



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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Form with fields: To (Bob Beehler), From (Lisa Hant), Dept./Agency (BLM), Phone (415-972-3854), Fax # (831-630-5055)

Robert Beehler
Bureau of Land Management
Hollister Field Office
20 Hamilton Court
Hollister, CA 95023

Dear Mr. Beehler:

Thank you for your March 9, 2005, letter to Enrique Manzanilla regarding strategies to complete the National Environmental Policy Act (NEPA) process for the Clear Creek Management Area (CCMA). I am responding per his request. We are pleased with the Bureau of Land Management's (BLM) decision to implement a CCMA closure for the summer 2005 season based on the results of air sampling conducted in September, 2004. We appreciate BLM's willingness to collaborate with the U.S. Environmental Protection Agency (EPA) on the asbestos exposure evaluation, and we remain committed to sharing our data and analysis with BLM at the earliest opportunities.

EPA's asbestos exposure evaluation studies should be complete by July, 2006, and we have previously provided a detailed sampling schedule to BLM. In light of this schedule, and since the evaluation focuses on activity-specific exposures rather than route-specific exposures, we support BLM's interest to implement the route closures proposed in the Draft environmental impact statement (EIS) as soon as possible. Based on EPA's review of the Draft EIS, we agree that route closures will reduce erosion and sediment loading in streams, and avoid impacts to special status species, including the San Benito Evening Primrose. This would be accomplished with BLM's issuance of a Final EIS and Record of Decision (ROD) for route designations.

We remain extremely concerned about the potential public health risk to recreationists who visit the CCMA before or after the dry season closure. Therefore, before EPA can concur on BLM's proposal, we request a more specific action plan from BLM than the "subsequent public review process" referenced in your letter. We discussed this during our February 8 meeting and April 8 phone call. We request the following commitments from BLM at this time:

- 1. Dry Season Closure Plan. The CCMA Route Designation Final EIS and ROD should describe the 2005 summer closure plan and discuss how BLM will use asbestos exposure data from the November, 2004, sampling event to determine whether CCMA temporary closure should be extended beyond the "dry season." The time period covered by BLM's 2005 summer season closure should begin as soon as possible, but not later than Memorial Day weekend, and continue through mid-November based on historical precipitation and stream gage data.

2. Incorporate Dry Season Data in Final EIS. The CCMA Route Designation Final EIS should discuss EPA's current asbestos exposure evaluation studies, incorporate the exposure evaluation results that are available at the time of Final EIS publication, and explain why they are different than the risk assessment information presented in the current Draft EIS. The Final EIS should also acknowledge that the range of future management decisions may include complete closure, more restrictive seasonal closures, further reductions in route designations, and changes or reductions in other recreational activities. The CCMA Route Designation ROD should include a commitment to continue working with EPA and incorporate the results of our asbestos exposure evaluation into future management decisions at CCMA.

3. Identification of an Expedited Decision-making Process. Identify in the CCMA Route Designation Final EIS and ROD, the specific NEPA process that will be used to incorporate EPA's asbestos exposure evaluation into BLM's decision-making. Options that we have discussed, which could address this issue include: a Revised or Supplemental Draft EIS regarding CCMA route designation (as per EPA's December 1, 2004, comment letter on the Draft EIS); the forthcoming Hollister Area Resource Management Plan EIS; and/or a CCMA Resource Management Plan EIS to be subsequently incorporated into the forthcoming overall Hollister Area Resource Management Plan EIS. For each option, identify the time frame for incorporating the asbestos exposure evaluation, including a final decision on allowable uses in the Asbestos Hazard Area of Critical Environmental Concern (ACEC). EPA will support the most expedited decision-making process to a final decision regarding recreational use at CCMA.

At the February 8 meeting, you asked if EPA would review the administrative draft of the Final EIS. We welcome this opportunity and will commit to a priority review of the draft document. We are also available to review BLM's dry season closure plan when it is available. The extent to which the issues above are addressed will be the basis of our decision regarding a referral to the Council on Environmental Quality.

We will continue to send you new exposure evaluation information as we receive it and look forward to working together with BLM to fully protect public health and natural resources in the CCMA. If you have any questions, please call me at (415) 972-3843, or have your staff contact Jeanne Geselbracht at (415) 972-3853 or geselbracht.jeanne@epa.gov.

Sincerely,



Lisa B. Hanf, Manager
Environmental Review Office

cc: Anne Miller, EPA HQ Office of Federal Activities