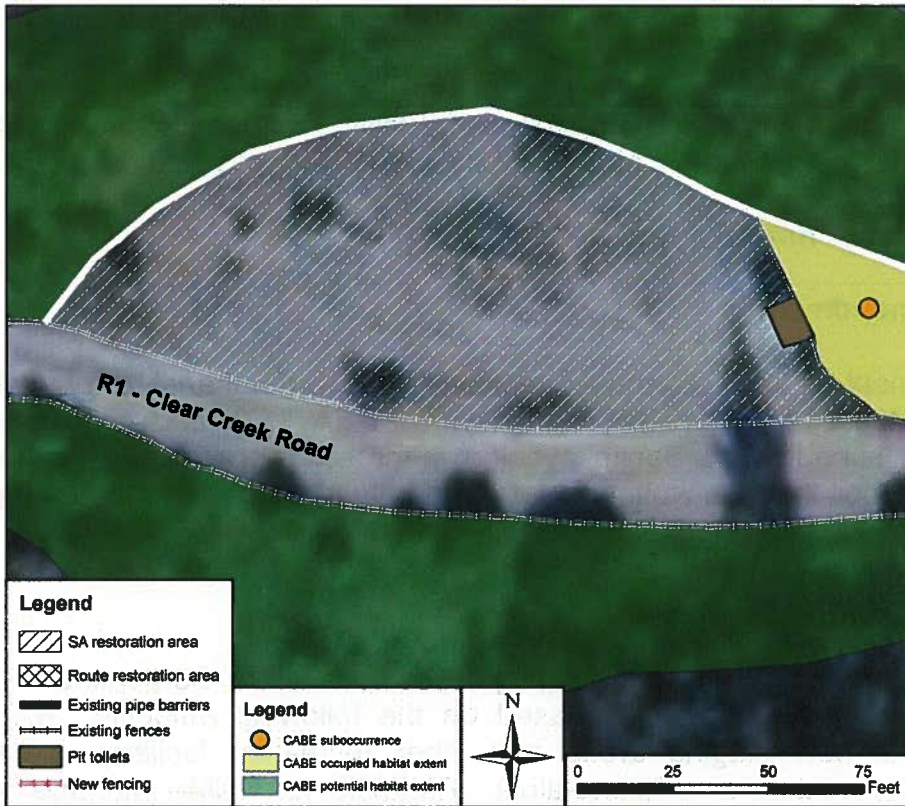


Figure 14. SA 5 project area.



Figure 15. SA 4. Soil profile buried beneath approximately 8 inches of serpentine sediment. The buried, well-developed Henneke soil series has a dark A horizon enriched in organic matter.

B. No Action Alternative

The proposed Action would not be undertaken as proposed. Existing management and use of the site would continue subject to applicable statutes, regulations, policy and land use plans.

C. Alternatives Considered but not Analyzed in Detail:

Rehabilitation with Soil Amendments

Topsoiling as a soil amendment as SA 1, 2, and 4 was considered, but not analyzed in detail. Topsoiling with serpentine topsoil over the sediment layers at SA 1, 2, and 4 may have improved soil conditions to support San Benito evening primrose, but acquiring the large volume of soil required to topsoil the SAs would not have been feasible due to the fact that it would have required disturbance of another relatively well-vegetated area.

Relocation of Recreation Facilities and Staging Areas

Alternative locations for recreation facilities and staging areas outside the Serpentine ACEC were considered, but not analyzed in this EA based on the following rationale. Specific locations for construction of new staging areas and other recreation facilities is more appropriate to address in the context of a "stand-alone" RMP/EIS for CCMA management. Accordingly, BLM has prepared the Draft CCMA/RMPEIS, which analyzes a range of alternatives for recreation resources, including restrictions on allowable uses and construction of visitor use facilities to address emerging issues and accommodate population growth in California and increasing demands for multiple uses on BLM public lands. The Draft CCMA RMP/EIS will replace management decision and guidance outlined in the 1984 Hollister RMP and amended, and the BLM Closure Order issued on May 1, 2008 that closed 31,000 acres in CCMA to all forms of public entry in response to the results of the EPA's CCMA AEHRRRA (2008).

IV. AFFECTED ENVIRONMENT

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality		X	Invasive Weeds		X
ACEC/RNA	X		Special Status Species	X	
Cultural Resources		X	Vegetation	X	
Environmental Justice		X	HAZMAT and Public Health & Safety		X
Fish and Wildlife	X		Water Quality (ground/surface)	X	

The following elements of the human environment, subject to review specified in statute, regulation or executive order, are not located within the project area: Ecologically Critical Area, Floodplains, Prime or Unique Farm Lands, Wetlands and Riparian Zones, Wilderness, or Wild and Scenic Rivers.

Air Quality (HAZMAT and Public Health & Safety)

The serpentine formation within the 30,000-acre Serpentine ACEC contains naturally-occurring asbestos. Surface disturbance, primarily from vehicle use on the unpaved roads in this area, generates asbestos emissions, which can exceed established Occupational Health and Safety Administration (OSHA) standards of 0.1 fiber/cc for the Personal Exposure Level (PEL).

National Emission Standards for Hazardous Air Pollutants (NESHAPS) includes an asbestos standard. This standard, however, pertains only to asbestos mining and milling operations and does not set any airborne "threshold" for acceptable levels of airborne asbestos. The BLM must conform to the Asbestos Air Toxic Control Measure (ATCM) adopted by the Monterey Bay Unified Air Pollution Control District (MBUAPCD), relating to road construction and maintenance operations and the control of airborne asbestos emissions.

The project area is accessed by an unpaved County road (R1 – Clear Creek Road) which may contain asbestos up to 1%. Use of this road can generate asbestos emissions in excess of the OSHA PEL. Therefore, as dust mitigation this road segment (approx 400 feet) would be wetted down frequently during each day to prevent visible emissions.

Surface and Ground Water Quality

The proposed project sites are adjacent to Clear Creek, a tributary of the San Benito River that flows from southeast to northwest, and ultimately flows into nearby Hernandez Reservoir.

Biological Resources

Fish and Wildlife

Clear Creek and its associated fish populations occur in the project area. The fish assemblage is characterized as freshwater and managed as a wild fishery. Typical species include speckled dace (*Rhinichthys osculus*), and California roach (*Hesperoleucus symmetricus*). No anadromous fish are present due to the presence of an impassable dam at Hernandez Reservoir and intermittent dry sections of the San Benito River downstream.

Yellow-legged frogs (*Rana boylei*; Bureau sensitive) are locally abundant (resident) along most of Clear Creek. The perennial creek is important foraging and breeding habitat for both yellow-legged frogs and two-striped garter snake (*Thamnophis hammondi*; Bureau sensitive). Southwestern pond turtle (*Emmys marmorata pallida*; Bureau sensitive) is relatively infrequent in Clear Creek, preferring deeper pools at the Clear Creek-San Benito River confluence.

Vegetation

Upland vegetation at Lower Jade Mill and SA 1 – 5 consists of serpentine chaparral dominated by foothill pine (*Pinus sabiniana*), leather oak (*Quercus durata*), and bigberry manzanita (*Arctostaphylos glauca*). Riparian vegetation is dominated by Brewers willow (*Salix breweri*).

Special Status Species

Lower Jade Mill CG and SA 1- 5 are all immediately adjacent to potential San Benito evening primrose (*Camissonia benitensis*; federally-listed Threatened) habitat. The areas contained within the CG and SAs may be considered potential habitat for the species, however, due to unfavorable soil conditions (soil compaction and sediment burial), those areas do not currently provide suitable habitat. SA 1 and 5 contain occupied habitat immediately adjacent to (bordering) the SAs.

In order to qualify as San Benito evening primrose potential habitat, the habitat must meet certain criteria including 1) underlain by deep, well-developed serpentine soils, 2) relatively level topography, 3) close proximity to a perennial water source (stream or seep), and 4) relatively open woody overstory structure (low shade/competition) (Taylor 1990). Lower Jade Mill and SAs 1 – 5 meet all of these conditions except for the presence of deep, well-developed soils due to soil impacts including compaction and burial beneath deep layers of sediment. This is the basis of the proposed action to rip the soil in order to decompact it and amend it with yard waste compost to boost fertility of the nutrient-poor sediment.

Noxious and Invasive Plants

Yellow star thistle (*Centaurea solstitialis*) is an invasive species that is targeted by the BLM for prevention and control in the CCMA. Most yellow starthistle within the CCMA is contained within California annual grassland and oak woodland plant communities between the Clear Creek - San Benito River confluence and Oak Flat. It is well-known that animals and vehicles serve as vectors for transport of seed including that of invasive species. Vehicle use is likely to contribute to the spread of YST in the CCMA, thus it is critical to prevent further introductions throughout the management area (EA: CA-190-06-10).

Recreation

BLM administered lands in the CCMA provide a variety of recreational opportunities, including hiking, hunting, hobby gem and mineral collections (commonly referred to as 'rockhounding'), and hundreds of miles of OHV use trails. Over the past 20 years, motorized vehicle use has been more closely managed as a result of increasing demand, the listing of threatened and endangered species, and public health and safety hazards associated with abandoned mine lands. Permanent and temporary closures have also increased awareness of environmental issues and public interest and involvement in management of recreation resources on public lands.

Jade Mill and Oak Flat are the only existing BLM campgrounds that support recreation use in the Clear Creek Management Area. Facilities are limited to individual campsites, trash receptacles, and pit toilets. Bulletin boards with general information and regulatory information are also located within campgrounds with details of upcoming events, campfire requirements, asbestos warnings, and user maps showing routes and other geographic points of interest.

Lower Jade Mill and Staging Areas 1-5 are adjacent to Clear Creek Road (R1). In 2004 and 2005, the Environmental Protection Agency (EPA) began a study to evaluate the human health risk from exposure to airborne asbestos emissions while visiting CCMA. During the study, EPA scientist and contractors collected air samples while participating in recreational activities common to the CCMA. The samples were collected from the breathing zone of individuals riding motorcycles, ATV's, and SUV's on R1 and R2 (inc. other routes); parking and loading/unloading vehicles in staging areas; camping and hiking in campgrounds; and washing and vacuuming vehicles after use at the CCMA.

In the Record of Decision for the CCMA RMP Amendment and Route Designation (2006), BLM and EPA agreed to expeditiously initiate an environmental review process, pursuant to the National Environmental Policy Act (NEPA), if the results of the EPA's study were significant. Pursuant to the interagency agreement, that process would incorporate the results of the EPA's "CCMA Asbestos Exposure and Human Health Risk Assessment" (CCMA AEHHRA) into an environmental impact statement to analyze alternatives to minimize and reduce human health risks to visitors in CCMA and evaluate overall protection to the environment.

In May 2008, EPA released the CCMA AEHHRA for public review. The EPA's detailed study describes the extent of the asbestos exposure risk to people participating in recreational activities at the CCMA. The risk assessment found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA. "EPA's sampling results demonstrate that in areas where asbestos is present in the soil, activities which create dust also create asbestos exposure," said EPA Toxicologist Daniel Stralka, PhD. "Higher dust generating activities produce higher exposures and, therefore, higher risks. The asbestos levels measured in the breathing zone at CCMA are in the range seen in industrial environments and are at levels of concern. Reducing or eliminating dust generating activities in CCMA will reduce exposure and reduce the risk of developing asbestos-related disease." The EPA maintains a website (linked below) with more information on the CCMA Asbestos Exposure and Human Health Risk Assessment:

<http://www.epa.gov/region09/toxic/noa/clearcreek/index.html>

DOI-BLM-CA-0900-2009-048-EA

Based on the potential for asbestos exposure to CCMA visitors above the EPA's "acceptable risk range", BLM issued a temporary closure order for the 30,000-acre Serpentine ACEC within the CCMA on May 1, 2008 and has been in the process of developing a Draft Resource Management Plan and Environmental Impact Statement (RMP/EIS) for CCMA to analyze a reasonable range of alternatives to minimize and reduce human health risks to visitors in CCMA and evaluate overall protection to the environment. As a result, there is currently no visitor use or recreation within the proposed project area(s) because the proposed action would be implemented during a temporary closure to address the results of the EPA's CCMA AEHHRA (2008).

The Draft RMP/EIS was released for public review and comments on December 4, 2009. The temporary closure will remain in effect until the Record of Decision for the CCMA RMP/EIS is approved. The BLM maintains a website (linked below) with more information on the CCMA RMP/EIS:

http://www.blm.gov/ca/st/en/fo/hollister/clear_creek_management_area/CCMA_RMP.html

Area of Critical Environmental Concern

Within the CCMA boundary is the Serpentine ACEC covering about 30,000 acres. Its 1984 designation was based on 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 boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). 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. Minimizing soil erosion and minimizing the damage to vegetation is a management priority.

Cultural Resources and Native American Interests

The Clear Creek Management Area contains prehistoric and historic cultural resources, several within one mile of the proposed project locations. There is prehistoric evidence of lithic technologies indicative of procurement and tool manufacture, and short-term habitation sites including possible village locations. There are historic cabin sites related to mining activities for mercury, nickel, and other minerals. Adjacent to Area of Potential Effect (APE) for several of the proposed restoration sites are prehistoric and historic archeological materials.

Environmental Justice

No minority communities or low income communities are located within or adjacent to the proposed project areas.

V. ENVIRONMENTAL CONSEQUENCES:

A. Proposed Action

Air Quality (HAZMAT and Public Health & Safety)

Although the soils within the serpentine ACEC contain appreciable quantities of asbestos, the proposed action would not have any short-term impacts on air quality because soil-moving aspects of the project would not begin until after rains moisten the soil or roads have been wetted down by spray trucks, thereby substantially decreasing dust hazards. On the other hand, restoration of Lower Jade Mill CG and SAs 1-5 and applying 4" aggregate base within both campgrounds would have moderate long-term beneficial impacts on public health and safety because these actions would reduce dust generating activities in the Serpentine ACEC and CCMA visitor exposure to airborne asbestos emissions at staging areas and within campgrounds.

Surface and Ground Water Quality

Closure and restoration of Lower Jade Mill CG and SA 1-5 would provide moderate long-term benefits for surface and ground water quality as these point-sources of sedimentation are eliminated.

Biological Resources

Fish and Wildlife

Soil restoration activities at the CG and SAs would have minor short-term negative impacts on aquatic habitat in Clear Creek, which is habitat for yellow-legged frog, two-striped garter snake, and western pond turtle. Short-term impacts may include minor sedimentation of aquatic habitat (stream bed and banks). This minor, short-term impact, however, would be offset by the long-term benefits to water quality, by reducing sediment loads currently originating from Lower Jade Mill and the SAs.

Vegetation

There would be little to no impact to native vegetation, since Lower Jade Mill CG and SAs 1-5 are devoid of herbaceous and shrub vegetation which would be most impacted by soil disturbance. Following soil restoration and closure, herbaceous and woody vegetation cover should increase within the project areas.

Special Status Species

The proposed action is not likely to adversely affect *Camissonia benitensis*, as described in the letter of concurrence from FWS Ventura Field Office attached to this EA. Actually, the proposed action is likely to result in major long-term benefits to San Benito evening primrose potential habitat by reducing recreational impacts and restoring the soils to support CAGE and other native vegetation.

Noxious and Invasive Plants

Surface disturbance associated with the proposed action has the potential to increase invasion by noxious and invasive plants. In this project, all efforts will be made to reduce the potential for noxious plant invasion. All heavy equipment will be cleaned prior to site entry to reduce the probability of noxious plant seed being introduced to the site. Only clean (weed-free), serpentine substrate will be used to fill voids where pit toilets are removed. Furthermore, monitoring would occur before and after implementation to determine if invasive species may have been introduced as a result of the proposed action, and to identify additional actions necessary to control noxious and invasive plant species. Based on these mitigation measures, the proposed action would have negligible impacts on noxious and invasive plant species introduction.

Recreation

The proposed action would have minor long-term negative impacts on recreation resources in the CCMA because it would eliminate camping opportunities at Lower Jade Mill and remove all staging areas from the Serpentine ACEC. The impacts of the proposed action would only be minor because BLM would continue to provide visitor services to support recreation opportunities at Upper Jade Mill and Oak Flat campgrounds. In order to accommodate displaced recreationists, the BLM's Hollister Field Office is also developing new recreation facilities (including staging areas and campgrounds) outside of the Serpentine ACEC, consistent with the management strategy approved in the CCMA RMP Amendment(s) of 1999 and 2006.

Area of Critical Environmental Concern

The proposed action would provide major long-term beneficial impacts on the values for which the Serpentine ACEC was established, including special status species habitat (see Biological Resources).

Cultural Resources and Native American Values

The proposed restoration projects as described should not adversely affect cultural resources or Native American values. Although the proposed restoration activities are in proximity to prehistoric and historic cultural resources, the current level of disturbances in these modern-day recreation use areas have already impacted any surficial archeological deposits (if present). At select restoration sites, archeological monitoring will be utilized prior to and during project implementation. In the event that cultural resources are discovered during restoration activities, all work shall halt in the area of the find and a qualified archeologist will evaluate the materials and initiate mitigation measures (if necessary).

Environmental Justice

The proposed action would not result in disproportionately high or adverse human health or environmental effects to low-income or minority communities.

B. No Action Alternative

Air Quality (HAZMAT and Public Health & Safety)

The no action alternative would have no impacts on air quality. However, potential visitor use of Lower Jade Mill and SA 1 – 5 would exacerbate human health risks identified in the EPA's CCMA AEHRA (2008) because CCMA visitors could be exposed to airborne asbestos emissions above the acceptable risk range established under CERCLA.

Surface and Ground Water Quality

The no action alternative would have no impacts on water quality. However, on-going visitor use of Lower Jade Mill and SAs 1–5 would have minor long-term negative impacts on sedimentation of Clear Creek from vehicle use and camping activities.

Biological Resources

Under the no action alternative, the proposed restoration activities at Lower Jade Mill and SAs 1 – 5 would not be implemented and these areas would remain poor potential habitat for San Benito evening primrose due to the deposition of non-native materials and compaction of soils. Impacts of the no action alternative on biological resources would be negligible because existing resources conditions would remain unchanged.

Recreation

The no action alternative would have no short-term impacts to recreation resources or opportunities in the area because the Serpentine ACEC shall remain under a temporary closure order until BLM approves a ROD for the CCMA RMP/EIS.

Area of Critical Environmental Concern

The no action alternative would have minor long-term adverse impacts on the values for which the Serpentine ACEC was established because it would be unlikely that special status plant species would be able to occupy potential habitat without restoration of Lower Jade Mill and SAs 1-5. (see Biological Resources).

Cultural Resources and Native American Interests

The no action alternative would have no impacts on cultural resources and Native American interests.

Environmental Justice

The no action alternative would not result in disproportionately high or adverse human health or environmental effects to low-income or minority communities.

MITIGATION MEASURES

1. In the event that cultural resources are discovered during restoration activities, all work shall halt in the area of the find and a qualified archeologist will evaluate the materials and initiate mitigation measures (if necessary).
2. All soil disturbance activity will be limited to when soils are moist (fall/winter) to reduce dust generation.
3. Appropriate routes (approx 400 feet) would be wetted down frequently during each day to prevent visible emissions as dust mitigation.
4. All heavy equipment will be cleaned prior to site entry to reduce the probability of noxious plant seed being introduced to the site.
5. Only clean (weed-free), serpentine substrate will be used to fill voids where pit toilets are removed.
6. Monitoring would occur to determine if invasive species may have been introduced as a result of the proposed action, and to identify additional actions necessary to control noxious and invasive plant species.

VI. CUMULATIVE EFFECTS

Cumulative impacts are those impacts on the environment which result “from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.” (40 CFR 1508.7). In this case, past and presently on-going actions and activities in the project vicinity include abandoned mine land clean-up and remediation at various locations on BLM public lands in CCMA administered by the Hollister Field Office, as well as the Atlas Superfund Site clean-up and remediation conducted by the Environmental Protection Agency in CCMA. The cumulative impact to recreation resources in the local area, Central Coast region, and the State of California would be minor and short-term, due to the temporary displacement of recreationists during the time it takes BLM to complete the ROD for the CCMA RMP/EIS and eventually develop new recreation facilities (including staging areas and campgrounds) outside of the Serpentine ACEC.

VII. REFERENCES

- O'Dell RE and Claassen VP 2006a Serpentine and nonserpentine *Achillea millefolium* accessions differ in serpentine substrate tolerance and response to organic and inorganic amendments. *Plant and Soil* 279:253-269.
- O'Dell RE and Claassen VP 2006b Vertical distribution of organic amendment influences the rooting depth of revegetation species on barren, subgrade serpentine substrate. *Plant and Soil* 285:19-29.

O'Dell RE and Claassen VP 2006c Relative performance of native and exotic grass species in response to amendment of drastically disturbed serpentine substrates. Journal of Applied Ecology 43:898-908.

Taylor DW 1990 Ecology and life history of the San Benito evening primrose. Biosystems Analysis, Inc., Santa Cruz, California, USA. 79 pp + Appendix.

VIII. CONSULTATION

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Lena Chang, Fish & Wildlife Service Ventura Field Office

IX. LIST OF PREPARERS

(BLM Hollister Field Office)

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Michael Westphal Ecologist
Erik Zaborsky Archaeologist
Tim Moore Geology/HAZMAT

X. NOTIFICATION

Notification of the proposed action and analysis has been posted on the [Hollister Field Office NEPA website](#) during its undertaking. No written public comments were received regarding the proposed action.

XI. DOCUMENT REVIEW



Planning and Environmental Coordinator

Jan. 12, 2010
Date

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
HOLLISTER FIELD OFFICE



FINDING OF NO SIGNIFICANT IMPACT
STAGING AREA RESTORATION
DOI-BLM-CA-0900-2009-048-EA

BACKGROUND

The purpose of the proposed action is to meet the goals and objectives of the 1984 Hollister RMP (as amended), the associated FWS Biological Opinions for the CCMA RMP Amendments, and the FWS Recovery Plan for *Camissonia benitensis* (2006). Additional purposes for the proposed actions are to manage vehicular travel and recreation uses in appropriate locations to avoid conflicts with federally-listed plant habitat and to reduce human health risks associated with exposure to asbestos in the Serpentine ACEC.

Following concerns expressed by FWS and other non-governmental organizations about the continued effects of OHV on federally listed species, and the release of a 1992 study of human health risks from asbestos exposure in CCMA, BLM determined the need to reevaluate existing land use decisions in another CCMA RMP Amendment, which was completed in 1995. Pursuant to the ESA, BLM requested consultation with the FWS on the effects of implementing the 1995 Plan. The resulting FWS BO (1-8-96-F-20) and its conclusion that the 1995 Plan would not jeopardize the continued existence of the species was based on the BLM proposals to further protect existing populations of CAGE and "attempt to expand its range to areas that have moderate to high potential habitat for the species". However, implementation of the 1995 Plan did not begin until approval of the 1999 Record of Decision (ROD) for the CCMA RMP Amendment.

Due to the status of Lower Jade Mill and SA 1 – 5 as potential *Camissonia benitensis* (CAGE) habitat, BLM has determined the need to restore CAGE populations at these locations. In conjunction with restoration of Lower Jade Mill and SA 1 - 5, BLM has determined the need to make improvements to Upper Jade Mill CG in order to manage vehicular travel and recreation uses in appropriate locations to avoid conflicts with federally-listed plant habitat

In May 2008, EPA released the CCMA Asbestos Exposure and Human Health Risk Assessment (AEHHRA) for public review. The EPA's detailed study describes the extent of the asbestos exposure risk to people participating in recreational activities at the CCMA. The risk assessment found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA. Recreation activities that were analyzed in the EPA's AEHHRA included OHV use and staging activities in Clear Creek Canyon.

Based on the potential for CCMA visitors engaged in these activities to be exposed to airborne asbestos emissions above the EPA's "acceptable risk range", and Resource Condition Objectives #1 and #2 outlined in the Hollister RMP, as amended by the 1999 ROD, BLM has determined the need to remove the existing staging area facilities from within the Serpentine ACEC in order to reduce human health risk from exposure to asbestos.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in CCMA Proposed RMP Amendment and Final EIS (BLM 2005); (2) the Proposed Action is in conformance with the Record of Decision for the CCMA RMP Amendment and Route Designation (2007); and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The Clear Creek Management Area (CCMA) spans 75,000 acres and includes approximately 63,000 acres of public land administered by the Bureau of Land Management (BLM), located in southern San Benito and western Fresno counties. CCMA attracts approximately 35,000 annual visitors, and offers 242 miles of routes and 478 acres of barrens open for motorized recreation and access. Visitors have been using CCMA extensively for off-highway vehicle (OHV) recreation for many years. Other activities that occur within the CCMA include hunting, rock-hounding, and some limited non-motorized recreational uses (i.e. hiking, hang-gliding).

In 1984, the BLM designated approximately 30,000 acres of the New Idria Serpentine Formation within the CCMA as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC). This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Areas of Critical Environmental Concern are areas of concern where special management attention is required to protect and prevent irreparable damage to important historic, cultural or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. 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 boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation, and were delineated using identifiable landmarks, to the extent possible, and reflect the most current BLM policies for management of the public lands.

BLM published a notice of intent to prepare a resource management plan and environmental impact statement (RMP/EIS) for CCMA in the Federal Register on September 6, 2007. The purpose and need for the CCMA RMP/EIS is to incorporate the results of the Environmental Protection Agency's CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) into the land use planning process, and analyze a range of alternatives for long-term management of the area to minimize and reduce the human health risk from exposure to asbestos at CCMA. The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment. Whereas, Environmental Assessment DOI-BLM-CA-0900-2009-048-EA provides a reasoned analysis of appropriate management responses to avoid conflicts with federally-listed plant habitat and to reduce human health risks associated with exposure to asbestos in the Serpentine ACEC.

Intensity

I have considered the potential impacts anticipated from CCMA staging area restoration relative to each of the ten areas suggested for consideration by the CEQ, as identified below:

1. Impacts that may be both beneficial and adverse.

Potential impacts include temporary disturbance to biological resources and soils due to proposed restoration activities. However, none of these impacts would be significant at the local scale or cumulatively because of the current conditions of the potential habitat for special status species and the proposed mitigation measures that would minimize or reduce these impacts to avoid unnecessary and undue degradation of the environment.

2. The degree to which the proposed action affects public health and safety.

Aspects of the project have been identified as having the potential for beneficial effects on public health and safety. Moreover, BLM has identified reduction of human health risks from exposure to asbestos emissions associated with the use of campgrounds and staging areas in the Serpentine ACEC as part of the purpose and need for the proposed action.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area is within the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC). As described in DOI-BLM-CA-0900-2009-048-EA, the project would have beneficial effects on the values for which the ACEC was established by reducing human health risks associated with exposure to asbestos and restoring potential habitat for special status species.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The anticipated effects of the proposed action are not controversial. On the other hand, the anticipated effects on human health and safety are scientifically controversial.

Following the Notice of Intent to prepare a RMP/EIS for CCMA, the BLM released the CCMA Draft RMP/EIS in December 2009, which incorporates the results of the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) into the land use planning process and analyzes a range of alternatives for long-term management of the area to minimize and reduce the human health risk from exposure to asbestos at CCMA.

Whereas, DOI-BLM-CA-0900-2009-048-EA provides a reasoned analysis of appropriate management responses to avoid conflicts with federally-listed plant habitat and to reduce human health risks associated with exposure to asbestos in the Serpentine ACEC.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis does not show that this action would involve any unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Approval of staging area restoration in the Clear Creek Serpentine ACEC would not be precedent setting.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

No significant site specific or cumulative impacts have been identified. The project is consistent with the actions and impacts anticipated in the 1984 Hollister RMP, as amended for the CCMA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.


The project area does not include any sites listed on the National Register of Historic Places or sites known to be eligible.

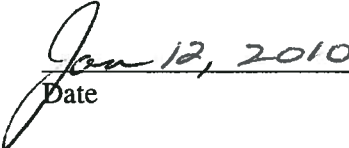
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The FWS Ventura Field Office submitted a letter of concurrence to the BLM Hollister Field Office on January 12, 2010 with the determination that the proposed action is not likely to adversely affect CAGE.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

There is no indication that this decision will result in actions that will threaten such a violation.


Rick Cooper
Manager, Hollister Field Office


Date



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
HOLLISTER FIELD OFFICE



DECISION RECORD
STAGING AREA RESTORATION
DOI-BLM-CA-0900-2009-048-EA

Introduction

The Hollister Resource Management Plan (RMP), adopted in 1984, provides management guidance for the Clear Creek Management Area. The RMP outlined management goals and resource management decisions, and established the 30,000-acre Clear Creek Serpentine Area of Critical Environmental Concern within the 75,000 acre CCMA. The Hollister RMP, as amended, also identifies resources condition objectives and management actions to manage vehicular travel and recreation uses in appropriate locations to avoid conflicts with federally-listed plant habitat and to reduce human health risks associated with exposure to asbestos in the Serpentine ACEC.

Decision

It is my decision to approve and implement the BLM Hollister Field Office proposal to conduct the staging area restoration, as evaluated in the attached environmental assessment (DOI-BLM-CA-0900-2009-048-EA). Measures mitigating project impacts are formulated into the decision of the Bureau of Land Management regarding this action. In particular, BLM shall require the following mitigation measures to be included during implementation of the proposed action:

- 1) In the event that cultural resources are discovered during restoration activities, all work shall halt in the area of the find and a qualified archeologist will evaluate the materials and initiate mitigation measures (if necessary).
- 2) All soil disturbance activity will be limited to when soils are moist (fall/winter) to reduce dust generation.
- 3) Appropriate routes (approx 400 feet) would be wetted down frequently during each day to prevent visible emissions as dust mitigation.
- 4) All heavy equipment will be cleaned prior to site entry to reduce the probability of noxious plant seed being introduced to the site.
- 5) Only clean (weed-free), serpentine substrate will be used to fill voids where pit toilets are removed.
- 6) Monitoring would occur to determine if invasive species may have been introduced as a result of the proposed action, and to identify additional actions necessary to control noxious and invasive plant species.

Alternatives Considered but not Selected

Pursuant to 40 CFR 1502, BLM also analyzed the no action alternative in DOI-BLM-CA-0900-2010-002-EA.

Decision Rationale

The proposed action does not result in any unnecessary or undue environmental degradation and is in conformance with the Hollister Resource Management Plan (1984), as amended for the Clear Creek Management Area, and with other applicable law, regulation and policy. My decision is based on these findings, as documented in environmental assessment DOI-BLM-CA-0900-2009-048-EA and the associated finding of no significant impact (FONSI).

Consultation and Coordination

The FWS Biological Opinion (1-8-05-F-20) and its conclusion that the CCMA RMP would not jeopardize the continued existence of *Camissonia benitensis* (CABE) was based on the BLM's commitment to monitor the condition of CABE occurrences, monitor CCMA visitor compliance, and decrease recreation-related erosion and the associated chronic adverse effects to CABE habitat by redesigning or relocating staging areas in moderate to high potential habitat.

Pursuant to 50 CFR 402.13, BLM submitted a request for informal consultation on the proposed staging area restoration to the FWS Ventura Field Office on October 16, 2009, seeking concurrence with the Hollister Field Office determination that the proposed action is not likely to adversely affect the federally threatened San Benito evening-primrose (*Camissonia benitensis*). Following FWS review of environmental assessment DOI-BLM-CA-0900-2009-048-EA, BLM received a reply from the Ventura Field Office on January 12, 2010 that determined, "based on the expected beneficial effects of the proposed activities on San Benito evening primrose and its habitat, the absence of the species within the project area, and the proposed protective measures listed above, we concur with your determination that the proposed actions are not likely to adversely affect San Benito evening-primrose. Therefore, further consultation, pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act) is not necessary."

Public Involvement

Notification of the proposed action and analysis has been posted on the Hollister Field Office NEPA website during its undertaking. No written public comments were received regarding the proposed action.

Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Hollister RMP, as amended, the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

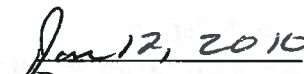
Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served to the Hollister Field Office, Bureau of Land Management, U.S. Department of the Interior, 20 Hamilton Court, California 95023.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on the BLM's Hollister Field Office NEPA website.



Rick Cooper
Manager, Hollister Field Office



Date



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
81440-2010-I-0027

January 12, 2010
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Memorandum

To: Field Office Manager, Hollister Field Office, Bureau of Land Management,
Hollister, California

From: Assistant Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California
Christopher J. Deak for:

Subject: Informal Consultation for the Proposed Staging Area Restoration Project in the
Clear Creek Management Area, San Benito County, California

We have reviewed your request, dated October 16, 2009, and received in our office on October 19, 2009, for informal consultation, pursuant to 50 CFR 402.13, for the proposed staging area restoration of approximately 5.06 acres of the Clear Creek Management Area (CCMA), inclusive of the Serpentine Area of Critical Environmental Concern (Serpentine ACEC). You are seeking our concurrence with your determination that the proposed project is not likely to adversely affect the federally threatened San Benito evening-primrose (*Camissonia benitensis*). The proposed activities will be conducted by your office, the Hollister Field Office of the Bureau of Land Management (Bureau), which is the managing office of the CCMA. The CCMA is located within San Benito and Fresno Counties; however, the specified 5.06-acre project area is restricted to San Benito County only.

Until recently, the CCMA has been used regularly by the public as a recreational area for camping and off-highway vehicle use, which has been identified as a substantial threat to the San Benito evening-primrose and its habitat. The CCMA has attracted off-highway vehicle recreationists in large numbers because its serpentine areas offer open slopes (barrens) for riding. In addition, concerns regarding human health risks of exposure to naturally occurring asbestos on the CCMA have been raised as a result of ongoing risk assessments, and have been addressed in the Hollister Field Office's resource management plans and records of decision.

Resource condition objectives 1 and 2, outlined in the 1995 Resource Management Plan, as amended by the 1999 Record of Decision, describe actions to be implemented for the reduction of human exposure to asbestos and protection of San Benito evening-primrose populations on the CCMA, and are as follows:

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1. Reduce asbestos exposure and asbestos emissions while still providing opportunities for off-highway vehicle use; minimize dust emissions from main roads; and ensure that Bureau employees meet all Occupational Safety and Health Administration 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; and manage to ensure that sensitive species and communities maintain or enhance their condition.

In addition, the 2006 Record of Decision explains that the Bureau will work with the Environmental Protection Agency (EPA) and the public to appropriately respond to new information regarding the human health risks of exposure to asbestos, if the information was significantly different than from the assessment conducted in 1992. On May 1, 2008, your office ordered a temporary emergency closure of 31,000 acres of the CCMA and portions of adjacent lands in southern San Benito County and western Fresno County. This closure was issued to protect public land users from health risks associated with exposure to airborne asbestos based on a report issued by the EPA.

Based on the potential for CCMA visitors engaged in recreational activities to be exposed to airborne asbestos emissions above the EPA's range of acceptable risk, and resource condition objectives outlined in the 1995 Resource Management Plan, as amended; you have determined the need to remove existing staging area facilities from within the Serpentine ACEC in order to reduce human health risks from exposure to asbestos. In addition, based on the presence of potential habitat for the San Benito evening-primrose at the Lower Jade Mill campground and staging areas (SAs) 1 - 5, you have determined the need to restore San Benito evening-primrose populations in these locations. In conjunction with restoration of Lower Jade Mill and SAs 1 - 5, you have determined the need to make improvements to the Upper Jade Mill campground in order to manage vehicular travel and recreational uses in appropriate locations to avoid conflicts with San Benito evening-primrose habitat.

Proposed activities would include:

1. Upper Jade Mill campground improvements, and
2. Staging area removal and habitat restoration of the Lower Jade Mill campground and SAs 1-5.

Upper Jade Mill campground improvements would include widening the portion of the access road (R2) to Jade Mill that is located between Clear Creek Road (R1) and the campground to a minimum of 16 feet, and graveling of both R2 and the campsite. Additionally, a gate would be installed on R2 immediately north of the campground to control motorized access to the Serpentine ACEC.

Lower Jade Mill staging area removal and habitat restoration would include surface amendment of the sediment layer with yard waste compost, followed by ripping and disking in order to incorporate amendments into the substrate. All soil disturbance activity would be limited to the

fall, and/or winter, when soils are moist, to reduce dust generation. Prior to soil treatments, pit toilets at SAs 1-5 would be removed intact. The remaining pits would be filled with clean serpentine substrate. Soils of the Lower Jade Mill campground, and SAs 3 and 5 would be ripped with heavy equipment to at least 9 inches to relieve compaction. At SAs 1, 2, and 4, approximately 3 inches of yard waste compost would be applied to the surface and then incorporated by ripping and/or tilling at least 9 inches into the substrate. Proposed ripping and tilling equipment may include a D8 Caterpillar, ASV track-walked Caterpillar, and/or a SWECO trail machine with ripper, tiller, or disc attachments. Following ripping and amendment incorporation activities, the substrate would be settled, tamped, and/or raked back to a relatively smooth surface. Results of experiments conducted by your office have shown that amendments such as yard waste compost or peat moss greatly increased establishment rate and productivity of San Benito evening-primrose, both in biomass and seed production. The SAs without soil amendment would likely not provide optimal habitat conditions in their current, compacted condition.

Routes introducing sediment to SAs 1, 2, and 4 would be graded with installation of water bars and erosion control to slow overland flow and redirect water off of the route and SA. Proposed erosion control materials may include rice straw bales, rice straw rolls (wattles), loose rice straw with or without tackifier, and/or jute geotextile. Off-highway vehicle single-track routes T105, T108, T115, and the large barren hill-climb immediately south of SA 4 are targeted for these proposed maintenance and erosion control installation activities. Lower Jade Mill campground and SAs 1-5 would be seeded with a mix of locally-collected, serpentine tolerant grass and forb species. Lastly, all entry points to Lower Jade Mill campground and SAs 1-5 would be closed with fencing to exclude any future off-highway vehicle impacts.

San Benito evening-primrose is restricted to the serpentine-derived alluvial terraces and deposits within and adjacent to the CCMA. There are currently no occurrences of the species within the specified 5.06-acre project area. There are two small populations on the outer edge of SA 1, and one population on the outer edge of SA 5; however, these populations are bordered by pipe barriers separating them from the staging areas, and are not expected to be impacted by restoration activities.

In September of 2005, your office requested consultation regarding the CCMA Resource Management Plan Amendment and Final Environmental Impact Statement, and its potential effects on San Benito evening-primrose and the federally endangered California condor (*Gymnogyps californianus*). The subsequent biological opinion issued by our office resulted in a may affect, but not likely to adversely affect determination for the California condor; and a not likely to jeopardize determination for the continued existence of the San Benito evening-primrose. You have stated in your current request for consultation that the protective measures outlined in the 2005 biological opinion remain in effect and will apply to the proposed restoration project. Please refer to the 2005 biological opinion for a complete list of measures outlined to minimize effects to the San Benito evening-primrose.

Field Manager

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Based on the expected beneficial effects of the proposed activities on San Benito evening-primrose and its habitat, the absence of the species within the project area, and the proposed protective measures listed above, we concur with your determination that the proposed actions are not likely to adversely affect San Benito evening-primrose. Therefore, further consultation, pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act) is not necessary. If the proposed action changes in any manner that may affect a listed species, you must contact us immediately to determine whether additional consultation is required.

If you have any questions, please contact Lena Chang of my staff at (805) 644-1766, extension 302.