

Substantive Comments
in Response to the
Bureau of Land Management
Clear Creek Management Area
Draft Resource Management Plan
&
Draft Environmental Impact Statement

Released November 2009

Notice of Availability Published
Friday, December 4, 2009
Federal Register Volume 74, Number 232

Page, 63764: Department of the Interior, Bureau of Land Management
Page, 63751: Environmental Protection Agency

These Comments are Submitted by

Ray Iddings

March 3, 2010

Introduction

Thank you for this opportunity to participate in the public review of the Bureau of Land Management's November 2009 release *Clear Creek Management Area Draft Resource Management Plan and Draft Environmental Impact Statement*.

The document's notice of availability was published by both the Department of the Interior, Bureau of Land Management (74 FR 63764) and the Environmental Protection Agency (74 FR 63751) on December 4, 2009. Although the Agency failed to state the date by which written comments must be received by the Bureau of Land Management, the Federal Register notice did specify "within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability," which occurred as stated above. Therefore, this author interprets the date by which the Bureau of Land Management must receive public comment to occur on March 3, 2010, calculated by counting forward on a calendar ninety days from December 4, 2009.

Respondent's Credential

The respondent, Ray Iddings, owns land southeast from San Benito Mountain and is co-owner of two mining claims at Santa Rita Peak. The respondent's experience in the subject area began during the early 1960s when his family settled in Bitterwater, a nearby community. Over the years, the respondent has maintained social and business relationships with the communities surrounding the subject area, including Hernandez Valley, Los Gatos Creek, Coalinga, Idria, and Vallencitos. The respondent has living relatives who lived as children on Clear Creek in the Serpentine ACEC in the 1940s and 50s. Additionally, the respondent personally knows, and has interviewed many people who once lived and worked the various mining operations throughout the New Idria Mining District and within the Serpentine and chrysotile deposit and is unaware of anyone within that community who has suffered any asbestos related disease.

Mr. Iddings has a Master of Arts in Archaeology and Heritage and he has conducted extensive research in the subject area. The respondent's exhaustive work has been recognized with several awards, including, a 2007 *President's Volunteer Service Award*, the *Department of the Interior's Volunteer Service Award* (2005, 06, 07), the 2008 Department of the Interior "*Making a Difference*" *National Volunteer Award*, and 2008 *Special Recognition Award* from the National Lands Foundation. Mr. Iddings is also author of two extensive web presentation (<http://www.picacho.org> and <http://www.new-idria.org>) discussing the history and mineralogy of the Clear Creek Management Area and the New Idria Mining District. Mr. Iddings is co-founder of Three Rocks Research, as nonprofit corporation that conducts historical and cultural research in the area. He is also co-founder of the New Idria Historical Preservation Project and co-founder of the San Benito County Archaeological Society.

Description of the BLM's Document

This respondent obtained copies of the *Clear Creek Management Area Draft Resource Management Plan and Draft Environmental Impact Statement* by downloading a version from the Agency's website and a printed copy by mail from the Agency's Hollister field office. The document contains 735 pages total, 690 numbered pages, and contains 260,000 words. The

printed version weighs 1.8 kilograms (4 pound) and is 3.8 centimeters (1.5 inches) thick. The highly technical content is difficult to read, evidenced, in part, by the fact that the Agency's team of professionals took 18 months to prepare.

This respondent committed much time reviewing the document, and attests to the serious insufficiency of the Agency's ninety-day review period. This respondent has also conversed with many other people who are also reviewing the document, and there is a clear and overwhelming consensus among the involved public that the review period is entirely too brief. This respondent and many other people have requested an extension of time from the Agency, but such requests have fallen of death ears and have been denied. Thus, the 881 substantive comments contained in this submittal, although many, are far short of the review and comments that this respondent wishes to submit, but must settle for, because he is seriously constrained by the allotted review period, which is far too short.

In brief, this respondent believes that the document is poorly written, contains too many errors and unusual punctuation, contains a great deal of repetition and needless details, and it is very difficult to read. Clearly, the document was not reviewed by either a professional editor or writer. Furthermore, it is this respondent's opinion that the document is not a draft suitable or ready for public review because it contains too many serious flaws and erroneous statements as evidenced by the volume of 881 substantive comments submitted herewith.

Substantive Comment

1

Subject: Public Highways within the Subject Area

Regarding the Following Topic

Various parts of the Agency's 2009 *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* propose to decommission or vacate public highways and to otherwise impair public use of historically established road and ways within the subject area. Schemes put forth by the Agency include charging private property owners fees for right-of-way access to their property, prohibiting access of their property to limited days, and dictating terms of use. By proposing such schemes, the Agency ignores the people's inalienable rights that are protected by the United State Constitution, California Constitution, California State law, Federal law, and/or Presidential authority affixed with the original land patents, and possibly even rights protected by the *Treaty of Guadalupe Hidalgo*.

All of the main arterial highways passing over the subject public lands were clearly established before Congressional passage to the Federal Land Policy Management Act of 1976, which repealed Federal Revised Statute 2477. Many of these highways were, in fact, established during the prehistoric era and continued in use during the Spanish and Mexican Periods, were protection of the Treaty of Guadalupe Hidalgo and later perfected under Revised Statute 2477 and the California *Act Granting to Roads and Highways a Right of Way over the Public Lands of this State* (California 1866:855).

Revised Statutes 2477 states as follows:

Sec. 2477. The right of way for construction of highways over public lands, not reserved for public uses, is hereby granted. (U.S. 1875:456.)

An early California legal definition for the term highway clearly included a broader interpretation than might be considered today. The 1911 Highway Code define Highway as follows:

§ 2618. In all counties of this State public highways are roads, streets, alleys, lanes, courts, places, trails, and bridges, laid out or erected as such by the public, or if laid out or erected by others, dedicated or abandoned to the public, or made such in actions for the partition of real property.

The Act Granting to Roads and Highways a Right of Way over the Public Lands of this State, approved by the sixteenth session of the California Legislature, states:

Section 1. Whenever any corporation, company or individual shall, in accordance with the general laws of this State, lay out and construct any road or highway over any unoccupied public lands of this State, or over any lands that the State by donation of Congress, otherwise, may hereafter acquire, such corporation, company or individual, and their respective assigns, are hereby granted the right of way for such roads or highways over such public lands. This act shall apply to roads heretofore as well as hereafter laid out and constructed. (Approved April 2, 1866. Statutes 1865-66:855.)

The United States Constitution, ninth and tenth amendments provide addition explanation regarding the rights and powers of the Unites States, the State, and the people:

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Amendment 9 - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment 10 - The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Based on these early laws, it is clear that both the United States Congress and the California State Legislature distinctly understood that the public had a right to pass over the public lands and there was an expressed expectation for the people to use or otherwise construct highways to facilitate their rights and rights of ways, to, from, over, and across these public lands. The Agency cannot grant or charge fees for rights or rights of ways that are preexisting, protect by the by the United State Constitution, the California Constitution, California State law, Federal law, international treaty and/or Presidential authority affixed with the original land patents.

Decommissioning roads, the county's abandonment of roads, or otherwise vacating roads only effect the government's responsibility to the roads, but in no way impairs the public's right to use or maintain the public road or way (Chollar-Potosi v. Kennedy 93 Am. Dec. 409; Brown v. Stone 69 Am. Dec. 303). Additionally, the long history of uninterrupted use and enjoyment of the roads and right of way conferred titled to the private property assignees in common, and perhaps in common with the public, and have also established prescriptive right to continue to enjoy the roads and rights of ways (Pierce v. Cloud, 82 Am. Dec. 496; Chollar-Potosi v. Kennedy 93 Am. Dec. 409; Hill v. Crosby, 13 Am. Dec 448).

Historically established public highways within the subject area include, but are not limited to, the roads and trails as marked on the maps tabulated in Table 1 below and Table 2 on page 5

Table 1: Current series of published United States Geological Survey 7.5 Minute (1:24,000 scale) Topographic Maps for the subject area:

Map Title	Version Date	Photo Revised
Alcalde Hills, CA	1969	1978
Ciervo Mountain, CA	1969	-
Coalinga, CA	1956	1979
Domengine Ranch, CA	1956	1979
Hepsedam Peak, Ca	1969	-
Hernandez Reservoir, Ca	1969	-
Idria, CA	1969	-
Joaquin Rocks, CA	1969	-
Lillis Ranch, CA	1956	1978
Priest Valley, CA	1969	1984

Map Title	Version Date	Photo Revised
San Benito Mountain, CA	1969	1984
Santa Rita Peak, CA	1969	1984
Sherman Peak, CA	1969	1981

Table 2: Historic Maps Delineating the Subject Area or Portions

Map Title	Date
Atlas to Accompany a Monograph on the Geology of The Quicksilver Deposits of the Pacific Slope. Department of the Interior, Becker, George F., United States Geological Survey.	1887
Central California Topographical Map, State Geological Survey of California.	1873
Coalinga California Quadrangle (1:125,000 scale), U.S. Geological Survey.	1912
Denny's Pocket map of San Benito County, California. San Francisco, California: Edward Denny & Co.	1924
Geologic Map and Sections of the New Idria District, Eckel, E.B, Yates, R.G., and Myers, W.B., California Division of Mines.	1940
Joaquin Rocks, Calif., 15' Quadrangle, U.S. Geological Survey.	1943
Map of Fresno County, Scott McKay.	1914
Map of San Benito County Cal, Punnett Bros., San Francisco, California: C.F. Weber & Co.	1914
Map of San Benito, Fresno, Monterey, San Luis Obispo, Kings, Kern, and Santa Barbara Counties, George W. Blum.	1896
New Idria, Calif., 15' Quadrangle, U.S. Geological Survey.	1943
Official Map of San Benito County California, McCray, Vic. T. and Harry W.	1891
Official Map of San Benito County California, McCray, Vic. T.	1907
Priest Valley California Quadrangle (1:125,000 scale), U.S. Geological Survey.	1915
San Benito National Forest Map, Part of Norman H. Sloan Resources Plan of Operation of Monterey National Forest. California: United States Forest Service.	1907

Based upon historic documentation, Table 3 on page 6 and Table 4 on page 11 tabulate partial lists of historically established public highways, roads, ways, and rights of ways that were established and granted by laws, treaties, rights, and court decisions that supersede the Agency's authority to grant other right of way. The Agency lacks authority to convert

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preexisting rights into privileges. Research is incomplete regarding other public highways existing in the subject area.

Table 3: Partial List of Public Highways within the Subject Area (NAD27 UTM)

Road Name	BLM Designation	Length	Terminus	Terminus
Clear Creek Road	R001	13 miles	698643mE, 4025761mN	708490mE, 4032497mN
Unnamed	R002	7.4 miles	701806mE, 4026860mN	707322mE, 4029711mN
Unnamed	R004	1.1 miles	703711mE, 4027902mN	703110mE, 4029047mN
Picacho Road	R005	8.2 miles	702820mE, 4027301mN	708755mE, 4025351mN
Unnamed	R006	3.6 miles	704574mE, 4028800mN	703983mE, 4029724mN
Unnamed	R007	1.6 miles	706582mE, 4024859mN	704752mE, 4024266mN
Unnamed	R008	4.0 miles	707003mE, 4028110mN	710194mE, 4024300mN
Unnamed	R010	4.4 miles	708421mE, 4029543mN	709475mE, 4026029mN
Mexican Lake Road	R011	12.2 miles	708513mE, 4030444mN	722052mE, 4023029mN
Unnamed	R012	.5 miles	711995mE, 4027026mN	711995mE, 4027026mN
Unnamed	R013	1.2 miles	712646mE, 4027525mN	711285mE, 4027056mN
Aurora Mine Road	R014	1.2 miles	707824mE, 4029810mN	708561mE, 4030240mN
Wild Ass Road	R015	4.9 miles	709968mE, 4024300mN	714973mE, 4025170mN
Condon Peak Road	R016	2.5 miles	712744mE, 4023196mN	714540mE, 4020807mN
Unnamed	R017	2.9 miles	714540mE, 4020807mN	714540mE, 4020807mN

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1		Road Name	BLM Designation	Length	Terminus	Terminus
3		Unknown	T101	1.2 miles	701107mE, 4026234mN	701039mE, 4027522mN
5		Goat Mountain	T103	2.2 miles	701107mE, 4026234mN	702263mE, 4026168mN
7		Goat Mountain	T104	4.3 miles	701964mE, 4027075mN	705631mE, 4025906mN
9		Unnamed	T105	.8 mile	702120mE, 4027090mN	701479mE, 4027955mN
11		Unnamed	T106	.8 mile	702276mE, 4027142mN	703279mE, 4026438mN
13		Unnamed	T107	1.5 mile	702899mE, 4027373mN	702867mE, 4029299mN
15		Unnamed	T108	1 mile	702820mE, 4027301mN	704085mE, 4026783mN
17		Unknown	T109	.5 mile	702936mE, 4027517mN	703142mE, 4028211mN
19		Unknown	T110	.8 mile	702968mE, 4027318mN	703885mE, 4027373mN
21		Unknown	T111	.8 mile	703466mE, 4027823mN	703241mE, 4028853mN
23		Unnamed	T112	.4 mile	703519mE, 4027867mN	703987mE, 4027564mN
25		Unnamed	T113	1.6 mile	705580mE, 4028263mN	705757mE, 4026014mN
27		Unnamed	T114	1 mile	705268mE, 4028380mN	705412mE, 4029858mN
29		Unnamed	T115	1.2 mile	705571mE, 4028203mN	706826mE, 4026857mN
31		Unknown	T116	2.3 miles	704409mE, 4030094mN	705314mE, 4029910mN
33		Unknown	T117	1 mile	704037mE, 4027738mN	705412mE, 4027814mN
35		Unknown	T119	.9 mile	702055mE, 4026700mN	702747mE, 4026082mN
37						
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43						
45						

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Road Name	BLM Designation	Length	Terminus	Terminus
Unknown	T120	1.6 mile	702740mE, 4026158mN	704335mE, 4026533mN
Unknown	T121	.4 mile	702039mE, 4026456mN	702543mE, 4026267mN
Unknown	T122	.2 mile	703381mE, 4025636mN	703523mE, 4025623mN
Unknown	T123	.5 mile	703333mE, 4025608mN	703691mE, 4025405mN
Unknown	T124	.9 mile	706636mE, 4029898mN	707251mE, 4029560mN
Sampson Peak Road	T125	3.8 miles	705229mE, 4029964mN	706489mE, 4031732mN
Unnamed	T126	1 mile	705480mE, 4030195mN	704710mE, 4031364mN
Unnamed	T127	.4 mile	705325mE, 4030793mN	705910mE, 4031035mN
Unnamed	T128	1.9 mile	705384mE, 4031293mN	707584mE, 4029926mN
Unnamed	T129	.7 mile	705798mE, 4031168mN	706489mE, 4031732mN
Unnamed	T130	.6 mile	707325mE, 4030559mN	707787mE, 4030050Mn
Unknown	T132	1.1 mile	704088mE, 4027212mN	705461mE, 4026625mN
Unknown	T133	.4 mile	704693mE, 4026494mN	704662mE, 4026926mN
Unnamed	T134	1.8 mile	707275mE, 4028035mN	706657mE, 4025804mN
Unknown	T135	.5 mile	707551mE, 4026713mN	706840mE, 4026511mN
Unknown	T138	.5 miles	705146mE, 4026220mN	705177mE, 4025847mN
Unknown	T139	.8 mile	705126mE, 4025647mN	705203mE, 4024512mN

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1		Road Name	BLM Designation	Length	Terminus	Terminus
3		Unnamed	T140	.8 mile	704565mE, 4025503mN	705047mE, 4024486mN
5		Picacho Mine Road	T141	1.5 mile	706694mE, 4025620mN	707412mE, 4024834mN
7		Unknown	T142	.7 mile	705934mE, 4025954mN	706586mE, 4025444mN
9		Unknown	T145	2.2 miles	707519mE, 4024718mN	709564mE, 4024258mN
11		Unnamed	T147	1.1 mile	707777mE, 4024828mN	708755mE, 4025351mN
13		Unnamed	T148	1.6 mile	708929mE, 4026915mN	709016mE, 4025605mN
15		Unnamed	T149	.9 mile	708755mE, 4025351mN	709334mE, 4026316mN
17		Unnamed	T150	1.4 mile	708929mE, 4026915mN	710188mE, 4026213mN
19		Unnamed	T151	4.9 miles	707525mE, 4027359mN	711189mE, 4024330mN
21		San Carlos Road	T153	3.1 miles	708513mE, 4030444mN	711847mE, 4028113mN
23		Unknown	T154	.8 mile	708762mE, 4030548mN	709768mE, 4029949mN
25		Pipe Line Road	T155	2.8 mile	709491mE, 4030213mN	711605mE, 4028416mN
27		Unnamed	T157	1.5 mile	710473mE, 4026134mN	711375mE, 4025511mN
29		Sawmill Creek Road	T158	2.4 miles	713008mE, 4026287mN	710194mE, 4024300mN
31		Unnamed	T159	3.5 miles	710656mE, 4024859mN	714660mE, 4025168mN
33		Unnamed	T160	.1 mile	710333mE, 4024244mN	710593mE, 4024316mN
35		Unnamed	T161	.2 mile	710408mE, 4024111mN	710593mE, 4024316mN

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Road Name	BLM Designation	Length	Terminus	Terminus
Unnamed	T162	1.5 mile	713008mE, 4026287mN	712411mE, 4024729mN
Unknown	T163	.8 mile	712475mE, 4025413mN	713295mE, 4025406mN
Unnamed	T164	1.6 mile	710684mE, 4024356mN	711513mE, 4024528mN
Unnamed	T165	.9 mile	712101mE, 4024764mN	711914mE, 4023768mN
Unnamed	T167	.8 mile	713093mE, 4024480mN	712149mE, 4023789mN
Unnamed	T168	2.7 miles	712903mE, 4024908mN	713666mE, 4023328mN
Unnamed	T169	1.4 mile	713348mE, 4025429mN	713729mE, 4023942mN
Unnamed	T171	4.9 miles	713058mE, 4020917mN	714540mE, 4020807mN
Unknown	T175	.8 mile	714868mE, 4024719mN	714528mE, 4023973mN
Unnamed	T178	1.7 mile	716017mE, 4024151mN	716572mE, 4023881mN
Unknown	T181	3.4 miles	719430mE, 4022545mN	717191mE, 4020977mN
Unnamed	T183	1.4 mile	716762mE, 4023829mN	717460mE, 4023217mN
Del Mexico Mine Road	T184	5.2 miles	714971mE, 4025171mN	717846mE, 4023238mN
Unnamed	T185	.4 mile	715651mE, 4025659mN	715742mE, 4025120mN
Rita Mine Road	T188	2.2 mile	714583mE, 4025264mN	716983mE, 4025877mN
Unnamed	T189	2.5 mile	715651mE, 4025659mN	717632mE, 4026967mN

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Table 4: Other Historic Public Highways Existing in the Subject Area (NAD83 UTM)

Road Name	Length (m)	Terminus	Terminus
Mammoth Peak Road	3436	701130 4026726	703380 4025210
Boles Road	4023	702554 4023384	704946 4024673
Prater Road	6619	704410 4022484	707308 4025054
Goat Mountain Road	6961	701845 4027263	705045 4026416
Alpine-Picacho Road	6517	704008 4028181	707313 4025048
Small's Camp Road	2267	708647 4025542	710111 4024492
Picacho Road	6689	706904 4028311	707313 4025048
Breen Mine Road	5769	705227 4021928	708852 4022687
Mexican Lake to White Creek Road	4456	717596 4023289	718785 4020099
White Creek to Joaquin Ridge Road	4830	718254 4023157	718117 4019705
Santa Rita Peak Road	4320	712644 4023415	714882 4025371
San Benito River Road	17133	707133 4019418	715932 4024356
Joaquin Rocks Road	28572	736418 4025287	715933 4024360
Joaquin Ridge Road	2900	717721 4023432	720338 4023004
Mexican Lake Road	12456	708411 4030626	715922 4024369
Red Rock Intersect	3616	710231 4024420	713197 4025602

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Road Name	Length (m)	Terminus	Terminus
Red Rock Road	3909	711258 4025603	714574 4025383
San Carlos Peak Road	4920	708417 4030632	711741 4028317

Several of these public highways support trade and commerce in southern San Benito County and western Fresno County. Many of these highways are clearly visible and passable as graded roads and they are delineated on early historic maps. These public highways provide public roads and right-of-way access to private lands within the subject area. Many of these highways connect between the paved Coalinga Road in Hernandez Valley and the paved New Idria Road in Vallencitos. Closing Clear Creek Road, for example, increases the travel distance between Hernandez Valley and Vallencitos by nearly 100 miles, thus adding significant burden to the public with by increasing their travel time and cost.

Recommendation

The Agency must rewrite the subject document to remove discussion, plans or alternatives regarding proposals to decommission or vacate public highways or to otherwise impair public use of historically established road and ways within the subject area. The Agency must also rewrite the subject document to remove discussion, plans or alternatives regarding scheme to charge private property owners fees for right-of-way access to their property. While these issue might be negotiable between the Agency, the property owners and public, the Agency has authority to dictate terms of use for private property or public highways or grants of right of ways which supersede their jurisdiction. The final resource management plan, the final environmental impact study, or the record of decision must not propagate the erroneous information and should confess that public highways provide inalienable roads, ways and rights or ways over the public lands and to and from the private properties within the subject area.

Reference

- California (1866) *The Statutes of California Passed at the Sixteenth Session of the Legislature*, Sacramento.
- California (1911) *The Road Laws of California*, A. Carlisle & Co., San Francisco.
- Chollar-Potosi v. Kennedy 93 Am. Dec. 409.
- Hill v. Crosby 13 Am. Dec. 448.
- Pierce v. Cloud 82 Am. Dec. 496.
- U.S. (1875) *Revised Statutes of The United States, Passed at the First Session of the Forty-Third Congress: 1873-74*, U.S. Government Printing Office, Washington, D.C.

Substantive Comment - # 1: Subject: Public Highways within the Subject Area

Substantive Comment

2

Subject: Erroneous Statement

Referring to the Following Statement

The term "Clear Creek Management Area" is used and found throughout the document released by U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office on November 2009, and announced in the Federal Register (74 FR 63752, 63764). This reference document is variously title as illustrated in Substantive Comment #2 on page 2.

Discussion

Usage of the term "Clear Creek Management Area" is erroneous and confusing because the term lacks legal definition or meaning. The first published inclusion of the term seems to occur in the BLM's 1986 *Clear Creek Management Plan and Decision Record*. However, that document, and each subsequent document, fails to describe a definitive location, boundaries, or description for the "Clear Creek Management Area." In general terms, the recreation area associated with Clear Creek, located in San Benito County, California was, previous to 1985, referred to as the "Clear Creek Recreation Area" (47 FR 6381, 47 FR 841, 48 FR 44922, 50 FR 5758). However, no published document shows a legal transition from "Clear Creek Recreation Area" to Clear Creek Management Area." Some BLM maps attempt to exhibit arbitrary boundaries enclosing an alleged "Clear Creek Management Area," but fail to cite official source documentation, and always include large portions of private property that are clearly not subject to federal jurisdiction. Without defining documentation, it is impossible to show on a map, or mark on the soil any specific point where with a single human step a person might enter or exit the "Clear Creek Management Area." The term "Clear Creek Management Area" is mute and without legal merit in the absence of descriptive documentation that describes the property or delineates its boundary. Therefore, the "Clear Creek Management Area" is a non-existent fictional place, and any documents referring to such fictional place are without merit and mute.

Recommendation

The Agency must produce a published descriptive documentation that describes the "Clear Creek Management Area" and clearly delineates its boundaries. In the absence of such documentation, the Agency must discontinue reference to fictional places and reassess all documentation and actions since they began usage of the fictitious term "Clear Creek Management Area." Additionally, because reference to "Clear Creek Management Area" is without legal merit, the Department of the Interior must redact every document that includes such reference, including the *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* published November 2009. This issue must be resolved before this term is used in any future documents.

Substantive Comment - # 2: Subject: Erroneous Statement

Substantive Comment

3

Subject: Inconsistent Document Title

Referring to the Following Topic

The U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office released a document on November 2009 variously titled at follows:

Cover	Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement
Inside Cover	Draft Clear Creek Management Resource Management Plan & Draft Environmental Impact Statement Hollister, California
Abstract	Draft Clear Creek Management Resource Management Plan & Draft Environmental Impact Statement
Page I	Draft Resource Management Plan/Environmental Impact Statement
Variously	CCMA Resource Management Plan; Clear Creek Management Area (CCMA) Resource Management Plan (RMP); DRMP/DEIS; Draft CCMA RMP/EIS; RMP/EIS; CCMA RMP; Draft RMP/EIS; CCMA RMP/EIS

Discussion

Inconsistent use of a document title within the opening sections of the document causes tremendous confusing when attempting to refer to the document, and when attempting to keep track of references to previous documents with similar names that are also variously referenced, through title and abbreviation, throughout the same document, such as:

BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 3: Subject: Inconsistent Document Title

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

The document's integrity and credibility is seriously jeopardized because cross-referencing within the document and the variously externally reference documents seriously compromise document comprehension, and makes it difficult, if not sometimes impossible, to follow, and produces a draft statement that is so inadequate as to preclude meaningful analysis (40 C.F.R. § 1502.9).

Recommendation

The Agency must rewrite the draft document using consistent methodology and writing technique to produce a comprehensible document that facilitates meaningful analysis. The draft document should be titled *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*. Within and throughout the document, it should be referenced as *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement* (BLM 2009). This issue must be resolved in future publications to avoid document title confusion.

Substantive Comment - # 3: Subject: Inconsistent Document Title

Substantive Comment

4

Subject: Cover Sheet Missing Date

Regarding the Following Section

Comments on this document are requested from all interested and / or affected agencies, organizations, and individuals. Comments must be received within 90 days of the Federal Register notice of availability. Comments being mailed must be postmarked by close of business on the 90th day.

Discussion

The Agency failed to include the "date by which comments must be received" (40 C.F.R. § 1502.11) and instead substituted the procedure for calculating the date (40 C.F.R. § 1506.10) for the comment period. However, the regulation clearly does not intend for a period to be specified as a substitution for a specific date as indicated for the regulation:

40 C.F.R. § 1502.11(f) - The date by which comments must be received (computed in cooperation with EPA under § 1506.10).

Failure to provide a specific date, as required by regulation, confounds the entire comment period, and since no other dates appear on the cover sheet, the public is left to believe that the comment period is open-ended. Had the Agency included a date on the cover sheet then public would know upon what day, month and year that the comment period ends, or if the Agency had at least included a release date on the cover sheet, then the public might have been able to calculate when the comment period ends based upon an issuance date. While the latter would still fail to comply with regulation, it might have, at least, provided a discussion point from which to measure the 90-day period. However, the Agency offered no reference and no date, hence the public cannot know upon which date or day, month or year upon which the comment period ends.

Recommendation

In the absence of date specifying the end of the comment period, the public is left to assume that no such date exists. The Agency must therefore edit the subject document to include a specific "date by which comments must be received," then republish the document, and publish a notice in the Federal Register regarding availability of the subject report, and then begin the public comment period *de novo*.

Substantive Comment - # 4: Subject: Cover Sheet Missing Date

Substantive Comment

5

Subject: Lacks Purpose and Need for the Action Page 3 & 4

Regarding the Following Section

1.1 Purpose and Need for the CCMA Resource Management Plan

Discussion

The Agency has very failed to articulate the purpose and need of the proposed action. This section of the document, which should address the purpose and need for the action, instead describes the "Purpose and Need for the CCMA Resource Management Plan" (see section heading). It is unnecessary for the Agency to describe a purpose and need for documenting resource management plan or an environmental impact statement for the proposed action because that purpose and need for such documentation is clearly defined by the *National Environmental Policy Act* (NEPA), and by regulation which stipulates:

40 C.F.R. § 1502.13 Purpose and need.-The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

Even the BLM's *National Environmental Policy Act Handbook H-1790-1* cautions against describing the purpose and need for the document (see bottom of page 35):

The purpose and need statement should explain why the BLM is proposing action. Note that you must describe the purpose and need for the action, not the purpose and need for the document.

The fact that this critical section of the *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement* (2009) describes the document, and not the action, is self-evident by use of the following phrases within the section:

- The need to develop the CCMA RMP arises from ...
- ... the need for preparation of an updated management plan:
- The purpose of the CCMA RMP is to ...
- The CCMA RMP shall guide ...
- This planning effort is intended ...

As this section clearly states, the "Purpose and Need for the CCMA Resource Management Plan" is to initiate a "planning effort" for which the BLM "needs to develop the CCMA RMP." This purpose and need section has absolutely nothing to do with any initiating NEPA action, which remains absent from the document.

Recommendation

In the absence of a required purpose and need statement, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*.

Substantive Comment - # 5: Subject: Lacks Purpose and Need for the Action Page 3 & 4

Substantive Comment

6

Subject: EPA Study Lacks Significant New Information

Page 4

Regarding the Following Paragraph

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

The Agency asserts that EPA's report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2008) provides "significant new information." However, this assertion is flawed because it fails to recognize that previous studies published similar conclusions, and therefore the 2008 EPA report does not provide "significant new information." Although the EPA report provides more detailed charts and more tabulated data, the essential conclusion is generally the same as produced from an earlier report published in 1992 by PTI Environmental Services, titled *Human Health Risk Assessment for the Clear Creek Management Area*. The essential methodologies and conclusions from the two reports are tabulated below:

Methods and Conclusions	1992 PTI Study	2008 EPA Study
Used BLM Employee Samples	Yes	No
Used Real Recreation Rider Samples	Yes	No
Used Simulated Recreation Rider Samples	No	Yes
Used: EPA Region IX Risk Assessment Guidance for Superfund, EPA Federal Exposure Factors Handbook, Risk Assessment Guidance for Superfund, and Standard Default Exposure Factors	Yes	Unknown
Used: PCM Analysis and PCMe Analysis	Yes	Yes
Evaluated entire Serpentine ACEC area	Yes	No
Conducted Seasonal Analysis	Yes	Yes
Considered Diversity of Opinion	Some	No
Incorporated other studies: UC Berkeley (Murchio et al. 1978; Cooper et al. 1979; Pependorf and Wenk 1983)	Yes	No
Incorporated other studies: Risk Assessment for Atlas mine and Coalinga (U.S. EPA 1990a)	Yes	No
Conclusion: Activity Causes Exposure	Yes	Yes

Methods and Conclusions	1992 PTI Study	2008 EPA Study
Conclusion: Children of Special Concern	Not Evaluated	Simulated
Conclusion: Higher Exposure, Higher Risk	Yes	Yes
Conclusion: Reduce Exposure, Reduce Risk	Yes	Yes
Provided Comparable Data for Perspective	No	No
Conclusion: Risk Could be Over Estimated or Under Estimated; that is, Risk Unknown	Yes	Yes

Essentially the conclusions from the two independent studies are identical is that they both concluded that *risk estimates may be over estimated, or under estimated*.

Recommendation

Since 2008 EPA report offer no *significant* new information, such erroneous statements suggesting that 2008 EPA report does offer *significant* new information must be removed from the subject document and from future Agency documents. In the absence of *significant* new information, the purpose and need statement is erroneous, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

References

- Cooper, W.C., J. Murchio, W. Popendorf, and H.R. Wenk (1979) "Chrysotile Asbestos in a California Recreational Area," *Science*, 206:685-688.
- EPA (1989a) *Exposure Factors Handbook*, EPA 600/8-89/043, U.S. Environmental Protection Agency, Office of Health and Environmental Assessment. Washington, DC.
- EPA (1989b) *Risk Assessment Guidance for Superfund: Human Health Evaluation Manual, Part A*, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, Washington, DC.
- EPA (1989c) *Risk Assessment Guidance for Superfund: Human Health Risk Assessment*, U.S. EPA Region IX Recommendations. Interim Final Report. U.S. Environmental Protection Agency, Washington, DC.
- EPA (1990) *Atlas Remedial Investigation Report and Phase I of Johns-Manville Coalinga Remedial Investigation Report*, U.S. Environmental Protection Agency, Washington, DC.
- EPA (2008) *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*, U.S. Environmental Protection Agency.

1 Murchio, J., H.R. Wenk, W. Popendorf, and W.C. Cooper (1978) "Asbestos in Clear Creek
2 Recreation Area," Prepared for the Bureau of Land Management, Folsom, CA.
3 Popendorf, W., and W.R. Wenk (1983) "Chrysotile Asbestos in Vehicular Recreation Area: a
4 case study," in *Environmental Effects of Off-Road Vehicles: Impact and Management in*
5 *Arid Regions*, R.H. Webb and H.G. Wilshire (eds). Springer-Verlag, New York.
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7 PTI (1992) *Human Health Risk Assessment for the Clear Creek Management Area*, PTI
8 Environmental Services.
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Substantive Comment

7

Subject: Erroneous Statement within Purpose and Need

Page 4

Regarding the Following Paragraph

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

The Agency erroneously asserts that EPA's report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2008) mandates "significant new information that must be incorporated into a land use plan." However, the EPA report asserts no such action or requirement that it "*must* be incorporated into a land use plan," nor does the EPA report contain any statement that could be misinterpreted to imply such action or requirement. The Agency's assumption of such mandate is arbitrary and capricious in that it asserts a willful and unreasonable action that disregards the facts.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must redact its erroneous assertion that information from the EPA report (2009) must be incorporated into a land use plan. The Agency must also delete such erroneous assertions from the purpose and need statement. In the absence of an mandated requirement, the purpose and need statement is erroneous, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

References

EPA (2008) *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*, U.S. Environmental Protection Agency.

Substantive Comment - # 7: Subject: Erroneous Statement within Purpose and Need Page 4

Substantive Comment

8

Subject: Erroneous Statement within Purpose and Need

Page 4

Regarding the Following Paragraph

- The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.

Discussion

The Agency's assertion that the "current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander" is erroneous because it does address this issue in the 2005 - *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*. This issue has also been addressed in many previous planning documents and planning documents associated with adjacent and nearby public lands, such as those tabulated below along with the number time the specific species are addressed:

Document	California Condor	Red-Legged Frog	Tiger Salamander
1993 - <i>Hollister Oil and Gas RMP Amendment and Environmental Impact Statement</i>	5	3	3
1995 - <i>Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement</i>	0	3	3
2004 - <i>Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area</i>	9	9	2
2005 - <i>Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement</i>	18	7	2
2007 - <i>Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision</i>	7	6	7

Additionally, it is well documented that neither the Red-Legged Frog or Tiger Salamander exist within the subject area environs:

The 2005 *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, Page 3-23, states:

Bureau wildlife biologists queried the California Natural Diversity Data Base for twenty USGS 7.5-minute quadrangles, including the CCMA and the surrounding region, to augment information in BLM files on native animals species of management concern that do occur and could occur in the CCMA. Biologists did not consider animals such as the Red-legged frog, California tiger salamander, or rare invertebrates, which have not been found within ten miles of the CCMA or that occupy habitats not found in the CCMA.

The 2009 *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, Page 3-23, states:

California red-legged frogs (*Rana draytonii*), while present in the San Benito River watershed fifteen miles or more downstream, have never been recorded in or near the CCMA. California tiger salamanders are present in sag pond habitat in the San Andreas Rift Zone to the west and in vernal pool habitat in the Central Valley to the east but have never been recorded in the environs of CCMA.

Regarding the California Condor, the 2004 - *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, Page 4-34, states:

The following species will benefit through the designation of routes and trails, elimination of cross country travel, recovery of impacted areas, and the habitat protection an increased SBMRNA would provide; foothill yellow-legged frog, northwestern pond turtle, and southwestern pond turtle, two striped garter snake, valley elderberry longhorn *Ciervo aegialian* scarab beetle, San Joaquin dune beetle, California condor, bald eagle, western mastiff-bat, Townsend's western big-eared bat, pallid bat, long-eared myotis, Yuma myotis, fringed myotis, small-footed myotis coast horned lizard, sharp shinned hawk, golden eagle, prairie falcon, Bell's sage sparrow, and the big-eared kangaroo rat.

Additionally, the California Condor's diet consists of medium and large-sized dead mammals like cattle, sheep, deer, and horses in any state of decay. Condors may travel several hundred miles in search of food. The habitat range for condors in central California includes about 15,000 square miles, of which CCMA provides about 48 square miles, or .3% of the condor's habit range. Therefore, because the CCMA condor habitat contribution is insignificant, the CCMA management plan cannot produce any significantly quantifiable habitat contribution for California condors.

The Agency cannot address habitat needs for non-extent subject-area species, such as the red-legged frog, and tiger salamander. Therefore, this assertion in the purpose and need statement is erroneous and without merit because it is impossible to provide habitat or protection for species that do exist within the subject area, hence this is a frivolous and unachievable purpose and need. The Agency's inclusion of this statement in the purpose and need section is arbitrary and capricious in that it asserts a willful and unreasonable action that disregards the facts.

The agency shall eliminate from study issues which are not significant or which have been covered by prior environmental review (40 C.F.R. § 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere (§ 1502.22). Agencies shall reduce excessive paperwork by tiering from statements of broad scope to those

of narrower scope, to eliminate repetitive discussions of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and avoid duplication (§ 1502.4).

Recommendation

The Agency must delete such erroneous assertions from the purpose and need statement. In the absence of realistic issues, the purpose and need statement is erroneous, the entire document is mute, without legal standing, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- BLM (1993) *Hollister Oil and Gas RMP Amendment and Environmental Impact Statement*, U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office.
- BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office.
- BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office.
- BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office.
- BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office.

Substantive Comment

9

Subject: Erroneous Statement within Purpose and Need

Page 4

Regarding the Following Section

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

The Agency is attempting to assert that because changes in "social and economic conditions ... have led to increased demand for use of public lands for recreation" that this also translates into increased recreation demand for the public lands with the subject area, specifically CCMA. However, that thesis is erroneous based upon the Agency's own evidence as present on page 135 of the subject report, which as reproduced below clearly prove that CCMA visitor recreation is decreasing each year, hence proving that the Agency's assertion is false.

CCMA Visitor Use (page 135)

Year	Visitors
2003	50,000 (Estimated)
2004	50,000 (Estimated)
2005	43,235
2006	43,187
2007	35,267
2008	28,428

Graph showing annual decline in CCMA visitor use



Recommendation

The Agency must delete such erroneous assertions from the purpose and need statement. In the absence of realistic issues, the purpose and need statement is erroneous, the entire document is mute, without legal merit, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment

10

Subject: Redundancy of Major Planning Issues

Page 7

Regarding the Following Section

1.3.2 Summary of Major Planning Issues

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/EIS.

Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS, the following issues and concerns represent the key themes and priorities that emerged during the public scoping process. These key themes and priorities are analyzed in the CCMA RMP/EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

- Questions with regard to chrysotile asbestos and EPA Risk Assessment
- Impacts to human health from asbestos exposure.
- Measures to reduce and minimize risk to public health and safety:
- Suitable areas for motorized and non-motorized recreation uses.
- Desired outcome for areas with high scenic and/or cultural values.
- Protection of special status species.
- Potential land tenure adjustments (acquisition & disposal).
- Wildfire management strategy to protect private and public lands and resources.
- Establishing limits on season of use, number of visitor use days/years, vehicle types, riding areas and/or trails types., or minimum age requirements.
- Fluid and solid mineral development;
- Impacts on watershed resources and water quality;
- Impacts on air quality in non-attainment areas;

Discussion

The Agency promotes the above as being "Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS" creating an image that these represent a fresh view of the major planning issues confronting the Bureau of Land Management. However, a review of previous planning actions undertaken by the Agency within the defined planning area illustrate that most of these issues have been extensively studied several times. This review is tabulated in Table 6 on page 28. Because the list of major planning issues is too complex to easily list in Table 5, Table 5 on page 26 is created to act as a mnemonic legend for column 1 of Table 6.

Table 5: Mnemonic List for Table 2

Major Planning Issue	Mnemonic
Questions with regard to chrysotile asbestos and EPA Risk Assessment	Asbestos
Impacts to human health from asbestos exposure.	Health

Major Planning Issue	Mnemonic
Measures to reduce and minimize risk to public health and safety	Reduce
Suitable areas for motorized and non-motorized recreation uses	Motor
Desired outcome for areas with high scenic and/or cultural values.	
Scenic Value	Scenic
Cultural Value	Cultural
Protection of special status species.	Species
Potential land tenure adjustments (acquisition & disposal).	Tenure
Wildfire management strategy to protect private and public lands and resources.	Wildfire
Establishing limits on season of use, number of visitor use days/years, vehicle types, riding areas and/or trails types, or minimum age requirements.	
Seasonal Use	Seasonal
Limit number of visitor day	Limit
Riding Areas	Riding
Trail Types	Trails
Age Restrictions	Age
Fluid and solid mineral development;	
Fluid mineral development	Fluid
Solid mineral development	Mineral
Impacts on watershed resources and water quality;	
watershed resources	Watershed
water quality	Quality
Impacts on air quality in non-attainment areas;	Air

Additionally, the following symbols are used in Table 6 to illustrate the degree of topic coverage.

- Ex = Considered Extensively
- C = Considered
- - = Not considered

Substantive Comment - # 10: Subject: Redundancy of Major Planning Issues Page 7

Table 6: Review of Previous Research of the Major Planning Issue

Issues	1984	1986	1993	1995	1999	2004	2005	2006	2007
Asbestos	Ex	Ex	-	Ex	Ex	Ex	Ex	Ex	C
Health	C	C	-	Ex	Ex	C	Ex	Ex	C
Reduce	-	-	-	Ex	Ex	C	Ex	Ex	C
Motor	C	-	C	C	C	Ex	Ex	Ex	Ex
Scenic	C	C	Ex	C	C	C	Ex	Ex	Ex
Cultural	Ex	Ex	Ex	C	C	Ex	Ex	Ex	Ex
Species	-	-	Ex	Ex	C	Ex	Ex	Ex	Ex
Tenure	Ex	C	-	C	-	C	C	C	C
Wildfire	Ex	C	-	-	-	C	C	C	C
Seasonal	C	-	C	Ex	Ex	Ex	Ex	Ex	Ex
Limit	-	-	-	-	-	-	-	-	-
Riding	-	C	-	C	-	C	C	-	-
Trails	Ex	Ex	C	Ex	C	Ex	Ex	Ex	C
Age	-	-	-	-	-	-	-	-	-
Fluid	-	-	Ex	-	-	-	-	-	C
Mineral	Ex	Ex	Ex	Ex	C	Ex	Ex	C	Ex
Watershed	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex	Ex
Quality	C	C	Ex	Ex	C	Ex	Ex	Ex	Ex
Air	C	C	Ex	Ex	C	Ex	Ex	C	Ex

Table 6 clearly illustrates that each of the Major Planning Issue, except for recreational age restriction and days-per-year recreation limits, have been extensively researched and well documented during pervious planning sessions and in previous resource management plans, environmental impact statements, and records of decision, thus showing that the majority of these issues have been well settled and do not need to be reassessed here. Agencies shall reduce excessive paperwork by tiering from statements of broad scope to those of narrower scope, to eliminate repetitive discussions of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and avoid duplication (§ 1502.4). The agency shall eliminate from study issues which are not significant or which have been covered by prior environmental review (40 C.F.R. § 1506.3), narrowing the discussion of these issues in the

statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere (§ 1502.22).

Recommendation

The Agency must delete such erroneous assertions from the major planning issues statement. In the absence of realistic issues, the major planning issues statement is erroneous, the entire document is mute, without legal merit, and the initiating action is *void ab initio*. Therefore, the Agency is required to reassess the entire action *de novo*. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1993) *Hollister Oil and Gas RMP Amendment and Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment

11

Subject: Omission of Scientific Integrity

Regarding the Following Issue

The Agency's BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement* places significant emphasis on the EPA's 2008 report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*.

Discussion

Throughout the document, and including the Purpose and Need statement and the list of Major Planning Issues, the Agency relies heavily upon the EPA's 2008 report titled, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment*, to the exclusion of any opposing or diverse scientific opinion.

40 C.F.R. § 1502.24 Methodology and scientific accuracy. -- Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action (40 C.F.R. § 1502.9).

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

Although the Agency may exercise liberty in selecting which scientific authority or opinion upon which they wish to base their final determination, the Agency is obligated to exhibit professional and scientific integrity during the discussion and analysis in the environmental impact statement. However, the Agency has ignored any and all scientific research and opinion contrary to the EPA's 2008 report, thus creating an illusion of scientific consensus regarding human health risk associated with asbestos, and specifically with the chrysotile mineral natural to the serpentine deposit found within the subject area. There is a diversity of scientific opinion regarding the lack chrysotile etiology to which the public is entitled to know about, and which should be considered by the Deciding Officer. Omission of diverse and credible scientific opinion sways, and even biases, the scope of alternative presented to the Deciding Officer, and thereby impairs the Deciding Officer's ability to fairly, reasonably and objectively select an appropriate alternative.

However, the Agency has purposely chosen to conceal the diversity of scientific opinion by excluding it from the draft resource management plan and the draft environmental impact statement. This accusation is directed because this author provided such references and copy during the public scoping comment period and the Agency chose to exclude or otherwise

Substantive Comment - # 11: Subject: Omission of Scientific Integrity

1 ignore that information. Therefore, the Agency's continued omission is arbitrary and
capricious in that it asserts a willful and unreasonable action that disregards the facts.

3 In the interest of professional and scientific integrity, and in the interest of serving public
5 good, a synthesis of some of those diverse scientific opinions are listed below:

7 As predicted by the recent biopersistence studies on chrysotile, this study clearly shows that
at an exposure concentration 5000 times greater than the U.S. threshold limit value of 0.1 f/
9 cm³ chrysotile produces no significant pathological response in a subchronic inhalation
toxicology study.

11 David M. Bernstein, Rick Rogers, Paul Smith, Jörg Chevalier, 2006, "The Toxicological
Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation
13 Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response,"
Inhalation Toxicology, 18:313.

15 Calidria chrysotile cleared from the lung with a half-time of 0.3 days, 7 hours, which is faster
17 than any other commercial mineral fiber.

... ..

19 These findings provide an important basis for substantiating both kinetically and
pathologically the differences between chrysotile and the amphibole tremolite. This has been
21 demonstrated for three different chrysotile samples from Canada, the United States, and
Brazil. As Calidria chrysotile has been certified to have no tremolite fiber, the results of the
23 current study together with the results from toxicological and epidemiological studies
indicate that this fiber is not associated with lung disease.

25 David M. Bernstein, Jörg Chevalier, Paul Smith, 2005, "Comparison of Calidria
Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and
27 Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*,
17:427.

29 No treatment-related lesions were observed in 9 monkeys maintained for 11.5 years
31 following an 18-month inhalation exposure to short (<5 µm long) chrysotile asbestos at a
concentration level of 1.0 mg/m³.

33 Lloyd E. Stettler, Douglas D. Sharpnack, Edward F. Krieg, 2008, "Chronic Inhalation of
Short Asbestos: Lung Fiber Burdens and Histopathology for Monkeys Maintained for
35 11.5 Years after Exposure," *Inhalation Toxicology*, 20:72.

37 Epidemiological studies investigating mesothelioma risk from exposures of cohort members
to chrysotile asbestos fibers not known to be contaminated with amphiboles do not justify a
39 conclusion of causality at this time. Whenever mesothelioma cases have been observed in
cohort studies, the presence of amphiboles has not been ruled out.

41 Charles M. Yarborough, 2006, "Chrysotile as a Cause of Mesothelioma: An Assessment
Based on Epidemiology," *Critical Reviews in Toxicology*, 36:181.

Substantive Comment - # 11: Subject: Omission of Scientific Integrity

Various US Agencies have concluded that the New Idria deposit contains exclusively chrysotile. The Agency for Toxic Substances Disease Registry (ATSDR) has said that “only chrysotile is of importance to the Atlas and the JM Coalinga mill site”. Woodward Clyde Consultants under contract to EPA Region IX prepared an inventory of potential asbestos sources in the New Idria Coalinga Study Region for the Atlas and the Coalinga Superfund Sites (US EPA Contract: 68-01-6939; Doc. No. 239-RI1-RT-EYJX: 15 September 1987, Appendix A) and stated: “Chrysotile asbestos is the only asbestos mineral found in the (New Idria) region.”

E.B. Ilgren, 2004, “Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part V - Lack of Amphibole Asbestos Contamination,” *Indoor Built Environment*, 13:325.

We found no measurable excess risk of death due to lung cancer among women in two chrysotile-asbestos-mining regions. The EPA's model overestimated the risk of asbestos-induced lung cancer by at least a factor of 10.

Michel Camus, Jack Siemiatycki, Bette Meek, 1998, “Nonoccupational Exposure to Chrysotile Asbestos and the Risk of Lung Cancer,” *The New England Journal of Medicine*, 338(22):1565.

In contrast to amphibole asbestos, chrysotile asbestos fails to accumulate in human lungs.

Churg A and DePaoli L., 1988, “Clearance of chrysotile asbestos from human lung,” *Experimental Lung Research*, 14(5).

Advances in risk assessment methodology and analytical techniques, together with reevaluation of historical data, reveal that the current Environmental Protection Agency (EPA) approach for risk assessment of asbestosis is not in step with current scientific consensus, particularly for chrysotile fibers.

ACSH (2007) “Asbestos Exposure: How Risky is it?,” Ruth Kava, coordinator, American Council on Science and Health, New York, NY. P. 4.

Recommendation

The Agency must exercise professional and scientific integrity and serve the public interest by offering an honest review of the various credible peer-reviewed scientific opinions regarding potential health risk, or lack of health risk, associated with possible inhalation of chrysotile mineral which is natural to the serpentine deposit within the subject area. The Agency must rewrite the draft resource management plan and draft environmental statement to explore the diversity of credible scientific opinion regarding the lack of chrysotile etiology so that it can be balanced against the EPA opinion expressed in their report. Even though they may conflict with the EPA report, the Agency must include references to these credible scientific opinions in the final resource management plan, the final environmental impact study, or the record of decision.

Substantive Comment - # 11: Subject: Omission of Scientific Integrity

Substantive Comment

12

Subject: Confusing Document Formatting

Referring to the Following Paragraph

Document formatting style is inconsistent. The following list briefly illustrates the variety used throughout the document.

Function	Size	Font Style	Tag	Style	Example
Bullet List 1	11	Times New Roman	List Item Body	/tBullet/tText	• The EP...
Bullet List 1	11	Times New Roman	List Item Body	/tBullet/tText	o Maint...
Paragraph Heading 1	16	Myriad Regular	Heading Level 1	##/tText	ES EXE...
Paragraph Heading 2	14	Myriad Regular	Heading Level 2	##/tText	ES.1 Intr...
Paragraph Heading 2	14	Arial Bold	Paragraph	##/tText	2.4 Descri...
Paragraph Heading 3	12	Myriad Regular	Heading Level 3	##.##/tText	1.2.2 Plann...
Paragraph Heading 4	11	Myriad Regular	Heading Level 3	##.##.##/tText	1.3.3.1 Tem...
Paragraph Heading 4	11	Myriad Regular	Heading Level 4	##.##.##/tText	3.1.4.1 OH...
Paragraph Heading 4	12	Arial Bold	Heading Level 4	##.##.##/tText	2.4.1.1 Goa...
Paragraph Heading 5	11	Times New Roman Bold	Heading Level 5	Text	Rangela...
Paragraph Heading 5	12	Times New Roman Bold	Paragraph	Text	Other Recr...
Paragraph Heading 5	11	Arial Bold	Underline	Text	<u>Auro...</u>
Table Body	10	Times New Roman	Paragraph	/l	Fresno/San...
Table Cell Body	10	Times New Roman	Paragraph	/l or /c	BLM

Substantive Comment - # 12: Subject: Confusing Document Formatting

Function	Size	Font Style	Tag	Style	Example
Table Cell Head	10	Times New Roman Bold	Paragraph	/l or /c	Ownership
Table Cell Head	10	Arial Bold	Paragraph	/l	Docume...
Table Cell Head	11	Arial Bold	Paragraph	/l	Jurisdi...
Table Title	10	Times New Roman Bold	Paragraph	/cTable #.# Text	Table 1-1. Lan...
Table Title	11	Times New Roman	Paragraph	Table #.# Text	Table 1-2. CCMA Mana...
Table Title	12	Times New Roman Italic	Paragraph	/c Text	Public Mee...
Table Title	11	Arial Bold	Paragraph	Table #.#-#	Table 1.5-1 Histo...
Table Title	12	Myriad Regular	List Item Body	Table #.#-#	Table 2.4-1(a) Sum...

Discussion

Consistent use of paragraph heading and table title hierarchy facilitates document comprehension by assisting the reader through topic and subtopics. Confusing the subject hierarchy forces the reader to frequently reexamine the paragraph heading thus making reading and comprehension much more difficult. Inconsistent style and formatting suggest that the document was not properly edited before public release. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must rewrite the document using consistent document style and format methodology to facilitates document comprehension. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 12: Subject: Confusing Document Formatting

Substantive Comment

13

Subject: Erroneous Statement

Page I

Referring to the Following Paragraph

The Bureau of Land Management (BLM) Hollister Field Office (HFO) has prepared this Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) to provide direction for managing public lands in the Clear Creek Management Area (CCMA). The HFO manages approximately 63,000 acres of public land within the 75,000-acre CCMA, representing a variety of settings and landforms that host many diverse natural and cultural resources, **and offer recreation and other multiple-use opportunities**. Since 1984, approximately 30,000 acres of serpentine soils high in asbestos fibers within the CCMA have been designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

The statement, "and offer recreation," is erroneous within the context of this draft RMP/EIS because of the 43 C.F.R. 8364.1 closure of May 1, 2008, closing the area's Recreational Programs and Visitor Services. There has been no recreation in the subject area since the closure.

Recommendation

The Agency must edit or delete this erroneous statement to correct this deficiency. The phrase "and offer recreation and other multiple-use opportunities" should be changed to read: "and offered recreation and other multiple-use opportunities previous to the May 1, 2008 closure." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 13: Subject: Erroneous Statement Page I

Substantive Comment

14

Subject: Erroneous Statement

Page I

Referring to the Following Paragraph

The Bureau of Land Management (BLM) Hollister Field Office (HFO) has prepared this Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) to provide direction for managing public lands in the Clear Creek Management Area (CCMA). The HFO manages approximately 63,000 acres of public land within the 75,000-acre CCMA, representing a variety of settings and landforms that host many diverse natural and cultural resources, and offer recreation and other multiple-use opportunities. Since 1984, approximately 30,000 acres of serpentine soils high in asbestos fibers within the CCMA have been designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

The statement, "serpentine soils high in asbestos fibers within the CCMA" is erroneous because there is no commercial asbestos product found within the CCMA. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 14: Subject: Erroneous Statement Page I

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 14: Subject: Erroneous Statement Page I

Substantive Comment

15

Subject: Erroneous Statement

Page I

Referring to the Following Paragraph

The Bureau of Land Management (BLM) Hollister Field Office (HFO) has prepared this Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) to provide direction for managing public lands in the Clear Creek Management Area (CCMA). The HFO manages approximately 63,000 acres of public land within the 75,000-acre CCMA, representing a variety of settings and landforms that host many diverse natural and cultural resources, and offer recreation and other multiple-use opportunities. Since 1984, approximately 30,000 acres of serpentine soils high in asbestos fibers within the CCMA have been **designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety**. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

The statement, "... designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety" is erroneous because according to Federal Register Vol. 49, No. 198, page 39918, October 11, 1984: The ACEC was designated for "sensitive and unique plants," and "for asbestos hazards, critical watershed concerns, unique soils, and hobby gem and mineral values." The phrase, "to protect public health and safety" is not used to describe the purpose of the subject ACEC and should therefore be removed from document.

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The phrase "designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect public health and safety" should be changed to read: "designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) to protect sensitive and unique plants and for asbestos hazards, critical watershed concerns, unique soils, and hobby gem and mineral values." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 15: Subject: Erroneous Statement Page I

Substantive Comment

16

Subject: Confusing Statement

Page I

Referring to the Following Paragraph

Public land resources described in this RMP/EIS are classified as “Planning Areas”. The Planning Area encompasses the entire area within the boundaries of CCMA regardless of jurisdiction or ownership. The “BLM-administered lands” refer to public lands within the Planning Area for which the BLM has authority and makes decisions (also referred to as the “Decision Area”).

Discussion

The statement, “ “Planning Areas”. ” is confusing because it contains unusual formatting. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The phrase “Planning Areas” should be changed to read planning areas with quotation or capitalization. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 16: Subject: Confusing Statement Page I

Substantive Comment

17

Subject: Confusing Statement

Page I

Referring to the Following Paragraph

Public land resources described in this RMP/EIS are classified as “Planning Areas”. The Planning Area encompasses the entire area within the boundaries of CCMA regardless of jurisdiction or ownership. The “BLM-administered lands” refer to public lands within the Planning Area for which the BLM has authority and makes decisions (also referred to as the “Decision Area”).

Discussion

The statement, “entire area within the boundaries of CCMA regardless of jurisdiction or ownership ...” is confusing because it implies that the Agency intends to implement planning for land which it confesses that it has no jurisdiction or authority. Such action is unlawful and confesses criminal intent on the part of an agency and its employees.

Recommendation

The Agency must edit or delete this confusing statement to correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 17: Subject: Confusing Statement Page I

Substantive Comment

18

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

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

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 18: Subject: Confusing Statement Page 1

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 18: Subject: Confusing Statement Page I

Substantive Comment

19

Subject: Erroneous Statement

Page I

Referring to the Following Paragraph

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

Discussion

The statement, "... the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA" is erroneous because the study did not conclude as stated, but instead concluded the following:

Reference: EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency, page 8-1.

Asbestos is a known human carcinogen. Despite the uncertainties inherent in risk assessment, the EPA evaluation of asbestos exposures and risks at the Clear Creek Management Area has led to some important conclusions.

- The Activity Causes the Exposure – The concentration of asbestos in the breathing zone is directly related to the degree that an activity disturbs the soil and creates dust.
- Children Are of Special Concern – In a majority of the samples, the concentration of asbestos measured in the child's breathing zone exceeded the asbestos concentration in the companion adult sample. Further, a child's life expectancy exceeds the latency period for asbestos-related disease.
- The Higher the Exposure, the Higher the Risk – The activities with the highest exposure - motorcycling, ATV riding, and SUV driving/riding - had the highest corresponding excess lifetime cancer risk.
- Reducing the Exposure Will Reduce the Risk – The risk of developing asbestos-related disease is dependent on the level of exposure, the duration of exposure, and the time since first exposure. Reducing exposure will reduce the risk of developing asbestos related cancers and debilitating and potentially fatal non-cancer disease.

In summary, the asbestos exposures that EPA measured at CCMA are high and the resulting health risks are of concern.

Recommendation

The Agency must edit or delete this erroneous statement to correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 19: Subject: Erroneous Statement Page I

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 19: Subject: Erroneous Statement Page I

Substantive Comment

20

Subject: Confusing Statement

Page I & II

Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

Discussion

Using the phrase "exposure to airborne asbestos in the CCMA" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." Change the phrase to read, "exposure to airborne chrysotile dust in the CCMA." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 20: Subject: Confusing Statement Page I & II

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 20: Subject: Confusing Statement Page I & II

Substantive Comment

21

Subject: Confusing Statement

Page II

Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the 'menu approach' described below in Section 1.2.2. The BLM's Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public lands users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

Discussion

The statement, "the 'menu approach' described" is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 21: Subject: Confusing Statement Page II

Substantive Comment

22

Subject: Confusing Statement

Page II

Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the 'menu approach' described below in Section 1.2.2. The BLM's Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public lands users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 22: Subject: Confusing Statement Page II

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 22: Subject: Confusing Statement Page II

Substantive Comment

23

Subject: Confusing Statement

Page II

Referring to the Following Paragraph

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

Discussion

The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "CCMA RMP/EIS" is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 23: Subject: Confusing Statement Page II

Substantive Comment

24

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

Since the development of the 1984 Hollister RMP and associated CCMA RMP amendments, many social, political, and environmental changes have occurred that affect resource conditions and influence public land uses. These changes, coupled with significant population growth that had not been anticipated in the 1984 plan and subsequent amendments, have presented some complex management issues that can be addressed by an updated land use plan.

Discussion

The statement, "... significant population growth ..." is misleading because it conflicts with the visitor data tabulated on page 135 of the subject report, which show a decrease in CCMA visitation which is contrary to suggesting that "significant population growth" necessitate a new resource management plan.

Recommendation

The Agency must edit or delete this misleading statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 24: Subject: Misleading Statement Page III

Substantive Comment

25

Subject: Confusing Statement

Page III

Referring to the Following Paragraph

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

This is confusing because there is doubt about whether "CCMA Asbestos Exposure and Human Health Risk Assessment" reference a study or a document. There is no document titled "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper title to a document, then it should be spelled out rather than abbreviated. Perhaps the author meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete this confusing statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 25: Subject: Confusing Statement Page III

Substantive Comment

26

Subject: Erroneous Statement

Page III

Referring to the Following Paragraph

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

Stating that "The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information" is erroneous because the large chrysotile deposits in the serpentine area have been well know for very many years. Additionally, this is confusing because there is doubt about whether "CCMA Asbestos Exposure and Human Health Risk Assessment" reference a study or a document. There is no document titled "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper title to a document, then it should be spelled out rather than abbreviated. Perhaps the author meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete this erroneous statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 26: Subject: Erroneous Statement Page III

Substantive Comment

27

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

- The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.

Discussion

It is important to consider that the California condor, red-legged frog, and tiger salamander survived 120 years of indiscriminate mining activity in this area. While it seems reasonable to assume that such mining activities were deleterious to area fauna, the fact that some species survived the environmental stress caused by indiscriminate mining activity should be considered because it appears that some species did not survive in areas absent of that stress; hence, the cessation of human activity may become deleterious to species preservation. While such an assertion might appear superficially absurd, it is foolish to dismiss the impact of previous extreme environmental stress caused by historic mining activity and areal occupation.

Recommendation

The Agency must edit or delete this statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 27: Subject: Misleading Statement Page III

Substantive Comment

28

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production; as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

The statement, "... increased demand for use of public lands for recreation ..." is misleading because it conflicts with the visitor data tabulated on page 135 of the subject report, which show a decrease rather than a growth.

Recommendation

The Agency must edit or delete this misleading statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 28: Subject: Misleading Statement Page III

Substantive Comment

29

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

This paragraph is misleading because the CCMA is not an “energy production” area so no increased demand for energy production has occurred in the CCMA. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the defective statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 29: Subject: Misleading Statement Page III

Substantive Comment

30

Subject: Erroneous Statement

Page III

Referring to the Following Paragraph

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

There is no evidence, and the document offers none, of increased awareness and social value placed on cultural and natural resources within the subject area, therefore this statement needs a supporting reference or it should be deleted. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete this statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 30: Subject: Erroneous Statement Page III

Substantive Comment

31

Subject: Confusing Statement

Page III

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

The paragraph's reference to "the CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 31: Subject: Confusing Statement Page III

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete this statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 31: Subject: Confusing Statement Page III

Substantive Comment

32

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

Repeatedly using the term "asbestos" implies the area is dangerously contaminated with the full spectrum of commercially imported amphibole asbestos, which it is not. This should read "chrysotile," since this the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 32: Subject: Misleading Statement Page III

Substantive Comment

33

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

This paragraph is misleading because it fails to note that the greatest impact on "sensitive natural" resources was from 120 years of area mining. The evidence of this, although recovering, is clearly exhibited in satellite photographs of the region.

Recommendation

The Agency must edit or delete this statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 33: Subject: Misleading Statement Page III

Substantive Comment

34

Subject: Misleading Statement

Page III

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

The greatest impact on cultural resources has been BLM "reclamation" work which has totally destroyed historic archaeological sites. Examples of this are the Aurora Mine, Alpine Mine, Picacho, the Almaden Furnace foundation at Staging Area two, the Brick Kiln near Oak Flat, the cabins at Indian Hill, the "Swimming hole" at original Jade Mill. Additionally, past BLM cultural research and preservation efforts within the CCMA and surrounding area has been minimal. The greatest impact since the cessation of area mining has not been from recreation, but rather from the BLM.

Recommendation

The Agency must edit or delete this statement to correct this discrepancy. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 34: Subject: Misleading Statement Page III

Substantive Comment

35

Subject: Confusing Statement

Page III

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

Enclosing the word "Vision" within quotation implies that it quoted from another source. What source is being quoted? Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 35: Subject: Confusing Statement Page III

Substantive Comment

36

Subject: Confusing Statement

Page III

Referring to the Following Paragraph

Opportunities for public involvement will continue as development of the CCMA RMP/EIS proceeds. For example, upon release of the Draft RMP/ EIS, the public will have a period of 90 days to provide comments and feedback on its contents to BLM. During this period, BLM will host a minimum of three public meetings to solicit feedback on the Draft RMP/EIS from the public and interested stakeholders.

Discussion

The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "CCMA RMP/EIS" is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 36: Subject: Confusing Statement Page III

Substantive Comment

37

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative and would reaffirm current management under the 1984 Hollister RMP (as amended). BLM would incorporate new health risk information into public outreach and education asbestos hazard information program to mitigate public health risk.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 37: Subject: Confusing Statement Page IV

Substantive Comment

38

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative and would reaffirm current management under the 1984 Hollister RMP (as amended). BLM would incorporate new health risk information into public outreach and education asbestos hazard information program to mitigate public health risk.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 38: Subject: Confusing Statement Page IV

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 38: Subject: Confusing Statement Page IV

Substantive Comment

39

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative B maintains multiple use opportunities in CCMA, and considers multiple mitigation measures to protect public health and safety. BLM would protect health and safety by increasing restrictions on season of use and visitor use days/year, dust mitigation on major routes, and by eliminating camping and staging in the Serpentine ACEC.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 39: Subject: Confusing Statement Page IV

Substantive Comment

40

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative C limits OHV recreation opportunities in the Serpentine ACEC based on vehicle types, and minimum age requirements, and other mitigation measures. BLM would protect health and safety by prohibiting access into the ACEC for visitors < age 18, restricting OHV recreation to motorcycle use only, increasing restrictions on season of use, dust mitigation on major routes, and by eliminating camping and staging in the Serpentine ACEC.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 40: Subject: Confusing Statement Page IV

Substantive Comment

41

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative D emphasizes vehicle access for non-motorized recreation opportunities inside the ACEC, and new OHV recreation opportunities outside of the ACEC. BLM would protect health and safety by restricting motorized access in the ACEC to major routes, dust mitigation on major routes, installing a public wash rack, and by and eliminating camping and staging in the ACEC.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 41: Subject: Confusing Statement Page IV

Substantive Comment

42

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative E allows limited vehicle touring and pedestrian use in the ACEC, and non-motorized recreation opportunities outside the ACEC. Public health and safety risks would be mitigated by requiring permits for access into the Serpentine ACEC for day use only. Vehicle touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 42: Subject: Confusing Statement Page IV

Substantive Comment

43

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative F restricts public access in the ACEC to non-motorized travel only. Allowable use restrictions would significantly reduce risk to public health and safety; and BLM management activities would lower risk to human health and the environment.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 43: Subject: Confusing Statement Page IV

Substantive Comment

44

Subject: Confusing Statement

Page IV

Referring to the Following Paragraph

Alternative G minimizes public health risk by prohibiting all public access and entry into the Clear Creek Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS.

Discussion

The paragraph is confusing because it contains unusual formatting. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 44: Subject: Confusing Statement Page IV

Substantive Comment

45

Subject: Confusing Statement

Page V

Referring to the Following Paragraph

Development of the CCMA RMP/EIS allows BLM the opportunity to review existing agreements and consider cooperative agreements with other government agencies, including: U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, California Department of Forestry & Fire Protection (CALFIRE), California Office of Historic Preservation, California Department of Fish & Game, California Regional Water Quality Control Board(s), Monterey Bay Unified Air Pollution Control District, and other local agencies.

Discussion

The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "CCMA RMP/EIS" is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 45: Subject: Confusing Statement Page V

Substantive Comment

46

Subject: Erroneous Statement

Page V

Referring to the Following Paragraph

The Tachi Yokut tribe of the Santa Rosa Rancheria is the only federally recognized Native American group in the Planning Area. Personal contacts between BLM officials and tribal representatives are routinely scheduled for other planning activities in the Hollister Field Office, and BLM has extended the opportunity to provide input for the RMP revision to the Tachi Yokut tribe throughout the planning process.

Discussion

The statement, "The Tachi Yokut tribe of the Santa Rosa Rancheria is the only federally recognized Native American group in the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Portions of the Planning Area contains public and private ways over which the Agency has no jurisdiction or authority to designate route usage with non BLM managed lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 46: Subject: Erroneous Statement Page V

Substantive Comment

47

Subject: Confusing Statement

Page VI

Referring to the Following Paragraph

Based on the discussions held during six public scoping workshops and BLM's current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 program areas are addressed in this Draft RMP/EIS. The following issues and concerns represent the key themes and priorities that are considered in the CCMA RMP/EIS:

Discussion

This paragraph is confusing because the term "program area" is not explained or described anywhere in the document or by reference to an external document. The reader cannot understand this document because it contains undefined and unknown terms. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 47: Subject: Confusing Statement Page VI

Substantive Comment

48

Subject: Confusing Statement

Page VI

Referring to the Following Paragraph

Based on the discussions held during six public scoping workshops and BLM's current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 program areas are addressed in this Draft RMP/EIS. The following issues and concerns represent the key themes and priorities that are considered in the CCMA RMP/EIS:

Discussion

The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "CCMA RMP/EIS" is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 48: Subject: Confusing Statement Page VI

Substantive Comment

49

Subject: Confusing Statement

Page VI

Referring to the Following Paragraph

- Impacts to human health from asbestos exposure.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 49: Subject: Confusing Statement Page VI

Substantive Comment

50

Subject: Erroneous Statement

Page 1

Referring to the Following Paragraph

The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the BLM's jurisdiction (including subsurface minerals). These are referred to as "BLM-administered lands" (or "public lands"), and include the subsurface Federal minerals, or "split estate", underlying State Trust Lands and some privately-owned properties. The BLM-administered land for which the HFO has authority and will make decisions in this Resource Management Plan (RMP) is referred to as the "Decision Area".

Discussion

The statement, "The Planning Area for this RMP/EIS includes all federal, state, and private lands ... is erroneous because the Agency has no authority to include State and private lands in their "planning."

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 50: Subject: Erroneous Statement Page 1

Substantive Comment

51

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the BLM's jurisdiction (including subsurface minerals). These are referred to as "BLM-administered lands" (or "public lands"), and include the subsurface Federal minerals, or "split estate", underlying State Trust Lands and some privately-owned properties. The BLM-administered land for which the HFO has authority and will make decisions in this Resource Management Plan (RMP) is referred to as the "Decision Area".

Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 51: Subject: Confusing Statement Page 1

Substantive Comment

52

Subject: Erroneous Statement

Page 1

Referring to the Following Paragraph

The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the BLM's jurisdiction (including subsurface minerals). These are referred to as "BLM-administered lands" (or "public lands"), and include the subsurface Federal minerals, or "split estate", underlying State Trust Lands and some privately-owned properties. The BLM-administered land for which the HFO has authority and will make decisions in this Resource Management Plan (RMP) is referred to as the "Decision Area".

Discussion

The statement, "The Planning Area ... includes all federal, state, and private ... regardless of jurisdiction" is erroneous because the BLM lacks authority to work outside their jurisdiction.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 52: Subject: Erroneous Statement Page 1

Substantive Comment

53

Subject: Erroneous Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The term, "Clear Creek Management Area" is erroneous because it does not appear to have an official definition. The term is not defined in any Federal Register, or in any previous resource management plan, or on the official Bureau of Land Management land plat maps.

Recommendation

The Agency must provide reference to the official definition, which clearly delineates the Clear Creek Management Area, or delete the term from the 2009 Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 53: Subject: Erroneous Statement Page 1

Substantive Comment

54

Subject: Needless Detail

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The sentence, "Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues" is not relevant to the paragraph or to the "Purpose and Need" section on page 3 and page 4. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the irrelevant statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 54: Subject: Needless Detail Page 1

Substantive Comment

55

Subject: Erroneous Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV) recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The statement, "BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984)" is erroneous because the public lands within this area were first designation "multiple-use" in 1967 (32 FR 14716).

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 55: Subject: Erroneous Statement Page 1

Substantive Comment

56

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The sentence "A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding" implies that the term "rock-hounding" is always associated with recreation. However, Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational.

Recommendation

The Agency must edit the phrase to clarify the meaning or delete the flawed characterization. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 56: Subject: Confusing Statement Page 1

Substantive Comment

57

Subject: Confusing Reference

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 57: Subject: Confusing Reference Page 1

1 BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast*
3 *of California: Record of Decision*, United States Department of the Interior, Bureau of
Land Management.

5 BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft*
7 *Environmental Impact Statement*, United States Department of the Interior, Bureau of
Land Management.

9 **Recommendation**

11 The Agency must edit or delete the confusing reference. The Agency must rewrite the
13 subject document to remove the discrepant issue from the document. The original
discrepancy must not be included or propagated in the final resource management plan, the
final environmental impact study, or the record of decision. The final documentation should
include corrected recommendations.

Substantive Comment - # 57: Subject: Confusing Reference Page 1

Substantive Comment

58

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The term, "detailed direction" is confusing because it is a relative term and meaningless in this context because the BLM (1984) Hollister Resource Management Plan and Record of Decision, then the abbreviation Hollister RMP/ROD (BLM 1984) did provide some "detailed direction." This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1).

Recommendation

The Agency must edit or delete the confusing reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 58: Subject: Confusing Statement Page 1

Substantive Comment

59

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The term, "significant" is an inflationary word with relative meaning and it is inappropriate without delineation or quantitative numbers. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit the paragraph to quantify the term "significant" or delete the confusing terminology. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 59: Subject: Confusing Statement Page 1

Substantive Comment

60

Subject: Erroneous Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The statement, "Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA" is erroneous because there have no significant ""Social, political, and environmental changes" since 1984, our nation, state, society and environment is today, much as it was in 1984.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 60: Subject: Erroneous Statement Page 1

Substantive Comment

61

Subject: Misleading Statement

Page 1

Referring to the Following Paragraph

Specifically, Clear Creek Management Area (CCMA) encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)1 recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

Discussion

The statement, "population growth not anticipated in 1984" is misleading because it conflicts with the visitor data tabulated on page 135 of the subject report, which show a decrease in CCMA visitation despite "significant population growth. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 61: Subject: Misleading Statement Page 1

Substantive Comment

62

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

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

Discussion

The reference, "Hollister RMP (2007)" is confusing because it is vague and fails to accurately convey the document properly. Perhaps the author meant to reference the BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, but the reader cannot be certain because the reference is too vague.

Recommendation

The Agency must edit or delete the confusing reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 62: Subject: Confusing Statement Page 1

Substantive Comment

63

Subject: Confusing Reference

Page 1

Referring to the Following Paragraph

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

Discussion

The document referenced in the statement, "... technical deficiencies of a 1992 health risk assessment that BLM used ..." is confusing because it is vague and fails to accurately convey the document properly. Perhaps the author meant to reference the PTI (1992) *Human Health Risk Assessment for the Clear Creek Management Area*, but the reader cannot be certain because the reference is too vague.

Recommendation

The Agency must edit or delete the confusing reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 63: Subject: Confusing Reference Page 1

Substantive Comment

64

Subject: Misleading Statement

Page 1

Referring to the Following Paragraph

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

Discussion

In the statement, "CCMA visitor's exposure to airborne asbestos fibers in the area," usage of the term "asbestos" is misleading in reference to the CCMA because there is no commercial asbestos product found within the CCMA. There is no mineral called "asbestos" and the term refers to commercial asbestos product, not the natural mineral found in the serpentine soils throughout the CCMA. Additionally, EPA statistics for asbestos etiology are based primarily on amphibole fibers rather than chrysotile fiber (EPA 1986) and the EPA admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be human health risk. Therefore, since the CCMA is proven to be free of natural amphibole fiber, the term chrysotile is accurate, whereas the broad all-inclusive "asbestos" is misleading.

Recommendation

The Agency must edit or delete the misleading terminology. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 64: Subject: Misleading Statement Page 1

Substantive Comment

65

Subject: Erroneous Statement

Page 1 and 2

Referring to the Following Paragraph

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

Discussion

The statement, "The result of the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA" is erroneous because the study did not conclude as stated, but instead concluded the following:

Reference: EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency, page 8-1.

Asbestos is a known human carcinogen. Despite the uncertainties inherent in risk assessment, the EPA evaluation of asbestos exposures and risks at the Clear Creek Management Area has led to some important conclusions.

- The Activity Causes the Exposure – The concentration of asbestos in the breathing zone is directly related to the degree that an activity disturbs the soil and creates dust.
- Children Are of Special Concern – In a majority of the samples, the concentration of asbestos measured in the child's breathing zone exceeded the asbestos concentration in the companion adult sample. Further, a child's life expectancy exceeds the latency period for asbestos-related disease.
- The Higher the Exposure, the Higher the Risk – The activities with the highest exposure - motorcycling, ATV riding, and SUV driving/riding - had the highest corresponding excess lifetime cancer risk.
- Reducing the Exposure Will Reduce the Risk – The risk of developing asbestos-related disease is dependent on the level of exposure, the duration of exposure, and the time since first exposure. Reducing exposure will reduce the risk of developing asbestos related cancers and debilitating and potentially fatal non-cancer disease.

In summary, the asbestos exposures that EPA measured at CCMA are high and the resulting health risks are of concern.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the

Substantive Comment - # 65: Subject: Erroneous Statement Page 1 and 2

1 final environmental impact study, or the record of decision. The final documentation should
include corrected recommendations.

Substantive Comment - # 65: Subject: Erroneous Statement Page 1 and 2

Substantive Comment

66

Subject: Confusing Statement

Page 1

Referring to the Following Paragraph

1. For many years the term “off-highway vehicle” (OHV) has been used by the public, industry, and the BLM interchangeably with the term “off-road vehicle” (ORV). However, only the term off-road vehicle has a legally established definition in the Presidential Executive Orders and the BLM’s related 43 CFR 8340 regulations. In general, throughout this document we will refer to motorized OHV, except when discussing issues related to policy or regulations.

Discussion

The statement, “... the term off-road vehicle has a legally established definition in the Presidential Executive Orders and the Bureau Land Management’s related 43 CFR 8340 regulations. In general, throughout this document we will refer to motorized OHV, except when discussing issues related to policy or regulations,” is confusing because it states that the “term off-road vehicle has a legally established definition” and then Agency continues to state that they will disregard the Presidential Executive Order 11644 (43 C.F.R. § 8340.0–5) and use instead a the term “OHV,” which is apparently not “legally established.” Something that is not legal is often considered illegal. While the term “off road vehicle” is defined and used throughout the Code of Federal Regulations, the term “off highway vehicle” is not defined or used in Title 43, Code of Federal Regulations, therefore the Agency is not authorized to use the term “off highway vehicle” or its abbreviation “OHV” and the term is meaningless within the context of Agency’s action.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term “off highway vehicle” or “OHV” with the legally established term “off-road vehicle.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 66: Subject: Confusing Statement Page 1

Substantive Comment

67

Subject: Confusing Statement

Page 2

Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC (described below) to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

Discussion

The statement, "In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008)" is confusing because it is difficult to determine if it is a statement or meant to reference a document. If this is reference to a document title, then it must be enclosed in quote marks, or be italicized. This is confusing because there is doubt about whether "CCMA Asbestos Exposure and Human Health Risk Assessment" reference a study or a document. There is no document titled "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper title to a document, then it should be spelled out rather than abbreviated. Perhaps the author meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must either correct or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 67: Subject: Confusing Statement Page 2

Substantive Comment

68

Subject: Misleading Statement

Page 2

Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC (described below) to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 68: Subject: Misleading Statement Page 2

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 68: Subject: Misleading Statement Page 2

Substantive Comment

69

Subject: Confusing Statement

Page 2

Referring to the Following Paragraph

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC (described below) to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan. As a result, this RMP/EIS will address general public access and recreation at the CCMA to consider new information in the EPA report and analyze a full range of management options and alternatives for the CCMA.

Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 69: Subject: Confusing Statement Page 2

Recommendation

The Agency must edit or delete the confusing reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 69: Subject: Confusing Statement Page 2

Substantive Comment

70

Subject: Confusing Statement

Page 2

Referring to the Following Paragraph

Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC) covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos and the occurrence of special status plant species endemic to area. The boundaries of the ACEC were defined by mapping of asbestos-laden 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.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 70: Subject: Confusing Statement Page 2

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

71

Subject: Misleading Statement

Page 2

Referring to the Following Paragraph

Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC) covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos and the occurrence of special status plant species endemic to area. The boundaries of the ACEC were defined by mapping of asbestos-laden 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.

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complementarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist.

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 71: Subject: Misleading Statement Page 2

Substantive Comment

72

Subject: Misleading Statement

Page 2

Referring to the Following Paragraph

Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC) covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos and the occurrence of special status plant species endemic to area. The boundaries of the ACEC were defined by mapping of asbestos-laden 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.

Discussion

Historically, between 1860 and 1970, this area had a much higher population density during the 120 years of active mining. Although ORV recreation has affected portions of the area, the general trend has been natural environmental restoration since cessation of mining activity and associated road building and prospect assaying. Currently, "accelerated erosion from human activities" is isolated to a few places, while over trend has been natural restoration.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 72: Subject: Misleading Statement Page 2

Substantive Comment

73

Subject: Erroneous Statement

Page 2

Referring to the Following Paragraph

The Clear Creek Management Area is shown on Map 7 (Special Designations) in Appendix I along with the area of the Serpentine ACEC and the SBMRNA. The acreages (rounded to the nearest hundred) of these areas are shown in Table 1-1, **with a breakdown of BLM, other agencies and private land ownership** in CCMA.

Discussion

The statement, "with a breakdown of BLM, other agencies and private land ownership" is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 73: Subject: Erroneous Statement Page 2

Substantive Comment

74

Subject: Inaccurate Statement

Page 2

Referring to the Following Paragraph

Table 1-1. Land Ownership in the Planning Area

Ownership	Clear Creek Management Area (acres)	Serpentine ACEC	San Benito Mountain Research Natural Area	San Benito Mountain Wilderness Study Area	Percent of CCMA
BLM	63,000	30,000 acres	4,100 acres	1,500 acres	83.3
Private	10,600	--	--	--	14.0
State	2,000	--	--	--	2.6
Total	75,600	30,000	4,100	1,500	100.0

Discussion

The statement, "Land Ownership in the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 74: Subject: Inaccurate Statement Page 2

Substantive Comment

75

Subject: Misleading Statement

Page 2

Referring to the Following Paragraph

Table 1-1. Land Ownership in the Planning Area

Ownership	Clear Creek Management Area (acres)	Serpentine ACEC	San Benito Mountain Research Natural Area	San Benito Mountain Wilderness Study Area	Percent of CCMA
BLM	63,000	30,000 acres	4,100 acres	1,500 acres	83.3
Private	10,600	--	--	--	14.0
State	2,000	--	--	--	2.6
Total	75,600	30,000	4,100	1,500	100.0

Discussion

The Clear Creek Management Area represents public land managed by the BLM. Listing private and State land in this column, as titled, suggest that BLM also manages those lands, which the do not.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 75: Subject: Misleading Statement Page 2

Substantive Comment

76

Subject: Misleading Statement

Page 3

Referring to the Following Paragraph

This RMP/EIS presents a range of management alternatives for BLM and interested parties to address emerging issues in the region and evaluate the environmental consequences of current management actions and the range of alternative management actions. The result of this land use planning effort will be a “stand alone” resource management plan that allocates resources in Clear Creek Management Area to generally establish the following:

Discussion

The statement, “range of management alternatives for BLM and interested parties to address emerging issues” is confusing because it implies, but fails to reference, a broader interest base. Who are these “interested parties?”

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 76: Subject: Misleading Statement Page 3

Substantive Comment

77

Subject: Confusing Reference

Page 3

Referring to the Following Paragraph

This RMP/EIS presents a range of management alternatives for BLM and interested parties to address emerging issues in the region and evaluate the environmental consequences of current management actions and the range of alternative management actions. The result of this land use planning effort will be a “stand alone” resource management plan that allocates resources in Clear Creek Management Area to generally establish the following:

Discussion

The paragraph's reference to “RMP/EIS” is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 77: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 77: Subject: Confusing Reference Page 3

Substantive Comment

78

Subject: Confusing Statement

Page 3

Referring to the Following Paragraph

This RMP/EIS presents a range of management alternatives for BLM and interested parties to address emerging issues in the region and evaluate the environmental consequences of current management actions and the range of alternative management actions. The result of this land use planning effort will be a “stand alone” resource management plan that allocates resources in Clear Creek Management Area to generally establish the following:

Discussion

The statement, “range of management alternatives for BLM and interested parties to address emerging issues in the region” is confusing because suggest a gamut of emerging issues exist, but fails to suggest what any of these issue might be. What are these “emerging issues?”

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 78: Subject: Confusing Statement Page 3

Substantive Comment

79

Subject: Inconsistent Formatting

Page 3

Referring to the Following Paragraph

- (1) Areas for limited, restricted or exclusive use; and special designations;
- (2) Allowable resource uses and related levels of production or use;
- (3) Resource condition goals and objectives;
- (4) Program constraints and general management practices needed to achieve the above items;
- (5) Need for an area to be covered by more detailed and specific activity level plans;
- (6) Support actions, including resource protection and public health and safety measures, access development, realty actions, etc. as necessary to achieve the above;
- (7) General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and
- (8) Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

Discussion

Inconsistent formatting is confusing because it makes reading more difficult. A numbered list normally implies or conveys sequential hierarchy, whereas a bulleted list is simply listed data. This list should probably be bulleted, rather than sequential.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 79: Subject: Inconsistent Formatting Page 3

Substantive Comment

80

Subject: Confusing Reference

Page 3

Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the 'menu approach' described below in Section 1.2.2. The BLM's Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public land users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 80: Subject: Confusing Reference Page 3

Substantive Comment

81

Subject: Confusing Statement

Page 3

Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the 'menu approach' described below in Section 1.2.2. The BLM's Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public land users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

Discussion

Use of double emphasis with single quote is confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 81: Subject: Confusing Statement Page 3

Substantive Comment

82

Subject: Misleading Statement

Page 3

Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the ‘menu approach’ described below in Section 1.2.2. The BLM’s Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public land users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

Discussion

Repeatedly using the term “asbestos” implies the area is dangerously contaminated with the full spectrum of commercial amphibole asbestos mineral, which it is not. This should read “chrysotile,” since this the predominate subject mineral.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 82: Subject: Misleading Statement Page 3

Substantive Comment

83

Subject: Misleading Statement

Page 3

Referring to the Following Paragraph

Upon evaluation of the alternatives and associated impacts as described in this Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives, using the ‘menu approach’ described below in Section 1.2.2. The BLM’s Preferred Alternative is described in Chapter 2, Section 2.5 and comprises land use decisions and public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public land users of the human health risks associated with exposure to asbestos in CCMA. The preferred alternative also meets the resource management goals described in Chapter 2 and the purpose and need statement described below.

Discussion

Repeatedly using the term “asbestos” implies the area is dangerously contaminated with the full spectrum of amphibole asbestos mineral, which it is not. This should read “chrysotile,” since this the predominate subject mineral.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 83: Subject: Misleading Statement Page 3

Substantive Comment

84

Subject: Confusing Reference

Page 3

Referring to the Following Paragraph

Following public review and comment on the **Draft RMP/EIS** and BLM's Preferred Alternative, a Proposed RMP and Final EIS will be prepared that incorporates public comments and other agency input. As a result, the final alternative (i.e. Proposed Action) identified in the Proposed RMP may be different from the Preferred Alternative, or any of the alternatives analyzed in the Draft RMP/EIS, and include elements incorporated after public review of the Draft RMP/EIS. The Proposed RMP and Final EIS will identify any major changes to the preferred alternative.

Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 84: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 84: Subject: Confusing Reference Page 3

Substantive Comment

85

Subject: Confusing Reference

Page 3

Referring to the Following Paragraph

Following public review and comment on the Draft RMP/EIS and BLM's Preferred Alternative, a Proposed RMP and Final EIS will be prepared that incorporates public comments and other agency input. As a result, the final alternative (i.e. Proposed Action) identified in the Proposed RMP may be different from the Preferred Alternative, or any of the alternatives analyzed in the **Draft RMP/EIS**, and include elements incorporated after public review of the Draft RMP/EIS. The Proposed RMP and Final EIS will identify any major changes to the preferred alternative.

Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

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BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 85: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 85: Subject: Confusing Reference Page 3

Substantive Comment

86

Subject: Confusing Reference

Page 3

Referring to the Following Paragraph

Following public review and comment on the Draft RMP/EIS and BLM's Preferred Alternative, a Proposed RMP and Final EIS will be prepared that incorporates public comments and other agency input. As a result, the final alternative (i.e. Proposed Action) identified in the Proposed RMP may be different from the Preferred Alternative, or any of the alternatives analyzed in the Draft RMP/EIS, and include elements incorporated after public review of the **Draft RMP/EIS**. The Proposed RMP and Final EIS will identify any major changes to the preferred alternative.

Discussion

The paragraph's reference to "Draft RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 86: Subject: Confusing Reference Page 3

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 86: Subject: Confusing Reference Page 3

Substantive Comment

87

Subject: Insufficient Information

Page 3

Referring to the Following Paragraph

The need to develop the CCMA RMP arises from numerous changes in circumstances since the current land use plan decisions were adopted. The existing Resource Management Plan (RMP) for the area was adopted in 1984. There have been several amendments to the 1984 RMP to address public health and safety and resources protection issues in CCMA. However, many other issues that are emerging on public lands were not addressed in those amendments. The following list of specific factors illustrates the need for preparation of an updated management plan:

Discussion

These changes need to be listed and quantified, otherwise this phrase requires the faith of the reader. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 87: Subject: Insufficient Information Page 3

Substantive Comment

88

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

- The EPA's **CCMA Asbestos Exposure and Human Health Risk Assessment** (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

This is confusing because there is doubt about whether "CCMA Asbestos Exposure and Human Health Risk Assessment" reference a study or a document. There is no document titled "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper title to a document, then it should be spelled out rather than abbreviated. Perhaps the author meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 88: Subject: Confusing Statement Page 4

Substantive Comment

89

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

- The EPA's **CCMA** Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

This is confusing because there is doubt about whether "CCMA Asbestos Exposure and Human Health Risk Assessment" reference a study or a document. There is no document titled "CCMA Asbestos Exposure and Human Health Risk Assessment." If "CCMA" is part of a proper title to a document, then it should be spelled out rather than abbreviated. Perhaps the author meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 89: Subject: Confusing Statement Page 4

Substantive Comment

90

Subject: Erroneous Statement

Page 4

Referring to the Following Paragraph

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.

Discussion

Stating that "The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information" is inaccurate because the statement ignore the fact that the large chrysotile deposits in the serpentine area have been well know for very many years.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 90: Subject: Erroneous Statement Page 4

Substantive Comment

91

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

- The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.

Discussion

It is important to consider that the California condor, red-legged frog, and tiger salamander survived 120 years of indiscriminate mining activity in this area. While it seems reasonable to assume that such mining activities were deleterious to area fauna, the fact that some species survived the environmental stress caused by indiscriminate mining activity should be considered because it appears that some species did not survive in areas absent of that stress.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 91: Subject: Misleading Statement Page 4

Substantive Comment

92

Subject: Erroneous Statement

Page 4

Referring to the Following Paragraph

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

Since the subject of this draft RMP is CCMA, then the statement "increased demand" is false according to Table 3.8-1. CCMA Visitor Use tabulated on page 135.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 92: Subject: Erroneous Statement Page 4

Substantive Comment

93

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

This paragraph is misleading because the CCMA is not an “energy production” area. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 93: Subject: Misleading Statement Page 4

Substantive Comment

94

Subject: Erroneous Statement

Page 4

Referring to the Following Paragraph

- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

Discussion

There is no evidence of increased awareness and social value, and the document offers none, placed on cultural and natural resources. This statement needs a supporting reference.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 94: Subject: Erroneous Statement Page 4

Substantive Comment

95

Subject: Confusing Reference

Page 4

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 95: Subject: Confusing Reference Page 4

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment

96

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

Repeatedly using the term "asbestos" implies the area is dangerously contaminated with the full spectrum of commercial amphibole asbestos, which it is not. This should read "chrysotile," since this the predominate subject mineral.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 96: Subject: Misleading Statement Page 4

Substantive Comment

97

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

The greatest impact on "sensitive natural" resources was from 120 years of area mining. The evidence of this, although recovering, is clearly exhibited in satellite photographs of the region.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 97: Subject: Misleading Statement Page 4

Substantive Comment

98

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

The greatest impact on cultural resources has been BLM "reclamation" work which has totally destroyed historic archaeological sites. Examples of this are the Aurora Mine, Alpine Mine, Picacho, the Almaden Furnace foundation at Staging Area two, the Brick Kiln near Oak Flat, the cabins at Indian Hill, the "Swimming hole" at original Jade Mill. Additionally, past BLM cultural research and preservation efforts within the CCMA and surrounding area has been minimal. The greatest impact since the cessation of area mining has not been from recreation, but rather from the BLM.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 98: Subject: Misleading Statement Page 4

Substantive Comment

99

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

Discussion

Enclosing the term "Vision" in quotation implies that the word is quoted from another source. However, no reference is provided. What is being quoted? Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 99: Subject: Confusing Statement Page 4

Substantive Comment

100

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

The Planning Area includes a portion of southern San Benito County and a portion of western Fresno County. BLM public lands account for more than 63,000 of the 75,000 acre management area. BLM also administers subsurface minerals on approximately 3,500 acres of “split estate” (areas where BLM administers Federal subsurface minerals but the surface is owned by a non-Federal entity).

Discussion

Should be “75,000-acre” with dash. Also private land is technically excluded from the CCMA or the ACEC designation. The statement is erroneous because, as explained in Substantive Comment # 170 on page 225, the Agency does not legally assert administrative authority of 75,000 acres. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 100: Subject: Confusing Statement Page 4

Substantive Comment

101

Subject: Erroneous Statement

Page 4

Referring to the Following Paragraph

The lands managed by the HFO include a variety of settings and landforms, including the southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

This statement is erroneous because the BLM manages only a small portion of the "Diablo Mountain Range." Also check the term "Diablo Mountain Range" is correctly called the "Diablo Range." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 101: Subject: Erroneous Statement Page 4

Substantive Comment

102

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

The lands managed by the HFO include a variety of settings and landforms, including the southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

While headwaters from the CCMA contribute to the Pajaro, Arroyo Pasajero and Silver Creek watersheds, there is a great expanse between the CCMA and their terminus at the Pacific Ocean or the San Joaquin Valley, providing for contributing tributaries and a much greater increase in volume than sourced from CCMA alone.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 102: Subject: Misleading Statement Page 4

Substantive Comment

103

Subject: Erroneous Statement

Page 4

Referring to the Following Paragraph

The lands managed by the HFO include a variety of settings and landforms, including the southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

This statement is erroneous because CCMA may include only a tiny portion of Hernandez Valley.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 103: Subject: Erroneous Statement Page 4

Substantive Comment

104

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

The lands managed by the HFO include a variety of settings and landforms, including the southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. **The Pajaro watershed drains into the Pacific Ocean; the Arroyo Pasajero and Silver Creek watersheds drain into the San Joaquin Valley.** BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

Discussion

This statement is misleading because CCMA is only a small part of the "three major watersheds."

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 104: Subject: Misleading Statement Page 4

Substantive Comment

105

Subject: Needless Details

Page 4

Referring to the Following Paragraph

The lands managed by the HFO include a variety of settings and landforms, including the southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro watershed drains into the Pacific Ocean: the Arroyo Pasajero and Silver Creek watersheds drain into the San Joaquin Valley. **BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.**

Discussion

This sentence is meaningless within the context of this minimal paragraph. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 105: Subject: Needless Details Page 4

Substantive Comment

106

Subject: Misleading Statement

Page 4

Referring to the Following Paragraph

The public lands in CCMA are typically steep and mountainous. Some lands within the planning area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the majority of the planning area is dominated by the serpentine soil formation known as the New Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations range from 1,100 -- 5,000 feet.

Discussion

This paragraph is misleading because the Diablo Range eastern slope grasslands are generally outside the CCMA and should therefore not be a part of this RMP.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 106: Subject: Misleading Statement Page 4

Substantive Comment

107

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

The public lands in CCMA are typically steep and mountainous. Some lands within the planning area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the majority of the planning area is dominated by the serpentine soil formation known as the New Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations range from 1,100 -- 5,000 feet.

Discussion

The statement "half-shrub vegetation" is confusing because it implies that only half of each shrub grows leading the reader to wonder if that is possible. The assumption might be that half of the flora population is shrub, or perhaps the author is referring to the edaphic serpentine flora. This statement must be clarified so the reader can understand the intent of the author and what is being discussed.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 107: Subject: Confusing Statement Page 4

Substantive Comment

108

Subject: Erroneous Statement

Page 4

Referring to the Following Paragraph

The public lands in CCMA are typically steep and mountainous. Some lands within the planning area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the majority of the planning area is dominated by the serpentine soil formation known as the New Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations range from 1,100 -- 5,000 feet.

Discussion

CCMA lands equal 63,000 to 75,000 acres: Serpentine ACEC equal 30,000 acres: Therefore 63,000 - 30,000 = 33,000 non-ACEC. Therefore the serpentine soil formation is smaller, or minority portion of the planning area, not the majority.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 108: Subject: Erroneous Statement Page 4

Substantive Comment

109

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

The public lands in CCMA are typically steep and mountainous. Some lands within the planning area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the majority of the planning area is dominated by the serpentine soil formation known as the New Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides and ridgelines, and a **unique forest assemblage of foothill, Jeffrey and Coulter pine**. Elevations range from 1,100 -- 5,000 feet.

Discussion

This sentence is confusing because it requires the reader faith that the assemblage is indeed "unique," and not just simply unusual, or rare, or uncommon. This comment needs a supporting citation, such as: Griffin, J.R., 1974 "A strange pine and cedar forest in San Benito County." *Fremontia*, 2(1):11-15.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 109: Subject: Confusing Statement Page 4

Substantive Comment

110

Subject: Incorrect Format

Page 4

Referring to the Following Paragraph

The public lands in CCMA are typically steep and mountainous. Some lands within the planning area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the majority of the planning area is dominated by the serpentine soil formation known as the New Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations range from 1,100 -- 5,000 feet.

Discussion

The *Metric Conversion Act of 1975* and Executive Order 12770 require that all parametric values be represented as metric values throughout the entire document.

Recommendation

The Agency must rewrite or edit the entire document to present all parametric values with the metric system, or delete all usage of the English System to be fully compliant with Executive Order. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 110: Subject: Incorrect Format Page 4

Substantive Comment

111

Subject: Confusing Reference

Page 4

Referring to the Following Paragraph

This RMP incorporates existing BLM-administered land and recently acquired public lands into five 'Management Zones'. The five management zones (identified below) were defined by BLM interdisciplinary staff based on similar resources conditions, resource uses, and management issues or trends.

Discussion

The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 111: Subject: Confusing Reference Page 4

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 111: Subject: Confusing Reference Page 4

Substantive Comment

112

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

This RMP incorporates existing BLM-administered land and recently acquired public lands into five 'Management Zones'. The five management zones (identified below) were defined by BLM interdisciplinary staff based on similar resources conditions, resource uses, and management issues or trends.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 112: Subject: Confusing Statement Page 4

Substantive Comment

113

Subject: Confusing Statement

Page 4

Referring to the Following Paragraph

This RMP incorporates existing BLM-administered land and recently acquired public lands into five 'Management Zones'. The five management zones (identified below) were defined by BLM interdisciplinary staff based on similar resources conditions, resource uses, and management issues or trends.

Discussion

This paragraph is confusing because it states "The five management zones (identified below) were defined by BLM interdisciplinary staff based on similar resources conditions, resource uses, and management issues or trends," but fails to name staff members or their qualifications, or the methodology used to differentiate the five management zones. This is confusing because without further explanation it requires the reader, and the public, to trust that the process of managing their land was accomplished in the best way possible.

Recommendation

The Agency must rewrite this paragraph to either explain who these people were and their methodology, or to include references to proper documents explaining those details. If no such documentation exist, then the "five management zones" must be redacted. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 113: Subject: Confusing Statement Page 4

Substantive Comment

114

Subject: Confusing Reference

Page 5

Referring to the Following Paragraph

This **RMP/EIS** identifies desired future conditions for these management zones, depending on the resources and conditions that currently exist and the range of alternatives for multiple uses in CCMA. Accordingly, the range of alternatives in the **RMP/EIS** is designed to provide an analysis of the reasonable management actions. The five CCMA management zones include:

Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 114: Subject: Confusing Reference Page 5

management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 114: Subject: Confusing Reference Page 5

Substantive Comment

115

Subject: Erroneous Statement

Page 5

Referring to the Following Paragraph

Table 1-2. CCMA Management Zones Ownership (acres rounded to nearest hundred)

Ownership	Serpentine ACEC	Tucker	Condon	Cantua	San Benito River
BLM	30,000	5,900	9,700	14,900	3,600
Private	3,400	3,300	2,600	1,300	--
State	1,500	--	500	--	--
Total	33,900	9,200	12,800	16,200	3,600

Discussion

The concept of Bureau of Land Management land ownership is erroneous because the Constitution of the United States prohibits the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States. The Agency does not possess title to any land in San Benito County or in Fresno County.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 115: Subject: Erroneous Statement Page 5

Substantive Comment

116

Subject: Erroneous Statement

Page 5

Referring to the Following Paragraph

Table 1-2. CCMA Management Zones Ownership (acres rounded to nearest hundred)

Ownership	Serpentine ACEC	Tucker	Condon	Cantua	San Benito River
BLM	30,000	5,900	9,700	14,900	3,600
Private	3,400	3,300	2,600	1,300	--
State	1,500	--	500	--	--
Total	33,900	9,200	12,800	16,200	3,600

Discussion

This table is erroneous because it suggests that private and State lands are part of the Serpentine ACEC which is false. Private and State lands are excluded from the ACEC or CCMA.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Master Title Plats, U.S. Department of the Interior, Bureau of Land Management.

Substantive Comment - # 116: Subject: Erroneous Statement Page 5

Substantive Comment

117

Subject: Erroneous Statement

Page 5

Referring to the Following Paragraph

While it is important to recognize issues and consider the impacts BLM decisions may have on the surrounding communities and landscapes, the decisions in this land use plan only apply to BLM public lands. Accordingly, the CCMA RMP/EIS will evaluate the environmental impacts of management actions considered within the range of alternatives pursuant to the National Environmental Policy Act (NEPA). Each of the alternatives for CCMA developed by the Hollister Field Office identifies areas of resource management emphasis that are generally described in this document.

Discussion

Some portions of this RMP propose to acquire private land and vacant county roads to unlawfully void preexisting rights and right of ways. Many of the existing rights-holder and private property owners have rights superior to Bureau of Land Management's authority to regulate and hence their rights may not be impaired. Inalienable rights are protected by the United State Constitution, California Constitution, California State law, Federal law, and/or Presidential authority affixed in the original land patent. Additionally, private property rights may also protected by the Treaty of Guadalupe Hidalgo.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 117: Subject: Erroneous Statement Page 5

Substantive Comment

118

Subject: Confusing Reference

Page 5

Referring to the Following Paragraph

While it is important to recognize issues and consider the impacts BLM decisions may have on the surrounding communities and landscapes, the decisions in this land use plan only apply to BLM public lands. Accordingly, the CCMA RMP/EIS will evaluate the environmental impacts of management actions considered within the range of alternatives pursuant to the National Environmental Policy Act (NEPA). Each of the alternatives for CCMA developed by the Hollister Field Office identifies areas of resource management emphasis that are generally described in this document.

Discussion

The paragraph's reference to "CCMA RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 118: Subject: Confusing Reference Page 5

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 118: Subject: Confusing Reference Page 5

Substantive Comment

119

Subject: Confusing Statement

Page 5

Referring to the Following Paragraph

The 'menu approach' is a land use planning concept that allows BLM to identify a 'preferred alternative' for management of public lands that consists of a combination of management actions analyzed within the range of alternatives for Clear Creek Management Area. Using the 'menu approach', management actions that are consistent with BLM management goals and objectives can be incorporated into any of the alternatives, as long as they do not conflict with other management actions. For example, under the current management (no action) alternative, existing multiple uses would continue to be authorized. However, in order to adequately protect public health and safety, BLM could propose a 'preferred alternative' that closely resembles current management, but includes mitigation measures to reduce risk to public health and safety from exposure to asbestos emissions.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. § 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 119: Subject: Confusing Statement Page 5

Substantive Comment

120

Subject: Confusing Statement

Page 5

Referring to the Following Paragraph

The 'menu approach' is a land use planning concept that allows BLM to identify a 'preferred alternative' for management of public lands that consists of a combination of management actions analyzed within the range of alternatives for Clear Creek Management Area. Using the 'menu approach', management actions that are consistent with BLM management goals and objectives can be incorporated into any of the alternatives, as long as they do not conflict with other management actions. For example, under the current management (no action) alternative, existing multiple uses would continue to be authorized. However, in order to adequately protect public health and safety, BLM could propose a 'preferred alternative' that closely resembles current management, but includes mitigation measures to reduce risk to public health and safety from exposure to asbestos emissions.

Discussion

The statement, "can be incorporated into any of the alternatives, as long as they do not conflict with other management actions" is confusing because it implies that the Agency may not consider public input. The phrase "as long as they do not conflict with other management actions" implies that the Agency has already committed "resources prejudicing selection of alternatives before making a final decision (40 C.F.R. §§ 1502.2, 1506.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 120: Subject: Confusing Statement Page 5

Substantive Comment

121

Subject: Confusing Statement

Pages 5 & 6

Referring to the Following Paragraph

Similarly, BLM's "preferred alternative" could comprise a combination of allowable uses based on resources protection and other mitigation measures to reduce the risk to human health and safety on public lands in CCMA that are identified in the range of alternatives. As a result, the 'menu approach' allows the 'preferred alternative' to be chosen from a range of management actions without being confined to authorized uses or mitigation measures outlined in any single alternative.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 121: Subject: Confusing Statement Pages 5 & 6

Substantive Comment

122

Subject: Confusing Statement

Page 5 & 6

Referring to the Following Paragraph

Similarly, BLM's "preferred alternative" could comprise a combination of allowable uses based on resources protection and other mitigation measures to reduce the risk to human health and safety on public lands in CCMA that are identified in the range of alternatives. As a result, the 'menu approach' allows the 'preferred alternative' to be chosen from a range of management actions without being confined to authorized uses or mitigation measures outlined in any single alternative.

Discussion

The statement, "without being confined to authorized uses or mitigation measures" implies that the BLM intends to conduct illegal activities without being confined to authorization. The BLM cannot function beyond Congressional authority as passed in Public Law and delineated in the United State Code or Code of Federal Regulations.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 122: Subject: Confusing Statement Page 5 & 6

Substantive Comment

123

Subject: Biased Statement

Page 6

Referring to the Following Paragraph

Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and associated CCMA Amendments would remain in place and current resource management would continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety by prohibiting access into the ACEC for children, restricting certain vehicle types, and the reducing the miles of designated routes available for OHV recreation. Alternative D would limit motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into the area.

Discussion

This paragraph illustrates access and motorized use bias that is generally not clearly obvious in Chapter 2, and exceed the degree of scope discussed in the "Purpose and Need" section (page 4).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 123: Subject: Biased Statement Page 6

Substantive Comment

124

Subject: Confusing Reference

Page 6

Referring to the Following Paragraph

Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and associated CCMA Amendments would remain in place and current resource management would continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety by prohibiting access into the ACEC for children, restricting certain vehicle types, and the reducing the miles of designated routes available for OHV recreation. Alternative D would limit motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into the area.

Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 124: Subject: Confusing Reference Page 6

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 124: Subject: Confusing Reference Page 6

Substantive Comment

125

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management plan. Under the **No Action Alternative (Alternative A)**, the provisions of the 1984 RMP and associated **CCMA Amendments** would remain in place and current resource management would continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety by prohibiting access into the ACEC for children, restricting certain vehicle types, and the reducing the miles of designated routes available for OHV recreation. Alternative D would limit motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into the area.

Discussion

The indiscriminate use of capitalization is confusing because it implies that the capitalized version may be different than the non-capitalized version. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 125: Subject: Confusing Statement Page 6

Substantive Comment

126

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and associated CCMA Amendments would remain in place and current resource management would continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety by prohibiting access into the ACEC for children, restricting certain vehicle types, and the reducing the miles of designated routes available for OHV recreation. Alternative D would limit motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into the area.

Discussion

Document contains confusing use of titles, thus implying that "No Action Alternative (Alternative A)" may not be parallel to "Alternative B." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 126: Subject: Confusing Statement Page 6

Substantive Comment

127

Subject: Misleading Statement

Page 6

Referring to the Following Paragraph

Chapter 2 of this RMP/EIS describes seven possible alternatives for a new resource management plan. Under the No Action Alternative (Alternative A), the provisions of the 1984 RMP and associated CCMA Amendments would remain in place and current resource management would continue as is. Alternative B also considers continuing to allow existing uses with an emphasis on dust suppression and limiting annual visitor use days to mitigate asbestos exposure and human health risks within the Serpentine ACEC. Alternative C aims to improve public health and safety by prohibiting access into the ACEC for children, restricting certain vehicle types, and the reducing the miles of designated routes available for OHV recreation. Alternative D would limit motorized access in the ACEC to full-size vehicles and emphasize OHV use opportunities on other BLM-administered lands in CCMA outside the Serpentine ACEC. Alternative E emphasizes non-motorized recreation in CCMA while continuing to provide for vehicular access and scenic touring opportunities in the ACEC. Alternative F would only authorize foot traffic for CCMA visitors inside the ACEC, and Alternative G would prohibit all public use and access into the area.

Discussion

Repeatedly using the term “asbestos” implies the area is dangerously contaminated with the full spectrum of amphibole asbestos mineral, which it is not. This should read “chrysotile,” since this the predominate subject mineral. Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the

Substantive Comment - # 127: Subject: Misleading Statement Page 6

1 final environmental impact study, or the record of decision. The final documentation should
include corrected recommendations.

3 **Reference**

5 Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department
of the Interior, U.S. Geological Survey, Open-File Report 02-149.

7 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
9 Agency.

11 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

13 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
15 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 127: Subject: Misleading Statement Page 6

Substantive Comment

128

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

Chapter 3 describes the existing environment that would be affected by these seven resource management alternatives, and Chapter 4 describes the environmental consequences of implementing each of the seven alternatives. Finally, Chapter 5 provides information about the collaboration and consultation that has been conducted in preparation of this report, and Chapter 6 lists references indentified in the RMP/EIS.

Discussion

This paragraph is confusing because the term "indentified" does not appear in any dictionary. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word is misspelled and author meant "identified." The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 128: Subject: Confusing Statement Page 6

Substantive Comment

129

Subject: Confusing Reference

Page 6

Referring to the Following Paragraph

Chapter 3 describes the existing environment that would be affected by these seven resource management alternatives, and Chapter 4 describes the environmental consequences of implementing each of the seven alternatives. Finally, Chapter 5 provides information about the collaboration and consultation that has been conducted in preparation of this report, and Chapter 6 lists references indentified in the RMP/EIS.

Discussion

The paragraph's reference to "RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 129: Subject: Confusing Reference Page 6

Substantive Comment

130

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

Public involvement in BLM's planning process begins with a public scoping period.

Discussion

This statement is confusing because it implies that the planning process has not yet begun, but is a future event. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 130: Subject: Confusing Statement Page 6

Substantive Comment

131

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

BLM published the [Notice of Intent to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement](#) in the Federal Register (Volume 72, Number 172) on September 6, 2007. In conjunction with the NOI, BLM issued a news release on September 6, 2007 announcing three public scoping workshops for the CCMA RMP/EIS.

Discussion

This statement is confusing because it appears to be quoting from the Federal Register (72 FR 51250), but it is not enclosed in double quotes and thusly misleads the public. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 131: Subject: Confusing Statement Page 6

Substantive Comment

132

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

BLM published the Notice of Intent to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement in the Federal Register (Volume 72, Number 172) on September 6, 2007. In conjunction with the NOI, BLM issued a news release on September 6, 2007 announcing three public scoping workshops for the CCMA RMP/EIS.

Discussion

This referenced citation is confusing because it fails to provide sufficient information for the reader to locate the source without burdensome effort. Proper Federal Register citation should also include page numbers, such as: (72 FR 51250) or (Vol. 72, No. 172, P. 51250), or (FR 72(172):51250-1). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 132: Subject: Confusing Statement Page 6

Substantive Comment

133

Subject: Confusing Reference

Page 6

Referring to the Following Paragraph

BLM published the Notice of Intent to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement in the Federal Register (Volume 72, Number 172) on September 6, 2007. In conjunction with the NOI, BLM issued a news release on September 6, 2007 announcing three public scoping workshops for the CCMA RMP/EIS.

Discussion

The paragraph's reference to "CCMA RMP/EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 133: Subject: Confusing Reference Page 6

Substantive Comment

134

Subject: Confusing Format

Page 6

Referring to the Following Paragraph

Public Meetings (Round One)

September 27, 2007 Veterans Memorial Hall 649 San Benito St. Hollister, CA October 4, 2007
Harris Ranch Garden Ballroom 24505 W. Dorris Ave. Coalinga, CA October 11, 2007 Dr.
Martin Luther King Jr. Library Room 225 150 E. San Fernando St. San Jose, CA

Discussion

Document lacks proper editing. Table headings should have same parameters. Document is not using paragraph tags properly. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 134: Subject: Confusing Format Page 6

Substantive Comment

135

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

Following the release of the EPA Asbestos Exposure and Human Health Risk Assessment and temporary closure of CCMA on May 1, 2008, BLM announced three more public scoping meetings for the CCMA RMP/ EIS, one of which included a presentation by EPA staff to explain the results of the EPA study. The dates and locations of each meeting are listed below:

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 135: Subject: Confusing Statement Page 6

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 135: Subject: Confusing Statement Page 6

Substantive Comment

136

Subject: Confusing Statement

Page 6

Referring to the Following Paragraph

Following the release of the EPA Asbestos Exposure and Human Health Risk Assessment and temporary closure of CCMA on May 1, 2008, BLM announced three more public scoping meetings for the CCMA RMP/ EIS, one of which included a presentation by EPA staff to explain the results of the EPA study. The dates and locations of each meeting are listed below:

Discussion

The statement, "EPA Asbestos Exposure and Human Health Risk Assessment" is confusing because the reader is uncertain about whether the study process or the study report is being referenced. If the process is being referenced, then the phrase should be in lower-case characters. If the report is being referenced, the phrase should be quoted, italicized or underlined in a manuscript-wide consistent form referencing the manuscript. However, since neither is done, the reader is unsure about what the author meant. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 136: Subject: Confusing Statement Page 6

Substantive Comment

137

Subject: Confusing Format

Page 7

Referring to the Following Paragraph

Public Meetings (Round Two) May 8, 2008

EPA Presentation Santa Clara Convention Center 5001 Great America Parkway Santa Clara, CA
May 19, 2008 Veterans Memorial Hall 649 San Benito St. Hollister, CA May 21, 2008 Dr.
Martin Luther King Jr. Library Room 225 150 E. San Fernando St. San Jose, CA

Discussion

Document lacks proper editing. Table headings should have same parameters. Document is not using paragraph tags properly. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 137: Subject: Confusing Format Page 7

Substantive Comment

138

Subject: Erroneous Statement

Page 7

Referring to the Following Paragraph

During the scoping meetings, over 1,000 members of the public, mainly **off-highway vehicle** users, discussed the future management of the Clear Creek Management Area at the CCMA scoping meetings in Santa Clara, Hollister, Coalinga, and San Jose. The CCMA RMP/EIS Scoping Report (August 2008) was prepared by the Hollister Field Office and details the specific comments and results of the public scoping period, which closed on June 21, 2008. This Scoping Report is available for review on-line at: <http://www.blm.gov/ca/st/en/fo/hollister.html>, or by request from the Hollister Field Office.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 138: Subject: Erroneous Statement Page 7

Substantive Comment

139

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

During the scoping meetings, over 1,000 members of the public, mainly off-highway vehicle users, discussed the future management of the Clear Creek Management Area at the CCMA scoping meetings in Santa Clara, Hollister, Coalinga, and San Jose. The **CCMA RMP/EIS Scoping Report (August 2008)** was prepared by the Hollister Field Office and details the specific comments and results of the public scoping period, which closed on June 21, 2008. This Scoping Report is available for review on-line at: <http://www.blm.gov/ca/st/en/fo/hollister.html>, or by request from the Hollister Field Office.

Discussion

This is confusing because there is no document title "CCMA RMP/EIS Scoping Report (August 2008)." Perhaps the author meant to reference a different document titled *Public Scoping Report, Clear Creek Management Area Resource Management Plan & Environmental Impact Statement* (BLM 2008). However, public cannot be expected to interpret what the author might mean without interpreting everything the author wrote. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 139: Subject: Confusing Statement Page 7

Substantive Comment

140

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

1.3.2 Summary of Major Planning Issues

Discussion

This statement is confusing because it implies that the planning process has not yet begun, but is a future event. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 140: Subject: Confusing Statement Page 7

Substantive Comment

141

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/EIS.

Discussion

This statement is confusing because it references, "BLM current land use planning guidance and knowledge of management issues and concerns," but offers no explanation about what these are or where they may be found, whether in this document or in an external document. If no such reference exists, the paragraph must be deleted. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 141: Subject: Confusing Statement Page 7

Substantive Comment

142

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the **Planning Area**, 18 resource program areas will be addressed in the CCMA RMP/EIS.

Discussion

This statement is confusing because the author capitalized the term "Planning Area." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 142: Subject: Confusing Statement Page 7

Substantive Comment

143

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/EIS.

Discussion

This statement is confusing because there is no explanation of the "18 resource program areas" or reference to a place with the document, or in an external document where these are explained or described. This is additionally confusing because, within the context of this section, these "18 resource program areas" seem to be in addition to the five management zones created on page 5. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 143: Subject: Confusing Statement Page 7

Substantive Comment

144

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 resource program areas will be addressed in the **CCMA RMP/ EIS**.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment

145

Subject: Confusing Reference

Page 7

Referring to the Following Paragraph

Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the **CCMA RMP/EIS**, the following issues and concerns represent the key themes and priorities that emerged during the public scoping process. These key themes and priorities are analyzed in the CCMA RMP/ EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 145: Subject: Confusing Reference Page 7

Substantive Comment

146

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS, the following issues and concerns represent the key themes and **priorities** that emerged during the public scoping process. These key themes and priorities are analyzed in the CCMA RMP/ EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

Discussion

This paragraph is confusing because the term “priorities” does not appear in any dictionary. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word is misspelled and author meant “priorities.” The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 146: Subject: Confusing Statement Page 7

Substantive Comment

147

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS, the following issues and concerns represent the key themes and priorities that emerged during the public scoping process. These key themes and priorities are **analyed** in the CCMA RMP/ EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

Discussion

This paragraph is confusing because the term “analyed” does not appear in any dictionary. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word is misspelled and author meant “analyzed.” The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 147: Subject: Confusing Statement Page 7

Substantive Comment

148

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS, the following issues and concerns represent the key themes and priorities that emerged during the public scoping process. These key themes and priorities are analyzed in the **CCMA RMP/ EIS**, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 148: Subject: Confusing Statement Page 7

Substantive Comment

149

Subject: Erroneous Statement

Page 7

Referring to the Following Paragraph

- Questions with regard to chrysotile asbestos and EPA Risk Assessment

Discussion

The natural mineral is "chrysotile" the marketed ore is "chrysotile asbestos." Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 149: Subject: Erroneous Statement Page 7

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 149: Subject: Erroneous Statement Page 7

Substantive Comment

150

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

- Impacts to human health from asbestos exposure.

Discussion

Should read "chrysotile" Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 150: Subject: Confusing Statement Page 7

Substantive Comment

151

Subject: Confusing Statement

Page 7

Referring to the Following Paragraph

- Suitable areas for motorized and non-mototrized recreation uses.

Discussion

This paragraph is confusing because the term “non-mototrized” does not appear in any dictionary. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word is misspelled and author meant “non-motorized.” The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 151: Subject: Confusing Statement Page 7

Substantive Comment

152

Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

A number of issues raised during scoping were determined to be beyond the scope of the **CCMA RMP/EIS**. These issues are identified below and will not be addressed in the CCMA RMP/EIS because they are either outside the scope of this planning effort or are outside the authority of the BLM. The following issues are not further analyzed in this report:

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 152: Subject: Confusing Reference Page 8

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 152: Subject: Confusing Reference Page 8

Substantive Comment

153

Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

A number of issues raised during scoping were determined to be beyond the scope of the CCMA RMP/EIS. These issues are identified below and will not be addressed in the **CCMA RMP/EIS** because they are either outside the scope of this planning effort or are outside the authority of the BLM. The following issues are not further analyzed in this report:

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 153: Subject: Confusing Reference Page 8

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 153: Subject: Confusing Reference Page 8

Substantive Comment

154

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the **Temporary Closure** order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the Temporary Closure order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

Discussion

This statement is confusing because the author capitalized the term "Temporary Closure." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 154: Subject: Confusing Statement Page 8

Substantive Comment

155

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the Temporary Closure order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

Discussion

This paragraph is confusing because it contains too many double negatives or contradictory phrases. That is, "requested BLM reverse ... closure order ... that closed ... to allow use" Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 155: Subject: Confusing Statement Page 8

Substantive Comment

156

Subject: Erroneous Statement

Page 8

Referring to the Following Paragraph

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the Temporary Closure order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

Discussion

This paragraph is erroneous because the Bureau of Land Management did authorized a motorcycle recreation event after knowing about the EPA report. Additionally, the EPA report did not provide "new information" since the alleged risk has been known since the area was designated an ACEC.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 156: Subject: Erroneous Statement Page 8

Substantive Comment

157

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the **Temporary Closure** order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

Discussion

This statement is confusing because the author capitalized the term "Temporary Closure." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 157: Subject: Confusing Statement Page 8

Substantive Comment

158

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the Temporary Closure order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

Discussion

The statement, "EPA Asbestos Exposure and Human Health Risk Assessment" is confusing because the reader is uncertain about whether the study process or the study report is being referenced. If the process is being referenced, then the phrase should be in lower-case characters. If the report is being referenced, the phrase should be quoted, italicized or underlined in a manuscript-wide consistent form referencing the manuscript. However, since neither is done, the reader is unsure about what the author meant. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 158: Subject: Confusing Statement Page 8

Substantive Comment

159

Subject: Erroneous Statement

Page 8

Referring to the Following Paragraph

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the Temporary Closure order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

Discussion

This paragraph is erroneous because the EPA study did not "determine that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos," but rather used "risk calculations" (EPA 2008:5-4) to over-estimate (EPA 2008:7-1, Camus 2002:95) possible "long-term risk of cancer from exposure to asbestos." Over estimating risk based on "calculations" is merely speculation and not determination.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency.

Substantive Comment - # 159: Subject: Erroneous Statement Page 8

Substantive Comment

160

Subject: Inaccurate Statement

Page 8

Referring to the Following Paragraph

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

Discussion

The statement 'Asbestos is a known human carcinogen and exposure to airborne asbestos poses a health and safety risk ...' is inaccurate and misleading because it fail to reflect current EPA opinion. The Environmental Protection Agency (EPA) currently relies on a risk assessment model completed in 1986. However, the EPA is updating its asbestos risk assessment method to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that chrysotile poses very little risk as compared with amphibole asbestos minerals. The EPA's Office of Solid Waste and Emergency Response (OSWER) asked EPA's Science Advisory Board (SAB) to consider a new proposed approach for assessing cancer potency factors for exposure to asbestos based upon differences in cancer potency of different mineral types and fiber sizes. The SAB Asbestos Committee issued a report on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos, on November 14, 2008. In their final draft report to EPA, Berman & Crump concluded chrysotile is approximately 800 times less capable of causing mesothelioma than amosite or crocidolite, thus supporting the hypothesis that one cannot experience enough chrysotile exposure in a lifetime to cause asbestos related disease.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 160: Subject: Inaccurate Statement Page 8

Substantive Comment

161

Subject: Erroneous Statement

Page 8

Referring to the Following Paragraph

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

Discussion

This paragraph is erroneous because it implies a solidified consensus among federal agencies and scientist supporting the theory that "all forms of asbestos are hazardous to humans, and that all can cause cancer." This idea is generally propagated by the EPA, barrowed by other agencies and based on thirty-year old theories (EPA 1986). Additionally, there is a long established correlation between fiber length and potency (30 C.F.R. 71.702, ATSDR 2002, Berman & Crump 2008, EPA 2008), and more recent research has shown that species, that is amphibole versus serpentine, additionally influence potency, with amphibole being significantly more potent (Bernstein 2006, Camus et al 2002, Walkin & Lloyd 2006, Yarborough 2006). Research also shows that Coalinga chrysotile is significantly different and far less potent than other chrysotile fibers (Bernstein et al 2005, Ilgren 2008, Walkin & Lloyd 2006), showing that Coalinga chrysotile is, in fact, harmless.

Recommendation

The Agency must edit this paragraph to accurately reflect current research associated with chrysotile and Coalinga chrysotile. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence

Substantive Comment - # 161: Subject: Erroneous Statement Page 8

1 and Histopathology Examination Following Short-Term Exposure," *Inhalation*
2 *Toxicology*, 17(9):427-449.

3 Bernstein, David M. and John A. Hoskins (2006) "The health effects of chrysotile: Current
4 perspective based upon recent data," *Regulatory Toxicology and Pharmacology*, 45:252-
5 264.

6 Camus, M., J. Siemiatycki, B.W. Case, M. Déry, (2002) "Risk of Mesothelioma Among Women
7 Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"
8 *Annals of occupational Hygiene*, 46(1):95-98.

9 CSTEE (2002) "Risk to Human Health from Chrysotile Asbestos and Organic Substitutes,"
10 Scientific Committee on Toxicity, Ecotoxicity and the Environment, European
11 Commission.

12 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
13 Agency.

14 EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk
15 Assessment," U.S. Environmental Protection Agency.

16 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
17 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
18 Protection Agency, Science Advisory Board.

19 Ilgren, Ed (2008) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance
20 due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber
21 Toxicity'" *Indoor and Built Environment*, 17(1):5-26.

22 USDHHS (1990) "Lifetime Carcinogenesis Studies of Chrysotile Asbestos In Syrian Golden
23 Hamsters," U.S. Department of Health and Human Services, Technical Report Series No.
24 246.

25 Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials
26 containing asbestos," Health and Safety Commission Paper HSC/06/55, United
27 Kingdom.

28 WHO (1996) "Health Effects of Interactions Arising from Tobacco Use and Exposure to
29 Chemical, Physical or Biological Agents," International Programme on Chemical Safety,
30 World Health Organization.

31 WHO (1998) "Chrysotile Asbestos," Environmental Health Criteria 203, World Health
32 Organization.

33 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment
34 Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

Substantive Comment

162

Subject: Erroneous Statement

Page 8

Referring to the Following Paragraph

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; **although the chrysotile form may be less potent than the amphibole family in causing mesothelioma** (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

Discussion

The statement, "although the chrysotile form may be less potent than the amphibole family in causing mesothelioma" is erroneous because research clearly shows that chrysotile is not a cause of mesothelioma. Recent research show that mesothelioma is associated with inhalation of amphibole fiber and that with serpentine fiber (Berman & Crump 2008, Bernstein et al 2005 2006, Camus et al 2002, Carbone et al 2007, Gibbs et al 2007, Marchevsky et al 2003, McDonald & McDonald 1996, Stettler et al 2008, Walkin & Lloyd 2006, Yarborough 2006).

Recommendation

The Agency must edit this paragraph to accurately reflect current research associated with chrysotile and Coalinga chrysotile. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.
- Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.
- Bernstein, David M. and John A. Hoskins (2006) "The health effects of chrysotile: Current perspective based upon recent data," *Regulatory Toxicology and Pharmacology*, 45:252-264.
- Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 162: Subject: Erroneous Statement Page 8

- 1 CSTEE (2002) "Risk to Human Health from Chrysotile Asbestos and Organic Substitutes,
Scientific Committee on Toxicity, Ecotoxicity and the Environment, European
3 Commission.
- 5 Carbone, Michele, and Salih Emri, A. Umran Dogan, Ian Steele, Murat Tuncer, Harvey I. Pass
and Y. Izzettin Baris (2007) "A mesothelioma epidemic in Cappadocia: scientific
developments and unexpected social outcomes," *Nature*, 7(2):147-154.
- 7 Gibbs, Graham W. and Geoffrey Berry (2007) "Mesothelioma and Asbestos," *Regulatory
Toxicology and Pharmacology*.
- 9
- 11 Marchevisky, Alberto M., and Mark R. Wick (2003) "Current Controversies Regarding the
Role of Asbestos Exposure in the Causation of Malignant Mesothelioma: The Need for
an Evidence-Based Approach to Develop Medicolegal Guidelines," *Annals of Diagnostic
Pathology*, 7(5):321-332.
- 13
- 15 McDonald, J.C. and A.D. McDonald (1996) "The epidemiology of mesothelioma in historical
context," *European Respiratory Journal*, 9:1932-1942.
- 17 Stettler, Lloyd E., Douglas D. Sharpnack, and Edward F. Krieg (2008) "Chronic Inhalation of
Short Asbestos: Lung Fiber Burdens and Histopathology for Monkeys Maintained for
19 11.5 Years after Exposure," *Inhalation Toxicology*, 20:63-73.
- 21 Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials
containing asbestos," Health and Safety Commission Paper HSC/06/55, United
Kingdom.
- 23
- 25 WHO (1996) "Health Effects of Interactions Arising from Tobacco Use and Exposure to
Chemical, Physical or Biological Agents," International Programme on Chemical Safety,
World Health Organization.
- 27
- 29 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment
Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.
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Substantive Comment

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Subject: Misleading Statement

Page 8

Referring to the Following Paragraph

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

Discussion

The EPA report, (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," managed by EPA toxicologist report that "8% of the fibers of the size most closely related to health concerns were amphibole asbestos." The EPA report tabulates data results in tables H-1 and H-2 listing chrysotile and amphibole mineral. The table identifies several amphibole minerals, such as tremolite and actinolite, and other unidentified mineral, which it list as "other." However, the table fails to explain if these amphibole minerals are asbestiform fiber or not. A synthesis of the two tables is shown below, where the totals list fiber counts.

Species	Table H-1		Table H-2	
	Totals	Percent	Totals	Percent
Chrysotile	3,225	92.4	27,233	98.5
Amp Asbestos	193	5.5	232	0.8
Amp Other	72	2.1	179	0.7
Total	3,490	100.0	27,644	100.0

Analysis of the EPA table H-1 shows that amphibole asbestos is only 5.5% and only approaches 8% when the unidentified "other" is included in the calculation. The EPA failed to describe the fibril construction of the chrysotile fibers so the actual fiber lengths are unknown. Additionally, the EPA report fails to provide distribution mapping for the amphibole mineral so it is unknown how the material is dispersed across the study area. Since previous geological and mineralogical studies have shown the area is free of naturally occurring amphibole asbestos mineral, the EPA must produce some explanation for finding amphibole asbestos in their study, otherwise the best amphibole asbestos material is contamination from historical deposition. In the absence of better information artifactual deposition is the best explanation since the EPA study area was historically industrialized.

Recommendation

The Agency must edit this paragraph to correct these deficiencies, or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Coleman, R.G. (1957) "Mineralogy and Petrology of the New Idria District, California," PhD Dissertation, Stanford University.

Coleman, R.G. (1961) "Jadeite Deposits of the Clear Creek Area, New Idria District, San Benito County, California," *Journal of Petrology*, 2(2):209-247.

Fowkes, E.J., and R. Iddings (2008) "Geological and Historical Archaeology Phase 1 Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San Benito County, California."

EPA (2008a) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency.

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Substantive Comment

164

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

Discussion

This statement is confusing because the author capitalized the term "Temporary Closure." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 164: Subject: Confusing Statement Page 8

Substantive Comment

165

Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the

Substantive Comment - # 165: Subject: Confusing Reference Page 8

document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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Substantive Comment

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Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

While the Hollister Field Office remains aware of these concerns and other issues raised during the public scoping process, the closure order will remain in place during the preparation of the CCMA RMP/EIS because this issue is outside the scope of the planning effort and the temporary closure will not affect the RMP development.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

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1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

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Substantive Comment

167

Subject: Misleading Statement

Page 8

Referring to the Following Paragraph

BLM acknowledges that controversy exists regarding the health risks of naturally occurring asbestos; however, EPA and other Federal, State, and local agencies whose missions relate directly to public health support the BLM's decision to avoid further elevated risks to visitors while an environmental impact statement is prepared to analyze a range of alternatives that meet the purpose and need for the CCMA RMP described in Section 1.1.

Discussion

The phrase, "naturally occurring asbestos" is misleading because it implies the area is dangerously contaminated with the full spectrum of amphibole asbestos mineral, which it is not. This should read "naturally occurring chrysotile," since this the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 167: Subject: Misleading Statement Page 8

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/commodity/
7 asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

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Substantive Comment

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Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

BLM acknowledges that controversy exists regarding the health risks of naturally occurring asbestos; however, EPA and other Federal, State, and local agencies whose missions relate directly to public health support the BLM's decision to avoid further elevated risks to visitors while an environmental impact statement is prepared to analyze a range of alternatives that meet the purpose and need for the CCMA RMP described in Section 1.1.

Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

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Substantive Comment

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Subject: Erroneous Statement

Page 8

Referring to the Following Paragraph

Many clubs and organizations also requested that BLM consider establishing new areas for off-highway vehicle recreation on BLM public lands in CCMA, and on other public lands in the Hollister Field Office, including BLM-administered lands and California State Parks like Henry Coe.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 169: Subject: Erroneous Statement Page 8

Substantive Comment

170

Subject: Erroneous Statement

Page 8

Referring to the Following Paragraph

While the Hollister Field Office will consider establishing new off-highway vehicle recreation areas in CCMA, the scope of the RMP/EIS will be limited to BLM-administered lands in the 75,000 acre CCMA based on the following rationale.

Discussion

This statement is erroneous because the Agency does not administer 75,000 acres of land within the CCMA. Table 1-1 on page 2 of the subject report clearly list 10,600 acres as private land and 2,000 acres of State land. Any administrative duties performed on these 12,600 acres is by privilege of the owners and not by administrative or statutory authority, hence the Bureau of Land Management is limited to administered lands in the 63,000-acre CCMA.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 170: Subject: Erroneous Statement Page 8

Substantive Comment

171

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

While the Hollister Field Office will consider establishing new off-highway vehicle recreation areas in CCMA, the scope of the RMP/EIS will be limited to BLM-administered lands in the 75,000 acre CCMA based on the following rationale.

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 171: Subject: Confusing Statement Page 8

Substantive Comment

172

Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

The purpose and need for the **CCMA RMP/EIS** is based on the EPA Asbestos Exposure and Human Health Risk Assessment. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the CCMA RMP/EIS will analyze a range of alternatives including the ‘no action alternative’, which would allow OHV use to continue in CCMA at the same levels prior to the closure order issued on May 1, 2008.

Discussion

The paragraph's reference to “CCMA RMP/ EIS” is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 172: Subject: Confusing Reference Page 8

Substantive Comment

173

Subject: Confusing Statement

Page 8

Referring to the Following Paragraph

The purpose and need for the CCMA RMP/EIS is based on the EPA **Asbestos Exposure and Human Health Risk Assessment**. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the CCMA RMP/EIS will analyze a range of alternatives including the ‘no action alternative’, which would allow OHV use to continue in CCMA at the same levels prior to the closure order issued on May 1, 2008.

Discussion

This is confusing because there is doubt about whether “Asbestos Exposure and Human Health Risk Assessment” reference a study or a document. There is no document titled “Asbestos Exposure and Human Health Risk Assessment.” Perhaps the author meant to Reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 173: Subject: Confusing Statement Page 8

Substantive Comment

174

Subject: Confusing Format

Page 8

Referring to the Following Paragraph

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the CCMA RMP/EIS will analyze a range of alternatives including the 'no action alternative', which would allow OHV use to continue in CCMA at the same levels prior to the closure order issued on May 1, 2008.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 174: Subject: Confusing Format Page 8

Substantive Comment

175

Subject: Confusing Reference

Page 8

Referring to the Following Paragraph

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the **CCMA RMP/EIS** will analyze a range of alternatives including the 'no action alternative', which would allow OHV use to continue in CCMA at the same levels prior to the closure order issued on May 1, 2008.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 175: Subject: Confusing Reference Page 8

Substantive Comment

176

Subject: Erroneous Statement

Page 9

Referring to the Following Paragraph

In light of these considerations, BLM has determined that it is appropriate to **maintain the scope of the current RMP/EIS within the 75,000 acre CCMA**. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

Discussion

The statement is erroneous because, as explained in Substantive Comment # 170 on page 225, the Bureau of Land Management does not legally assert administrative authority of 75,000 acres.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 176: Subject: Erroneous Statement Page 9

Substantive Comment

177

Subject: Confusing Reference

Page 9

Referring to the Following Paragraph

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the **CCMA RMP/EIS** are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 177: Subject: Confusing Reference Page 9

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 177: Subject: Confusing Reference Page 9

Substantive Comment

178

Subject: Confusing Statement

Page 9

Referring to the Following Paragraph

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively **outside of the CCMA land use planning process** on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

Discussion

This paragraph is confusing because working "outside the CCMA land use planning process" is inconsistent with need for this draft document.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 178: Subject: Confusing Statement Page 9

Substantive Comment

179

Subject: Erroneous Statement

Page 9

Referring to the Following Paragraph

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new **off-highway vehicle** recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 179: Subject: Erroneous Statement Page 9

Substantive Comment

180

Subject: Meaningless Statement

Page 9

Referring to the Following Paragraph

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

Discussion

The phrase “and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report” is meaningless. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1). Reference to “this Scoping Report” is erroneous because this report is not a scoping report but a draft resource management plan and draft environmental impact study.

Recommendation

The Agency must edit the meaning content and delete the erroneous statements and needless details to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 180: Subject: Meaningless Statement Page 9

Substantive Comment

181

Subject: Confusing Reference

Page 9

Referring to the Following Paragraph

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 181: Subject: Confusing Reference Page 9

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 181: Subject: Confusing Reference Page 9

Substantive Comment

182

Subject: Confusing Reference

Page 9

Referring to the Following Paragraph

Changes or modifications to Special Designations in CCMA will not be considered in the range of alternatives for the CCMA RMP/EIS for the following reasons.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 182: Subject: Confusing Reference Page 9

Substantive Comment

183

Subject: Confusing Reference

Page 9

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to asbestos within the serpentine soils. The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the

Substantive Comment - # 183: Subject: Confusing Reference Page 9

document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 183: Subject: Confusing Reference Page 9

Substantive Comment

184

Subject: Inaccurate Terminology

Page 9

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to **asbestos** and reducing airborne **asbestos** emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to **asbestos** within the serpentine soils. The boundaries of the ACEC were defined by mapping of **asbestos** soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 184: Subject: Inaccurate Terminology Page 9

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 184: Subject: Inaccurate Terminology Page 9

Substantive Comment

185

Subject: Misleading Statement

Page 9

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC designations highlight areas **where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources** or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to asbestos within the serpentine soils. The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Discussion

The statement, "where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources" is misleading because the Bureau of Land Management has failed to protect important historic, cultural, and scenic values, fish, and wildlife resources in the past. In fact, past Bureau of Land Management action or inaction has lead to the destruction of important historic, cultural, and scenic values, fish, and wildlife resources. The Agency has failed to address preservation historic and cultural resources in previous resource management plans and environmental impact statements, and continue to ignore preservation plans for these resources in this document.

Recommendation

The Agency must rewrite this draft document to identify and address preservation historic and cultural resources contained within the planning area. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 185: Subject: Misleading Statement Page 9

Substantive Comment

186

Subject: Misleading Statement

Page 9

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and **prevent irreparable damage to important historic, cultural, and scenic values, fish,** or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to asbestos within the serpentine soils. The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Discussion

The statement, " prevent irreparable damage to important historic, cultural, and scenic values, fish" is misleading because Federal construction of the Hernandez Dam already destroyed salmon and trout habitat. The paragraph should include a statement that warns the public taht previous Federal project failed to protect important fish and wildlife habitat.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 186: Subject: Misleading Statement Page 9

Substantive Comment

187

Subject: Failure to Tier Previous RMP/EIS

Page 9

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in **the 1984 Hollister RMP (as amended)** is based on human health risks associated with exposure to asbestos within the serpentine soils. The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Discussion

There is no purpose or need to readdress issues previously covered in the Clear Creek Management Plan and Decision Record (BLM 1986), hence this discussion must be deleted from this draft and inserted by reference only. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these regulations (§ 1506.3). The agency shall eliminate from study issues which are not significant or which have been covered by prior environmental review (40 C.F.R. § 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere (§ 1502.22). Agencies shall reduce excessive paperwork by tiering from statements of broad scope to those of narrower scope, to eliminate repetitive discussions of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and avoid duplication (§ 1502.4).

Recommendation

The Agency must delete issues and topics covered by previous RMP/EIS from this draft and insert them by tiering or by reference. The subject report must be rewritten to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 187: Subject: Failure to Tier Previous RMP/EIS Page 9

Substantive Comment

188

Subject: Misleading Needless Statement

Page 9

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to asbestos within the serpentine soils. The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the **Hazardous Asbestos Area (HAA)**.

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complementarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2).

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 188: Subject: Misleading Needless Statement Page 9

Substantive Comment

189

Subject: Confusing Statement

Page 9

Referring to the Following Paragraph

Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA RMP Amendment and Route Designation approved expansions of the original SBMRNA from its original boundary when it was first established as an Outstanding Natural Area in 1972. The designation of the SBMRNA is based on unique vegetation and forest types associated with serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*) populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the expanded RNA to control OHV trespass into the RNA and closed mine areas.

Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 189: Subject: Confusing Statement Page 9

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 189: Subject: Confusing Statement Page 9

Substantive Comment

190

Subject: Inaccurate Statement

Page 9

Referring to the Following Paragraph

Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA RMP Amendment and Route Designation approved expansions of the original SBMRNA from its original boundary when it was first established as an Outstanding Natural Area in 1972. The designation of the SBMRNA is based on unique vegetation and forest types associated with serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*) populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the expanded RNA to control OHV trespass into the RNA and closed mine areas.

Discussion

The subject document, and previous RMP/EIS documents, fails to discuss the significant evidence of historic anthropogenic road grading, occupation and timber harvesting that occurred within the San Benito Mountain Research Natural Area before it was designated an "Outstanding Natural Area." This issue must be addressed with mention of the San Benito Mountain Research Natural Area because it affects the original purpose for its designation and future historical and cultural preservation, and the scenic environment which is current impaired by fencing.

Recommendation

The Agency must rewrite the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 190: Subject: Inaccurate Statement Page 9

Substantive Comment

191

Subject: Misleading Statement

Page 9

Referring to the Following Paragraph

Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA RMP Amendment and Route Designation approved expansions of the original SBMRNA from its original boundary when it was first established as an Outstanding Natural Area in 1972. The designation of the SBMRNA is based on unique vegetation and forest types associated with serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*) populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the expanded RNA to control OHV trespass into the RNA and closed mine areas.

Discussion

The statement "a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and other mixed-conifers" is misleading because it fails to explain the meaning of "other mixed-conifers" that contribute to the "unique forest assemblage." These should be delineated if these truly contribute to the unique forest assemblage, otherwise this is Needless Bulk and needless detail. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 191: Subject: Misleading Statement Page 9

Substantive Comment

192

Subject: Erroneous Statement

Page 9

Referring to the Following Paragraph

Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA RMP Amendment and Route Designation approved expansions of the original SBMRNA from its original boundary when it was first established as an Outstanding Natural Area in 1972. The designation of the SBMRNA is based on unique vegetation and forest types associated with serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian habitat, including Federally threatened San Benito evening primrose (*Camissonia benitensis*) populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and other mixed-conifers. **Upper Clear Creek Canyon was also included in the expanded RNA to control OHV trespass into the RNA and closed mine areas.**

Discussion

The purpose and need for the 2006 Record of Decision did not include placing the Upper Clear Creek Canyon into the expanded RNA for the purpose of controlling "OHV trespass into the RNA and closed mine areas." The of the San Benito Mountain Research Natural Area boundary expansion was to provide for "effective management of the CCMA" (BLM 2006:2-2).

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 192: Subject: Erroneous Statement Page 9

Substantive Comment

193

Subject: Confusing Statement

Page 9

Referring to the Following Paragraph

Principles of ecosystem management as well as a continuing commitment to multiple use and sustained yield will also guide land use decisions in the Planning Area. The commitment to multiple uses would not mean that all land would be open for all uses. Some uses may be excluded on certain lands to protect specific resource values or uses. Any exclusions, however, would be based on laws or regulations or be determined through the planning process and subject to public involvement.

Discussion

This statement is confusing because the author capitalized the term "Planning Area." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 193: Subject: Confusing Statement Page 9

Substantive Comment

194

Subject: Needless Statement

Page 9

Referring to the Following Paragraph

Principles of ecosystem management as well as a continuing commitment to multiple use and sustained yield will also guide land use decisions in the Planning Area. The commitment to multiple uses would not mean that all land would be open for all uses. Some uses may be excluded on certain lands to protect specific resource values or uses. Any exclusions, however, would be based on laws or regulations or be determined through the planning process and subject to public involvement.

Discussion

Of course, everyone knows the BLM is expected to obey the laws and regulations. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 194: Subject: Needless Statement Page 9

Substantive Comment

195

Subject: Confusing Statement

Page 10

Referring to the Following Paragraph

Planning criteria developed during public scoping will help guide the planning effort. The preliminary planning criteria identified in the Notice of Intent published in the Federal Register are identified below:

Discussion

This statement is confusing because it implies that the public scoping process has not yet begun, but is a future event. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 195: Subject: Confusing Statement Page 10

Substantive Comment

196

Subject:

Omission

Page 10

Referring to the Following Paragraph

Planning criteria developed during public scoping will help guide the planning effort. The preliminary planning criteria identified in the Notice of Intent published in the Federal Register are identified below:

Discussion

This paragraph is confusing because the reader is not directed to a properly cited Federal Register. Omission of important information fails to facilitate public involvement. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency and provide complete citation to the proper reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 196: Subject: Omission Page 10

Substantive Comment

197

Subject: Confusing Format

Page 10

Referring to the Following Paragraph

- The RMP will be developed in compliance with FLPMA, all other applicable laws, regulations, executive orders, and BLM supplemental program guidance.

Discussion

Document lacks proper editing. Number lists and bullet list should have same indent and spacing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 197: Subject: Confusing Format Page 10

Substantive Comment

198

Subject: Confusing Reference

Page 10

Referring to the Following Paragraph

- The RMP will be developed in compliance with FLPMA, all other applicable laws, regulations, executive orders, and BLM supplemental program guidance.

Discussion

The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 198: Subject: Confusing Reference Page 10

Substantive Comment

199

Subject:

Omission

Page 10

Referring to the Following Paragraph

- Economic and social baselines and consequences will be developed in coordination with local and county governments.

Discussion

This statement is confusing because it implies that there is a difference between "local and county governments" thus leading the reader to believe that other unknown government agencies are involved. This information must be clarified and fully disclosed. Omission of important information fails to facilitate public involvement. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 199: Subject: Omission Page 10

Substantive Comment

200

Subject:

Omission

Page 10

Referring to the Following Paragraph

- Initiate government to government consultation, including Tribal interests.

Discussion

The statement, "government to government consultation" is confusing because it implies involvement with foreign government consultation which may exceed Bureau of Land Management authority and causing the reader to believe that other unknown government agencies are involved. This information must be clarified and fully disclosed. Omission of important information fails to facilitate public involvement. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2).

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 200: Subject: Omission Page 10

Substantive Comment

201

Subject: Misleading Statement

Page 10

Referring to the Following Paragraph

- Consider the extent to which the revised plan reduces airborne **asbestos** emissions, minimizes asbestos exposure, and addresses public health impact of the Hazardous Asbestos Area.

Discussion

Using the term "asbestos" implies that the area is dangerously contaminated with the full spectrum of commercial asbestos material, which it is not. This should read "chrysotile," since this is the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 201: Subject: Misleading Statement Page 10

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 201: Subject: Misleading Statement Page 10

Substantive Comment

202

Subject: Misleading Statement

Page 10

Referring to the Following Paragraph

- Consider the extent to which the revised plan reduces airborne asbestos emissions, minimizes asbestos exposure, and addresses public health impact of the **Hazardous Asbestos Area**.

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complimentarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 202: Subject: Misleading Statement Page 10

Substantive Comment

203

Subject: Confusing Terminology

Page 10

Referring to the Following Paragraph

- Consider the extent to which the revised plan **reduces accelerated** erosion and offsite transport of asbestos fibers on vehicles and clothes due to off-highway vehicle use.

Discussion

The phrase “reduces accelerated” is confusing because it implies that erosion is an uncontrollable natural phenomenon with poorly defined anthropogenic parameters that the Agency fails to delineate or comprehend. This paragraph is inadequate and precludes meaningful analysis (40 C.F.R. § 1502.8). The agency shall always make clear that information is lacking (§ 1502.21).

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 203: Subject: Confusing Terminology Page 10

Substantive Comment

204

Subject: Erroneous Statement

Page 10

Referring to the Following Paragraph

- Consider the extent to which the revised plan reduces accelerated erosion and offsite transport of asbestos fibers on vehicles and clothes due to off-highway vehicle use.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 204: Subject: Erroneous Statement Page 10

Substantive Comment

205

Subject: Misleading Statement

Page 10

Referring to the Following Paragraph

- Consider the extent to which the revised plan reduces accelerated erosion and offsite transport of **asbestos** fibers on vehicles and clothes due to off-highway vehicle use.

Discussion

Using the term "asbestos" implies the area is dangerously contaminated with the full spectrum of commercial amphibole asbestos material, which it is not. This should read "chrysotile," since this the predominate subject mineral. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 205: Subject: Misleading Statement Page 10

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 205: Subject: Misleading Statement Page 10

Substantive Comment

206

Subject: Unnecessary Abbreviation

Page 10

Referring to the Following Paragraph

- All new data collected will have information about the data (metadata) stored in a data base. All metadata will meet the Federal Geographic Data Committee (FGDC) standards.

Discussion

If this term is not used again in the document, then (FGDC) is unnecessary. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 206: Subject: Unnecessary Abbreviation Page 10

Substantive Comment

207

Subject: Confusing Reference

Page 10

Referring to the Following Paragraph

- The RMP/EIS will incorporate by reference the Standards for Rangeland Health and Guidelines for Livestock Grazing Management (1998).

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 207: Subject: Confusing Reference Page 10

Substantive Comment

208

Subject: Confusing Reference

Page 10

Referring to the Following Paragraph

- The RMP will result in determinations as required by special program and resource specific guidance detailed in Appendix C of the BLM's Planning Handbook (H-1601-1).

Discussion

The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 208: Subject: Confusing Reference Page 10

Substantive Comment

209

Subject: Confusing Reference

Page 10

Referring to the Following Paragraph

- Decisions in the RMP will strive to be compatible with the existing plans and policies of adjacent local, State, Tribal, and Federal agencies as long as the decisions are in conformance with legal mandates on management of public lands.

Discussion

The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 209: Subject: Confusing Reference Page 10

Substantive Comment

210

Subject: Confusing Format

Page 10

Referring to the Following Paragraph

The following ‘**planning criteria**’ were presented in the CCMA Draft RMP Amendment (2004). These criteria were based on input from BLM specialists, other agencies, and the public and will also be considered during this planning process:

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Other usage of this term is capitalized. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 210: Subject: Confusing Format Page 10

Substantive Comment

211

Subject: Confusing Statement

Page 10

Referring to the Following Paragraph

The following 'planning criteria' were presented in the CCMA Draft RMP Amendment (2004). These criteria were based on input from BLM specialists, other agencies, and the public and will also be considered during this planning process:

Discussion

The paragraph's reference to "CCMA Draft RMP Amendment" is confusing because no document with that title can be found. The reader is unsure about which of the following possible documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 211: Subject: Confusing Statement Page 10

Substantive Comment

212

Subject:

Omission

Page 10

Referring to the Following Paragraph

The following 'planning criteria' were presented in the CCMA Draft RMP Amendment (2004). These criteria were based on input from BLM specialists, other agencies, and the public and will also be considered during this planning process:

Discussion

The phrase, "BLM specialists, other agencies" is misleading and confusing because the reader is uncertain about who these "specialists, other agencies" might be. Omission of important information fails to facilitate public involvement. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2).

Recommendation

The Agency must edit the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 212: Subject: Omission Page 10

Substantive Comment

213

Subject: Confusing Reference

Page 10

Referring to the Following Paragraph

- The CCMA RMP must provide for the needs of the public land user, while protecting sensitive species and habitat, protecting natural and cultural resources, and protecting the unique ecosystem within the SBMRNA.

Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 213: Subject: Confusing Reference Page 10

Substantive Comment

214

Subject: Confusing Statement

Page 10

Referring to the Following Paragraph

- BLM shall comply with the 2007 State Protocol Agreement between the California BLM and the California State Historic Preservation Officer (SHPO).

Discussion

The statement, "2007 State Protocol Agreement" is confusing because the reader cannot know what document is being referenced. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant, State Protocol Agreement, Exemptions, and Historic Preservation Program Documents for Review (BLM 2007), reference number CA-2007-027ATT1. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 214: Subject: Confusing Statement Page 10

Substantive Comment

215

Subject: Confusing Reference

Page 10

Referring to the Following Paragraph

- All land use decisions for lands acquired within the CCMA boundaries by BLM would be incorporated into this RMP/EIS.

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 215: Subject: Confusing Reference Page 10

Substantive Comment

216

Subject: Redundant Statement

Page 10 & 11

Referring to the Following Paragraph

The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and decisions from the existing Hollister RMP, and associated amendment, will be reviewed and incorporated in this RMP/EIS where appropriate. Management will continue under the CCMA Temporary Closure Order, issued May 1, 2008, until the CCMA RMP/EIS is approved.

Discussion

The statement "the CCMA is presently managed under the 1984 Hollister RMP (as amended)" is redundant and is unnecessary repetition. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 216: Subject: Redundant Statement Page 10 & 11

Substantive Comment

217

Subject: Confusing Reference

Page 10 & 11

Referring to the Following Paragraph

The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and decisions from the existing Hollister RMP, and associated amendment, will be reviewed and incorporated in this **RMP/EIS** where appropriate. Management will continue under the CCMA Temporary Closure Order, issued May 1, 2008, until the CCMA RMP/EIS is approved.

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 217: Subject: Confusing Reference Page 10 & 11

Substantive Comment

218

Subject: Confusing Reference

Page 10 & 11

Referring to the Following Paragraph

The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and decisions from the existing Hollister RMP, and associated amendment, will be reviewed and incorporated in this RMP/EIS where appropriate. Management will continue under the CCMA Temporary Closure Order, issued May 1, 2008, until the **CCMA RMP/EIS** is approved.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 218: Subject: Confusing Reference Page 10 & 11

Substantive Comment

219

Subject: Confusing Reference

Page 11

Referring to the Following Paragraph

The major planning and decision documents that will be used to guide resources management in the **CCMA RMP/EIS** are described below.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 219: Subject: Confusing Reference Page 11

Substantive Comment

220

Subject: Confusing Reference

Page 11

Referring to the Following Paragraph

This RMP focuses on broad resource objectives and direction while providing some activity-level guidance and site-specific decisions, and will build upon a 30-year history of natural resource management in Central California. Table 1.5-1 highlights some of the major plans and policies that have led to the present management of the area.

Discussion

The paragraph's reference to "RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 220: Subject: Confusing Reference Page 11

Substantive Comment

221

Subject: Confusing Reference

Page 12

Referring to the Following Paragraph

The preceding plans are incorporated in this RMP/EIS by reference but are not included herein. Additional major plans, policies and programs that apply to BLM land use planning include:

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 221: Subject: Confusing Reference Page 12

Substantive Comment

222

Subject: Omission

Page 12

Referring to the Following Paragraph

Statewide standards and guidelines were approved by the Secretary of the Interior in 2000 for managing grazing on BLM public lands in California. BLM is required by statewide policy to use these standards and guidelines for evaluating rangeland health.

Discussion

Reference to "Statewide standards and guidelines" is incomplete because no specific citation is provided. This omission makes it impossible for the reader to verify the information. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2). When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 222: Subject: Omission Page 12

Substantive Comment

223

Subject: Needless Bulk

Page 12

Referring to the Following Paragraph

The CCMA RMP is subject to the BLM's Vegetation Treatments Using Herbicides Final Programmatic EIS Record of Decision, approved in September 2007. The Programmatic EIS Record of Decision (ROD) has two primary objectives: 1) Determine which herbicide active ingredients are available for use on public lands to improve the agency's ability to control hazardous fuels and unwanted vegetation, and 2) to develop a state-of-the-science human health and ecological risk assessment (ERA) methodology. This methodology would serve as the initial standard for assessing human health and ecological risk for herbicides that may become available for use in the future.

Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 223: Subject: Needless Bulk Page 12

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 223: Subject: Needless Bulk Page 12

Substantive Comment

224

Subject: Needless Bulk

Page 12

Referring to the Following Paragraph

The CCMA RMP is subject to the BLM's Vegetation Treatments Using Herbicides Final Programmatic EIS Record of Decision, approved in September 2007. The Programmatic EIS Record of Decision (ROD) has two primary objectives: 1) Determine which herbicide active ingredients are available for use on public lands to improve the agency's ability to control hazardous fuels and unwanted vegetation, and 2) to develop a state-of-the-science human health and ecological risk assessment (ERA) methodology. This methodology would serve as the initial standard for assessing human health and ecological risk for herbicides that may become available for use in the future.

Discussion

This paragraph contain needless details that are better covered by a simple reference to an external document. Additionally, inclusion of the abbreviation "ROD" is easily confused with previous subject area RODs. Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The paragraph should be rewritten to simple state as follows:

Herbicide use on federally administered lands within the planning area are defined in the Bureau of Land Management's publication titled *Vegetation Treatments Using Herbicides Final Programmatic EIS Record of Decision*.

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 224: Subject: Needless Bulk Page 12

Substantive Comment

225

Subject: Needless Bulk

Page 13

Referring to the Following Paragraph

The BLM is responsible for the development of wind energy resources on BLM-administered lands. Currently about 330 megawatts (MW) of wind capacity is installed nationwide under right-of-way Clear Creek Management Area 1.0 Introduction Draft RMP/EIS 13 (ROW) grants administered by the BLM in accordance with the requirements of the Federal Land Policy and Management Act of 1976.

Discussion

This paragraph contain needless details that are better covered by a simple reference to an extrenal document. Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The paragraph should be rewritten to simple state as follows:

The Bureau of Land Management administers leases and right-of-ways for development of wind energy resources on federal lands within the planning area in accordance with the the *Federal Land Policy and Management Act of 1976*. and under direction of the *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Land in the Western United States*.

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 225: Subject: Needless Bulk Page 13

Substantive Comment

226

Subject: Needless Bulk

Page 13

Referring to the Following Paragraph

The BLM is responsible for the development of wind energy resources on BLM-administered lands. Currently about 330 megawatts (MW) of wind capacity is installed nationwide under right-of-way Clear Creek Management Area 1.0 Introduction Draft RMP/EIS 13 (ROW) grants administered by the BLM in accordance with the requirements of the Federal Land Policy and Management Act of 1976.

Discussion

The paragraph's reference to "Draft RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 226: Subject: Needless Bulk Page 13

Substantive Comment

227

Subject: Confusing Statement

Page 13

Referring to the Following Paragraph

A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind energy projects was completed in June 2005. This EIS provides an analysis of the development of wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM amended 52 land use plans to allow for the use of applicable lands for wind energy development. BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for the use of public lands for wind energy use.

Discussion

Reference to a generic "Programmatic Environmental Impact Statement (PEIS)" is meaningless because the Department of the Interior maintains too many document containing that phrase as part of their complete title. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author intended reference to the Bureau of Land Management publication titled *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Land in the Western United States*. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit the paragraph to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 227: Subject: Confusing Statement Page 13

Substantive Comment

228

Subject: Needless Bulk

Page 13

Referring to the Following Paragraph

A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind energy projects was completed in June 2005. This EIS provides an analysis of the development of wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM amended 52 land use plans to allow for the use of applicable lands for wind energy development. BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for the use of public lands for wind energy use.

Discussion

This paragraph contain needless details that is unnecessary in the subject report. Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must delete the needless paragraph to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 228: Subject: Needless Bulk Page 13

Substantive Comment

229

Subject: Confusing Statement

Page 13

Referring to the Following Paragraph

A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind energy projects was completed in June 2005. This EIS provides an analysis of the development of wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM amended 52 land use plans to allow for the use of applicable lands for wind energy development. BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for the use of public lands for wind energy use.

Discussion

This statement, "development of wind energy projects in the West" is confusing because the reader cannot know if this is a reference to the western portion of a particular State, the western United States, the western hemisphere, or some other "west." Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must delete the needless paragraph to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 229: Subject: Confusing Statement Page 13

Substantive Comment

230

Subject: Needless Bulk

Page 13

Referring to the Following Paragraph

The Department of Energy's (DOE) National Renewable Energy Laboratory (NREL) assisted the BLM in the preparation of the PEIS and provided an inventory assessment of wind energy resources on public lands in the Western United States. The PEIS Record of Decision (ROD), approved in January 2006, addressed the amendment of individual land use plans and established both policies and best management practices (BMPs) regarding the development of wind energy resources on BLM-administered lands.

Discussion

This paragraph contain needless details that is unnecessary in the subject report. Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must delete the needless paragraph to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 230: Subject: Needless Bulk Page 13

Substantive Comment

231

Subject: Confusing Reference

Page 14

Referring to the Following Paragraph

The CCMA RMP/EIS will allow BLM the opportunity to review existing agreements and consider cooperative agreements with the Federal, State, and local agencies to improve management of public land resources in the Planning Area. These agencies would include:

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment

232

Subject: Confusing Statement

Page 14

Referring to the Following Paragraph

The Tachi Yokuts Tribe of Santa Rosa Rancheria is the only federally recognized Native American tribe in the **Planning Area**. There are several other non-federally recognized tribes and groups within the **Planning Area** as well. Consultation efforts between BLM officials and tribal representatives are conducted for various planning activities in the Hollister Field Office area including the CCMA. The BLM extends the opportunity to provide input for the CCMA RMP/EIS to all affected regional California Indian tribal entities (including individuals) throughout the planning process.

Discussion

This statement is confusing because the author capitalized the term "Planning Area." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 232: Subject: Confusing Statement Page 14

Substantive Comment

233

Subject: Confusing Reference

Page 14

Referring to the Following Paragraph

The Tachi Yokuts Tribe of Santa Rosa Rancheria is the only federally recognized Native American tribe in the Planning Area. There are several other non-federally recognized tribes and groups within the Planning Area as well. Consultation efforts between BLM officials and tribal representatives are conducted for various planning activities in the Hollister Field Office area including the CCMA. The BLM extends the opportunity to provide input for the CCMA RMP/EIS to all affected regional California Indian tribal entities (including individuals) throughout the planning process.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 233: Subject: Confusing Reference Page 14

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 233: Subject: Confusing Reference Page 14

Substantive Comment

234

Subject: Erroneous Statement

Page 14

Referring to the Following Paragraph

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of naturally occurring serpentine rock and soil which contain high concentrations of naturally occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

Discussion

The statement, "CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine Superfund Site" is erroneous because it implies that the 48 square-mile CCMA is part of a much larger superfund site. The is backwards because the Atlas Asbestos Mine is small part of the 48-square mile CCMA. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 234: Subject: Erroneous Statement Page 14

Substantive Comment

235

Subject: Inaccurate Terminology

Page 14

Referring to the Following Paragraph

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of naturally occurring serpentine rock and soil which contain high concentrations of naturally occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 235: Subject: Inaccurate Terminology Page 14

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 235: Subject: Inaccurate Terminology Page 14

Substantive Comment

236

Subject: Erroneous Statement

Page 14

Referring to the Following Paragraph

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of naturally occurring serpentine rock and soil which contain high concentrations of naturally occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

Discussion

This paragraph is erroneous because the refined product, that is, "mercury, chromium and asbestos" was not mined within the planning area, but rather the ores from which those minerals were processed were mined. Cinnabar, chromite and chrysotile were extracted from the mines.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 236: Subject: Erroneous Statement Page 14

Substantive Comment

237

Subject: Confusing Statement

Page 15

Referring to the Following Paragraph

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as 1 in 10,000 (10^{-4}) to 1 in 1,000,000 (10^{-6}) excess lifetime cancer risk² Exposures which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of concern and may require action to reduce the exposure and resulting risk. Depending on the study's findings, the **Site** may be considered for deletion from the U.S. EPA National Priorities List (NPL). The NPL, or Superfund, is a list of the most hazardous waste sites in the nation. When a site is deleted from the NPL, it means that the Record of Decision has been fulfilled and the cleanup has been implemented and is functioning as designed.

Discussion

Referring to capitalized "Site" versus lower-case "site" implies an unexplained significance to the reader suggesting a particular Site is in the mind of the author. However, the particularities of such Site are omitted, thus creating confusion and ambiguity in the paragraph. Omission of important information fails to facilitate public involvement. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 237: Subject: Confusing Statement Page 15

Substantive Comment

238

Subject: Confusing Statement

Page 15

Referring to the Following Paragraph

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as 1 in 10,000 (10^{-4}) to 1 in 1,000,000 (10^{-6}) excess lifetime cancer risk². Exposures which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of concern and may require action to reduce the exposure and resulting risk. Depending on the study's findings, the Site may be considered for deletion from the U.S. EPA National Priorities List (NPL). The NPL, or Superfund, is a list of the most hazardous waste sites in the nation. When a site is deleted from the NPL, it means that the Record of Decision has been fulfilled and the cleanup has been implemented and is functioning as designed.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 238: Subject: Confusing Statement Page 15

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 238: Subject: Confusing Statement Page 15

Substantive Comment

239

Subject: Confusing Statement

Page 15

Referring to the Following Paragraph

The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and analytical techniques to update a **1992 BLM Human Health Risk Assessment** and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the potential cancer risks associated with those exposures. In addition, as families are frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers in the personal air space by conducting typical recreational activities in the CCMA using up-to-date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) into this RMP/EIS for the purpose of developing management strategies for the CCMA that will minimize human health risk to users and maintenance workers.

Discussion

The phrase, "update a 1992 BLM Human Health Risk Assessment" is confusing because the reader cannot know if this phrase references a physical study or a published report. Additionally various published reports are thusly titled, so it is impossible to know which report or study might be referenced. Perhaps the author meant to reference PTI (1992) *Human Health Risk Assessment for the Clear Creek Management Area* by PTI Environmental Services. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 239: Subject: Confusing Statement Page 15

Substantive Comment

240

Subject: Confusing Statement

Page 15

Referring to the Following Paragraph

The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the potential cancer risks associated with those exposures. In addition, as families are frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an **asbestos exposure and human health risk assessment** for the CCMA to measure the amount of NOA fibers in the personal air space by conducting typical recreational activities in the CCMA using up-to-date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) into this RMP/EIS for the purpose of developing management strategies for the CCMA that will minimize human health risk to users and maintenance workers.

Discussion

The phrase, "asbestos exposure and human health risk assessment" is confusing because the reader cannot know if this phrase references a physical study or a published report. Additionally various published reports are similarly titled, so it is impossible to know which report or study might be referenced. Perhaps the author meant to reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 240: Subject: Confusing Statement Page 15

Substantive Comment

241

Subject: Confusing Statement

Page 15

Referring to the Following Paragraph

The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the potential cancer risks associated with those exposures. In addition, as families are frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers in the personal air space by conducting typical recreational activities in the CCMA using up-to-date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM has incorporated the results of the **CCMA Asbestos Exposure and Human Health Risk Assessment (2008)** into this RMP/EIS for the purpose of developing management strategies for the CCMA that will minimize human health risk to users and maintenance workers.

Discussion

The phrase, "asbestos exposure and human health risk assessment" is confusing because the reader cannot know if this phrase references a physical study or a published report. Additionally various published reports are similarly titled, so it is impossible to know which report or study might be referenced. Perhaps the author meant to reference *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment* (EPA 2009). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 241: Subject: Confusing Statement Page 15

Substantive Comment

242

Subject: Confusing Reference

Page 15

Referring to the Following Paragraph

The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the potential cancer risks associated with those exposures. In addition, as families are frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers in the personal air space by conducting typical recreational activities in the CCMA using up-to-date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) into this **RMP/EIS** for the purpose of developing management strategies for the CCMA that will minimize human health risk to users and maintenance workers.

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 242: Subject: Confusing Reference Page 15

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 242: Subject: Confusing Reference Page 15

Substantive Comment

243

Subject: Inconsistent Usage

Page 15

Referring to the Following Paragraph

Similar to many public lands, a complex land ownership pattern within the **Planning Area** continues to influence BLM coordination with agencies administering California State Lands, which are interspersed throughout the CCMA. While several agreements exist among State agencies and BLM, the CCMA RMP offers a unique opportunity to promote interagency cooperation to enhance natural resource management. Essential to the CCMA RMP is a strong partnership with California State Lands Commission and Department of Toxic Substances Control due to overlapping jurisdictions and environmental laws and regulations.

Discussion

This statement is confusing because the author capitalized the term "Planning Area." This term is variously capitalized and not capitalized throughout the document, thus suggesting that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 243: Subject: Inconsistent Usage Page 15

Substantive Comment

244

Subject: Confusing Reference

Page 15

Referring to the Following Paragraph

Similar to many public lands, a complex land ownership pattern within the Planning Area continues to influence BLM coordination with agencies administering California State Lands, which are interspersed throughout the CCMA. While several agreements exist among State agencies and BLM, the **CCMA RMP** offers a unique opportunity to promote interagency cooperation to enhance natural resource management. Essential to the **CCMA RMP** is a strong partnership with California State Lands Commission and Department of Toxic Substances Control due to overlapping jurisdictions and environmental laws and regulations.

Discussion

The paragraph's reference to "CCMA RMP" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 244: Subject: Confusing Reference Page 15

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 244: Subject: Confusing Reference Page 15

Substantive Comment

245

Subject: Inconsistent Usage

Page 15

Referring to the Following Paragraph

The **Planning Area** spans two counties, each with their own **General Plan**. San Benito County is in the process of updating their **General Plan** to address transportation, economic development, population growth, and recreation demand and opportunities in the **County**. In addition to addressing these issues, **County General Plans** define open space and conservation policy in the Hollister **Planning Area** and opportunities to coordinate with **Federal** agencies such as the BLM.

Discussion

The mixed use of word capitalization is confusing because it implies special or unique meaning that is concealed from the paragraph by the author. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 245: Subject: Inconsistent Usage Page 15

Substantive Comment

246

Subject:

Omission

Page 16

Referring to the Following Paragraph

The overall vision for management of BLM-administered lands in CCMA, derived from public scoping, inter-agency dialogue, and BLM's interdisciplinary team, is "to improve natural, cultural, and open space values across the landscape for the protection of human health and the environment; and pursue recreation opportunities through partnerships and collaboration for the enjoyment and use of a growing and diverse populations of current and future generations."

Discussion

This paragraph contains a serious omission because it references a critical management decision affecting the development and outcome of the resource management plan and environmental impact study that is concealed from the public by omission of the source documentation thus suggesting that portions of the planning process were conducted during secret inter-agency dialogue with the BLM's interdisciplinary team. The Agency must rewrite this paragraph to include disclosure of the quotation's source document. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 246: Subject: Omission Page 16

Substantive Comment

247

Subject: Confusing Statement

Page 16

Referring to the Following Paragraph

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

Discussion

Enclosing the term “multiple use”, in quotation with the comma outside the quotation is confusing and misleading because it implies that the phrase is a direct quote. However, this is confusing since no source citation is provided thus causing the reader to believe that important decision-making documentation and processes are being concealed from the public. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 247: Subject: Confusing Statement Page 16

Substantive Comment

248

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

This chapter details seven land use management alternatives considered for the **Clear Creek Management Area (CCMA) Resource Management Plan (RMP)**. Program area emphasis and allowable public use within each of the alternatives and the management actions proposed for each program under each alternative are described in this chapter. The land use management alternatives described in this chapter address identified issues, management concerns, and current and projected future uses of the BLM- administered public lands in the CCMA.

Discussion

The paragraph's reference to "Clear Creek Management Area (CCMA) Resource Management Plan (RMP)" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the statement to correctly reference that document or delete the statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final

Substantive Comment - # 248: Subject: Confusing Statement Page 18

1 resource management plan, the final environmental impact study, or the record of decision.
The final documentation should include corrected recommendations.

Substantive Comment - # 248: Subject: Confusing Statement Page 18

Substantive Comment

249

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

This chapter details seven land use management alternatives considered for the Clear Creek Management Area (CCMA) Resource Management Plan (RMP). **Program area** emphasis and allowable public use within each of the alternatives and the management actions proposed for each program under each alternative are described in this chapter. The land use management alternatives described in this chapter address identified issues, management concerns, and current and projected future uses of the BLM- administered public lands n the CCMA.

Discussion

This paragraph is confusing because the term "program area" is not explained or described anywhere in the document or by reference to an external document. The reader cannot understand this document because it contains undefined and unknown terms. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 249: Subject: Confusing Statement Page 18

Substantive Comment

250

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

This chapter details seven land use management alternatives considered for the Clear Creek Management Area (CCMA) Resource Management Plan (RMP). Program area emphasis and allowable public use within each of the alternatives and the management actions proposed for each program under each alternative are described in this chapter. The land use management alternatives described in this chapter address identified issues, management concerns, and current and projected future uses of the BLM- administered public lands in the CCMA.

Discussion

This paragraph is confusing because the term “n” does not appear in any dictionary. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word is misspelled and author meant “and.” The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 250: Subject: Confusing Statement Page 18

Substantive Comment

251

Subject: Erroneous Statement

Page 18

Referring to the Following Paragraph

Due to concerns associated with protection of human health and the environment, this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter to allow the reader to assess key information related to the human health risks from exposure to airborne asbestos fibers in CCMA.

Discussion

The reference, "Due to concerns associated with protection of human health and the environment, this RMP/EIS has been ..." is erroneous because the document is not the final RMP/EIS. The subject document is the "draft" and the reference should properly reflect its title and function.

Recommendation

The Agency must correct the reference to include the proper title, such as, *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* (BLM 2009), or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 251: Subject: Erroneous Statement Page 18

Substantive Comment

252

Subject: Erroneous Statement

Page 18

Referring to the Following Paragraph

Due to concerns associated with protection of human health and the environment, this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter to allow the reader to assess key information related to the human health risks from exposure to airborne asbestos fibers in CCMA.

Discussion

The paragraph's reference to "RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must correct the reference to include the proper title, such as, *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* (BLM 2009), or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 252: Subject: Erroneous Statement Page 18

Substantive Comment

253

Subject: Erroneous Statement

Page 18

Referring to the Following Paragraph

Due to concerns associated with protection of human health and the environment, **this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter** to allow the reader to assess key information related to the human health risks from exposure to airborne asbestos fibers in CCMA.

Discussion

The statement "this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter" is false. This only occurs in chapters 3 and 4; it does not occur in every chapter.

Recommendation

The Agency must edit the paragraph to remove the error or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 253: Subject: Erroneous Statement Page 18

Substantive Comment

254

Subject: Misleading Terminology

Page 18

Referring to the Following Paragraph

Due to concerns associated with protection of human health and the environment, this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter to allow the reader to assess key information related to the human health risks from exposure to airborne **asbestos** fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 254: Subject: Misleading Terminology Page 18

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 254: Subject: Misleading Terminology Page 18

Substantive Comment

255

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

Due to concerns associated with protection of human health and the environment, this RMP/EIS has been organized so that 1) recreation, 2) public health and safety, and 3) transportation are addressed in the first three sections of each chapter to allow the reader to assess key information related to the human health risks from exposure to airborne asbestos **fibers in CCMA**.

Discussion

The phrase “fibers in CCMA” is confusing because a word may be missing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word “the” is missing. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 255: Subject: Confusing Statement Page 18

Substantive Comment

256

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

The alternatives presented here incorporate guidance provided by numerous laws, mandates, policies, and plans. These include the Federal Land Policy and Management Act (FLPMA), and **BLM planning guidance**. As a result, many of BLM's goals, objectives, and management actions are applicable to many alternatives or common to all alternatives. These management actions are combined, where possible, under the range of alternatives based on the location and intensity of Motorized and Non-motorized activities within CCMA. These include management actions for recreation, public health and safety, biological resources, air, water, soils, fire management, livestock grazing, energy and minerals, cultural and heritage resources, paleontological resources, visual resources management, social and economic conditions, and special designations.

Discussion

The phrase "BLM planning guidance" is confusing because the reader is uncertain about whether it is an ambiguous policy statement or a reference to a possible document. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 256: Subject: Confusing Statement Page 18

Substantive Comment

257

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

The alternatives presented here incorporate guidance provided by numerous laws, mandates, policies, and plans. These include the Federal Land Policy and Management Act (FLPMA), and BLM planning guidance. As a result, many of BLM's goals, objectives, and management actions are applicable to many alternatives or common to all alternatives. These management actions are combined, where possible, under the range of alternatives based on the location and intensity of *Motorized and Non-motorized* activities within CCMA. These include management actions for recreation, public health and safety, biological resources, air, water, soils, fire management, livestock grazing, energy and minerals, cultural and heritage resources, paleontological resources, visual resources management, social and economic conditions, and special designations.

Discussion

Capitalizing and italicizing the terms "*Motorized and Non-motorized*" is confusing because these terms are sometime not capitalized or italicized and presenting the terms in various forms suggests that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 257: Subject: Confusing Statement Page 18

Substantive Comment

258

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

Based on the purpose and need identified in Chapter 1, the range of alternatives for the CCMA RMP/EIS includes multiple public use scenarios in the Serpentine ACEC: five of which entail *Motorized* access (Alternatives A, B, C, D, and E), one Non-motorized access alternative (Alt. F), and one alternative that considers closure of the Serpentine ACEC to all forms of public entry (Alt. G). The anticipated effects and the need to implement proposed management actions or mitigation measures would vary depending on the public use scenarios associated with each alternative.

Discussion

Capitalizing and italicizing the terms "*Motorized*" is confusing because these terms are sometime not capitalized or italicized and presenting the terms in various forms suggests that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 258: Subject: Confusing Statement Page 18

Substantive Comment

259

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

Based on the purpose and need identified in Chapter 1, the range of alternatives for the CCMA RMP/EIS includes multiple public use scenarios in the Serpentine ACEC: five of which entail *Motorized* access (Alternatives A, B, C, D, and E), one *Non-motorized* access alternative (Alt. F), and one alternative that considers closure of the Serpentine ACEC to all forms of public entry (Alt. G). The anticipated effects and the need to implement proposed management actions or mitigation measures would vary depending on the public use scenarios associated with each alternative.

Discussion

Capitalizing and italicizing the terms "*Non-motorized*" is confusing because these terms are sometime not capitalized or italicized and presenting the terms in various forms suggests that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 259: Subject: Confusing Statement Page 18

Substantive Comment

260

Subject: Erroneous Statement

Page 18

Referring to the Following Paragraph

Based on the purpose and need identified in Chapter 1, the range of alternatives for the CCMA RMP/EIS includes multiple public use scenarios in the Serpentine ACEC: five of which entail Motorized access (Alternatives A, B, C, D, and E), one Non-motorized access alternative (Alt. F), and one alternative that considers **closure of the Serpentine ACEC to all forms of public entry** (Alt. G). The anticipated effects and the need to implement proposed management actions or mitigation measures would vary depending on the public use scenarios associated with each alternative.

Discussion

The statement, "closure of the Serpentine ACEC to all forms of public entry" is erroneous because the the May 1, 2008 closure order did not close the ACEC "to all forms of public entry" since the area remained opened to mineral entry (IBLA 2009-20). The closure order, pursuant to 43 CFR 8364.1 closed Recreational Programs and Visitor Service per the scope and authority of the code section.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The phrase should be edited to state: "closure of all recreation programs and visitor services within the Serpentine ACEC." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 260: Subject: Erroneous Statement Page 18

Substantive Comment

261

Subject: Confusing Format

Page 18

Referring to the Following Paragraph

In general, Section(s) 2.4.1 through 2.4.18 describe a ‘range of alternatives’ comprised of different combinations of BLM management actions, resource allocations, and allowable uses that BLM has determined are ‘reasonable’ to consider based the purpose and need for the CCMA RMP/EIS and the issues identified during the public scoping period. Additional management actions or mitigation measures that would be necessary to manage multiple-uses or protect resources (including public health and safety) under the range of alternatives are identified in Sections 2.4.1 – 2.4.18.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 261: Subject: Confusing Format Page 18

Substantive Comment

262

Subject: Erroneous Statement

Page 18

Referring to the Following Paragraph

At the end of this Chapter, Section 2.5 identifies a combination of management actions, resource allocations, and allowable uses chosen from among the range of alternatives that represents BLM's 'Preferred Alternative' for lands administered by the HFO in the CCMA. This method of selecting program area emphasis and combinations of management actions for land use planning is known as the "menu approach" (ref. Section 1.2.2). Alternatives considered but not analyzed in detail are discussed in this chapter as well. The analysis of the environmental consequences, effectiveness of mitigation measures, and the feasibility of implementing the range of alternatives is presented in Chapter 4.

Discussion

The statement "At the end of this Chapter, Section 2.5 identifies" is erroneous because Section 2.5 is not the end of the chapter.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 262: Subject: Erroneous Statement Page 18

Substantive Comment

263

Subject: Confusing Format

Page 18

Referring to the Following Paragraph

At the end of this Chapter, Section 2.5 identifies a combination of management actions, resource allocations, and allowable uses chosen from among the range of alternatives that represents BLM's 'Preferred Alternative' for lands administered by the HFO in the CCMA. This method of selecting program area emphasis and combinations of management actions for land use planning is known as the "menu approach" (ref. Section 1.2.2). Alternatives considered but not analyzed in detail are discussed in this chapter as well. The analysis of the environmental consequences, effectiveness of mitigation measures, and the feasibility of implementing the range of alternatives is presented in Chapter 4.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 263: Subject: Confusing Format Page 18

Substantive Comment

264

Subject: Confusing Statement

Page 18

Referring to the Following Paragraph

At the end of this Chapter, Section 2.5 identifies a combination of management actions, resource allocations, and allowable uses chosen from among the range of alternatives that represents BLM's 'Preferred Alternative' for lands administered by the HFO in the CCMA. This method of selecting **program area** emphasis and combinations of management actions for land use planning is known as the "menu approach" (ref. Section 1.2.2). Alternatives considered but not analyzed in detail are discussed in this chapter as well. The analysis of the environmental consequences, effectiveness of mitigation measures, and the feasibility of implementing the range of alternatives is presented in Chapter 4.

Discussion

This paragraph is confusing because the term "program area" is not explained or described anywhere in the document or by reference to an external document. The reader cannot understand this document because it contains undefined and unknown terms. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 264: Subject: Confusing Statement Page 18

Substantive Comment

265

Subject: Unusual Formatting

Page 19

Referring to the Following Paragraph

Alternative A represents the ‘No Action’ alternative required by NEPA, and would reaffirm current management under the original Hollister RMP (BLM 1984) and its’ associated Clear Creek Amendments (1986, 1999, 2006). Alternative A does not take into account the temporary closure of the Serpentine ACEC. Management of recreation opportunities, special status species habitat, and other resources would be maintained at existing levels prior to the May 1, 2008 closure order. This alternative would not modify allowable uses to address emerging issues on public lands; however, this alternative would incorporate new human health risk information into BLM’s public outreach and education asbestos hazard information program and new guidance for management of natural and heritage resource, rangelands, energy and minerals, and lands and realty established after the 1984 Hollister RMP, as amended.

Discussion

Use of italic font implies some kind of emphasis. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 265: Subject: Unusual Formatting Page 19

Substantive Comment

266

Subject: Confusing Citation

Page 19

Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative required by NEPA, and would reaffirm current management under the original **Hollister RMP (BLM 1984)** and its' associated Clear Creek Amendments (1986, 1999, 2006). Alternative A does not take into account the temporary closure of the Serpentine ACEC. Management of recreation opportunities, special status species habitat, and other resources would be maintained at existing levels prior to the May 1, 2008 closure order. This alternative would not modify allowable uses to address emerging issues on public lands; however, this alternative would incorporate new human health risk information into BLM's public outreach and education asbestos hazard information program and new guidance for management of natural and heritage resource, rangelands, energy and minerals, and lands and realty established after the **1984 Hollister RMP**, as amended.

Discussion

The reference "Hollister RMP (BLM 1984)" is confusing because no document exists with that title. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author intend to refer to: BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States Department of the Interior, Bureau of Land Management. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 266: Subject: Confusing Citation Page 19

Substantive Comment

267

Subject: Misleading Statement

Page 19

Referring to the Following Paragraph

Alternative A represents the 'No Action' alternative required by NEPA, and would reaffirm current management under the original Hollister RMP (BLM 1984) and its' associated Clear Creek Amendments (1986, 1999, 2006). Alternative A does not take into account the temporary closure of the Serpentine ACEC. Management of recreation opportunities, special status species habitat, and other resources would be maintained at existing levels prior to the May 1, 2008 closure order. This alternative would not modify allowable uses to address emerging issues on public lands; however, this alternative would incorporate new human health risk information into BLM's public outreach and education **asbestos** hazard information program and new guidance for management of natural and heritage resource, rangelands, energy and minerals, and lands and realty established after the 1984 Hollister RMP, as amended.

Discussion

Usage of the term "asbestos" is misleading in reference to the CCMA because the EPA statistics for asbestos etiology are based primarily on amphibole fibers rather than chrysotile fiber. The EPA admits that chrysotile is much less potent, but fails to quantify the variance. Therefore, since the CCMA is proven to be free of natural amphibole fiber, the term chrysotile is accurate, whereas the board all-inclusive "asbestos" is misleading. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

268

Subject: Confusing Statement

Page 19

Referring to the Following Paragraph

Alternative B emphasizes maintaining current multiple use opportunities in CCMA, and would authorize existing uses based on limited annual visitor use days, seasonal use restrictions, and other mitigation measures to protect public health and safety. Resources management would focus on **conserving natural and heritage resources that are functioning** and restoring natural systems that are degraded. Management would focus on protecting human health and safety by restricting season of use and visitor use days/year, applying dust mitigation on major routes, and by eliminating camping and staging in the Serpentine ACEC.

Discussion

The phrase "conserving natural and heritage resources that are functioning" is confusing because the reader cannot understand the meaning of a functioning heritage resource and the document offers no explanation, therefore this phrase and the associated paragraph are meaningless. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 268: Subject: Confusing Statement Page 19

Substantive Comment

269

Subject: Conflicting Statement

Page 19

Referring to the Following Paragraph

Alternative C emphasizes limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other mitigation measures to protect public health and safety. Resources management would focus on conserving natural and heritage resources that are functioning and restoring natural systems that are degraded. Management would focus on protecting human health and safety by prohibiting access into the ACEC for visitors under age 18, **restricting OHV recreation in the ACEC to motorcycle use only**, increasing restrictions on season of use, applying dust mitigation on major routes, and by eliminating camping and staging in the Serpentine ACEC.

Discussion

Stating "restricting OHV recreation in the ACEC to motorcycle use only" conflicts with Alternative C on page 27 which states "ACEC would be limited to full-size vehicles and motorcycle use only."

Recommendation

The Agency must edit or delete the conflicting statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 269: Subject: Conflicting Statement Page 19

Substantive Comment

270

Subject: Confusing Statement

Page 19

Referring to the Following Paragraph

Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC), emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the ACEC. Vehicle touring in the ACEC would be limited to a **Scenic Route** (Spanish Lake Road) from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use opportunities would be available at destinations with unique scenic, natural or geologic features in the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year. Public health and safety risks would be mitigated by restricting access and use during extreme weather conditions.

Discussion

Capitalization of "Scenic Route" is confusing because it implies a special designation suggesting that the term refers to a particular route titled "Scenic Route." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 270: Subject: Confusing Statement Page 19

Substantive Comment

271

Subject: Erroneous Statement

Page 19

Referring to the Following Paragraph

Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC), emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the ACEC. Vehicle touring in the ACEC would be limited to a Scenic Route (**Spanish Lake Road**) from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use opportunities would be available at destinations with unique scenic, natural or geologic features in the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year. Public health and safety risks would be mitigated by restricting access and use during extreme weather conditions.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 271: Subject: Erroneous Statement Page 19

Substantive Comment

272

Subject:

Subjective Phrase

Page 19

Referring to the Following Paragraph

Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC), emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the ACEC. **Vehicle touring** in the ACEC would be limited to a Scenic Route (Spanish Lake Road) from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use opportunities would be available at destinations with unique scenic, natural or geologic features in the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle touring would be limited to less than 5 days/year and **pedestrian activity** limited to less than 12 days/year. Public health and safety risks would be mitigated by restricting access and use during extreme weather conditions.

Discussion

The terms "vehicle touring" and "pedestrian activity" is subjective and need further clarification. Many people enjoy "pedestrian activity" southeast from Wright Mountain, but do not consider the drive to that destination as "vehicle touring." Therefore 12-day trips each year would not count as part of the 5 days/year vehicle touring limit. Additionally, since pedestrian activity between Wright Mountain and Joaquin Rocks are outside of the Serpentine ACEC activity limitation would not apply to this activity.

Recommendation

The Agency must edit the statement to clarify this statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 272: Subject: Subjective Phrase Page 19

Substantive Comment

273

Subject:

Subjective Phrase:

Page 19

Referring to the Following Paragraph

Alternative E allows for limited vehicle touring through the Serpentine ACEC (ACEC), emphasizes pedestrian use in the ACEC and non-motorized recreation opportunities outside the ACEC. Vehicle touring in the ACEC would be limited to a Scenic Route (Spanish Lake Road) from Idria to Wright Mtn. No OHV use would be allowed in the ACEC. Pedestrian trail day use opportunities would be available at destinations with unique scenic, natural or geologic features in the ACEC. Access into the Serpentine ACEC would be authorized by permit only. Vehicle touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year. Public health and safety risks would be mitigated by **restricting access and use during extreme weather conditions**.

Discussion

The phrase "restricting access and use during extreme weather conditions" is subjective and requires further explanation because normal weather phenomenon cycles between the two extremes of winter and summer. Therefore restricting access the seasonal extremes of winter and summer prohibits visitor utilization from the subject area during the more pleasant weather periods of Spring and Autumn. The unusual restriction and prohibitions appear peculiar and seem to conflict with the attempt to institute summer closures. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 273: Subject: Subjective Phrase: Page 19

Substantive Comment

274

Subject: Confusing Statement

Page 19

Referring to the Following Paragraph

Alternative F restricts public access in the Serpentine ACEC to non-motorized recreation only. Public access in the Serpentine ACEC would be **limited to foot-traffic only, and non-motorized recreation** opportunities would be emphasized at outstanding locations throughout CCMA. Public health and safety risks would be mitigated by restricting access and use during extreme weather conditions. Allowable use restrictions would minimize and reduce risk to public health and safety; and BLM land use authorizations would require terms and conditions to minimize risk to human health and the environment.

Discussion

The phrase "limited to foot-traffic only, and non-motorized recreation" is confusing because it implies that access is by "foot-traffic," but recreation is limited to "non-motorized recreation," thus requiring a person to carry their mountain bike during "foot-traffic" access so that a bicycle, for example, may use it for recreation once access is achieved.

Recommendation

The Agency must edit this paragraph to clarify the precise meaning and intention of this alternative. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 274: Subject: Confusing Statement Page 19

Substantive Comment

275

Subject:

Subjective Phrase

Page 19

Referring to the Following Paragraph

Alternative F restricts public access in the Serpentine ACEC to non-motorized recreation only. Public access in the Serpentine ACEC would be limited to foot-traffic only, and non-motorized recreation opportunities would be emphasized at **outstanding locations** throughout CCMA. Public health and safety risks would be mitigated by restricting access and use during extreme weather conditions. Allowable use restrictions would minimize and reduce risk to public health and safety; and BLM land use authorizations would require terms and conditions to minimize risk to human health and the environment.

Discussion

The phrase "outstanding location" is subjective because it fails to recognize the various opinions that might define the meaning of "outstanding location." What may be outstanding to one person may be rather boring to another. To be meaningful, this term needs greater clarification. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit this paragraph to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 275: Subject: Subjective Phrase Page 19

Substantive Comment

276

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Alternative G emphasizes public health and safety by prohibiting all public access and entry into the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS. Allowable use restrictions under Alternative G would minimize CCMA visitor exposure to airborne asbestos emissions and represent the most effective way to reduce risk to public health and safety. BLM would also prohibit other resources uses, such as livestock grazing and energy and minerals development under this alternative to ensure overall protection of human health and the environment from hazardous airborne asbestos emissions.

Discussion

The phrase "prohibiting all public access and entry into the Serpentine ACEC" is confusing since none of the area recreation actually enters into the lands in question, except for perhaps the digging of things like campfire pits. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant prohibiting all public access and entry onto or over the Serpentine ACEC." The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 276: Subject: Confusing Statement Page 20

Substantive Comment

277

Subject: Erroneous Statement

Page 20

Referring to the Following Paragraph

Alternative G emphasizes public health and safety by prohibiting all public access and entry into the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS. Allowable use restrictions under Alternative G would minimize CCMA visitor exposure to airborne asbestos emissions and represent the most effective way to reduce risk to public health and safety. BLM would also prohibit other resources uses, such as livestock grazing and energy and minerals development under this alternative to ensure overall protection of human health and the environment from hazardous airborne asbestos emissions.

Discussion

This statement is erroneous because 43 CFR § 8364.1 is not appropriate, nor was it intended, for a permanent closure of public lands (48 FR 36382). Regulation 43 CFR § 8364.1 - Closure and Restrictions is found in Subchapter-H Recreation Programs, Part 8360-Visitor Services. Thus the Closure Order, pursuant to 43 C.F.R. Subchapter H-Recreation Programs, Part 8360-Visitor Services closes only recreation programs and visitor services on public land. The authority for Part 8360 is defined in 43 C.F.R. § 8360.0-3 as:

The regulations of this part are issued under the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Sikes Act (16 U.S.C. 670g), the Taylor Grazing Act (43 U.S.C. 315a), the Wild and Scenic Rivers Act (16 U.S.C. 1281c), the Act of September 18, 1960, as amended, (16 U.S.C. 877 et seq.), the Land and Water Conservation Fund Act (16 U.S.C. 460l-6a) and the National Trails System Act (16 U.S.C. 1241 et seq.)

The Agency cannot use 43 CFR § 8364.1 as an instrument for a permanent closure of public lands (48 FR 36382).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 277: Subject: Erroneous Statement Page 20

Substantive Comment

278

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Alternative G emphasizes public health and safety by prohibiting all public access and entry into the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the **CCMA RMP/EIS**. Allowable use restrictions under Alternative G would minimize CCMA visitor exposure to airborne asbestos emissions and represent the most effective way to reduce risk to public health and safety. BLM would also prohibit other resources uses, such as livestock grazing and energy and minerals development under this alternative to ensure overall protection of human health and the environment from hazardous airborne asbestos emissions.

Discussion

The paragraph's reference to "CCMA RMP/ EIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 278: Subject: Confusing Statement Page 20

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment

279

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Alternative G emphasizes public health and safety by prohibiting all public access and entry into the Serpentine ACEC. Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS. Allowable use restrictions under Alternative G would minimize CCMA visitor exposure to airborne **asbestos** emissions and represent the most effective way to reduce risk to public health and safety. BLM would also prohibit other resources uses, such as livestock grazing and energy and minerals development under this alternative to ensure overall protection of human health and the environment from hazardous airborne **asbestos** emissions.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 279: Subject: Confusing Statement Page 20

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

280

Subject: Subjective Statement

Page 20

Referring to the Following Paragraph

All the alternatives would place importance on partnerships and agreements with landowners, permit holders, and other local and state agencies to manage BLM public lands for multiple uses on a sustainable basis while providing adequate protection of public health and the environment.

Discussion

The statement “would place importance on partnerships and agreements with landowners” needs clarification to be meaningful. This statement is subjective because it fails to illustrate the kinds of agreements being considered. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit the discrepant statement to correct the deficiency by providing examples of the type of agreements being considered. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 280: Subjective Statement Page 20

Substantive Comment

281

Subject: Confusing Format

Page 20

Referring to the Following Paragraph

2.2.1 CCMA 'Open' Area Designation

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 281: Subject: Confusing Format Page 20

Substantive Comment

282

Subject: Confusing Format

Page 20

Referring to the Following Paragraph

Designation of CCMA as an ‘open’ area for vehicle use is not considered in the range of alternatives, because this type of designation would not meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos).

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 282: Subject: Confusing Format Page 20

Substantive Comment

283

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Designation of CCMA as an 'open' area for vehicle use is not considered in the range of alternatives, because this type of designation would not meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 283: Subject: Confusing Statement Page 20

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 283: Subject: Confusing Statement Page 20

Substantive Comment

284

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Designation of CCMA as an ‘open’ area for vehicle use is not considered in the range of alternatives, because this type of designation **would not** meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos).

Discussion

The phrase “would not” implies that designation may currently “meet the purpose and need for this RMP/EIS,” but will not at a future day. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to state “does not.” The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 284: Subject: Confusing Statement Page 20

Substantive Comment

285

Subject: Needless Bulk

Page 20

Referring to the Following Paragraph

Designation of CCMA as an 'open' area for vehicle use is not considered in the range of alternatives, because this type of designation would not meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. **The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos).**

Discussion

This paragraph contains statements that have already been made. Unnecessary repetition suggests that the document serves an indoctrination agenda, rather than development of a management plan. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 285: Subject: Needless Bulk Page 20

Substantive Comment

286

Subject: Needless Bulk

Page 20

Referring to the Following Paragraphs

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment, which concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.

BLM acknowledges that controversy exists regarding the health risks of naturally occurring asbestos; however, EPA and other Federal, State, and local agencies whose missions relate directly to public health support the BLM's decision to limit the range of alternatives to vehicle use area designation that meet the purpose and need for the CCMA RMP described in Section 1.1.

Discussion

These two paragraphs contain statements that have already been made. Unnecessary repetition suggests that the document serves an indoctrination agenda, rather than development of a management plan. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

Recommendation

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 286: Subject: Needless Bulk Page 20

Substantive Comment

287

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment, which concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.

Discussion

This paragraph is misleading because it states that the "purpose and need for the CCMA RMP/EIS is based" on a singular action of the "EPA Asbestos Exposure and Human Health Risk Assessment." This is inaccurate because the purpose and need as stated on pages 3 and 4 of the subject report in three "specific factors," as referenced below.

1.1 Purpose and Need for the CCMA Resource Management Plan

The need to develop the CCMA RMP arises from numerous changes in circumstances since the current land use plan decisions were adopted. The existing Resource Management Plan (RMP) for the area was adopted in 1984. There have been several amendments to the 1984 RMP to address public health and safety and resources protection issues in CCMA. However, many other issues that are emerging on public lands were not addressed in those amendments. The following list of specific factors illustrates the need for preparation of an updated management plan:

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.
- The current management plan does not specifically address listing and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor, red-legged frog, and tiger salamander.
- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

The subject paragraph is erroneous and misleading, and adds unnecessary repetitive discussion and needless detail to the subject section.

Recommendation

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 287: Subject: Confusing Statement Page 20

Substantive Comment

288

Subject: Redundant Statement

Page 20

Referring to the Following Paragraph

Furthermore, management of the CCMA as an 'open' area for OHV recreation is not analyzed in this document because a large portion of the CCMA has been managed for decades as the Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure to asbestos and to emphasize protection other unique values associated with the serpentine soils in the area. For example, a portion of the ACEC was also designated a Research Natural Area (RNA) because of the unique forest assemblage and rare plant habitat contained therein. On February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as federally threatened under the Endangered Species Act. Following the listing of the primrose, a CCMA Amendment (1995) was prepared that designated CCMA a 'Limited' use area for OHV recreation to prevent jeopardizing the continued existence of the species.

Discussion

The first sentence of this paragraph is redundant and unnecessary because it is already discussed in the first paragraph of this section where on the same page, page 20, it states the following:

Designation of CCMA as an 'open' area for vehicle use is not considered in the range of alternatives, because this type of designation would not meet the purpose and need for this RMP/EIS to minimize human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities.

The subject adds unnecessary repetitive discussion and needless detail to the subject section.

Recommendation

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 288: Subject: Redundant Statement Page 20

Substantive Comment

289

Subject: Confusing Format

Page 20

Referring to the Following Paragraph

Furthermore, management of the CCMA as an ‘open’ area for OHV recreation is not analyzed in this document because a large portion of the CCMA has been managed for decades as the Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure to asbestos and to emphasize protection other unique values associated with the serpentine soils in the area. For example, a portion of the ACEC was also designated a Research Natural Area (RNA) because of the unique forest assemblage and rare plant habitat contained therein. On February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as federally threatened under the Endangered Species Act. Following the listing of the primrose, a CCMA Amendment (1995) was prepared that designated CCMA a ‘Limited’ use area for OHV recreation to prevent jeopardizing the continued existence of the species.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 289: Subject: Confusing Format Page 20

Substantive Comment

290

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Furthermore, management of the CCMA as an 'open' area for OHV recreation is not analyzed in this document because a large portion of the CCMA has been managed for decades as the Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure to **asbestos** and to emphasize protection other unique values associated with the serpentine soils in the area. For example, a portion of the ACEC was also designated a Research Natural Area (RNA) because of the unique forest assemblage and rare plant habitat contained therein. On February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as federally threatened under the Endangered Species Act. Following the listing of the primrose, a CCMA Amendment (1995) was prepared that designated CCMA a 'Limited' use area for OHV recreation to prevent jeopardizing the continued existence of the species.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 290: Subject: Confusing Statement Page 20

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

291

Subject: Needleless Bulk

Page 20

Referring to the Following Paragraph

Furthermore, management of the CCMA as an 'open' area for OHV recreation is not analyzed in this document because a large portion of the CCMA has been managed for decades as the Serpentine Area of Critical Environmental Concern (ACEC) due to the health risk from exposure to asbestos and to emphasize protection other unique values associated with the serpentine soils in the area. For example, a portion of the ACEC was also designated a Research Natural Area (RNA) because of the unique forest assemblage and rare plant habitat contained therein. On February 12, 1985 the San Benito evening primrose (*Camissonia benitensis*) was listed as federally threatened under the Endangered Species Act. Following the listing of the primrose, a CCMA Amendment (1995) was prepared that designated CCMA a 'Limited' use area for OHV recreation to prevent jeopardizing the continued existence of the species.

Discussion

This paragraph is unnecessary repetitive discussion of material that is full covered in a previous record of decision (BLM 2006) and hence unnecessary bulk and needless detail to this draft document. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4). Agencies shall reduce excessive paperwork by tiering from statements of broad scope to those of narrower scope, to eliminate repetitive discussions of the same issues (40 C.F.R. §§ 1502.4 and 1502.20). The Agency shall employ tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and avoid duplication (§ 1502.4).

Recommendation

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 291: Subject: Needleless Bulk Page 20

Substantive Comment

292

Subject: Confusing Format

Page 20

Referring to the Following Paragraph

Designation of CCMA as an “open” area for vehicle use would have adverse effects on the values for which the ACEC/RNA was established and the federally threatened San Benito evening-primrose. As a result, this RMP/EIS only considers the ‘Limited’ and ‘Closed’ area designations for CCMA public lands.

Discussion

Enclosing this word in quotations is unnecessary and confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack of writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 292: Subject: Confusing Format Page 20

Substantive Comment

293

Subject: Confusing Statement

Page 20

Referring to the Following Paragraph

Designation of CCMA as an “open” area for vehicle use would have adverse effects on the values for **which the ACEC/RNA was established and the federally threatened San Benito evening-primrose**. As a result, this RMP/EIS only considers the ‘Limited’ and ‘Closed’ area designations for CCMA public lands.

Discussion

This statement, “which the ACEC/RNA was established and the federally threatened San Benito evening-primrose” is confusing, perhaps a word is missing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 293: Subject: Confusing Statement Page 20

Substantive Comment

294

Subject: Confusing Format

Page 20

Referring to the Following Paragraph

Designation of CCMA as an “open” area for vehicle use would have adverse effects on the values for which the ACEC/RNA was established and the federally threatened San Benito evening-primrose. As a result, this RMP/EIS only considers the ‘Limited’ and ‘Closed’ area designations for CCMA public lands.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 294: Subject: Confusing Format Page 20

Substantive Comment

295

Subject: Confusing Statement

Page 21

Referring to the Following Paragraph

During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM consider the use of personal protection equipment (PPE) to reduce and minimize risks to public health and safety from exposure to asbestos. Comments received by the Hollister Field Office recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from exposure to airborne asbestos fibers. While using personal protective equipment may reduce your exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded purple) or an N-100, P-100 or R-100 NIOSH rating. These cartridges are specific for filtering out asbestos fibers. The most common respirator is a half face, dual cartridge respirator. Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece, elastic head harness and filter cartridges. However, respirators provide little protection if are not fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the lungs to work harder in order to breathe air, and manufacturers recommend checking with a medical doctor to ensure that people are physically able to wear a respirator.

Discussion

Using the phrase "exposure to asbestos fibers" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." Change the phrase to read, "exposure to chrysotile fibers." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

296

Subject: Confusing Statement

Page 21

Referring to the Following Paragraph

During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM consider the use of personal protection equipment (PPE) to reduce and minimize risks to public health and safety from exposure to asbestos. Comments received by the Hollister Field Office recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from exposure to airborne asbestos fibers. **While using personal protective equipment may reduce your exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded purple) or an N-100, P-100 or R-100 NIOSH rating.** These cartridges are specific for filtering out asbestos fibers. The most common respirator is a half face, dual cartridge respirator. Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece, elastic head harness and filter cartridges. However, respirators provide little protection if are not fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the lungs to work harder in order to breathe air, and manufacturers recommend checking with a medical doctor to ensure that people are physically able to wear a respirator.

Discussion

The statement, "While using personal protective equipment may reduce your exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded purple) or an N-100, P-100 or R-100 NIOSH rating" is confusing because the statement should be rewritten as follows:

Respirators rated for protection from particulate fibrous dust utilizing high efficiency particulate air (HEPA) filters with a National Institute for Occupational Safety and Health (NIOSH) 100 rating could reduce personal inhalation exposure to airborne chrysotile fibers.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 296: Subject: Confusing Statement Page 21

Substantive Comment

297

Subject: Needleless Bulk

Page 21

Referring to the Following Paragraph

During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM consider the use of personal protection equipment (PPE) to reduce and minimize risks to public health and safety from exposure to asbestos. Comments received by the Hollister Field Office recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from exposure to airborne asbestos fibers. While using personal protective equipment may reduce your exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded purple) or an N-100, P-100 or R-100 NIOSH rating. These cartridges are specific for filtering out asbestos fibers. The most common respirator is a half face, dual cartridge respirator. Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece, elastic head harness and filter cartridges. However, respirators provide little protection if are not fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the lungs to work harder in order to breathe air, and manufacturers recommend checking with a medical doctor to ensure that people are physically able to wear a respirator.

Discussion

This paragraph is instructional regarding the proper wearing or use of a respirator. This has nothing to do with the appropriateness of using PPE or the resource management plan or the environmental impact study. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 297: Subject: Needleless Bulk Page 21

Substantive Comment

298

Subject: Erroneous Statement

Page 21

Referring to the Following Paragraph

During public meetings for the CCMA RMP/EIS, several scoping comments suggested that BLM consider the use of personal protection equipment (PPE) to reduce and minimize risks to public health and safety from exposure to asbestos. Comments received by the Hollister Field Office recommend the use of PPEs, such as dust masks or respirators, to protect CCMA visitors from exposure to airborne asbestos fibers. While using personal protective equipment may reduce your exposure to asbestos fibers, respirators must be equipped with HEPA filtered cartridges (color coded purple) or an N-100, P-100 or R-100 NIOSH rating. **These cartridges are specific for filtering out asbestos fibers.** The most common respirator is a half face, dual cartridge respirator. Half face respirators cover the nose and mouth and consist of a silicone or rubber face piece, elastic head harness and filter cartridges. However, respirators provide little protection if are not fitted properly or facial hair does not allow the respirator to fit properly. Typically, vendors provide instructions on performing a fit check of the respirator seal to ensure a proper fit, and they recommend a fit check is done each time the respirator is worn. Furthermore, respirators cause the lungs to work harder in order to breathe air, and manufacturers recommend checking with a medical doctor to ensure that people are physically able to wear a respirator.

Discussion

The statement, "These cartridges are specific for filtering out asbestos fibers" is false because the series 100 filters are meant for protection against airborne particles, such as silica, asbestos, and lead. This filter is not exclusively for "asbestos." The N, P or R rating relate to the filter's resistance to oil and hence its suitability for different environments. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the Erroneous Statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 298: Subject: Erroneous Statement Page 21

Substantive Comment

299

Subject: Needleless Bulk

Page 21

Referring to the Following Paragraph

Other respirators, including paper dust masks available at hardware stores, do not filter out asbestos fibers. Although some “dust masks” can actually be fit tested and can provide a very good fit factor, the Occupational Health and Safety Administration (OSHA) specifically prohibits their use for asbestos and manufacturers also specifically indicate that these masks are not acceptable for asbestos. Moreover, the voluntary use of dust masks in atmospheres documented or known to contain levels of asbestos above the Permissible Exposure Limit (PEL) is unacceptable, and one of the principle foundations of asbestos exposure control is to prevent its spread. Simply using a dust mask does not eliminate the potential for “take home” and subsequent exposure to asbestos.

Discussion

This paragraph is instructional regarding the proper wearing or use of a respirator. This has nothing to do with the appropriateness of using PPE or the resource management plan or the environmental impact study. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 299: Subject: Needleless Bulk Page 21

Substantive Comment

300

Subject: Needleless Bulk

Page 21

Referring to the Following Paragraph

Additional personal protection equipment such as eyewear, rubber boots, disposable gloves and coveralls are recommended during asbestos abatement activities to prevent contact with asbestos-containing debris. Once exposed to asbestos containing materials, these PPEs are supposed to be removed properly and disposed of in a designated asbestos waste bag to ensure all asbestos debris remains in the area of contamination and avoid the spread of hazardous asbestos fibers. However, most PPEs quickly get hot and uncomfortable because they do not breathe and as a result, are not appropriate for use during recreational activities in CCMA. Therefore, PPEs are not being considered within the range of alternatives as an option for protection of human health and safety from exposure to asbestos in CCMA.

Discussion

This paragraph is instructional regarding the proper wearing or use of a respirator. This has nothing to do with the appropriateness of using PPE or the resource management plan or the environmental impact study. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4).

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 300: Subject: Needleless Bulk Page 21

Substantive Comment

301

Subject: Misleading Statement

Page 21

Referring to the Following Paragraph

In general, the public interest determination considers whether resource values and public objectives served by the non-federal lands must equal or exceed those being conveyed, and the intended use of the conveyed federal land must not substantially conflict with management of adjacent federal lands. Based on the criteria set forth by FLPMA, BLM has determined that land tenure adjustments (including sales and **exchanges of public or private lands in the Serpentine ACEC**) are not in the public interest.

Discussion

The statement “exchanges of public or private lands in the Serpentine ACEC) are not in the public interest,” is misleading since there is no private lands designated within the ACEC. In fact the Bureau of Land Management Land Plat Map clearly show that all private land parcels are excluded from the ACEC. Therefore it is impossible for the Agency to exchange “private lands in the Serpentine ACEC.” Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 301: Subject: Misleading Statement Page 21

Substantive Comment

302

Subject: Erroneous Statement

Page 22

Referring to the Following Paragraph

Acquisition of private in-holdings from willing sellers in the Serpentine ACEC to acquire special status species habitat would be in the public interest.

Discussion

The statement "private in-holdings from willing sellers in the Serpentine ACEC" is erroneous since there is no private lands designated within the ACEC. In fact the Bureau of Land Management Land Plat Map clearly show that all private land parcels are excluded from the ACEC. Therefore it is impossible for the Agency to exchange "private lands in the Serpentine ACEC." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 302: Subject: Erroneous Statement Page 22

Substantive Comment

303

Subject: Erroneous Statement

Page 22

Referring to the Following Paragraph

Furthermore, conveyances of contaminated **Federal lands** as subject to the provisions of the Comprehensive Environmental Response and Compensation Liability Act (CERCLA), 42 U.S.C 9620. Because BLM-managed lands in the Serpentine ACEC are known to be contaminated with asbestos, and remediation of naturally occurring asbestos is not practical or feasible over large tracts of land, any sale, lease, or exchange of these lands to be managed for public access and multiple use activities is not consistent with the standards set forth under CERCLA and the National Contingency Plan for protection of human health and the environment.

Discussion

The subject lands are not technically "Federal lands," but rather "public lands" managed by a Federal agency. The statement "Federal lands" is erroneous because it implies Federal ownership of public lands which is prohibited by the Constitution of the United States and the Treaty of Guadalupe Hidalgo, except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 303: Subject: Erroneous Statement Page 22

Substantive Comment

304

Subject: Erroneous Statement

Page 22

Referring to the Following Paragraph

Furthermore, conveyances of contaminated Federal lands as subject to the provisions of the Comprehensive Environmental Response and Compensation Liability Act (CERCLA), 42 U.S.C. 9620. Because BLM-managed lands in the Serpentine ACEC are known to be contaminated with asbestos, and remediation of naturally occurring asbestos is not practical or feasible over large tracts of land, any sale, lease, or exchange of these lands to be managed for public access and multiple use activities is not consistent with the standards set forth under CERCLA and the National Contingency Plan for protection of human health and the environment.

Discussion

42 U.S.C. §9620 is specifically applicable to "Federal facilities." Lands within the Serpentine ACEC do not meet this criteria and are not "facilities" as defined for the section, see 42 U.S.C. §9601(9). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 304: Subject: Erroneous Statement Page 22

Substantive Comment

305

Subject: Confusing Statement

Page 23

Referring to the Following Paragraph

Many of the management actions considered in this **DRMP/DEIS** are common to all alternatives. Resource management actions are considered common to all alternatives if they meet resource management goals and objectives and they do not conflict with other allowable uses, and resource allocations or protection measures, including mitigation measures for public health and safety. A summary of these actions is provided below. Additional management actions or mitigation measures that would be necessary to manage multiple-uses or protect resources under the range of alternatives are described in Sections 2.4.1 through 2.4.18.

Discussion

This is the first occurrence the abbreviation "DRMP/DEIS," so it should be proceeded by the full written term. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 305: Subject: Confusing Statement Page 23

Substantive Comment

306

Subject: Confusing Statement

Page 23

Referring to the Following Paragraph

Many of the management actions considered in this **DRMP/DEIS** are common to all alternatives. Resource management actions are considered common to all alternatives if they meet resource management goals and objectives and they do not conflict with other allowable uses, and resource allocations or protection measures, including mitigation measures for public health and safety. A summary of these actions is provided below. Additional management actions or mitigation measures that would be necessary to manage multiple-uses or protect resources under the range of alternatives are described in Sections 2.4.1 through 2.4.18.

Discussion

The paragraph's reference to "DRMP/DEIS" is confusing because the reader is unsure about which of the following documents is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2007) *Resource Management Plan for Southern Diablo Mountain Range & Central Coast of California: Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Substantive Comment - # 306: Subject: Confusing Statement Page 23

1 **Recommendation**

3 The Agency must edit or delete the discrepant statement to correct the deficiency. The
5 Agency must rewrite the subject document to remove the discrepant issue from the
7 document. The original discrepancy must not be included or propagated in the final resource
9 management plan, the final environmental impact study, or the record of decision. The final
11 documentation should include corrected recommendations.

Substantive Comment - # 306: Subject: Confusing Statement Page 23

Substantive Comment

307

Subject: Confusing Statement

Page 23

Referring to the Following Paragraph

- Manage CCMA as a **Special Recreation Management Area** (SRMA) to provide specific, structured recreation opportunities (i.e., activity, experience, and benefit opportunities).

Discussion

Designation of the "CCMA as a Special Recreation Management Area" is confusing because this terminology has not been publicly used in reference to this area since the BLM (1984) *Hollister Resource Management Plan and Record of Decision*, United States Department of the Interior, Bureau of Land Management and is thusly lost from the social memory. The Agency must explain why this is being revised. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 307: Subject: Confusing Statement Page 23

Substantive Comment

308

Subject: Confusing Statement

Page 23

Referring to the Following Paragraph

- Use a combination of best management practices (BMPs) and administrative actions (i.e. supplementary rules) to minimize human health risks from exposure to airborne asbestos fibers and reduce emissions of hazardous air pollutants from BLM land use authorizations and management activities.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 308: Subject: Confusing Statement Page 23

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 308: Subject: Confusing Statement Page 23

Substantive Comment

309

Subject: Confusing Statement

Page 23

Referring to the Following Paragraph

- Augment the existing public asbestos hazard information program through improved signing, hand-outs, advisories, monitoring, public contact, and education programs. Any new information on risks to human health will be incorporated into the educational materials.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 309: Subject: Confusing Statement Page 23

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 309: Subject: Confusing Statement Page 23

Substantive Comment

310

Subject: Confusing Terminology

Page 23

Referring to the Following Paragraph

- Manage CWA 303(d)-listed impaired water bodies to meet properly functioning condition (PFC) objectives relative to beneficial uses and total maximum daily loads (TMDLs).

Discussion

Introduction of the term "CWA 303(d)-listed" without explanation is confusing because this phrase has not been previously used in this document. Using unexplained or ambiguous term make the document incomprehensible for the public and difficult to review and fails to facilitate public involvement. The agency shall encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 C.F.R. § 1500.2). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 310: Subject: Confusing Terminology Page 23

Substantive Comment

311

Subject: Erroneous Statement

Page 23

Referring to the Following Paragraph

- Authorize rights-of-way to provide reasonable access for private landowners and existing rights-holders.

Discussion

This statement is erroneous because all of the private landowners within the subject area have easements or rights-of-way based upon either the original Congressional land patent and/or by public highways. All of the public highways that are within or pass over the subject lands precede creation of the Bureau of Land Management or the Federal Land Policy Management Act of 1976. Many of the public highways that are within or pass over the subject lands existed before California admission to the Union of States and are therefore preserved by the Treaty of Guadalupe Hidalgo. Other public ways that are within or pass over the subject lands were created under authority of Revised Statute 2477, and hence remain protect as public highways immune from Federal impairment. Therefore, the Agency has no authority for authorizing such "rights-of-way."

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 311: Subject: Erroneous Statement Page 23

Substantive Comment

312

Subject: Confusing Statement

Page 24

Referring to the Following Paragraph

The description of alternatives is organized by **resource program** (e.g., air quality, soil resources, water resources, etc.). The goals and objectives of each resource program are specified, and specific management actions for each alternative are then presented. Management actions specified for each resource program include area-wide actions and actions specific to five management zones identified on Maps A-G, if applicable.

Discussion

This paragraph is confusing because the term “resource program” is not explained or described anywhere in the document or by reference to an external document. The reader cannot understand this document because it contains undefined and unknown terms. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 312: Subject: Confusing Statement Page 24

Substantive Comment

313

Subject: Confusing Statement

Page 24

Referring to the Following Paragraph

The description of alternatives is organized by resource program (e.g., air quality, soil resources, water resources, etc.). The goals and objectives of each resource program are specified, and specific management actions for each alternative are then presented. Management actions specified for each resource program include area-wide actions and actions specific to **five management zones identified on Maps A-G, if applicable.**

Discussion

This paragraph is confusing because the term “five management zones” is not explained or described anywhere in the document or by reference to an external document. Additionally, there are not map designated A-G. Perhaps the author meant Maps A through G and intended to state Maps A - G, but did not. The reader cannot understand this document because it contains undefined and unknown terms. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 313: Subject: Confusing Statement Page 24

Substantive Comment

314

Subject: Confusing Statement

Page 24

Referring to the Following Paragraph

As stated in Section 2.1, this RMP/EIS incorporates guidance provided by numerous laws, mandates, policies, and plans. As a result, many of BLM's goals, objectives, and management actions are applicable to many alternatives or common to all alternatives. These management actions are combined, where possible, under the range of alternatives based on the location and intensity of *Motorized and Non-motorized* activities within CCMA. These include management actions for recreation, public health and safety, biological resources, air, water, soils, fire management, livestock grazing, energy and minerals, cultural and heritage resources, paleontological resources, visual resources management, social and economic conditions, and special designations.

Discussion

Capitalizing and italicizing the terms "*Motorized and Non-motorized*" is confusing because these terms are sometime not capitalized or italicized and presenting the terms in various forms suggests that their respective usage may have different meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 314: Subject: Confusing Statement Page 24

Substantive Comment

315

Subject: Erroneous Statement

Page 24

Referring to the Following Paragraph

Section 2.1 also states, “BLM will identify one such combination of management actions, resource allocations, and allowable uses from among the range of alternatives as a ‘Preferred Alternative’ for lands administered by the HFO in the CCMA. This method of selecting program area emphasis and combinations of management actions for land use planning is known as the “menu approach” (ref. Section 1.2.2).”

Discussion

The quotation in this paragraph is erroneous because this statement does not occur in Section 2.1 or at any location in this document. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 315: Subject: Erroneous Statement Page 24

Substantive Comment

316

Subject: Confusing Format

Page 24

Referring to the Following Paragraph

Section 2.1 also states, “BLM will identify one such combination of management actions, resource allocations, and allowable uses from among the range of alternatives as a ‘Preferred Alternative’ for lands administered by the HFO in the CCMA. This method of selecting program area emphasis and combinations of management actions for land use planning is known as the “menu approach” (ref. Section 1.2.2).”

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 316: Subject: Confusing Format Page 24

Substantive Comment

317

Subject: Confusing Format

Page 24

Referring to the Following Paragraph

Section 2.1 also states, "BLM will identify one such combination of management actions, resource allocations, and allowable uses from among the range of alternatives as a 'Preferred Alternative' for lands administered by the HFO in the CCMA. This method of selecting **program area** emphasis and combinations of management actions for land use planning is known as the "menu approach" (ref. Section 1.2.2)."

Discussion

This paragraph is confusing because the term "program area" is not explained or described anywhere in the document or by reference to an external document. The reader cannot understand this document because it contains undefined and unknown terms. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 317: Subject: Confusing Format Page 24

Substantive Comment

318

Subject: Inconsistent with Goal

Page 25

Referring to the Following Paragraph

- Maintain designated CCMA route and trail network (up to 270 miles) for OHV use.

Discussion

"Maintain designated CCMA route," which includes area outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative A, which states:

Management Goal: Authorize continued OHV recreation and public access in the Serpentine ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 318: Subject: Inconsistent with Goal Page 25

Substantive Comment

319

Subject: Inconsistent with Goal

Page 25

Referring to the Following Paragraph

- Maintain the Condon, Tucker, and Cantua zones for hunting and other non-motorized recreation opportunities.

Discussion

The delineated area, which is outside of the Serpentine ACEC, and "non-motorized recreation" are inconsistent with the stated goal for Alternative A, which states:

Management Goal: Authorize continued OHV recreation and public access in the Serpentine ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 319: Subject: Inconsistent with Goal Page 25

Substantive Comment

320

Subject: Inconsistent with Goal

Page 25

Referring to the Following Paragraph

- Apply dust-suppressant on major routes in CCMA. The initial application will be evaluated for continued use on an annual or semi-annual basis.

Discussion

The "CCMA," which includes area outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative A, which states:

Management Goal: Authorize continued OHV recreation and public access in the Serpentine ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 320: Subject: Inconsistent with Goal Page 25

Substantive Comment

321

Subject: Confusing Statement

Page 25

Referring to the Following Paragraph

- Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure.

Discussion

This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure." If this means that the subject area will close "once 8 inches of annual precipitation" is reached, then the area closes once that value is achieved, which normally occurs around December or January.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 321: Subject: Confusing Statement Page 25

Substantive Comment

322

Subject: Inconsistent with Goal

Page 25

Referring to the Following Paragraph

- Acquire lands from willing sellers in the Tucker Mtn. area. Acquire state lands and private in-holdings from willing sellers through acquisition or exchange.

Discussion

The "CCMA," which includes area outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative A, which states:

Management Goal: Authorize continued OHV recreation and public access in the Serpentine ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 322: Subject: Inconsistent with Goal Page 25

Substantive Comment

323

Subject: Inconsistent with Goal

Page 25

Referring to the Following Paragraph

Energy & Minerals

Discussion

"Energy & Mineral" is inconsistent with the stated goal for Alternative A, which states:

Management Goal: Authorize continued OHV recreation and public access in the Serpentine ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 323: Subject: Inconsistent with Goal Page 25

Substantive Comment

324

Subject: Erroneous Statement

Page 25

Referring to the Following Paragraph

Allow no mineral leasing or sales within Clear Creek Canyon. Withdraw the RNA and Clear Creek Canyon from locatable mineral entry. Energy & Minerals

Discussion

"Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to withdraw public lands from locatable mineral entry is reserved by Congress. This statement is misleading and erroneous because it attempt to undermine Congressional authority and misrepresent Agency jurisdiction under color of law.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 324: Subject: Erroneous Statement Page 25

Substantive Comment

325

Subject: Inconsistent with Goal

Page 25

Referring to the Following Paragraph

Livestock Grazing

Discussion

"Livestock Grazing" is inconsistent with the stated goal for Alternative A, which states:

Management Goal: Authorize continued OHV recreation and public access in the Serpentine ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1). This alternative fails to meet the requirement to "include the alternative of no action (40 C.F.R. 1502.14(d)).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 325: Subject: Inconsistent with Goal Page 25

Substantive Comment

326

Subject: Inconsistent with Goal

Page 26

Referring to the Following Paragraph

- Manage the Tucker, Condon, and Cantua zones for hunting and other non-motorized recreation opportunities.

Discussion

The delineated area, which is outside of the Serpentine ACEC, is inconsistent with the stated goal for Alternative B, which states:

Management Goal: Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 326: Subject: Inconsistent with Goal Page 26

Substantive Comment

327

Subject: Inconsistent Statement

Page 26

Referring to the Following Paragraph

- Authorize access into the Serpentine ACEC by Special Recreation Permits (SRP) only, and limit visitor use less than 12 days/year for non-motorized activities, and less than 5 days/year for motorized use.

Discussion

The statement, "authorize access in the Serpentine ACEC by Special Recreation Permits" is inconsistent with the stated goal for Alternative B, which states:

Management Goal: Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 327: Subject: Inconsistent Statement Page 26

Substantive Comment

328

Subject: Confusing Terminology

Page 26

Referring to the Following Paragraph

- Maintain and/or improve designated route network (and recreation facilities) to protect human health through surface hardening and other dust suppression techniques.

Discussion

The term “recreation facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 328: Subject: Confusing Terminology Page 26

Substantive Comment

329

Subject: Confusing Statement

Page 26

Referring to the Following Paragraph

- Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure.

Discussion

This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure." If this means that the subject area will close "once 8 inches of annual precipitation" is reached, then the area closes once that value is achieved, which normally occurs around December or January. If this is intended, then the effect of this and the previous statement is to effectively close the subject area throughout the year. If that is the intent, then it should be clearly stated rather than concealed in confusing statements.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 329: Subject: Confusing Statement Page 26

Substantive Comment

330

Subject: Inconsistent with Goal

Page 26

Referring to the Following Paragraph

- Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal.

Discussion

"Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal." Disposing of these public lands is inconsistent with the stated goal for Alternative B, which states:

Management Goal: Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 330: Subject: Inconsistent with Goal Page 26

Substantive Comment

331

Subject: Inconsistent with Goal

Page 26

Referring to the Following Paragraph

- Acquire lands from willing sellers south of CCMA to Coalinga-Los Gatos Road.

Discussion

The delineated area is inconsistent with the stated goal for Alternative B, which states:

Management Goal: Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 331: Subject: Inconsistent with Goal Page 26

Substantive Comment

332

Subject: Inconsistent Statement

Page 26

Referring to the Following Paragraph

- Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

Discussion

"Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC." This statement is inconsistent with the stated goal for Alternative B, which states:

Management Goal: Authorize OHV recreation and public access in the Serpentine ACEC based on a limited OHV use season, limited visitor use days/year, and restrictions on organized events in CCMA.

It is also inconsistent with the Bureau of Land Management's interpretation of the "Comprehensive Environmental Response and Compensation Liability Act (CERCLA), 42 U.S.C 9620" as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 332: Subject: Inconsistent Statement Page 26

Substantive Comment

333

Subject: Erroneous Statement

Page 26

Referring to the Following Paragraph

- Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

Discussion

"Authorize locatable mineral entry ..." The Bureau of Land Management is not authorized to "authorize locatable mineral entry." This authority is provided in the General Mining Law. Authority to withdraw public lands from locatable mineral entry is reserved by Congress.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 333: Subject: Erroneous Statement Page 26

Substantive Comment

334

Subject: Inconsistent Statement

Page 27

Referring to the Following Paragraph

- Designate the entire 75,000 acres CCMA as a "Limited" vehicle use area. Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated routes identified on Map C in Appendix I.

Discussion

"Designate the entire 75,000 acres CCMA" is inconsistent with the stated goal for Alternative C, which states:

Management Goal: Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 334: Subject: Inconsistent Statement Page 27

Substantive Comment

335

Subject: Confusing Statement

Page 27

Referring to the Following Paragraph

- Designate the entire 75,000 acres CCMA as a “Limited” vehicle use area. Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated routes identified on Map C in Appendix I.

Discussion

This statement, “limited to full-size vehicles and motorcycle use” fails to define “full-size vehicle” and seems to exclude other types of licensed vehicles. The Agency lacks authority to impair licensed vehicle access on California public highways.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 335: Subject: Confusing Statement Page 27

Substantive Comment

336

Subject: Erroneous Statement

Page 27

Referring to the Following Paragraph

- Designate the entire 75,000 acres CCMA as a “Limited” vehicle use area. Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated routes identified on Map C in Appendix I.

Discussion

The statement is erroneous because, as explained in Substantive Comment # 170 on page 225, the Agency does not legally assert administrative authority of 75,000 acres.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 336: Subject: Erroneous Statement Page 27

Substantive Comment

337

Subject: Contradictory Statement

Page 27

Referring to the Following Paragraph

- Manage the Tucker, Condon, and Cantua zones for non-motorized recreation opportunities. Vehicle use would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed) routes identified on Map C in Appendix I.

Discussion

The statement "Manage ... for non-motorized ... Vehicle use ... limited to full-size ..." is incomprehensible, contradictory, and therefore erroneous because no non-motorized full-size vehicles exist. Such statements or requirements create and unachievable situations. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15). The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 337: Subject: Contradictory Statement Page 27

Substantive Comment

338

Subject: Confusing Terminology

Page 27

Referring to the Following Paragraph

- Maintain and/or improve designated route network (and recreation facilities) to protect human health through surface hardening and other dust suppression techniques.

Discussion

The term “recreation facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 338: Subject: Confusing Terminology Page 27

Substantive Comment

339

Subject: Confusing Statement

Page 27

Referring to the Following Paragraph

- Enforce seasonal use restrictions from December 1st to April 15th annually.

Discussion

The phrase "seasonal use restrictions from December 1st to April 15th annually" needs additional clarification because the reader is uncertain whether use is restricted to this period, or if used is prohibited during this period. The Agency failed to clarify the intent of this phrase thereby leaving enforcement to arbitrary and capricious interpretation that will change from time-to-time. Without clarification, this phrase is meaningless and unenforceable. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 339: Subject: Confusing Statement Page 27

Substantive Comment

340

Subject: Confusing Statement

Page 27

Referring to the Following Paragraph

- Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure.

Discussion

This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure." If this means that the subject area will close "once 8 inches of annual precipitation" is reached, then the area closes once that value is achieved, which normally occurs around December or January. If this is intended, then the effect of this and the previous statement is to effectively close the subject area throughout the year. If that is the intent, then it should be clearly stated rather than concealed in confusing statements.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 340: Subject: Confusing Statement Page 27

Substantive Comment

341

Subject: Inconsistent with Goal

Page 27

Referring to the Following Paragraph

- Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal.

Discussion

"Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal." Disposing of these public lands is inconsistent with the stated goal for Alternative C, which states:

Management Goal: Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 341: Subject: Inconsistent with Goal Page 27

Substantive Comment

342

Subject: Inconsistent with Goal

Page 27

Referring to the Following Paragraph

- Acquire lands from willing sellers south of CCMA to Coalinga-Los Gatos Road.

Discussion

The delineated area is inconsistent with the stated goal for Alternative C, which states:

Management Goal: Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 342: Subject: Inconsistent with Goal Page 27

Substantive Comment

343

Subject: Inconsistent Statement

Page 27

Referring to the Following Paragraph

- Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

Discussion

This statement is inconsistent with the stated goal for Alternative C, which states:

Management Goal: Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

The statement is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22 of the subject report. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 343: Subject: Inconsistent Statement Page 27

Substantive Comment

344

Subject: Erroneous Statement

Page 27

Referring to the Following Paragraph

- Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC.

Discussion

"Authorize locatable mineral entry ..." is inconsistent with the stated goal for Alternative C, which states:

Management Goal: Authorize limited OHV recreation opportunities in the Serpentine ACEC based on vehicle types, minimum age requirements, and other engineering projects to protect public health and safety.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 344: Subject: Erroneous Statement Page 27

Substantive Comment

345

Subject: Erroneous Statement

Page 28

Referring to the Following Paragraph

- Develop and maintain approximately 60 miles of routes and trails in the Tucker, Condon, and Cantua Zones for **off-highway vehicle (OHV)** recreation.
- Establish new campground, staging area, and **OHV** recreation facilities in the Cantua Zone.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 345: Subject: Erroneous Statement Page 28

Substantive Comment

346

Subject: Confusing Terminology

Page 28

Referring to the Following Paragraph

- Maintain and/or improve designated route network (and recreation facilities) to protect human health through surface hardening and other dust suppression techniques.

Discussion

The term “recreation facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 346: Subject: Confusing Terminology Page 28

Substantive Comment

347

Subject: Confusing Statement

Page 28

Referring to the Following Paragraph

- Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure.

Discussion

This is a confusing statement. "Enforce Wet Season Closures once 8 inches of annual precipitation has been reached, additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period would result in a three day closure." If this means that the subject area will close "once 8 inches of annual precipitation" is reached, then the area closes once that value is achieved, which normally occurs around December or January. If this is intended, then the effect of this and the previous statement is to effectively close the subject area throughout the year. If that is the intent, then it should be clearly stated rather than concealed in confusing statements.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 347: Subject: Confusing Statement Page 28

Substantive Comment

348

Subject: Inconsistent Statement

Page 28

Referring to the Following Paragraph

- Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road.

Discussion

"Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative D, which states:

Management Goal: Authorize limited access through the ACEC and limited OHV recreation outside the ACEC.

Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 348: Subject: Inconsistent Statement Page 28

Substantive Comment

349

Subject: Inconsistent Statement

Page 28

Referring to the Following Paragraph

- Allow mineral leasing or sales on public lands in the Serpentine ACEC.

Discussion

"Authorize locatable mineral entry and mineral leasing or sales on public lands in the Serpentine ACEC" is inconsistent with the stated goal for Alternative D, which states:

Management Goal: Authorize limited access through the ACEC and limited OHV recreation outside the ACEC.

Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 349: Subject: Inconsistent Statement Page 28

Substantive Comment

350

Subject: Erroneous Statement

Page 28

Referring to the Following Paragraph

- Withdraw public lands in the Serpentine ACEC from locatable mineral entry.

Discussion

"Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to withdraw public lands from locatable mineral entry is reserved by Congress. This statement is misleading and erroneous because it attempt to undermine Congressional authority and misrepresent Agency jurisdiction under color of law.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 350: Subject: Erroneous Statement Page 28

Substantive Comment

351

Subject: Erroneous Statement

Page 29

Referring to the Following Paragraph

- Develop and maintain transportation facilities (i.e. pull-outs and parking areas) on portions of T153 and Spanish Lake Road (R11) with high scenic values, and other destinations with unique biological, natural and geologic features within CCMA.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 351: Subject: Erroneous Statement Page 29

Substantive Comment

352

Subject: Confusing Terminology

Page 29

Referring to the Following Paragraph

- Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

Discussion

The term “recreation facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 352: Subject: Confusing Terminology Page 29

Substantive Comment

353

Subject: Inconsistent Statement

Page 29

Referring to the Following Paragraph

- Acquire lands from willing sellers in the Serpentine ACEC, Tucker Mtn. area and south of CCMA to Coalinga-Los Gatos Road.

Discussion

"Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative E, which states:

Management Goal: Authorize limited access through the Serpentine ACEC and non-motorized recreation opportunities throughout CCMA. OHV recreation would not be authorized in the ACEC.

Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 353: Subject: Inconsistent Statement Page 29

Substantive Comment

354

Subject: Inconsistent with Goal

Page 29

Referring to the Following Paragraph

- Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal.

Discussion

"Public lands in the Tucker, Condon, and San Benito River zones would be available for disposal" is inconsistent with the stated goal for Alternative E, which states:

Management Goal: Authorize limited access through the Serpentine ACEC and non-motorized recreation opportunities throughout CCMA. OHV recreation would not be authorized in the ACEC.

Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 354: Subject: Inconsistent with Goal Page 29

Substantive Comment

355

Subject: Erroneous Statement

Page 29

Referring to the Following Paragraph

- Allow no mineral leasing or sales on public lands in the Serpentine ACEC. Withdraw public lands in the Serpentine ACEC from locatable mineral entry.

Discussion

"Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to withdraw public lands from locatable mineral entry is reserved by Congress. This statement is misleading and erroneous because it attempt to undermine Congressional authority and misrepresent Agency jurisdiction under color of law.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 355: Subject: Erroneous Statement Page 29

Substantive Comment

356

Subject: Misleading Statement

Page 30

Referring to the Following Paragraph

Management Goal: Restrict public access and non-motorized recreation inside the Serpentine ACEC.

Discussion

The management goal for Alternative F, "Restrict public access and non-motorized recreation inside the Serpentine ACEC," is confusing and misleading. Restricting public access and recreation to "inside the Serpentine ACEC" conflicts with the RMP "Purpose and Need for the CCMA Resource Management Plan" as delineated on pages 3 and 4. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 356: Subject: Misleading Statement Page 30

Substantive Comment

357

Subject: Misleading Statement

Page 30

Referring to the Following Paragraph

- Designate the Tucker, Cantua, and San Benito River Zones as "Closed" vehicle use areas.

Discussion

"Designate the ... San Benito River Zones as 'Closed' vehicle use areas" is misleading because most the lands within this zone is private land over which the Agency has no authority. Additionally, California public highways designated as county roads paralleled the portion of the San Benito River that passes through public land. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 357: Subject: Misleading Statement Page 30

Substantive Comment

358

Subject: Confusing Terminology

Page 30

Referring to the Following Paragraph

- Develop visitor use facilities for non-motorized recreation in the Cantua and Tucker zones.

Discussion

The term “visitor use facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 358: Subject: Confusing Terminology Page 30

Substantive Comment

359

Subject: Confusing Terminology

Page 30

Referring to the Following Paragraph

- Maintain and/or improve designated route network (and **recreation facilities**) to protect human health through surface hardening and other dust suppression techniques.

Discussion

The term “recreation facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 359: Subject: Confusing Terminology Page 30

Substantive Comment

360

Subject: Inconsistent Statement

Page 30

Referring to the Following Paragraph

- Acquire lands from willing sellers in the Serpentine ACEC, Tucker Zone, and south of CCMA to Coalinga-Los Gatos Road.

Discussion

"Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative F, which states:

Management Goal: Restrict public access and non-motorized recreation inside the Serpentine ACEC.

Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 360: Subject: Inconsistent Statement Page 30

Substantive Comment

361

Subject: Erroneous Statement

Page 30

Referring to the Following Paragraph

- Prohibit mineral leasing or sales on public lands in the Serpentine ACEC. Withdraw public lands in the Serpentine ACEC from mineral exploration and development.

Discussion

"Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to withdraw public lands from locatable mineral entry is reserved by Congress. This statement is misleading and erroneous because it attempt to undermine Congressional authority and misrepresent Agency jurisdiction under color of law.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 361: Subject: Erroneous Statement Page 30

Substantive Comment

362

Subject: Unknown Term

Page 30

Referring to the Following Paragraph

- Modify TGA allotment boundaries to exclude livestock grazing in the Serpentine ACEC.

Discussion

The term "TGA allotment" is undefined and hence meaningless to the public thus making the document incomprehensible. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 362: Subject: Unknown Term Page 30

Substantive Comment

363

Subject: Misleading Statement

Page 31

Referring to the Following Paragraph

Management Goal: Restrict public access and entry inside the Serpentine ACEC.

Discussion

The management goal for Alternative F, "Restrict public access and non-motorized recreation inside the Serpentine ACEC," is confusing and misleading. Restricting public access and recreation to "inside the Serpentine ACEC" conflicts with the RMP "Purpose and Need for the CCMA Resource Management Plan" as delineated on pages 3 and 4. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author intention was to prohibit access and entry inside the Serpentine ACEC, but this cannot be interpreted from the statement. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 363: Subject: Misleading Statement Page 31

Substantive Comment

364

Subject: Erroneous Statement

Page 31

Referring to the Following Paragraph

- Make the current temporary closure order issued by BLM on May 1, 2008 permanent by designating the entire Serpentine ACEC as “Closed” to vehicle use, and prohibit all forms of public entry into the 30,000– acre area of serpentine soils high in asbestos fibers.

Discussion

The statement, “Make the current temporary closure order issued by BLM on May 1, 2008 permanent by designating the entire Serpentine ACEC as “Closed” to vehicle use, and prohibit all forms of public entry ...” is false. The current CCMA closure, pursuant to 43 CFR Subchapter H-Recreation Programs, Part 8360-Visitor Services, (43 CFR 8364.1) pertains to recreation visitor service and has no authority over non-recreational activities. The closure of Visitor Services (43 C.F.R. § 8364.1) cannot condemn private property or impair preexisting rights of private landowners to access, utilize or enjoy their property, nor their rights of ingress and egress.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 364: Subject: Erroneous Statement Page 31

Substantive Comment

365

Subject: Confusing Statement

Page 31

Referring to the Following Paragraph

- Make the current temporary closure order issued by BLM on May 1, 2008 permanent by designating the entire Serpentine ACEC as “Closed” to vehicle use, and prohibit all forms of public entry into the 30,000–acre area of serpentine soils high in asbestos fibers.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.
- EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 365: Subject: Confusing Statement Page 31

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 365: Subject: Confusing Statement Page 31

Substantive Comment

366

Subject: Erroneous Statement

Page 31

Referring to the Following Paragraph

- Authorize access into the Serpentine ACEC for existing rights-holders, private property owners, and scientific studies, research, and education from accredited institutions and individuals, on a case-by-case basis. Access authorizations would stipulate health and safety requirements, as appropriate.

Discussion

The statement "Authorize access into the Serpentine ACEC for existing rights-holders, private property owners, and scientific studies, research, and education from accredited institutions and individuals, on a case-by-case basis. Access authorizations would stipulate health and safety requirements, as appropriate," is misleading and exceeds the Agency's authority. Many of the "existing rights-holder" and "private property owners" have rights superior to Bureau of Land Management's authority and hence, "authorized access" is unnecessary or illegal, and violate their inalienable rights protected by the United State Constitution, California State law, Federal law, and/or Presidential authority affixed in the original land patent. Additionally, all private land within the subject area is statutorily excluded from the ACEC definition.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 366: Subject: Erroneous Statement Page 31

Substantive Comment

367

Subject: Misleading Statement

Page 31

Referring to the Following Paragraph

- Designate the Tucker, Cantua, and San Benito River Zones as “Closed” vehicle use areas.

Discussion

“Designate the ... San Benito River Zones as 'Closed' vehicle use areas” is misleading because most the lands within this zone is private land over which the Agency has no authority. Additionally, California public highways designated as county roads paralleled the portion of the San Benito River that passes through public land. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 367: Subject: Misleading Statement Page 31

Substantive Comment

368

Subject: Confusing Terminology

Page 31

Referring to the Following Paragraph

- Maintain and/or improve visitor use facilities to protect human health through surface hardening and other dust suppression techniques.

Discussion

The term “visitor use facilities” is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, “recreational programs” or “visitor services” which are defined and used in Title 43. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 368: Subject: Confusing Terminology Page 31

Substantive Comment

369

Subject: Misleading Statement

Page 31

Referring to the Following Paragraph

- Stipulate health and safety requirements for rights-of-ways on BLM-administered lands in the Serpentine ACEC on a case-by-case basis.

Discussion

The statement "Stipulate health and safety requirements for rights-of-ways on BLM-administered lands in the Serpentine ACEC on a case-by-case basis" is misleading because it fails to recognize preexisting California public highways that pass over the Serpentine ACEC in various places. The Agency lacks authority to impair public use of California highways, hence that statement is meaningless and unachievable.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 369: Subject: Misleading Statement Page 31

Substantive Comment

370

Subject: Inconsistent Statement

Page 31

Referring to the Following Paragraph

- Acquire lands from willing sellers in the Serpentine ACEC, Tucker Mtn. area and south of CCMA to Coalinga-Los Gatos Road.

Discussion

"Acquire lands from willing sellers in the Serpentine ACEC and south of CCMA to Coalinga-Los Gatos Road" is inconsistent with the stated goal for Alternative G, which states:

Management Goal: Restrict public access and entry inside the Serpentine ACEC.

Acquiring land within the ACEC is also inconsistent with the Agency's interpretation of the *Comprehensive Environmental Response and Compensation Liability Act* (CERCLA), 42 U.S.C 9620 as referenced on Page 22. Therefore, this alternative is erroneous and unachievable because the "Management Objectives and Allowable Uses" exceed the delineated goals of the alternative. The Agency has failed to "provide a full and fair discussion of significant environmental impacts" and the Agency has failed to "inform the decision makers and the public of the reasonable alternatives" (40 C.F.R. § 1502.1).

Recommendation

The Agency must rewrite this alternative to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 370: Subject: Inconsistent Statement Page 31

Substantive Comment

371

Subject: Erroneous Statement

Page 31

Referring to the Following Paragraph

- Prohibit mineral leasing or sales on all public lands in the CCMA. Withdraw all BLM-administered lands in CCMA from locatable mineral entry.

Discussion

"Withdraw public lands in the Serpentine ACEC from locatable mineral entry." The Agency is not authorized to "Withdraw public lands ... from locatable mineral entry." Authority to withdraw public lands from locatable mineral entry is reserved by Congress. This statement is misleading and erroneous because it attempt to undermine Congressional authority and misrepresent Agency jurisdiction under color of law.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 371: Subject: Erroneous Statement Page 31

Substantive Comment

372

Subject: Unknown Term

Page 31

Referring to the Following Paragraph

- Modify TGA allotment boundaries to exclude livestock grazing in the entire CCMA.

Discussion

The term "TGA allotment" is undefined and hence meaningless to the public thus making the document incomprehensible. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 372: Subject: Unknown Term Page 31

Substantive Comment

373

Subject: Conflicting Statement

Page 34

Referring to the Following Paragraph

- Establish and manage intensive-use areas, where the presence of high quality natural resources and the current or potential demand warrants intensive management practices to protect areas for their scientific, educational, and/or recreational values while accommodating anticipated increases in recreational activities in specific areas.

Discussion

The statement, "anticipated increases in recreational activities in specific areas" conflicts with the "CCMA Visitor Use" data presented on page 135 which shows decreasing CCMA visitation. Therefore, without explanation, the "anticipated increases" appears erroneous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 373: Subject: Conflicting Statement Page 34

Substantive Comment

374

Subject: Erroneous Statement

Page 36

Referring to the Following Paragraph

REC-USE-E1. Provide access on the Scenic Route along T153 and **Spanish Lake Road** (R11) in the Serpentine ACEC for day use by full-size vehicles only.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 374: Subject: Erroneous Statement Page 36

Substantive Comment

375

Subject: Confusing Statement

Page 37

Referring to the Following Paragraph

REC-USE-G1. Designate the Serpentine ACEC "Closed" to all forms of public entry on 30,000-acres of serpentine soils high in asbestos fibers.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 375: Subject: Confusing Statement Page 37

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 375: Subject: Confusing Statement Page 37

Substantive Comment

376

Subject: Misleading Statement

Page 37

Referring to the Following Paragraph

REC-VIS-A5. Install signs identifying the CCMA as a Limited Use Area with all vehicle travel restricted to designated open routes. Clearly mark and identify the designated route network. Post public/private land boundaries where trespass is a problem.

Discussion

The statement, "vehicle travel restricted to designated open routes" is misleading because some of the routes throughout the ACEC are California public highways (county roads). Hence the phrase should read, "vehicle travel restricted to designated open routes or country roads."

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 376: Subject: Misleading Statement Page 37

Substantive Comment

377

Subject: Inappropriate Control of Public Highway

Page 37

Referring to the Following Paragraph

REC-VIS-A6. Develop vehicular (four-wheel drive) access from North Hill into the San Carlos Bolsa area. Install gates to control seasonal access and trespass onto private land.

Discussion

The highway between San Carlos Camp (historic) and the Balsa is marked on historic maps as the "Wagon Trail" and provided a public way between the Idria / San Carlos camps and the San Joaquin Valley. This public highway was probably established during the Mexican Period as a way between the Cantua and Hernandez communities. It is the most likely route used by the "horse gang" when they established the Aurora Silver Mine (Iddings 2008:6). This highway was clearly established as a graded "wagon trail" under Revised Statute 2477 as delineated on the 1897 San Benito County map. While re-grading this public highway corridor would improve vehicle access to the Bolsa, it would be inappropriate for a Federal agency to gate a California Public Highway.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Iddings, Ray (2008) *The New Idria Story Told as it Happened*, Three Rocks Research.

Substantive Comment - # 377: Subject: Inappropriate Control of Public Highway Page 37

Substantive Comment

378

Subject: Confusing Statement

Page 39

Referring to the Following Paragraph

REC-VIS-EF3. Maintain existing visitor use facilities outside the Serpentine ACEC, and mitigate human health risk from asbestos emissions from facilities inside the Serpentine ACEC through dust suppression or surface hardening techniques.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 378: Subject: Confusing Statement Page 39

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 378: Recommendation

Substantive Comment

379

Subject: Confusing Statement

Page 39

Referring to the Following Paragraph

REC-INT-A2. Continue outreach and education program to create public and visitor awareness of human health risks from exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 379: Subject: Confusing Statement Page 39

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 379: Subject: Confusing Statement Page 39

Substantive Comment

380

Subject: Confusing Statement

Page 39

Referring to the Following Paragraph

REC-INT-A4. Provide an information kiosk near the main entrance (ref. map/app.). The kiosk would be located to encourage visitors to stop and view information provided. The kiosk would contain a map and information concerning: asbestos health hazards, OHV use designations, fire prevention, regulations, natural resources of the area, emergency assistance, and BLM Hollister Field Office phone number and address. Other agency/user groups' endorsement of management strategies (also indicating that facilities have been provided using Green Sticker funds) will be incorporated into signing.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 380: Subject: Confusing Statement Page 39

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 380: Subject: Confusing Statement Page 39

Substantive Comment

381

Subject: Confusing Statement

Page 40

Referring to the Following Paragraph

REC-INT-BG1. Provide recreation information such as maps, brochures, and educational opportunities to enhance visitors' experience on BLM public lands. Incorporate the best available information concerning: asbestos health hazards, OHV use designations, fire prevention, BLM regulations, and natural resources of the area into educational materials and on all maps, brochures, and kiosks.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 381: Subject: Confusing Statement Page 40

Substantive Comment

382

Subject: Confusing Statement

Page 40

Referring to the Following Paragraph

The goals for hazardous materials and public safety are to (1) protect public health and safety and environmental resources by minimizing environmental contamination from past and present land uses (i.e., abandoned mine lands) on public lands and BLM-owned and operated facilities; (2) comply with Federal, State, and local hazardous materials management laws and regulations; (3) maintain the health of ecosystems through assessment, cleanup, and restoration of contaminated lands; (4) manage the costs, risks, and liabilities associated with hazardous materials so that the responsible parties and not the government bear the brunt of financial liabilities; (5) integrate environmental protection and compliance with all environmental statutes into BLM activities.

Discussion

The statement, "the goals for hazardous materials and public safety are to ..." is confusing. If the goal is "for hazardous materials ..." then it may be fine. However, if the phrase "hazardous materials and public safety" as to reintroduce the section heading, then perhaps it should read, "the goals for the section, Hazardous Materials and Public Safety, are to ..." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 382: Subject: Confusing Statement Page 40

Substantive Comment

383

Subject: Confusing Statement

Page 41

Referring to the Following Paragraph

HAZ-A6. Comply with all provisions of the Monterey Bay Unified Air Pollution Control District's remote location exemption (for CCMA) from the ATCM regulation for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 383: Subject: Confusing Statement Page 41

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 383: Subject: Confusing Statement Page 41

Substantive Comment

384

Subject: Confusing Statement

Page 41

Referring to the Following Paragraph

HAZ-BG1. Restrict the type of activity and the number visits for that activity as the primary means to control risk to public from asbestos exposure.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 384: Subject: Confusing Statement Page 41

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 384: Subject: Confusing Statement Page 41

Substantive Comment

385

Subject: Confusing Statement

Page 41

Referring to the Following Paragraph

HAZ-BG3. Reduce emissions at staging areas, other recreation facilities, and on major routes with dust suppression and surface hardening techniques as needed. The techniques include, but are not limited to, paving, base rock, chip seal, or applications of surfactants (i.e. biodegradable liquid copolymers) to stabilize and solidify soils or aggregates and control erosion.

Discussion

The term "recreation facilities" is not defined or well represented within Title 43. To avoid confusion, the Agency should use terms such as, "recreational programs" or "visitor services" which are defined and used in Title 43. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 385: Subject: Confusing Statement Page 41

Substantive Comment

386

Subject: Confusing Statement

Page 41

Referring to the Following Paragraph

HAZ-BG4. , Issue supplementary rules to minimize exposure to hazardous materials and airborne asbestos fibers, considering technical and budgetary constraints and overall effectiveness of the human health and safety mitigation measures identified below.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 386: Subject: Confusing Statement Page 41

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 386: Subject: Confusing Statement Page 41

Substantive Comment

387

Subject: Confusing Statement

Page 41

Referring to the Following Paragraph

- Require signed waivers of liability to indemnify BLM against risk of tort claims associated with CCMA visitor use and exposure to airborne asbestos fibers.

Discussion

The statement, "... with CCMA visitor use and exposure to airborne asbestos fibers ..." is confusing because the EPA study, focused on the serpentine ACEC. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant ACEC instead of CCMA. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 387: Subject: Confusing Statement Page 41

Substantive Comment

388

Subject: Erroneous Statement

Page 42

Referring to the Following Paragraph

TRANS-A1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle use in the Planning Area is limited to designated routes identified on Map A in Appendix I, and designated ‘open play areas’ (i.e. barrens) identified in the 2006 Record of Decision for the CCMA RMP Amendment and Route Designation.

Discussion

The statement, “Vehicle use in the Planning Area is limited to designated routes identified on Map A in Appendix I” is erroneous because it conflicts with the “Planning Area” defined on Page 1 the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction.” Portions of the Planning Area contains public and private ways over which The Bureau of Land Management has no jurisdiction or authority to designate route usage with non BLM managed lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 388: Subject: Erroneous Statement Page 42

Substantive Comment

389

Subject: Erroneous Statement

Page 42

Referring to the Following Paragraph

TRANS-A1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle use in the Planning Area is limited to designated routes identified on Map A in Appendix I, and designated ‘open play areas’ (i.e. barrens) identified in the 2006 Record of Decision for the CCMA RMP Amendment and Route Designation.

Discussion

The statement is erroneous because, as explained in Substantive Comment # 170 on page 225, the Agency does not legally assert administrative authority of 75,000 acres.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 389: Subject: Erroneous Statement Page 42

Substantive Comment

390

Subject: Confusing Format

Page 42

Referring to the Following Paragraph

TRANS-A1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle use in the Planning Area is limited to designated routes identified on Map A in Appendix I, and designated ‘open play areas’ (i.e. barrens) identified in the 2006 Record of Decision for the CCMA RMP Amendment and Route Designation.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 390: Subject: Confusing Format Page 42

Substantive Comment

391

Subject: Confusing Format

Page 42

Referring to the Following Paragraph

TRANS-A2. All routes not designated 'open or limited', are designated as 'closed'. OHV use is authorized only on designated 'open or limited' routes which are signed for use.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 391: Subject: Confusing Format Page 42

Substantive Comment

392

Subject: Confusing Format

Page 42

Referring to the Following Paragraph

TRANS-A2. All routes not designated 'open or limited', are designated as 'closed'. OHV use is authorized only on designated 'open or limited' routes which are signed for use.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 392: Subject: Confusing Format Page 42

Substantive Comment

393

Subject: Confusing Format

Page 43

Referring to the Following Paragraph

TRANS-A5. Designated 'closed' routes will be selected and prioritized for restoration and reclamation.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 393: Subject: Confusing Format Page 43

Substantive Comment

394

Subject: Needless Detail

Page 43

Referring to the Following Paragraph

“Minor realignment” is defined as a change of no more than ¼ linear mile of an individual designated route. This could include the opening of an existing previously closed route that serves the same access need as the route that is to be realigned. It could also involve re-routes of a segment of a route, to avoid the above mentioned resource conflicts. All new construction will undergo environmental review and NEPA compliance. All realignments and re-routes will be documented in the official record and kept on file at the BLM Field Office.

Discussion

This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must delete this paragraph or move it to the Glossary section beginning on page 572. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 394: Subject: Needless Detail Page 43

Substantive Comment

395

Subject: Erroneous Statement

Page 44

Referring to the Following Paragraph

TRANS-A10. Construct fence and barriers to protect boundaries and preclude unauthorized motorized access and trespass into the RNA. Complete corridor fencing of **Spanish Lake Road** (R11) through the RNA.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 395: Subject: Erroneous Statement Page 44

Substantive Comment

396

Subject: Confusing Statement

Page 45

Referring to the Following Paragraph

- Work on open routes will be done when soil moisture is sufficient to adequately compact the tread and prevent visible airborne asbestos emissions. If work is to be done under dry season conditions, then water will be added in sufficient quantities to maintain adequate soil moisture. Upon mechanical disturbance by the treads of track driven equipment, the soil will be re-compacted in six-inch or less lifts.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 396: Subject: Confusing Statement Page 45

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 396: Subject: Confusing Statement Page 45

Substantive Comment

397

Subject: Confusing Format

Page 45

Referring to the Following Paragraph

- Implement measures to minimize off-site sediment transport from barren areas through repair of erosion scars, construction of drainage improvements, sediment control and trapping treatments, and re-vegetation of vegetative buffers. Designated 'closed' barrens will be selected and prioritized for restoration and reclamation employing these same techniques.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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Substantive Comment - # 397: Subject: Confusing Format Page 45

Substantive Comment

398

Subject: Erroneous Statement

Page 45

Referring to the Following Paragraph

TRANS-B1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle use in the Planning Area would be limited to designated routes identified on Map B in Appendix I.

Discussion

The statement, “Vehicle use in the Planning Area would be limited to designated routes” is erroneous because it conflicts with the “Planning Area” defined on Page 1 the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction.” Portions of the Planning Area contains public and private ways over which the Agency has no jurisdiction or authority to designate route usage with non BLM managed lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 398: Subject: Erroneous Statement Page 45

Substantive Comment

399

Subject: Confusing Statement

Page 46

Referring to the Following Paragraph

TRANS-C1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated routes identified on Map C in Appendix I. Vehicle use in the Tucker, Condon, and Cantua zones would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed) routes identified on Map C in Appendix I.

Discussion

“Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated routes identified on Map C in Appendix I. Vehicle use in the Tucker, Condon, and Cantua zones would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed) routes ...” This statement limits vehicle use within the ACEC to “full-size vehicles.” The term “full-size vehicle” should be defined. Whereas motorcycle use is restricted to “designated routes.” However, all licensed vehicle is permitted on California county highways.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 399: Subject: Confusing Statement Page 46

Substantive Comment

400

Subject: Erroneous Statement

Page 46

Referring to the Following Paragraph

TRANS-C1. Designate the entire 75,000-acre CCMA as a “Limited” vehicle use area. Vehicle use in the ACEC would be limited to full-size vehicles and motorcycle use only on designated routes identified on Map C in Appendix I. Vehicle use in the Tucker, Condon, and Cantua zones would be limited to full-size vehicles and ATV/UTV use only on designated (and proposed) routes identified on Map C in Appendix I.

Discussion

The statement is erroneous because, as explained in Substantive Comment # 170 on page 225, the Agency does not legally assert administrative authority of 75,000 acres.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 400: Subject: Erroneous Statement Page 46

Substantive Comment

401

Subject: Erroneous Statement

Page 46

Referring to the Following Paragraph

TRANS-C2. Develop and maintain approximately 150 miles of routes and single track trails in the Serpentine ACEC for **off-highway vehicle (OHV)** recreation following inventory, soil loss assessment, and resources screening using route designation criteria described in Appendix II.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 401: Subject: Erroneous Statement Page 46

Substantive Comment

402

Subject: Erroneous Statement

Page 46

Referring to the Following Paragraph

TRANS-D2. Develop and maintain approximately 60 miles of routes and trails in the Condon, Tucker, and Cantua Zones for **off-highway vehicle (OHV)** recreation following inventory, soil loss assessment, and resources screening using route designation criteria described in Appendix II.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 402: Subject: Erroneous Statement Page 46

Substantive Comment

403

Subject: Erroneous Statement

Page 47

Referring to the Following Paragraph

TRANS-E2. Develop and maintain transportation facilities (i.e. pull-outs and parking areas) on portions of T153 and **Spanish Lake Road** (R11) with high scenic values, and other destinations with unique biological, natural and geologic features within CCMA.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 403: Subject: Erroneous Statement Page 47

Substantive Comment

404

Subject: Inappropriate Control of Public Highway

Page 47

Referring to the Following Paragraph

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

Discussion

Clear Creek Road is a California public highway that supports trade and commerce in southern San Benito County and western Fresno County. This public highway was clearly established as a graded road under Revised Statute 2477 as delineated on the 1897 San Benito County map. This public highway provides public right-of-way access to private lands within the subject area and connects between the Coalinga Road in Hernandez Valley and the New Idria Road in Vallencitos. Closing this public highway increases the travel distance between those destinations by nearly 100 miles, thus adding significantly to travel time and cost. It is inappropriate for a Federal agency to close an historic California Public Highway.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 404: Subject: Inappropriate Control of Public Highway Page 47

Substantive Comment

405

Subject: Confusing Statement

Page 51

Referring to the Following Paragraph

HAB-A10. Protect the unique vegetation at Spanish Lake from camping and vehicle use. Develop the Agua Buena spring site for the enhancement of wildlife habitat.

Discussion

The statement, "develop the Agua Buena spring site for the enhancement of wildlife habitat" is confusing because it is the only spring, out of the hundreds of spring sites within the subject area chosen for "enhancement of wildlife habitat." This spring feeds an historic pond, once associated with a homestead cabin, which already provides water for an abundant diversity of area wildlife habitat. Spring site management for "enhancement of wildlife habitat" should also consider additional springs sites, such as the head of Sawmill Creek, the headwaters of San Carlos Creek, the head of the East Fork, Sampson Creek, the Wonder Mine, the Spanish Mine, the Alpine Mine, Picacho, Archer Camp, Rita Mine, and the numerous other spring sites within the subject area.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 405: Subject: Confusing Statement Page 51

Substantive Comment

406

Subject: Misleading Statement

Page 52

Referring to the Following Paragraph

HAB-BF3. Mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate.

Discussion

The statement, "mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate" is misleading because it implies that federal agencies, such as the Bureau of Land Management are competent to make such decision while ignoring the fact that these man-made barriers, such as Hernandez Dam, were constructed by federal agencies.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 406: Subject: Misleading Statement Page 52

Substantive Comment

407

Subject: Erroneous Statement

Page 52

Referring to the Following Paragraph

HAB-G1. Remove non-functioning water improvements (e.g., guzzlers) and evaluate the use of functioning man-made water sources in the Serpentine ACEC.

Discussion

The statement, "use of functioning man-made water sources in the Serpentine ACEC" is erroneous because humans do not make water. All water sources within the region are from precipitation or natural springs.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 407: Subject: Erroneous Statement Page 52

Substantive Comment

408

Subject: Misleading Statement

Page 52

Referring to the Following Paragraph

HAB-G2. Cooperate with the CDFG to reintroduce, release, and/or restore populations of native fish and wildlife species into historic and occupied ranges with suitable habitat outside the Serpentine ACEC.

Discussion

The statement, "cooperate with the CDFG to reintroduce, release, and/or restore populations of native fish" is misleading because the construction of the Hernandez Dam by a federal agency on the San Benito River destroyed salmon and trout habitat within the subject area. These habitats can only be restored by deconstruction or modification of the Hernandez Dam facility.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 408: Subject: Misleading Statement Page 52

Substantive Comment

409

Subject: Erroneous Statement

Page 54

Referring to the Following Paragraph

1. Monitoring will record direct disturbance to CAGE, CAGE habitat, and CAGE potential habitat by **off-highway vehicle** use, including but not limited to tire tracks, trampling of plants, soil compaction, soil displacement, seed displacement, and soil erosion and sedimentation.

Discussion

The phrase, "off-highway vehicle" or "OHV" is erroneous because it disregards the Presidential Executive Order 11644. The term "off road vehicle" or "ORV" is defined at 43 C.F.R. § 8340.0-5, whereas the term "off highway vehicle" or "OHV" is not defined or used in the Title 43, Code of Federal Regulations. Therefore, the Agency lacks authority to use the term "off highway vehicle" or its abbreviation "OHV" and the term is therefore meaningless within the context of Agency's action. Also see Substantive Comment # 66 on page 98.

Recommendation

To comply with Presidential Executive Order 11644 (43 C.F.R. § 8340.0-5), the Agency must rewrite the subject document to replace the term "off highway vehicle" or "OHV" with the legally established term "off-road vehicle." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 409: Subject: Erroneous Statement Page 54

Substantive Comment

410

Subject: Confusing Statement

Page 57

Referring to the Following Paragraph

AIR-A3. Abate dust during project implementation to maintain ambient air levels for toxic air contaminants and naturally occurring asbestos.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 410: Subject: Confusing Statement Page 57

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 410: Subject: Confusing Statement Page 57

Substantive Comment

411

Subject: Confusing Statement

Page 57

Referring to the Following Paragraph

AIR-A5. Comply with all provisions of the California Air Resources Board (CARB) Airborne Toxic Control Measures (ATCM) regulation for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 411: Subject: Confusing Statement Page 57

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 411: Subject: Confusing Statement Page 57

Substantive Comment

412

Subject: Confusing Statement

Page 57

Referring to the Following Paragraph

AIR-BG1. Incorporate mitigation measures in Appendix V for activities and projects on BLM lands in order to reduce airborne asbestos emissions and comply with applicable Federal, State, and local air quality regulations.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 412: Subject: Confusing Statement Page 57

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 412: Subject: Confusing Statement Page 57

Substantive Comment

413

Subject: Confusing Format

Page 58

Referring to the Following Paragraph

SOIL-A10. Prioritize designated 'closed' routes for restoration and reclamation to allow them return to a natural state.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 413: Subject: Confusing Format Page 58

Substantive Comment

414

Subject: Confusing Format

Page 58

Referring to the Following Paragraph

SOIL-A11. Prioritize designated 'closed' barrens for restoration and reclamation to minimize off-site sediment transport from barren areas through repair of erosion scars, construction of drainage improvements, sediment control and trapping treatments, and re-vegetation of vegetative buffers.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 414: Subject: Confusing Format Page 58

Substantive Comment

415

Subject: Conflicting Statement

Page 61

Referring to the Following Paragraph

- Manage the Serpentine ACEC to reduce human health risks and special status species associated with the serpentine soils of the New Idria Formation.

Discussion

The statement, "Manage the Serpentine ACEC to reduce human health risks and special status species associated with the serpentine soils of the New Idria Formation" conflicts with the goal of protecting "special status species." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the sentence is poorly constructed. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous. "Manage the Serpentine ACEC to reduce ... special status species ..." is counter to the goal of protecting "special status species."

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 415: Subject: Conflicting Statement Page 61

Substantive Comment

416

Subject: Confusing Statement

Page 61

Referring to the Following Paragraph

ACEC-A1. Designate the area of serpentine soils high in asbestos fiber and the Clear Creek watershed as the Clear Creek Serpentine ACEC (30,000 acres). Maintain 4,147-acre designation of the San Benito Mountain Research Natural Area (RNA).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 416: Subject: Confusing Statement Page 61

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 416: Subject: Confusing Statement Page 61

Substantive Comment

417

Subject: Confusing Statement

Page 61

Referring to the Following Paragraph

ACEC-A3. Intensify the current asbestos awareness program through signing, pamphlets, and individual user contacts.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 417: Subject: Confusing Statement Page 61

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 417: Subject: Confusing Statement Page 61

Substantive Comment

418

Subject: Confusing Statement

Page 62

Referring to the Following Paragraph

ACEC-A5. Asbestos Hazard

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 418: Subject: Confusing Statement Page 62

Substantive Comment

419

Subject: Confusing Statement

Page 62

Referring to the Following Paragraph

- Provide asbestos hazard pamphlet/brochure to Central California motorcycle shops, sporting goods stores, etc. Issue news releases highlighting the area's asbestos hazard at least twice annually. Provide asbestos warning signs at all roads and trails entering the serpentine area.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 419: Subject: Confusing Statement Page 62

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 419: Subject: Confusing Statement Page 62

Substantive Comment

420

Subject: Confusing Statement

Page 62

Referring to the Following Paragraph

- Designate asbestos mine areas as closed to motorized vehicle use. Access for mining operations would be granted under 43 CFR 3809 Plans of Operation (see Energy and Minerals).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 420: Subject: Confusing Statement Page 62

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 420: Subject: Confusing Statement Page 62

Substantive Comment

421

Subject: Confusing Statement

Page 62

Referring to the Following Paragraph

- Post boundaries of asbestos mining areas as closed to OHV.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 421: Subject: Confusing Statement Page 62

Substantive Comment

422

Subject: Confusing Statement

Page 62

Referring to the Following Paragraph

- Continue providing information on the asbestos hazard by distributing the CCMA map and other hand-out materials.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 422: Subject: Confusing Statement Page 62

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 422: Subject: Confusing Statement Page 62

Substantive Comment

423

Subject: Confusing Statement

Page 62

Referring to the Following Paragraph

ACEC-BG1. Maintain the area of serpentine soils high in asbestos fiber and the Clear Creek watershed as the Clear Creek Serpentine ACEC (30,000 acres). Maintain 4,147-acre designation of the San Benito Mountain Research Natural Area (RNA).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 423: Subject: Confusing Statement Page 62

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 423: Subject: Confusing Statement Page 62

Substantive Comment

424

Subject: Erroneous Statement

Page 80

Referring to the Following Paragraph

LTEN-A2. Acquire private lands in Sections 16 and 36 (T 18 S., R 12 E.) and private inholdings through acquisition or land exchange. Acquisition of private inholdings has priority over acquisition of state owned sections.

Discussion

The statement, "Acquire private lands in Sections 16 and 36 (T 18 S., R 12 E.) and private inholdings through acquisition or land exchange" is erroneous because there is no private lands in Section 16 and 36 (T 18 S., R 12 E.). These are California State owned lands.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 424: Subject: Erroneous Statement Page 80

Substantive Comment

425

Subject: Misleading Statement

Page 80

Referring to the Following Paragraph

LTEN-A3. Acquire, through exchange or purchase, state lands and private inholdings in the Byles Canyon/ Tucker Mountain, San Carlos Bolsa, as well as the remainder of the management area.

Discussion

The statement, "Acquire, through exchange or purchase, state lands and private inholdings in the Byles Canyon/Tucker Mountain, San Carlos Bolsa," is misleading because there is no State lands in Byles Canyon/ Tucker Mountain, San Carlos Bolsa.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 425: Subject: Misleading Statement Page 80

Substantive Comment

426

Subject: Misleading Statement

Page 83

Referring to the Following Paragraph

LUSE-BF6. Honor valid existing rights and easements that have been acquired through land acquisitions. Enter rights-of-way into LR2000 to ensure proper recording.

Discussion

The statement, "Honor valid existing rights and easements that have been acquired through land acquisitions.," is misleading because the Agency is required by law to honor existing rights and easements and to do otherwise would be unlawful.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 426: Subject: Misleading Statement Page 83

Substantive Comment

427

Subject: Misleading Statement

Page 83

Referring to the Following Paragraph

LUSE-BF8. Authorize rights-of-way to provide reasonable access for private landowners in CCMA.

Discussion

The statement, "Authorize rights-of-way to provide reasonable access for private landowners in CCMA," is misleading because these right-of-ways are already provided by historic public highways constructed and graded in the late 1800s under Revised Statute 2477. The Agency is required by law to honor these existing rights and easements and to do otherwise would be unlawful.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 427: Subject: Misleading Statement Page 83

Substantive Comment

428

Subject: Confusing Statement

Page 84

Referring to the Following Paragraph

In determining the appropriate land use for CCMA, BLM considered the planning criteria identified in Section 1.4 with an emphasis on managing risk to employees and the public. The Preferred Alternative would limit use that 1) creates high levels of asbestos emissions, 2) creates increased opportunity for human exposure to asbestos, and 3) creates a need to conduct intensive management in areas with high concentrations of asbestos.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 428: Subject: Confusing Statement Page 84

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 428: Subject: Confusing Statement Page 84

Substantive Comment

429

Subject: Confusing Statement

Page 84

Referring to the Following Paragraph

Of the action alternatives, Alternative E represents the BLM's preferred management approach to recreation and travel management in CCMA that meets the purpose and need for this RMP/EIS by emphasizing limited opportunities for visitor use and limited types of use allowed within the Serpentine ACEC. It proposes to provide alternate routes for access to public lands surrounding the ACEC that would not require the public to drive through the ACEC and would create additional recreation opportunities in the surrounding management zones. The limited annual visitor use days would still allow for the public to experience the scenic, biological, cultural and geologic features of the Serpentine ACEC within EPA's acceptable risk range for exposure to asbestos, and with less BLM infrastructure and support needs. This alternative would also provide for improving habitat for endangered species, improved riparian habitat, and an opportunity to reduce soil loss and erosion in areas that are contributing to water quality issues in Clear Creek and the San Benito River.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 429: Subject: Confusing Statement Page 84

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

430

Subject: Erroneous Statement

Page 85

Referring to the Following Paragraph

REC-USE-E1. Provide access on the Scenic Route along T153 and **Spanish Lake Road** (R11) in the Serpentine ACEC for day use by full-size vehicles only.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 430: Subject: Erroneous Statement Page 85

Substantive Comment

431

Subject: Confusing Statement

Page 85

Referring to the Following Paragraph

REC-INT-A2. Continue outreach and education program to create public and visitor awareness of human health risks from exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 431: Subject: Confusing Statement Page 85

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 431: Subject: Confusing Statement Page 85

Substantive Comment

432

Subject: Confusing Statement

Page 85

Referring to the Following Paragraph

REC-INT-BG1. Provide recreation information such as maps, brochures, and educational opportunities to enhance visitors' experience on BLM public lands. Incorporate the best available information concerning: asbestos health hazards, OHV use designations, fire prevention, BLM regulations, and natural resources of the area into educational materials and on all maps, brochures, and kiosks.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 432: Subject: Confusing Statement Page 85

Substantive Comment

433

Subject: Confusing Statement

Page 86

Referring to the Following Paragraph

HAZ-A6. Comply with all provisions of the Monterey Bay Unified Air Pollution Control District's remote location exemption (for CCMA) from the ATCM regulation for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 433: Subject: Confusing Statement Page 86

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 433: Subject: Confusing Statement Page 86

Substantive Comment

434

Subject: Confusing Statement

Page 86

Referring to the Following Paragraph

HAZ-BG1. Restrict the type of activity and the number visits for that activity as the primary means to control risk to public from asbestos exposure.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 434: Subject: Confusing Statement Page 86

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 434: Subject: Confusing Statement Page 86

Substantive Comment

435

Subject: Confusing Statement

Page 86

Referring to the Following Paragraph

HAZ-BG4. Considering technical and budgetary constraints, and overall effectiveness of the human health and safety mitigation measures identified below, issue supplementary rules to minimize exposure to hazardous materials and airborne asbestos fibers.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 435: Subject: Confusing Statement Page 86

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 435: Subject: Confusing Statement Page 86

Substantive Comment

436

Subject: Confusing Statement

Page 86

Referring to the Following Paragraph

- Require signed waivers of liability to indemnify BLM against risk of tort claims associated with CCMA visitor use and exposure to airborne asbestos fibers.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 436: Subject: Confusing Statement Page 86

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 436: Subject: Confusing Statement Page 86

Substantive Comment

437

Subject: Erroneous Statement

Page 87

Referring to the Following Paragraph

TRANS-E2. Develop and maintain transportation facilities (i.e. pull-outs and parking areas) on portions of T153 and **Spanish Lake Road** (R11) with high scenic values, and other destinations with unique biological, natural and geologic features within CCMA.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 437: Subject: Erroneous Statement Page 87

Substantive Comment

438

Subject: Inappropriate Control of Public Highway

Page 87

Referring to the Following Paragraph

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

Discussion

Clear Creek Road is a California public highway that supports trade and commerce in southern San Benito County and western Fresno County. This public highway was clearly established as a graded road under Revised Statute 2477 as delineated on the 1897 San Benito County map. This public highway provides public right-of-way access to private lands within the subject area and connects between the Coalinga Road in Hernandez Valley and the New Idria Road in Vallencitos. Closing this public highway increases the travel distance between those destinations by nearly 100 miles, thus adding significantly to travel time and cost. It is inappropriate for a Federal agency to close an historic California Public Highway.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 438: Subject: Inappropriate Control of Public Highway Page 87

Substantive Comment

439

Subject: Misleading Statement

Page 89

Referring to the Following Paragraph

HAB-BF3. Mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate.

Discussion

The statement, "mitigate or relocate man-made barriers that substantially impede migration within wildlife travel corridors, as appropriate" is misleading because it implies that federal agencies, such as the Bureau of Land Management are competent to make such decision while ignoring the fact that these man-made barriers, such as Hernandez Dam, were constructed by other federal agencies.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 439: Subject: Misleading Statement Page 89

Substantive Comment

440

Subject: Confusing Statement

Page 90

Referring to the Following Paragraph

AIR-BG1. Incorporate mitigation measures in Appendix V for activities and projects on BLM lands in order to reduce airborne asbestos emissions and comply with applicable Federal, State, and local air quality regulations.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 440: Subject: Confusing Statement Page 90

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 440: Subject: Confusing Statement Page 90

Substantive Comment

441

Subject: Confusing Statement

Page 91

Referring to the Following Paragraph

ACEC-BG1. Maintain the area of serpentine soils high in asbestos fiber and the Clear Creek watershed as the Clear Creek Serpentine ACEC (30,000 acres). Maintain 4,147-acre designation of the San Benito Mountain Research Natural Area (RNA).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 441: Subject: Confusing Statement Page 91

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 441: Subject: Confusing Statement Page 91

Substantive Comment

442

Subject: Misleading Statement

Page 96

Referring to the Following Paragraph

LUSE-BF6. Honor valid existing rights and easements that have been acquired through land acquisitions. Enter rights-of-way into LR2000 to ensure proper recording.

Discussion

The statement, "Honor valid existing rights and easements that have been acquired through land acquisitions.," is misleading because the Agency is required by law to honor existing rights and easements and to do otherwise would be unlawful.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 442: Subject: Misleading Statement Page 96

Substantive Comment

443

Subject: Misleading Statement

Page 96

Referring to the Following Paragraph

LUSE-BF8. Authorize rights-of-way to provide reasonable access for private landowners in CCMA.

Discussion

The statement, "Authorize rights-of-way to provide reasonable access for private landowners in CCMA," is misleading because these right-of-ways are already provided by historic public highways constructed and graded in the late 1800s under Revised Statute 2477. The Agency is required by law to honor these existing rights and easements and to do otherwise would be unlawful.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 443: Subject: Misleading Statement Page 96

Substantive Comment

444

Subject: Confusing Statement

Page 97

Referring to the Following Paragraph

The Comparison of Impacts Tables (2.6-1 - 2.6-14) below summarize the impacts on the resources of CCMA by alternative, as assessed in the detailed analysis in Chapter 4. See Chapter 4 for more specific details. Negligible impacts are predicted from any of the alternatives to prime and unique farmlands, floodplains, wild and scenic rivers, and wilderness. Under all alternatives, the Serpentine ACEC designation would be maintained for the 30,000-acre area with high concentrations of asbestos fibers. Since the analysis of impacts for all of the resources within the CCMA is done in the context of impacts to human health and safety and the environment from asbestos emissions, an analysis covering impacts to the ACEC values would be duplicative. Therefore, a separate analysis was not conducted for impacts to the values for which the ACEC was established.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

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Substantive Comment - # 444: Subject: Confusing Statement Page 97

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

445

Subject: Confusing Statement

Page 97

Referring to the Following Paragraph

Under the Non-motorized Alternatives (F and G), BLM would reduce asbestos emissions by limiting allowable uses to foot traffic only inside the ACEC (Alt. F) or minimize human health risks from exposure to asbestos by prohibiting all public use and entry in the ACEC (Alt G). In other words, Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

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EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 445: Subject: Confusing Statement Page 97

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 445: Subject: Confusing Statement Page 97

Substantive Comment

446

Subject: Confusing Statement

Page 99

Referring to the Following Paragraph

Under all the alternatives, BLM would continue to ensure proper handling of hazardous materials and wastes; identify mine-related, illegal dumps and other public land hazards, eliminating or mitigating them as soon as possible; and identify and resolve mining-related trespasses, especially public safety conflicts occurring with visitor use. Under Alternative A, the No Action Alternative, BLM would continue current hazardous material management activities as outlined in the 1984 Hollister RMP and associated CCMA amendments. Implementation of Alternatives B and C would emphasize health and safety mitigation measures at visitor use facilities and improvements on major routes to minimize exposure to asbestos. Alternative B would limit the number of annual visitor use days to less than 12 days for non-motorized and less than 5 days for motorized activities. Alternative C includes restrictions on allowable uses by limiting vehicle types on routes and trails, and by limiting OHV recreation in CCMA to visitors age eighteen and older to minimize exposure to asbestos. Alternatives D and E would only authorize motorized access on major routes in the ACEC. Alternatives E and F would authorize access in the Serpentine ACEC by permit only and limit the number of annual visitor use days based on excess lifetime cancer risk of proposed recreation activities. Alternative F would also restrict allowable uses in the Serpentine ACEC to foot-traffic and other non-motorized recreation activities. Alternative G would make the existing temporary closure of the 30,000-acre ACEC that was issued by BLM under 43 CFR 8364.1 on May 1, 2008 permanent. Consequently, the impact analysis for Alt. G provides a baseline for comparison of the impacts associated with the temporary closure of the Serpentine ACEC to other management actions within the range of alternatives for the CCMA RMP/EIS

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Substantive Comment - # 446: Subject: Confusing Statement Page 99

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 446: Subject: Confusing Statement Page 99

Substantive Comment

447

Subject: Confusing Statement

Page 100 & 101

Referring to the Following Paragraph

Table 2.6-2 Comparison of Impacts to Public Health and Safety and Hazardous Materials

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 447: Subject: Confusing Statement Page 100 & 101

Substantive Comment

448

Subject: Erroneous Statement

Page 102

Referring to the Following Paragraph

Under the seven alternatives, impacts to travel management and vehicle use opportunities would vary, depending on the Alternative's travel management plan. Alternatives A and B would continue current travel management practices; vehicle use on all BLM lands would be limited to designated routes and barrens, unless posted otherwise, and new trails would be constructed, up to a total of 270 miles. Alternatives A and B would emphasize recreational opportunities, and would have the greatest recreational benefit to the motorized community. Alternative B would limit travel by seasonal duration in consideration of human health and safety. Alternative C would provide basic access to the public while providing limited OHV use specific to motorcycles in an attempt to mitigate dust exposure. Alternative D would restrict access within the ACEC while developing other areas within CCMA for OHV travel. Alternative E would provide for access along T153/**Spanish Lake Road** only and would be the most restrictive for active ACEC motorized travel, with other areas outside the ACEC developed for non-motorized access. Alternative F would limit the public within the ACEC to pedestrian travel. Alternative G would prohibit any access by the public into the ACEC.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 448: Subject: Erroneous Statement Page 102

Substantive Comment

449

Subject: Misleading Statement

Page 105

Referring to the Following Paragraph

Table 2.6-3 (cont.) Route Mileage by Alternative

Designation	Alt. A	Alt. B	Alt. C	Alt. D	Alt. E	Alt. F	Alt. G
Serpentine ACEC /Hazardous Asbestos Area							
Closed	--	--	42	172	199	227	227
Open	227	227	185	55	28	0	0
Condon Peak & San Benito River Zone(s)							
Closed	--	--	--	--	--	--	--
Open	15	15	15	15	15	15	15
Cantua Zone							
Closed	--	--	--	--	--	--	--
Open	--	--	--	30	15	--	--
Tucker Mountain Zone							
Closed	--	--	--	--	--	--	--
Open	--	--	--	15	--	--	--

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complementarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 449: Subject: Misleading Statement Page 105

Substantive Comment

450

Subject: Confusing Statement

Page 115 & 116

Referring to the Following Paragraph

Table 2.6-4 Comparison of Impacts to Air Quality

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 450: Subject: Confusing Statement Page 115 & 116

Substantive Comment

451

Subject: Misleading Statement

Page 119

Referring to the Following Paragraph

The existing special designations within the CCMA include the 30,000-acre Serpentine ACEC, which encompasses 4,147-acre San Benito Mountain RNA and WSA (1,500-acres). The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation based on human health risks associated with exposure to asbestos within the serpentine soils. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complimentarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CRF 1500.1).

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 451: Subject: Misleading Statement Page 119

Substantive Comment

452

Subject: Confusing Statement

Page 119

Referring to the Following Paragraph

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. The existing special designations highlight areas where special management attention is needed to protect public health and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes from natural hazards. Therefore, no changes or modifications to the special designation areas in CCMA were considered in the range of alternatives for the CCMA RMP/EIS.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 452: Subject: Confusing Statement Page 119

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 452: Subject: Confusing Statement Page 119

Substantive Comment

453

Subject: Confusing Statement

Page 120

Referring to the Following Paragraph

Table 2.6-7 Comparison of Impacts to Special Designation Areas

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 453: Subject: Confusing Statement Page 120

Substantive Comment

454

Subject: Erroneous Statement

Page 130

Referring to the Following Paragraph

- The Planning Area includes all lands within the boundaries of the within the Clear Creek Management Area (CCMA), including privately owned lands and State and Federal lands, including those administered by the BLM HFO.

Discussion

The statement, "The Planning Area includes all lands within the boundaries of the within the Clear Creek Management Area (CCMA) ..." is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction."

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 454: Subject: Erroneous Statement Page 130

Substantive Comment

455

Subject: Confusing Format

Page 132

Referring to the Following Paragraph

BLM administered lands in the CCMA support 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.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 455: Subject: Confusing Format Page 132

Substantive Comment

456

Subject: Erroneous Statement

Page 132

Referring to the Following Paragraph

Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part 8340 "Off-Road Vehicles," and Subpart 8342, "Designation of Roads and Trails." The off-highway vehicle (OHV) regulations apply to use of routes by the general public. Certain other routes may be open to private landholders, and grazing or other permittees, to meet specific access needs and/or legal rights.

Discussion

The statement, "Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part 8340 'Off-Road Vehicles,' and Subpart 8342, 'Designation of Roads and Trails'" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" is defined "regardless of jurisdiction," then authority is not restricted to "43 CFR 8340," but would also include various State laws as applicable to jurisdictional authority.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 456: Subject: Erroneous Statement Page 132

Substantive Comment

457

Subject: Confusing Statement

Page 136

Referring to the Following Paragraph

Hobby gem and minerals collection (rock-hounding) and hunting would also continue to be popular activities in CCMA. Both would probably be subject to more restrictions due to human health risks from exposure to asbestos in CCMA. Areas outside the Serpentine ACEC will likely become more popular as BLM implements public health and safety measures. Volunteers could play a greater role in the development and maintenance of these areas.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 457: Subject: Confusing Statement Page 136

Substantive Comment

458

Subject: Confusing Statement

Page 137

Referring to the Following Paragraph

Visitor facilities are limited to Oak Flat Campground, Jade Mill Area, and five staging areas that have trash receptacles and pit toilets. Bulletin boards with general information and regulatory information are present at these areas, the Condon Peak trailhead, and at the main entrances to the CCMA. Posted information details upcoming events, campfire requirements, asbestos warnings, and user maps showing routes and other geographic points of interest.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 458: Subject: Confusing Statement Page 137

Substantive Comment

459

Subject: Erroneous Statement

Page 140

Referring to the Following Paragraph

As managers of the nation's public lands, the BLM is responsible for the health and safety of visitors to public lands. The HFO engages in hazardous material emergency response actions, hazardous waste site evaluations, and prioritization of site remediation activities in accordance with Federal, State, and local laws and regulations. Remediation is typically done in coordination with the U.S. Environmental Protection Agency, California environmental regulatory agencies such as the Department of Toxic Substances Control and the Regional Water Quality Control Boards, counties, and potentially responsible parties (both public and private). This section addresses hazardous materials management on BLM public lands in CCMA, as well as associated risks to the public health and safety.

Discussion

The statement "... BLM is responsible for the health and safety of visitors to public lands" is erroneous because no statutory authority assigns general "health and safety responsibility to the Bureau of Land Management (43 USC § 2).

Recommendation

The Agency must edit the erroneous statement to delete the erroneous phrase "the BLM is responsible for the health and safety of visitors to public lands." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 459: Subject: Erroneous Statement Page 140

Substantive Comment

460

Subject: Inaccurate Statement

Page 140

Referring to the Following Paragraph

Historically, public lands located within the CCMA were used for mining of mercury and asbestos, locating communication sites on mountain tops, and other resource uses like timber harvesting. More recently, CCMA public lands have been subject to numerous unauthorized and illegal activities, such as dumping of household and toxic wastes and marijuana cultivation.

Discussion

The statement, "... used for mining of mercury and asbestos ..." is misleading because mercury and asbestos are refined commercial product that were not mined, but rather refined from cinnabar and chrysotile, which was mined.

Recommendation

The Agency must edit or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 460: Subject: Inaccurate Statement Page 140

Substantive Comment

461

Subject: Inaccurate Statement

Page 140

Referring to the Following Paragraph

Historically, public lands located within the CCMA were used for mining of mercury and asbestos, locating communication sites on mountain tops, and other resource uses like timber harvesting. More recently, CCMA public lands have been subject to numerous unauthorized and illegal activities, such as dumping of household and toxic wastes and marijuana cultivation.

Discussion

The statement, "Historically, public lands located within the CCMA were used for ... locating communication sites on mountain tops ..." is misleading because communication sites are currently facilitated on public land within the subject area.

Recommendation

The Agency must edit or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 461: Subject: Inaccurate Statement Page 140

Substantive Comment

462

Subject: Erroneous Statement

Page 140

Referring to the Following Paragraph

Due to environmental and human health risks concerns associated with the presence of asbestos in the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special Designations) for more information on the Serpentine ACEC designation. Use of these lands, both legally and illegally, has resulted in the release of hazardous substances and the creation of hazardous waste sites.

Discussion

The statement, "Due to environmental and human health risks concerns ..." is erroneous because the Bureau of Land Management lacks statutory authority for "human health risks." Although 42 U.S.C. § 1702 define the meaning for an "areas of critical environmental concern," it does not include the words "human" or "health" in that definition.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 462: Subject: Erroneous Statement Page 140

Substantive Comment

463

Subject: Confusing Statement

Page 140

Referring to the Following Paragraph

Due to environmental and human health risks concerns associated with the presence of asbestos in the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special Designations) for more information on the Serpentine ACEC designation. Use of these lands, both legally and illegally, has resulted in the release of hazardous substances and the creation of hazardous waste sites.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 463: Subject: Confusing Statement Page 140

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 463: Subject: Confusing Statement Page 140

Substantive Comment

464

Subject: Confusing Statement

Page 140

Referring to the Following Paragraph

Due to environmental and human health risks concerns associated with the presence of asbestos in the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special Designations) for more information on the Serpentine ACEC designation. Use of these lands, both legally and illegally, has resulted in the release of hazardous substances and the creation of hazardous waste sites.

Discussion

This paragraph is unbalanced or is missing words or punctuation. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct the error or delete the statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 464: Subject: Confusing Statement Page 140

Substantive Comment

465

Subject: Erroneous Statement

Page 140

Referring to the Following Paragraph

Due to environmental and human health risks concerns associated with the presence of asbestos in the bedrock and soils of the New Idria Formation 30,000 acres of BLM-managed lands were designated as the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) under the Record of Decision for the original Hollister RMP (1984). Refer to Section 3.10, Special Designations) for more information on the Serpentine ACEC designation. Use of these lands, both legally and illegally, has resulted in the release of hazardous substances and the creation of hazardous waste sites.

Discussion

The statement, "has resulted in the release of hazardous substances and the creation of hazardous waste sites ..." is erroneous because the subject minerals are all natural to the geographic region. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 465: Subject: Erroneous Statement Page 140

Substantive Comment

466

Subject: Erroneous Statement

Page 140

Referring to the Following Paragraph

Located within the Serpentine ACEC, is the Atlas Asbestos Mine Superfund Site, which added to the National Priorities List in 1983. As EPA was finalizing its approach to the cleanup of the Atlas site in 1991, they identified the need to evaluate BLM's management of CCMA and evaluate the overall protection of human health and the environment. As a result, BLM developed a health risk assessment in 1992 to further determine what management actions were necessary to limit public risk to asbestos and incorporated the results into the 1995 CCMA RMP Amendment, and it's associated Record of Decision (1999).

Discussion

The statement, "As EPA was finalizing its approach to the cleanup of the Atlas site ..." is erroneous because the EPA did not conduct physical cleanup of the Atlas site. Clean up was conducted by Northrop Grumman corporation under a Consent Decree (United States v. Atlas Corporation and Vinnell Mining and Minebals Corporation - 57 FR 29333).

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 466: Subject: Erroneous Statement Page 140

Substantive Comment

467

Subject: Confusing Statement

Page 140

Referring to the Following Paragraph

Located within the Serpentine ACEC, is the Atlas Asbestos Mine Superfund Site, which added to the National Priorities List in 1983. As EPA was finalizing its approach to the cleanup of the Atlas site in 1991, they identified the need to evaluate BLM's management of CCMA and evaluate the overall protection of human health and the environment. As a result, BLM developed a health risk assessment in 1992 to further determine what management actions were necessary to limit public risk to asbestos and incorporated the results into the 1995 CCMA RMP Amendment, and it's associated Record of Decision (1999).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 467: Subject: Confusing Statement Page 140

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 467: Subject: Confusing Statement Page 140

Substantive Comment

468

Subject: Confusing Statement

Page 140

Referring to the Following Paragraph

Located within the Serpentine ACEC, is the Atlas Asbestos Mine Superfund Site, which added to the National Priorities List in 1983. As EPA was finalizing its approach to the cleanup of the Atlas site in 1991, they identified the need to evaluate BLM's management of CCMA and evaluate the overall protection of human health and the environment. As a result, BLM developed a health risk assessment in 1992 to further determine what management actions were necessary to limit public risk to asbestos and incorporated the results into the 1995 CCMA RMP Amendment, and it's associated Record of Decision (1999).

Discussion

"It's" should be "its." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 468: Subject: Confusing Statement Page 140

Substantive Comment

469

Subject: Erroneous Statement

Page 140

Referring to the Following Paragraph

The principal Federal regulatory agency for setting laws and guidelines for hazardous materials is the U.S. Environmental Protection Agency (EPA). Key Federal laws and regulations pertaining to hazardous materials associated with the Planning Area include the:

Discussion

The statement, "The principal Federal regulatory agency for setting laws and guidelines for hazardous materials is the U.S. Environmental Protection Agency (EPA)" is false because the United States Constitution states that only Congress shall make law (Article I, Section 8). The subject laws were passed by Congress and administered by the Environmental Protection Agency.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 469: Subject: Erroneous Statement Page 140

Substantive Comment

470

Subject: Misleading Statement

Page 141

Referring to the Following Paragraph

Within the Planning Area, the hazardous materials of most concern are primarily a result of a numerous historic mine sites and their associated retort piles that contain tailings of mercury and asbestos, in addition to many other heavy metals, such as nickel and cadmium. CCMA public lands are also subject to illegal dumping of hazardous materials such as used tires and autos, household waste, and industrial wastes, as well as waste from illicit drug operations. There are no specific target ranges; however target shooting does occur regularly in CCMA and on adjacent private lands at Mexican Flats. Occasionally, target shooting that involves the use of "e-waste" such as old computers or televisions occurs in scattered remote locations.

Discussion

The statement, "Within the Planning Area, the hazardous materials of most concern are primarily a result of a numerous historic mine sites and their associated retort piles that contain tailings of mercury and asbestos, in addition to many other heavy metals, such as nickel and cadmium" is misleading for several reasons. First the region is considered the world's forth largest deposit of cinnabar, the ore from which mercury is processed. Secondly, the area is also well known for small deposits of native mercury. Thirdly, the purpose of retorting was to remove the mercury from the ore so that the mercury could be sold at market. The so called "retort piles" are the rock waste product from which most of the mercury was been removed. Fourthly, while some commercial asbestos insulation was imported into the area for insulating retorts, this asbestos was not processed in these retorts. Finally, this statement, hazardous materials of most concern are primarily a result of a numerous historic mine sites" ignores the fact that the EPA study ACEC designation are based upon "naturally occurring asbestos," not "mine sites."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 470: Subject: Misleading Statement Page 141

Substantive Comment

471

Subject: Misleading Statement

Page 141

Referring to the Following Paragraph

Within the Planning Area, the hazardous materials of most concern are primarily a result of a numerous historic mine sites and their associated retort piles that contain tailings of mercury and asbestos, in addition to many other heavy metals, such as nickel and cadmium. CCMA public lands are also subject to illegal dumping of hazardous materials such as used tires and autos, household waste, and industrial wastes, as well as waste from illicit drug operations. There are no specific target ranges; however target shooting does occur regularly in CCMA and on adjacent private lands at Mexican Flats. Occasionally, target shooting that involves the use of “e-waste” such as old computers or televisions occurs in scattered remote locations.

Discussion

The statement, “however target shooting does occur regularly in CCMA and on adjacent private lands at Mexican Flats” is misleading because it fails to mention that the “target shooting” at “Mexican Flats” is criminal trespass activity.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 471: Subject: Misleading Statement Page 141

Substantive Comment

472

Subject: Confusing Statement

Page 141

Referring to the Following Paragraph

3.2.3.1 Naturally Occurring Asbestos

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 472: Subject: Confusing Statement Page 141

Substantive Comment

473

Subject: Inaccurate Statement

Page 141

Referring to the Following Paragraph

In the mid-1950's, an investigation by the California Division of Mines and Geology indicated that the serpentine matrix of the New Idria Formation was mainly chrysotile asbestos. 'Asbestos' is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength.

Discussion

The statement, "In the mid-1950's, an investigation by the California Division of Mines and Geology indicated that the serpentine matrix of the New Idria Formation was mainly chrysotile asbestos" is misleading because the author fails to cite the source of this statement. While the sentence is probably copied from the EPA Superfund Record of Decision: Atlas Asbestos Mine (1991:5), even that source fails to cite a source for this statement. The author should not simply echo unsubstantiated statements without checking their source. To maintain credibility, the author must cite the source for this statement or modify the statement to cite an existing source document.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 473: Subject: Inaccurate Statement Page 141

Substantive Comment

474

Subject: Confusing Format

Page 141

Referring to the Following Paragraph

In the mid-1950's, an investigation by the California Division of Mines and Geology indicated that the serpentine matrix of the New Idria Formation was mainly chrysotile asbestos. 'Asbestos' is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 474: Subject: Confusing Format Page 141

Substantive Comment

475

Subject: Redundant Statement

Page 141

Referring to the Following Paragraph

The New Idria Formation covers approximately 30,000 acres and was designated as the Serpentine Area of Critical Environmental Concern (ACEC) in 1984 based on the health concerns associated with exposure to naturally occurring asbestos, and because of the unique vegetation and forest types associated with serpentine formation. This area is also referred to as the Hazardous Asbestos Area (HAA).

Discussion

This statement has been made several times in this document. It is confusing and unnecessary to continually repeat. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 475: Subject: Redundant Statement Page 141

Substantive Comment

476

Subject: Misleading Statement

Page 141

Referring to the Following Paragraph

The New Idria Formation covers approximately 30,000 acres and was designated as the Serpentine Area of Critical Environmental Concern (ACEC) in 1984 based on the health concerns associated with exposure to naturally occurring asbestos, and because of the unique vegetation and forest types associated with serpentine formation. This area is also referred to as the Hazardous Asbestos Area (HAA).

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complementarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist.

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 476: Subject: Misleading Statement Page 141

Substantive Comment

477

Subject: Inaccurate Statement

Page 141

Referring to the Following Paragraph

Asbestos is a known human carcinogen and exposure to airborne asbestos poses a health and safety risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lung. Fibers embedded in lung tissue over time may cause serious lung diseases including: asbestosis, lung cancer, and mesothelioma. The boundaries of the ACEC were defined by mapping of serpentine soils derived from the New Idria Formation.

Discussion

The statement 'Asbestos is a known human carcinogen and exposure to airborne asbestos poses a health and safety risk ...' is inaccurate and misleading because it fail to reflect current EPA opinion. The Environmental Protection Agency (EPA) currently relies on a risk assessment model completed in 1986. However, the EPA is updating its asbestos risk assessment method to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that chrysotile poses very little risk as compared with amphibole asbestos minerals. The EPA's Office of Solid Waste and Emergency Response (OSWER) asked EPA's Science Advisory Board (SAB) to consider a new proposed approach for assessing cancer potency factors for exposure to asbestos based upon differences in cancer potency of different mineral types and fiber sizes. The SAB Asbestos Committee issued a report on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos, on November 14, 2008. In their final draft report to EPA, Berman & Crump concluded chrysotile is approximately 800 times less capable of causing mesothelioma than amosite or crocidolite, thus supporting the hypothesis that one cannot experience enough chrysotile exposure in a lifetime to cause asbestos related disease.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 477: Subject: Inaccurate Statement Page 141

Substantive Comment

478

Subject: Misleading Statement

Page 141

Referring to the Following Paragraph

In 1962, the Atlas Division of the Atlas Corporation began construction of an asbestos mine and mill within the boundaries of the CCMA that was in operation until 1979. The mining activity included digging the asbestos ore out of surface pits and then milling the ore. The by-products (tailings) of the milling process were bulldozed into piles near the asbestos mill. The resulting fluvial and airborne asbestos emissions from the site lead the Atlas Mine to be approved for listing on the Environmental Protection Agency's (EPA) Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund") program National Priorities List (NPL) in 1984. The NPL is the EPA's list of the hazardous waste sites potentially posing the greatest long-term threat to health and the environment.

Discussion

Discussion of EPA superfund sites within the context of CCMA asbestos is misleading because the superfund designation is based on the EPA's 1986 assessment criteria. The statement fails to reflect the fact that the EPA is updating its asbestos risk assessment method to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that chrysotile poses very little risk as compared with amphibole asbestos minerals. These sites would not rise to the National Priorities List (superfund) level if assessed with the proposed methodology using the Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 478: Subject: Misleading Statement Page 141

Substantive Comment

479

Subject: Confusing Statement

Page 141

Referring to the Following Paragraph

Air sampling investigations conducted by EPA to address asbestos air pollution transport indicated that asbestos concentrations were similar within the North Central Coast air basin and San Joaquin Valley air basin. However, the localized on-site generation and inhalation of airborne asbestos was determined by both EPA and BLM to be a potential problem from motorized vehicle use in the CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 479: Subject: Confusing Statement Page 141

Substantive Comment

480

Subject: Confusing Statement

Page 141

Referring to the Following Paragraph

In 1991, U.S. EPA signed the Record of Decision (ROD) selecting the cleanup remedy for the Atlas Asbestos Mine Superfund site in San Benito and Fresno counties, California. In the ROD, EPA noted that it was not proposing any action for the Clear Creek Management Area (CCMA), one of the Atlas site's four geographic areas. Instead, EPA stated that it would evaluate whether the United States Department of Interior Bureau of Land Management's (BLM) plans for management of CCMA were adequate to protect public health from exposure to asbestos found in the area.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 480: Subject: Confusing Statement Page 141

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 480: Subject: Confusing Statement Page 141

Substantive Comment

481

Subject: Misleading Statement

Page 142

Referring to the Following Paragraph

In 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA. The goal of the assessment was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the potential cancer risks associated with those exposures.

Discussion

The statement, "The goal of the assessment was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment ..." is misleading because it fails to cite the dated 1986 assessment criteria being used to conduct the study. The statement should be corrected to read something like: The goal of the assessment was to use the EPA's 1986 health assessment document for asbestos (Nicholson 1986) sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment ..."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Nicholson, William J. (1986) *Airborne Asbestos Health Assessment Update*, United States Environmental Protection Agency.

Substantive Comment - # 481: Subject: Misleading Statement Page 142

Substantive Comment

482

Subject: Erroneous Statement

Page 142

Referring to the Following Paragraph

The activity-based sampling showed that activities which disturbed the soil recorded significantly elevated asbestos levels in the breathing zone. Motorcycle riding, ATV riding, and SUV driving/riding had the highest exposure concentrations, in some cases exceeding even the U.S. Occupational Safety and Health Administration (OSHA) 30-minute Excursion Limit for asbestos. Only hiking was near ambient asbestos concentrations. For Overall OHV Riding, combining motorcycling, ATV driving/riding, and SUV driving/riding, trailing riders had significantly higher exposures than lead riders. Chrysotile asbestos was the predominant asbestos type found in the air samples, but almost 8% of the phase contrast microscopy equivalent (PCME) asbestos fibers detected belonged to the amphibole asbestos group. When the sampling results were evaluated by the general meteorological conditions of the dates sampling was conducted, “dry”, “moist”, and “wet”, it was observed that asbestos air concentrations were only reduced when it was actively raining. Additionally, comparison of samples collected at the same time by the same individual wearing sampling cassettes set at different heights to simulate adult and child breathing zones showed that the child exposure concentrations exceeded that of the adult sample approximately 64% of the time.

Discussion

The statement, “When the sampling results were evaluated by the general meteorological conditions of the dates sampling was conducted, ‘dry’, ‘moist’, and ‘wet’, it was observed that asbestos air concentrations were only reduced when it was actively raining” is erroneous because the “moist” designation refers to their November (2nd & 3rd) event (EPA 2008:4-8) during which period soil conditions were actually dry (EPA 2008:Appendix F). Note that the EPA used the United States Department of Agriculture Natural Resource Conservation Service “Estimating Soil Moisture by Feel and Appearance” method (EPA 2008:4-6). The meteorological data shows that although the humidity increased on November 3rd, it did not begin to rain until the evening after the EPA was finished (HDZC1 2004). These conditions cannot be designated as “moist” because the air and soil were dry on the first day of EPA testing and the soil remained dry throughout the second (final) day.

Recommendation

The Agency must edit this paragraph to accurately reflect the dry conditions that existed during the period that the EPA designed as “moist.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 482: Subject: Erroneous Statement Page 142

Reference

EPA (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency.

HDZC1 (2004) "Past Weather Conditions for HDZC1" Hernandez, California Department of Water Resources.

USDA (1998) "Estimating Soil Moisture by Feel and Appearance," Program Aid Number 1619, United States Department of Agriculture, Natural Resources Conservation Service.

Substantive Comment - # 482: Subject: Erroneous Statement Page 142

Substantive Comment

483

Subject: Confusing Statement

Page 142

Referring to the Following Paragraph

The activity-based sampling showed that activities which disturbed the soil recorded significantly elevated asbestos levels in the breathing zone. Motorcycle riding, ATV riding, and SUV driving/riding had the highest exposure concentrations, in some cases exceeding even the U.S. Occupational Safety and Health Administration (OSHA) 30-minute Excursion Limit for asbestos. Only hiking was near ambient asbestos concentrations. For Overall OHV Riding, combining motorcycling, ATV driving/riding, and SUV driving/riding, trailing riders had significantly higher exposures than lead riders. Chrysotile asbestos was the predominant asbestos type found in the air samples, but almost 8% of the phase contrast microscopy equivalent (PCME) asbestos fibers detected belonged to the amphibole asbestos group. When the sampling results were evaluated by the general meteorological conditions of the dates sampling was conducted, “dry”, “moist”, and “wet”, it was observed that asbestos air concentrations were only reduced when it was actively raining. Additionally, comparison of samples collected at the same time by the same individual wearing sampling cassettes set at different heights to simulate adult and child breathing zones showed that the child exposure concentrations exceeded that of the adult sample approximately 64% of the time.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 483: Subject: Confusing Statement Page 142

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

484

Subject: Speculative Statement

Page 142

Referring to the Following Paragraph

When the activity-based sampling asbestos concentrations were applied into typical use scenarios and excess lifetime cancer risks were estimated, the EPA report found that using the EPA Integrated Risk Information System (IRIS) toxicity value for asbestos, making five or more visits to CCMA per year over a 30-year period to participate in recreational scenarios of Weekend Riding, Day Use Riding, Weekend Hunting, or Combined Riding/Fence Building could put recreational users at an excess lifetime cancer risk above EPA's acceptable risk range of 1×10^{-4} (1 in 10,000) to 1×10^{-6} (1 in 1,000,000). The highest IRIS risk estimation, 2 in 1,000 (2×10^{-3}), was based on the 95% upper confidence limit exposure concentration for 12 visits per year for the recreational Weekend Rider (EPA 2008).

Discussion

This paragraph is *prima facie*, self-evident, speculation based upon usage of the terms "were estimated" and "could put," thus implying a degree of doubt to any conclusion that might be asserted from this paragraph. The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must delete this paragraph because it fails to present the conclusive scientific data and because it fails to state or explain the EPA's doubts, or why the EPA has suppressed scientific data and internal opinions which to this paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 484: Subject: Speculative Statement Page 142

Substantive Comment

485

Subject: Speculative Statement

Page 142

Referring to the Following Paragraph

Using the State of California Office of Environmental Health Hazard Assessment (OEHHA) toxicity value for asbestos, even one visit per year for recreational scenarios of Weekend Riding, Day Use Riding, Weekend Hunting, or Combined Riding/Fence Building put users above EPA's acceptable risk range. The higher risks reflect the fact that the OEHHA asbestos toxicity value is 8 times larger than the value in IRIS. At the high end of the risk range, excess lifetime cancer risk estimations using the OEHHA toxicity value and the 95% upper confidence limit concentration indicate that recreational users riding motorcycles 12 weekends per year could have as much as a 1 in 100 (1×10^{-2}) lifetime chance of developing asbestos related cancer.

Discussion

This paragraph is *prima facie*, self-evident, speculation based upon usage of the terms and "could have," thus implying a degree of doubt to any conclusion that might be asserted from this paragraph. The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must delete this paragraph because it fail to present the conclusive scientific data and because it fails to state or explain the EPA's doubts, or why the EPA has suppressed scientific data and internal opinions which to this paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 485: Subject: Speculative Statement Page 142

Substantive Comment

486

Subject: Misleading Statement

Page 143

Referring to the Following Paragraph

On the other hand, the EPA risk calculations may underestimate the risk because take-home exposures and non-cancer health effects were not considered. Asbestos can adhere to equipment, clothes, and the interior and exterior of vehicles, and can be tracked out of CCMA resulting in future exposures to CCMA users, families, and communities. The offsite exposure could increase the risk, proportional to the time of exposure and the concentration of asbestos tracked offsite. Perhaps most important, there is currently no reference value for calculating non-cancer risks from asbestos exposures and non-cancer risks were therefore not addressed in the EPA assessment. However, epidemiological studies indicate that non-cancer respiratory health effects from exposure to asbestos can be significant and in some studies exceed the cancer cases. Therefore, the general probability of developing disease from exposure related to activities at Clear Creek may be underestimated in the EPA risk estimations.

Discussion

This paragraph is misleading because it implies that although the "EPA risk calculations may underestimate the risk," that it is only because it fails to account for other deleterious effects. However, such implication, or assumption, is erroneous because the statement ignores the fact that the EPA risk model drastically overestimates cancer related diseases by factors of 50 to 150 times (Camus *et al* 2002: 95).

Recommendation

The Agency must delete this paragraph because it implies outcome that is contrary to the scientific evidence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 486: Subject: Misleading Statement Page 143

Substantive Comment

487

Subject: Confusing Statement

Page 143

Referring to the Following Paragraph

The Activity Causes the Exposure – The concentration of asbestos in the breathing zone is directly related to the degree that an activity disturbs the soil and creates dust.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.
- EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 487: Subject: Confusing Statement Page 143

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 487: Subject: Confusing Statement Page 143

Substantive Comment

488

Subject: Confusing Statement

Page 143

Referring to the Following Paragraph

- Children Are of Special Concern – In a majority of the samples, the concentration of asbestos measured in the child's breathing zone exceeded the asbestos concentration in the companion adult sample. Further, a child's life expectancy exceeds the latency period for asbestos-related disease.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 488: Subject: Confusing Statement Page 143

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 488: Subject: Confusing Statement Page 143

Substantive Comment

489

Subject: Inaccurate Statement

Page 143

Referring to the Following Paragraph

Asbestos is a known human carcinogen. Despite the uncertainties inherent in risk assessment, the evaluation of asbestos exposures and risks at the Clear Creek Management Area led EPA to conclude:

Discussion

The statement 'Asbestos is a known human carcinogen and exposure to airborne asbestos poses a health and safety risk ...' is inaccurate and misleading because it fail to reflect current EPA opinion. The Environmental Protection Agency (EPA) currently relies on a risk assessment model completed in 1986. However, the EPA is updating its asbestos risk assessment method to distinguish among fiber types and fiber sizes to reflect current scientific knowledge that chrysotile poses very little risk as compared with amphibole asbestos minerals. The EPA's Office of Solid Waste and Emergency Response (OSWER) asked EPA's Science Advisory Board (SAB) to consider a new proposed approach for assessing cancer potency factors for exposure to asbestos based upon differences in cancer potency of different mineral types and fiber sizes. The SAB Asbestos Committee issued a report on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factor for Inhalation Exposure to Asbestos, on November 14, 2008. In their final draft report to EPA, Berman & Crump concluded chrysotile is approximately 800 times less capable of causing mesothelioma than amosite or crocidolite, thus supporting the hypothesis that one cannot experience enough chrysotile exposure in a lifetime to cause asbestos related disease.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 489: Subject: Inaccurate Statement Page 143

Substantive Comment

490

Subject: Redundant Statement

Page 143

Referring to the Following Paragraph

In response to the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC to all public use and entry. The closure order was published in the Federal Register (Volume 73, Number 85), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA while the BLM completes this Resource Management Plan.

Discussion

This statement has been previously asserted in the subject document. Such redundancy is not concentrating on the issues that are truly significant to the action in question (40 C.F.R. § 1500.1(b)). Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA (40 CFR § 1502.2). This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must delete the needlessly redundant statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 490: Subject: Redundant Statement Page 143

Substantive Comment

491

Subject: Misleading Statement

Page 144

Referring to the Following Paragraph

Over the years, substantial marijuana garden encampments have been discovered by law enforcement authorities in CCMA. Law enforcement confiscate the illegal product, but large amounts of solid waste, garbage, food, clothing, fertilizers, pesticides, and batteries remain on public lands. Many of these types of waste also contain hazardous materials that are a potential source of contamination of the air, water, and soil resources in CCMA. Similar waste piles are dispersed throughout CCMA due to illegal dumping of household chemicals and solid waste.

Discussion

The statement, "Over the years, substantial marijuana garden encampments have been discovered by law enforcement authorities in CCMA." is misleading because it fails to mention that the increased marijuana cultivation is directly proportional to recreational restrictions. That is, restrictions on recreational access to certain areas, make those areas safer, and hence more attractive to marijuana growers.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 491: Subject: Misleading Statement Page 144

Substantive Comment

492

Subject: Misleading Statement

Page 144

Referring to the Following Paragraph

Some acid mine drainage has been characterized with respect to the mines located in this management area. Hazards associated with these mines include open shafts and adits, tailings piles, and abandoned equipment. Other hazardous materials of concern that may be found in the CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine lands in CCMA are identified below.

Discussion

The statement, "Some acid mine drainage has been characterized with respect to the mines located in this management area" is misleading because it fails to mention that there is only one small seasonal occurrence of acid mine drainage within the Agency's jurisdiction. When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 492: Subject: Misleading Statement Page 144

Substantive Comment

493

Subject: Misleading Statement

Page 144

Referring to the Following Paragraph

Some acid mine drainage has been characterized with respect to the mines located in this management area. Hazards associated with these mines include open shafts and adits, tailings piles, and abandoned equipment. Other hazardous materials of concern that may be found in the CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine lands in CCMA are identified below.

Discussion

The statement, "Other hazardous materials of concern that may be found in the CCMA abandoned mine land" is misleading because it confesses, by use of the word "may" that the Agency has not properly inventoried their management resources. When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 493: Subject: Misleading Statement Page 144

Substantive Comment

494

Subject: Misleading Statement

Page 144

Referring to the Following Paragraph

Some acid mine drainage has been characterized with respect to the mines located in this management area. Hazards associated with these mines include open shafts and adits, tailings piles, and abandoned equipment. Other hazardous materials of concern that may be found in the CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine lands in CCMA are identified below.

Discussion

The statement, "... include cinnabar (mercury ore) deposits and piles of asbestos tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources of disturbances ..." is misleading for several reasons. First the region is considered the world's forth largest deposit of cinnabar, the ore from which mercury is processed. Secondly, the area is also well known for small deposits of native mercury. Secondly, the region is well known for its large natural deposit of serpentine, which contains chrysotile.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 494: Subject: Misleading Statement Page 144

Substantive Comment

495

Subject: Erroneous Statement

Page 144

Referring to the Following Paragraph

Some acid mine drainage has been characterized with respect to the mines located in this management area. Hazards associated with these mines include open shafts and adits, tailings piles, and abandoned equipment. Other hazardous materials of concern that may be found in the CCMA abandoned mine lands include cinnabar (mercury ore) deposits and piles of asbestos tailings that have been dispersed throughout the region by wind, water, and anthropogenic sources of disturbances. Current conditions and BLM goals for reclamation of some abandoned mine lands in CCMA are identified below.

Discussion

The statement, "Current conditions and BLM goals for reclamation of some abandoned mine lands in CCMA are identified below" is false because the listed projects are completed projects and because no "goals" are actually identified.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 495: Subject: Erroneous Statement Page 144

Substantive Comment

496

Subject: Misleading Statement

Page 144

Referring to the Following Paragraph

The Aurora mine was active from 1853 up to the 1950's. Historic photographs of the mine showed that several structures and an improved water source for the mine along with two large metal water tanks. These structures and the furnace used to retort the ore were previously removed, so no above ground structures were left when restoration activities began in the summer of 2000.

Discussion

The statement, "These structures and the furnace used to retort the ore were previously removed, so no above ground structures were left when restoration activities began in the summer of 2000" is misleading because it fails to include mention that the Agency destroyed critical historic resources, such as the original rotary kiln. When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 496: Subject: Misleading Statement Page 144

Substantive Comment

497

Subject: Erroneous Statement

Page 144

Referring to the Following Paragraph

Remediation of the site included the removal of 8,000 cubic yards of mercury retort waste rock (calcines) and placement into a repository located nearby. All unearthed mining debris was also placed into the repository. The disturbed areas were recontoured and capped with two to three feet of non-mercury native soil. Native plant seeds from the adjacent vegetated areas were spread out under several inches of weed-free rice straw. Rice straw hay bales were staked in the ground to control erosion and allow for the germination of the native plants. However, severe winter storms have caused the ephemeral drainage that was recontoured through the site to overflow and cut into the cap material causing additional erosion concerns.

Discussion

The statement "However, severe winter storms have caused the ephemeral drainage that was recontoured through the site to overflow and cut into the cap material causing additional erosion concerns" is false because it implies that the normal weather cycle was some "severe." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 497: Subject: Erroneous Statement Page 144

Substantive Comment

498

Subject: Confusing Statement

Page 145

Referring to the Following Paragraph

Following the discovery of San Benito evening primrose in 1960 (*Camissonia benitensis*; CABB) and subsequent listing by the Fish and Wildlife Service as Threatened in 1985, the BLM began making efforts to protect the species' habitat. Habitat protection efforts included establishing formal campgrounds and staging areas and fencing habitat to exclude OHV and other recreation impacts. Formal campgrounds established included Jade Mill. Upper Jade Mill campground is underlain by nonserpentine soils and thus, BLM first identified the Jade Mill site for development of recreation facilities in the Hollister RMP (BLM, 1984). Subsequently, BLM's policy has been modified to not encourage use within Jade Mill area due to the asbestos hazard. However, the Upper Jade Mill site remains a favorite camping location and consistently receives heavy use.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 498: Subject: Confusing Statement Page 145

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

499

Subject: Erroneous Statement

Page 145

Referring to the Following Paragraph

The Xanadu Mil Site was a small commercial operation within a riparian zone that produced very little calcines. However, the site was very heavily used by the visiting public for camping and target shooting, and the retort area was contaminated with mercury. The remediation plan called for the removal and on-site encapsulation of the milling retort oven debris, contaminated soils and building remnants.

Discussion

The statement is erroneous because the Xanadu Mil Site does not exist. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps a word is misspelled and author meant "The Xanadu Mill Site." The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 499: Subject: Erroneous Statement Page 145

Substantive Comment

500

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

Travel and transportation management is aimed at providing adequate public and administrative access to BLM lands for visitor use and for management of those lands, while regulating travel to protect public safety, prevent damage to resources, and resolve conflicts among users. Central to travel management are OHV designations. All public lands are required to be designated as open, limited, or closed to motorized vehicle access (43 CFR 8342.1).

Discussion

The statement, "All public lands are required to be designated as open, limited, or closed to motorized vehicle access (43 CFR 8342.1)" is false because it incorrectly quotes 43 CFR 8342.1, which correctly states:

"The authorized officer shall designate all public lands as either open, limited, or closed to off-road vehicles."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 500: Subject: Erroneous Statement Page 147

Substantive Comment

501

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

Areas designated as “open” have primarily been selected for intensive motorized vehicle recreation and do not have compelling resource protection needs, user conflicts, or public safety issues that warrant limiting cross-country use. On lands designated as “limited”, cross-country travel is prohibited and travel is limited to designated “open” routes. The network of routes available and the terms and conditions of use on those roads and trails are usually identified on published maps. In areas designated as closed, no motorized or vehicle use is permitted. Cross-country travel by foot or horse is usually permitted in all areas regardless of route designation.

Discussion

The statement, “On lands designated as “limited”, cross-country travel is prohibited and travel is limited to designated “open” routes” is false because 43 CFR 8342.1 does not pertain to all “travel,” but rather specifically to off road vehicle use.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 501: Subject: Erroneous Statement Page 147

Substantive Comment

502

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

Areas designated as “open” have primarily been selected for intensive motorized vehicle recreation and do not have compelling resource protection needs, user conflicts, or public safety issues that warrant limiting cross-country use. On lands designated as “limited”, cross-country travel is prohibited and travel is limited to designated “open” routes. The network of routes available and the terms and conditions of use on those roads and trails are usually identified on published maps. In areas designated as closed, no motorized or vehicle use is permitted. Cross-country travel by foot or horse is usually permitted in all areas regardless of route designation.

Discussion

The statement, “On lands designated as “limited”, cross-country travel is prohibited and travel is limited to designated “open” routes” is false because 43 CFR 8342.1 does not pertain to all “travel,” but rather to off road vehicle use.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 502: Subject: Erroneous Statement Page 147

Substantive Comment

503

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part 8340 "Off-Road Vehicles," and Subpart 8342, "Designation of Roads and Trails." The off-highway vehicle (OHV) regulations apply to use of routes by the general public. Certain other routes may be open to private landholders, and grazing or other permittees, to meet specific access needs and/or legal rights.

Discussion

The statement, "Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part 8340 'Off-Road Vehicles,' and Subpart 8342, 'Designation of Roads and Trails'" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" is defined "regardless of jurisdiction," then authority is not restricted to "43 CFR 8340," but would also include various State laws as applicable to jurisdictional authority.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 503: Subject: Erroneous Statement Page 147

Substantive Comment

504

Subject: Misleading Statement

Page 147

Referring to the Following Paragraph

Vehicle use in the Planning Area is managed under the direction and authority in 43 CFR Part 8340 “Off-Road Vehicles,” and Subpart 8342, “Designation of Roads and Trails.” The off-highway vehicle (OHV) regulations apply to use of routes by the general public. Certain other routes may be open to private landholders, and grazing or other permittees, to meet specific access needs and/or legal rights.

Discussion

The statement, “The off-highway vehicle (OHV) regulations apply to use of routes by the general public” is inaccurate and misleading because 43 CFR Part 8340 is more accurately a subpart of 43 CFR Subchapter H —Recreation Programs. Thus implying that the regulation applies to the “general public” is false. The regulation applies to “recreation programs.”

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 504: Subject: Misleading Statement Page 147

Substantive Comment

505

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

A network of Federal, State, and County roads provide access to the Planning Area. Currently, public lands in the area are generally accessible by motorized vehicles to agency personnel (for resource management), to commercial enterprise (for use or extraction of public resources), and to the general public (for recreation and enjoyment of public lands). The population in the Planning Area is overwhelmingly urban, and rural areas are becoming increasingly less common as urbanization expands, especially in the San Francisco Bay Area, Central Coast communities, and in the San Joaquin Valley. Therefore, the wildland experiences in the Clear Creek Management Area are increasingly valuable as the supply of open space decreases in the region.

Discussion

The statement, "... and to the general public (for recreation and enjoyment of public lands)" is false because it implies that the general public use is exclusively for "recreation and enjoyment." The Agency and its employees should be reminded that their office exist at the please of the People (the "general public") who are the taxpaying citizens whose labor pay wages to these public employees. The general public also use public lands for other than recreation.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 505: Subject: Erroneous Statement Page 147

Substantive Comment

506

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

A network of Federal, State, and County roads provide access to the Planning Area. Currently, public lands in the area are generally accessible by motorized vehicles to agency personnel (for resource management), to commercial enterprise (for use or extraction of public resources), and to the general public (for recreation and enjoyment of public lands). The population in the Planning Area is overwhelmingly urban, and rural areas are becoming increasingly less common as urbanization expands, especially in the San Francisco Bay Area, Central Coast communities, and in the San Joaquin Valley. Therefore, the wildland experiences in the Clear Creek Management Area are increasingly valuable as the supply of open space decreases in the region.

Discussion

The statement, "The population in the Planning Area is overwhelmingly urban, and rural areas are becoming increasingly less common as urbanization expands, especially in the San Francisco Bay Area, Central Coast communities, and in the San Joaquin Valley" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The "the San Francisco Bay Area, Central Coast communities" and most of the "San Joaquin Valley" are outside of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 506: Subject: Erroneous Statement Page 147

Substantive Comment

507

Subject: Erroneous Statement

Page 147

Referring to the Following Paragraph

There is a need to balance access to public lands with resource management and protection, including public health and safety. Areas where there is no public motorized access or access can be improved include the Condon, Tucker, and Cantua management zones. In southern Fresno County, the BLM-managed portion of Joaquin Ridge is an area with limited roads, where public access is restricted by private lands and BLM-locked gates. As a result, there has been a trend of route proliferation, redundancy, and frequent trespasses and other unauthorized uses on BLM and private lands in the region.

Discussion

The statement, "In southern Fresno County, the BLM-managed portion of Joaquin Ridge is an area with limited roads, where public access is restricted by private lands and BLM-locked gates" is false because Joaquin Rocks is accessible by a public highway that traverses Joaquin Ridge between Idria Peak and Joaquin Rocks. This highway is clearly marked on early historic maps. The Agency blocked this public highway with a gate at Wright Mountain.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 507: Subject: Erroneous Statement Page 147

Substantive Comment

508

Subject: Confusing Format

Page 148

Referring to the Following Paragraph

In 1999, CCMA was designated a “Limited” OHV use area available for motorized recreation on designated routes and trails. In 2006, BLM approved the CCMA RMP Amendment for Route Designation, which identified “open” routes and trails on CCMA public lands. Therefore, the baseline for the analysis of impacts from BLM transportation management actions is limited to routes on public lands designated ‘open’ in the 2006 ROD.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 508: Subject: Confusing Format Page 148

Substantive Comment

509

Subject: Needless Details

Page 148 & 149

Referring to the Following Paragraph

3.3.4.2 Maintenance & Operations Logistically speaking, CCMA is a very unique and challenging place to manage. Transport time from the Hollister Field Office (HFO) is approximately 1 hour to the BLM's decontamination facility (Section 8). A stop is made at the Section 8 administration site to obtain personal protective equipment (PPE), work gear and tools, air sampling equipment, etc. This usually takes 0.75-1.0 hrs. Transport to the CCMA entrance is 0.5 hrs. Transport to the more remote sites in CCMA from the entrance can take up to 2 hrs, depending on weather and road conditions. Once work is completed for the day, employees return to Section 8, about 1.5-2.5 hrs. At Section 8, decontamination of vehicles, gear and OHV's takes 1-1.5 hours, followed by a decontamination shower and completion of air sample calibration, another 0.5-0.75 hrs. At this point, an hour drive back to HFO completes the cycle. This cycle does not take into account mechanical breakdowns or other logistical issues typical of remote locations. The non-project related portion of a work day takes approximately 6 hours. That means only 4 hours of actual mission critical work is accomplished during a 10 hour work day. This typically doubles or triples the time necessary to complete projects. Frequently, a 12-14 hour work day is utilized to offset the logistical issues surrounding the accomplishment of work within CCMA. While making for a more efficient CCMA work schedule, cost is greatly increased through overtime compensation. Decontamination facility maintenance and employee health monitoring also greatly contribute to project costs.

Discussion

"3.3.4.2 Maintenance & Operations" contains needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 C.F.R. § 1500.1(b)). Agencies shall reduce excessive paperwork by discussing only briefly issues other than significant ones (40 C.F.R. § 1500.4). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must remove needless detail that fails to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 509: Subject: Needless Details Page 148 & 149

Substantive Comment

510

Subject: Management Confession

Page 149

Referring to the Following Paragraph

The non-project related portion of a work day takes approximately 6 hours. That means only 4 hours of actual mission critical work is accomplished during a 10 hour work day. This typically doubles or triples the time necessary to complete projects. Frequently, a 12-14 hour work day is utilized to offset the logistical issues surrounding the accomplishment of work within CCMA. While making for a more efficient CCMA work schedule, cost is greatly increased through overtime compensation. Decontamination facility maintenance and employee health monitoring also greatly contribute to project costs.

Discussion

This is a time-management issue and illustrates the fact that BLM Hollister field office management is unable to properly coordinate or manage field work. This statement asserts needless detail that fails to concentrate on the issues that are truly significant to the action in question (40 CFR 1500.1). Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR § 1502.15).

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 510: Subject: Management Confession Page 149

Substantive Comment

511

Subject: Confusing Format

Page 149

Referring to the Following Paragraph

The US Forest Service prepared a report in June 2005 titled Off-Highway Vehicle Recreation in the United States, Regions and States: A National Report from the National Survey on Recreation and the Environment (NSRE). According to this report, driving motor vehicles ‘off-road’ became one of the fastest growing activities in the country from 1982 to 2000-01. Growth in OHV use from an earlier study conducted in 1994-1995 and a 1999 -2000 NSRE report, showed a 32-percent increase. This represented growth from about 27.3 million OHV users in 1994-1995 to about 36.0 million in 1999-2000 (USDA 2005). The 2005 study reports “a slightly higher growth rate continued from 1999-2000 to the most recent NSRE interviewing period in late 2004. This resulted in growth in the number of OHV participants during that time period from 36.0 million to 51.0 million, a 42 percent increase.” Further, the study determined there has been consistent growth in OHV use between 1999 and 2004, with conservative estimates on OHV use from the combined or pooled NSRE 1999-2004 sample of more than 73,000 individuals to arrive at an estimate of 39.7 million OHV participants, 18.6 percent of the population, or almost 1-in-5 people age 16 and older.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and

Substantive Comment - # 511: Subject: Confusing Format Page 149

1 for technical terms followed by definitions. Italicize punctuation marks immediately following
2 italicized words. Italicized words also set off the titles of full-length works that are published
3 separately. While other format and usage rules might be applied to a document, such rules are
4 always applied consistently throughout the document.
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Substantive Comment

512

Subject: Contradictory Statement

Page 149

Referring to the Following Paragraph

Nevertheless, urban sprawl has increased recreational use on BLM lands near urban zones. This has led to overcrowding of some recreation areas, accompanied by a deterioration of resources. With the state areas being heavily impacted and open areas harder to find, the BLM lands will likely see increased legal and illegal OHV use. The OHV-related environmental impacts from increasing OHV use on the CCMA route network would affect soil erosion, damage to vegetation, wildlife habitat fragmentation, and the spread of invasive species. Unauthorized OHV use is also likely to damage riparian zones and habitat for threatened or endangered species.

Discussion

The statement, "The OHV-related environmental impacts from increasing OHV use on the CCMA route network ..." conflicts with the data presented in Table 3.8-1 on page 135, which shows that OHV use is decreasing rather than increasing.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 512: Subject: Contradictory Statement Page 149

Substantive Comment

513

Subject: Contradictory Statement

Page 153

Referring to the Following Paragraph

Vegetation resource is essential for, or adds aesthetic value to, livestock grazing, wildlife habitat, soil stability, recreation, hunting, and sightseeing. The Planning Area consists of structurally and compositionally diverse plant communities that include barrens completely devoid of vegetation, grasslands, chaparral, oak woodland, and conifer forest. Variations in climate, terrain, geology, and soils support a mosaic of unique plant communities and rare species. The 1995 Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement identified 23 special status and sensitive plant species occurring within the Clear Creek Management Area that require special management attention. Threats to vegetation resources include unauthorized off-highway vehicle (OHV) travel, inappropriate livestock grazing, surface disturbances from mineral extraction, and noxious and invasive weed establishment.

Discussion

The statement, "The Planning Area consists of structurally and compositionally diverse plant communities that include barrens completely devoid of vegetation ..." is contradictory because it suggests the "barrens completely devoid of vegetation" are among the "diverse plant communities." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 513: Subject: Contradictory Statement Page 153

Substantive Comment

514

Subject: Conflicting Data

Page 153

Referring to the Following Paragraph

The CCMA overlays two primary geologic units including 1) the New Idria serpentine mass, which forms the core of the management area (32,000 acres total), and 2) a nonserpentine sedimentary rock complex which surrounds the serpentine mass (42,000 acres total). The Serpentine ACEC boundary encompasses the New Idria serpentine mass. The Tucker, San Benito River, Condon, and Cantua Zones are composed almost entirely of the nonserpentine sedimentary rock complex. Topography is rugged with an elevation range of 1,830 at Pine Canyon to 5,241 feet on San Benito Mountain. The climate, like most of California is classified as Mediterranean, punctuated by cool, wet winters and hot, dry summers. Annual precipitation occurs primarily as winter rain with some snow occurring most years at the highest elevations on San Benito Mountain. Average annual precipitation in the CCMA is 12 inches.

Discussion

The statement, "Mountain. Average annual precipitation in the CCMA is 12 inches" conflicts with other statements in this report, such as Page 219, "Ninety percent of the precipitation (approximately 17 inches ... " The statement, "Mountain. Average annual precipitation in the CCMA is 12 inches" needs more explanation and a citation because according to the average annual precipitation, derived from the previous ten years, on the southern slope of Joaquin Ridge, including Los Gatos Creek is about 40.5 cm [16.0 in.]; eastern slope precipitation averages about 27.3 cm [10.8 in.] according to the California Data Exchange Center, Department of Water Resources. Compilation of historic Station Data from HDZ (Hernandez), SRI (Santa Rita Peak), and JQN (Joaquin Ridge [east base]). <http://cdec.water.ca.gov/>. While the overall annual average is about 12 inches, greater delineation of this data is useful as it relates better to the area's topography.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 514: Subject: Conflicting Data Page 153

Substantive Comment

515

Subject: Inaccurate Statement

Page 159

Referring to the Following Paragraph

Vegetation of the CCMA, particularly the Serpentine ACEC, has a long history of human use and impacts. Mining for cinnabar (mercury ore), chromite (chromium ore), asbestos and other minerals since the 1850's, has removed vegetation over large areas. Trees were cut for mine timbers and building construction (Figure 4) and chaparral was cut as cord wood (Figure 5) to fuel the cinnabar retorts (Sloane, 1914) at New Idria which operated from 1854 to 1974. More recent impacts to vegetation (post-1950) have occurred from OHV recreation (Figure 6). Massive disturbances caused by mining, particularly for cinnabar and asbestos, eclipses the vegetation loss due to OHV impacts (Figure 7). Although, one might surmise that the barren landscapes of the New Idria serpentine mass are due to mining or other human impacts, most of the barrens are in fact natural. Serpentine soils are extremely stressful to plant establishment and productivity due to abnormally low nutrient levels and toxic levels of heavy metals (Kruckeberg, 1984; Brooks, 1987). The uniquely-adapted plant species and abundance of barrens found on the New Idria serpentine mass are a testament to the harsh growing conditions imposed by serpentine soils (Figure 8).

Discussion

The statement, "Mining for cinnabar (mercury ore), chromite (chromium ore), asbestos and other minerals ..." Cinnabar, chromite and chrysotile were mined, therefore the statement of ores should be parallel and read as, "Mining for cinnabar (mercury ore), chromite (chromium ore), chrysotile (asbestos) and other minerals ..."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 515: Subject: Inaccurate Statement Page 159

Substantive Comment

516

Subject: Confusing Statement

Page 161

Referring to the Following Paragraph

Figure 7. Vegetation loss from cinnabar (left) and asbestos (right) mining within the Serpentine ACEC.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 516: Subject: Confusing Statement Page 161

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 516: Subject: Confusing Statement Page 161

Substantive Comment

517

Subject: Confusing Statement

Page 164

Referring to the Following Paragraph

This section describes the fish and wildlife resources within the Planning Area. Clear Creek Management Area contains a subset of inner Coast Range habitats as well as unique ecosystems associated with serpentine soils. San Benito Mountain is a sky island that has long been regarded as a unique vegetative zone due to the co-occurrence of Coulter, Jeffrey pines, foothill pines, and incense cedar. Table 3.5-1 identifies the habitat types and associated species.

Discussion

The statement, "San Benito Mountain is a sky island that has long been regarded as a unique vegetative ..." is confusing because it uses the unusual terminology "sky island." The term should italicized and explained, or better yet, avoided. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 517: Subject: Confusing Statement Page 164

Substantive Comment

518

Subject: Confusing Statement

Page 165

Referring to the Following Paragraph

Mule deer herd populations are thought to be either stable or in decline as a result of foraging habitat senescence and drought. In past years, local prescribed burning may have contributed to temporary increases in deer herd numbers, but the overall trend is flat or downtrending.

Discussion

The statement, "... as a result of foraging habitat senescence and drought" is confusing because it may be missing a comma after the word habitat. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 518: Subject: Confusing Statement Page 165

Substantive Comment

519

Subject: Erroneous Statement

Page 169

Referring to the Following Paragraph

CCMA provides habitat for small game, nongame, and fur-bearing mammals throughout the Planning Area. Suitable habitat for such species typically includes understory for shelter and a mix of grass and herb species for forage (for the herbivorous species). Depending on species, presence of water may or may not be crucial. Small game include desert cottontail rabbit (*Sylvilagus auduboni*), brush rabbit (*Sylvilagus bachmani*), blacktailed jackrabbit (*Lepus californicus*), and western gray squirrel (*Sciurus griseus*). Nongame species include bobcat (*Lynx rufus*), coyote (*Canis latrans*), and California ground squirrel (*Spermophilus beecheyi*). Species classified by CDFG as fur-bearing species that occur in the Planning Area are limited to the gray fox (*Urocyon cinereoargenteus*), raccoon (*Procyon lotor*), and American badger (*Taxidea taxus*). BLM rangers have observed deer hunters taking squirrel during drought years when deer are scarce.

Discussion

The statement, "CCMA provides habitat for small game, nongame, and fur-bearing mammals throughout the Planning Area." is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 519: Subject: Erroneous Statement Page 169

Substantive Comment

520

Subject: Inaccurate Statement

Page 171

Referring to the Following Paragraph

Table 3.5-3 Wildlife Habitat Conditions in the Planning Area

Discussion

The statement, "Wildlife Habitat Conditions in the Planning Area, is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 520: Subject: Inaccurate Statement Page 171

Substantive Comment

521

Subject: Inaccurate Statement

Page 178

Referring to the Following Paragraph

Table 3.6-1 Special Status Plants and Habitats Occurring within the Planning Area.

Discussion

The statement, "Special Status Plants and Habitats Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 521: Subject: Inaccurate Statement Page 178

Substantive Comment

522

Subject: Inaccurate Statement

Page 183

Referring to the Following Paragraph

Table 3.6-2 Other Plant Species of Concern and Habitats Occurring within the Planning Area.

Discussion

The statement, "Other Plant Species of Concern and Habitats Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 522: Subject: Inaccurate Statement Page 183

Substantive Comment

523

Subject: Inaccurate Statement

Page 184

Referring to the Following Paragraph

No federally listed fish species occur within the Planning Area. One California (fish) species of special concern may occur within the Planning Area, as presented in Table 3.6-3. The Monterey roach is thought to be in decline rangewide, partly through the action of dams, which may lead to increased competition from hitch (*Lavinia exilicauda*).

Discussion

The statement, "No federally listed fish species occur within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 523: Subject: Inaccurate Statement Page 184

Substantive Comment

524

Subject: Inaccurate Statement

Page 184

Referring to the Following Paragraph

Table 3.6-3 Special Status Fish Occurring within the Planning Area

Discussion

The statement, "Special Status Fish Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 524: Subject: Inaccurate Statement Page 184

Substantive Comment

525

Subject: Inaccurate Statement

Page 184

Referring to the Following Paragraph

Table 3.6-4 Special Status Invertebrates Occurring within the Planning Area

Discussion

The statement, "Special Status Invertebrates Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 525: Subject: Inaccurate Statement Page 184

Substantive Comment

526

Subject: Inaccurate Statement

Page 185

Referring to the Following Paragraph

One BLM sensitive amphibian species occurs within the Planning Area: the foothill yellow-legged frog. Table 3.6-5 lists the species, its status as a State species of special concern. Foothill yellow-legged frogs are locally abundant within the many streams of the CCMA (Figure 4), but its abundance is dependent on complex stream environments that allow them to choose optimal oviposition sites. Populations downstream from reservoirs are particularly susceptible to local extirpation due to non-natural pulsed flows. Siltation is also a potential problem because it can occlude the cobble-bottomed stream habitat frogs prefer. No other sensitive amphibians are known to occur or potentially occur in the planning area.

Discussion

The statement, "One BLM sensitive amphibian species occurs within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 526: Subject: Inaccurate Statement Page 185

Substantive Comment

527

Subject: Inaccurate Statement

Page 185

Referring to the Following Paragraph

Table 3.6-5 Special Status Amphibians Occurring within the Planning Area

Discussion

The statement, "Special Status Amphibians Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 527: Subject: Inaccurate Statement Page 185

Substantive Comment

528

Subject: Inaccurate Statement

Page 186

Referring to the Following Paragraph

The four sensitive reptiles known to occur within the Planning Area are presented in Table 3.6-6. All four are protected by CDFG and cannot be handled without a scientific collecting permit. Threats to reptiles include direct mortality and habitat loss due to OHV activity, as well as predation from mesomammals such as raccoons (*Procyon lotor*) whose populations may be artificially increased by presence of garbage and hand feeding by the public. Coast horned lizards (*Phrynosoma coronatum frontale*) are at risk due to the replacement of native ant species by the inedible Argentine fire ant (*Linepithema humile*). California legless lizards (*Anniella pulchra*) are particularly vulnerable to disturbances that reduce shrubs and associated leaf litter from the sandy soils they inhabit. Two-striped garter snakes (*Thamnophis hammondi*) are comparatively robust but are dependent on healthy riparian systems with sustainable populations of fish. Southwestern pond turtles require pools and associated riparian structure and also needs undisturbed sandy uplands in which to bury eggs in late spring, and are at risk from vehicular traffic when moving from aquatic habitat to upland nesting sites.

Discussion

The statement, "The four sensitive reptiles known to occur within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 528: Subject: Inaccurate Statement Page 186

Substantive Comment

529

Subject: Inaccurate Statement

Page 186

Referring to the Following Paragraph

Table 3.6-6 Special Status Reptiles Occurring within the Planning Area

Discussion

The statement, "Special Status Reptiles Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 529: Subject: Inaccurate Statement Page 186

Substantive Comment

530

Subject: Inaccurate Statement

Page 188

Referring to the Following Paragraph

Table 3.6-8 Special Status Mammals Occurring or Potentially Occurring within the Planning Area

Discussion

The statement, "Special Status Mammals Occurring or Potentially Occurring within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 530: Subject: Inaccurate Statement Page 188

Substantive Comment

531

Subject: Inaccurate Statement

Page 190

Referring to the Following Paragraph

As identified in the purpose and need (Section 1.1) for this RMP/EIS, the major air quality concern in the CCMA is the release of airborne asbestos emissions that pose a risk to human health and the environment when CCMA soils are disturbed from visitor use activities in the Serpentine ACEC. Six types of 'asbestos' are classified as a hazardous air pollutant under the Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of asbestos most commonly found in CCMA soils.

Discussion

The statement, "... the major air quality concern in the CCMA is the release of airborne asbestos emissions ..." is inaccurate because Section 1.1 does not discuss "air quality" as part of the "Purpose and Need for the CCMA Resource Management Plan."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 531: Subject: Inaccurate Statement Page 190

Substantive Comment

532

Subject: Erroneous Statement

Page 190

Referring to the Following Paragraph

As identified in the purpose and need (Section 1.1) for this RMP/EIS, the major air quality concern in the CCMA is the release of airborne asbestos emissions that pose a risk to human health and the environment when CCMA soils are disturbed from visitor use activities in the Serpentine ACEC. Six types of 'asbestos' are classified as a hazardous air pollutant under the Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of asbestos most commonly found in CCMA soils.

Discussion

The statement, "Six types of 'asbestos' are classified as a hazardous air pollutant under the Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of asbestos most commonly found in CCMA soils" because the Clean Air Act Amendments of 1990 Section 112(b) does not classify "six type of asbestos. The Act only list the word "asbestos" and it does not list the word "chrysotile."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 532: Subject: Erroneous Statement Page 190

Substantive Comment

533

Subject: Confusing Format

Page 190

Referring to the Following Paragraph

As identified in the purpose and need (Section 1.1) for this RMP/EIS, the major air quality concern in the CCMA is the release of airborne asbestos emissions that pose a risk to human health and the environment when CCMA soils are disturbed from visitor use activities in the Serpentine ACEC. Six types of 'asbestos' are classified as a hazardous air pollutant under the Clean Air Act Amendments of 1990, Section 112(b), including chrysotile, which is the type of asbestos most commonly found in CCMA soils.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 533: Subject: Confusing Format Page 190

Substantive Comment

534

Subject: Confusing Statement

Page 190

Referring to the Following Paragraph

In order to evaluate overall protection of human health and the environment in this RMP/EIS, hazardous air pollutants and the human health risk from exposure to airborne asbestos emissions are addressed under "Hazardous Materials and Public Health and Safety" in Sections 2.4.2, 3.2, and 4.2. The remainder of the affected environment discussion for air quality is based on the total Vehicle Miles Traveled (VMT) by approximately 35,000 visitors/year in the 75,000-acre CCMA and is not directly related to the selection of a particular route network.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 534: Subject: Confusing Statement Page 190

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 534: Subject: Confusing Statement Page 190

Substantive Comment

535

Subject: Confusing Statement

Page 190

Referring to the Following Paragraph

In order to evaluate overall protection of human health and the environment in this RMP/EIS, hazardous air pollutants and the human health risk from exposure to airborne asbestos emissions are addressed under “Hazardous Materials and Public Health and Safety” in Sections 2.4.2, 3.2, and 4.2. The remainder of the affected environment discussion for air quality is based on the total Vehicle Miles Traveled (VMT) by approximately 35,000 visitors/year in the 75,000-acre CCMA and is not directly related to the selection of a particular route network.

Discussion

The statement is erroneous because, as explained in Substantive Comment # 170 on page 225, the Agency does not legally assert administrative authority of 75,000 acres.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 535: Subject: Confusing Statement Page 190

Substantive Comment

536

Subject: Irrelevant Statement

Page 190

Referring to the Following Paragraph

For the purpose of monitoring and regulating air quality, the state of California has been divided into 15 air basins based on meteorological and geographic similarities. **Whenever practical, political boundary lines also affect the location of air basin boundaries.** The two air basins encompassing CCMA are the North Central Coast and the San Joaquin Valley. There are two regional air quality boards that oversee these air basins: Monterey Bay Unified Air Pollution Control Board (MBUAPCD) and the San Joaquin Valley Unified Air Pollution Control Board (SJVUAPCD). The North Central Coast Air Basin (NCCAB) includes Monterey, Santa Cruz and San Benito Counties. A portion of western Fresno County is located in the CCMA is located in the SJVAB.

Discussion

The statement, "Whenever practical, political boundary lines also affect the location of air basin boundaries" is irrelevant to the paragraph and distracts from the subject. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 536: Subject: Irrelevant Statement Page 190

Substantive Comment

537

Subject: Undefined Term

Page 190

Referring to the Following Paragraph

For the purpose of monitoring and regulating air quality, the state of California has been divided into 15 air basins based on meteorological and geographic similarities. Whenever practical, political boundary lines also affect the location of air basin boundaries. The two air basins encompassing CCMA are the North Central Coast and the San Joaquin Valley. There are two regional air quality boards that oversee these air basins: Monterey Bay Unified Air Pollution Control Board (MBUAPCD) and the San Joaquin Valley Unified Air Pollution Control Board (SVUAPCD). The North Central Coast Air Basin (NCCAB) includes Monterey, Santa Cruz and San Benito Counties. A portion of western Fresno County is located in the CCMA is located in the SJVAB.

Discussion

The acronym, "SJVAB" is undefined making the sentence incomprehensible. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 537: Subject: Undefined Term Page 190

Substantive Comment

538

Subject: Confusing Statement

Page 190

Referring to the Following Paragraph

Other air quality concerns in the air basins within the CCMA are ground-level ozone and particulate matter (PM₁₀, PM_{2.5}). The air pollutant concentrations of ozone and particulate matter recorded by monitoring stations in these air basins do not meet State of California ozone air quality standards. Ozone is not a directly emitted pollutant; it forms in the presence of sunlight from oxides of nitrogen (NO_x) and reactive organic gases (ROGs). Ambient air concentrations of particulate matter, measured as respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}), also are found above Federal and State standards. Particulate matter is directly emitted to the atmosphere by travel on paved and unpaved roads and surfaces, from combustion of fuels, waste burning, and agricultural practices; it is also indirectly emitted from the reaction of gases that result in the formation of smog.

Discussion

The statement, "Particulate matter is directly emitted to the atmosphere by travel on paved and unpaved roads and surfaces, from combustion of fuels ..." is confusing because it suggests that all forms of "travel on paved and unpaved roads and surfaces," including perhaps walking, bicycling and swimming causes particulate matter emission directly into the atmosphere. The statement then includes "combustion of fuels," such as, we might assume, means operating a motorized vehicle or cooking on a gas stove.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 538: Subject: Confusing Statement Page 190

Substantive Comment

539

Subject: Unsubstantiated Statement

Page 191

Referring to the Following Paragraph

PM₁₀ in the atmosphere can be caused by both environmental factors and human activities. Human activities that contribute to PM₁₀ emissions in CCMA include combustion sources, fugitive dust sources, and off-highway vehicle (OHV) travel on un-paved roads and barrens. The 2002 Estimated Annual Average Emissions (CARB) for San Benito County, indicate a total of 6.31 tons per day of PM₁₀ emissions from unpaved road sources, however it is likely that these estimates do not account for emissions from the CCMA. The other pollutants associated with exhaust from motorized vehicles are: Reactive Organic Gases (ROG), Nitrogen Oxides (NOX), and Carbon Monoxide (CO). For Off-Road Recreational Vehicles (Other Mobile Sources), the 2002 Estimated Annual Average Emissions (CARB) for San Benito County, from these pollutants in tons per day is, ROG/0.03 and CO/0.34. Since the San Joaquin Valley Air Pollution Control Board adopted a PM₁₀ reduction plan effective December 1993, all land-use decisions for the CCMA will need to conform to this plan.

Discussion

The statement, "The 2002 Estimated Annual Average Emissions (CARB) for San Benito County, indicate a total of 6.31 tons per day of PM₁₀ emissions from unpaved road sources, however it is likely that these estimates do not account for emissions from the CCMA" contains an unsubstantiated comment that appears to be speculation by the author. The comment, "... however it is likely that these estimates do not account for emissions from the CCMA" need explanation or supporting evidence. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 539: Subject: Unsubstantiated Statement Page 191

Substantive Comment

540

Subject: Unsubstantiated Statement

Page 191

Referring to the Following Paragraph

The US EPA has established new NAAQ standard for PM_{2.5} emissions. These fine particles have been implicated as an increased health risk. Sources for PM_{2.5} emissions mostly consist of chemical compounds from combustion processes in vehicles. However, natural processes and human activities, such as motorized vehicle operation, easily erode serpentine rocks bearing asbestos (Wrucke 1995). Vehicle travel on unpaved serpentine roads and trails can also generate asbestos emissions and other fine dust of less than ten microns (PM₁₀), all of which can negatively impact air quality. The BLM's National Science and Technology Center prepared an Air Conformity Analysis and updated PM emission inventory for the CCMA based on soil type, silt loading, and vehicle type to analyze the impacts to air quality from the Proposed CCMA RMP Amendment and Final EIS for Route Designation (2005). This data quantifies the PM₁₀ and PM_{2.5} contribution from vehicles under the no action alternative and is located in Appendix IX.

Discussion

The statement, "Sources for PM_{2.5} emissions mostly consist of chemical compounds from combustion processes in vehicles" is an unsubstantiated comment that appears to be speculation by the author. The comment needs further explanation or supporting evidence. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 540: Subject: Unsubstantiated Statement Page 191

Substantive Comment

541

Subject: Needless Details

Page 194 & 195

Referring to the following Section on pages:

Section 3.7.5 Climate Change

Discussion

This section contain needless details that fail to concentrate on issues that are truly significant to the action in question (40 C.F.R. § 1500.1(b)). Estimating climate change trends is speculative and beyond the scope of the goals and objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. Recent exposure of the conspiracy by leading scientists at the Climate Research Unit at the University of East Anglia, England showed that they falsified data and suppressed academic debate in order to exaggerate the possible threat of anthropogenic global warming. These are the same scientists who edit and control the content of the reports of the Intergovernmental Panel on Climate Change.

Recommendation

The Agency must delete nescient speculative information, and needless details that fail to concentrate on the issue that are truly significant to the action in question (40 C.F.R. § 1500.1(b)), and issues that are beyond the scope of the goals and objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report.

Substantive Comment - # 541: Subject: Needless Details Page 194 & 195

Substantive Comment

542

Subject: Erroneous Statement

Page 197

Referring to the Following Paragraph

- Alquist-Priolo Earthquake Fault Zoning Act of 1972 (Public Resources Code, Section 2621 et seq.). The Alquist-Priolo Earthquake Fault Zoning Act of 1972 applies to development projects, and is designed to protect the health and safety of people from geologic hazards.

Discussion

The statement, "The Alquist-Priolo Earthquake Fault Zoning Act of 1972 applies to development projects, and is designed to protect the health and safety of people from geologic hazards" is false because the purpose of The Alquist-Priolo Earthquake Fault Zoning Act is as follows:

California Codes, Public Resources Code, Section 2621.5. (a) It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties in implementation of the general plan that is in effect in any city or county. The Legislature declares that this chapter is intended to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults. Further, it is the intent of this chapter to provide the citizens of the state with increased safety and to minimize the loss of life during and immediately following earthquakes by facilitating seismic retrofitting to strengthen buildings, including historical buildings, against ground shaking.

(b) This chapter is applicable to any project, as defined in Section 2621.6, which is located within a delineated earthquake fault zone, upon issuance of the official earthquake fault zones maps to affected local jurisdictions, except as provided in Section 2621.7.

(c) The implementation of this chapter shall be pursuant to policies and criteria established and adopted by the board.

Recommendation

The Agency must correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 542: Subject: Erroneous Statement Page 197

Substantive Comment

543

Subject: Undefined Acronym

Page 197

Referring to the Following Paragraph

- General Plans and/or SOAR Initiatives. The General Plan from local cities and counties may provide regulations or guidelines relating to seismic hazards and soil resources as it applies to agriculture.

Discussion

The acronym "SOAR" is undefined and there meaningless. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must define or delete the undefined acronym. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 543: Subject: Undefined Acronym Page 197

Substantive Comment

544

Subject: Confusing Statement

Page 197

Referring to the Following Paragraph

The Planning Area is within the California Coast Ranges of the Pacific Border Physiographic Province. CCMA is located in the southernmost extension of the Diablo Range between the San Andreas Fault zone to the west and the San Joaquin valley to the east. Topography is rugged with an elevation range of 1,830 at Pine Canyon to 5,241 feet on San Benito Mountain.

Discussion

The statement, "The Planning Area is within the California Coast Ranges of the Pacific Border Physiographic Province" is confusing because it uses uncommon terminology. The Agency should rewrite the statement using a more common geomorphic reference, such as:

Wagner, D.L. 2002. *California Geomorphic Provinces*, Note 36. California Geological Survey.
Based on Olaf P. Jenkins' Geomorphic Map of California, State of California, Department of Natural Resources, 1938, Bulletin, Number 158, Plate 2.

Recommendation

The statement might then be rephrased something like:

California Geological Survey developed a map, based on geology, faults, topographic relief and climate, that divides the state into eleven geomorphic provinces (Wagner 2002). The planning area is located in the interior portion of the south central region of the Coast Ranges geomorphic province at the boundary of the Great Valley province in the southern Diablo Mountain Range.

The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 544: Subject: Confusing Statement Page 197

Substantive Comment

545

Subject: Inaccurate Statement

Page 197

Referring to the Following Paragraph

The New Idria serpentine mass was formed from peridotite (harzburgite or dunite) which has been completely mineralogically-altered, sheared, and crushed to yield a nearly incoherent mass of serpentinite (Coleman, 1986; Coleman, 1996). The serpentinization and shearing process also produced abundant chrysotile asbestos widely disseminated throughout the serpentine mass. As such, the New Idria serpentine mass contains one of the largest reserves of chrysotile asbestos in North America (Merritt, 1962).

Discussion

The statement, "The serpentinization and shearing process also produced abundant chrysotile asbestos widely disseminated throughout the serpentine mass" is inaccurate because it implies that the mineral "chrysotile" is a commercial asbestos product while in its natural state. The statement ignores the fact that chrysotile must first be mined and milled before being packaged as a commercial asbestos product. There is no mineral called "asbestos."

Recommendation

The Agency must correct or delete the inaccurate reference to natural mineral chrysotile contained in a natural serpentine deposit as a commercially ready asbestos product. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 545: Subject: Inaccurate Statement Page 197

Substantive Comment

546

Subject: Redundant Statement

Page 198

Referring to the Following Paragraph

The poor structural integrity of the New Idria serpentine mass has resulted in an unstable terrain composed of low, rounded hills that have a high tendency to slide when slopes become over-steepened. Evidence of this unstable terrain is represented by many prehistoric (<30 million years old; Miocene age) landslides including those which deposited serpentine in the nearby Vallecitos Valley and Big Blue Hills (Casey and Dickson, 1976). Smaller, more geologically recent landslides (< 10,000 years old; Holocene age) are indicated by tongues of material that project outward from the serpentine mass on the northern and eastern boundaries (Cowan and Mansfield, 1979). The New Idria serpentine mass contains many economically-important minerals including cinnabar (mercury sulfide), chromite (iron-chromium oxide), and asbestos, which have all been commercially-mined during the past 150 years. The serpentine mass also hosts many rare minerals including jadeite, fersite, joaquinite, neptunite, and benitoite which are highly valued by gem and mineral collectors. The privately-owned Gem Mine within the CCMA is the only known source of gem-grade benitoite in the world.

Discussion

The following statement is redundant and makes the document confusing and larger than necessary: "The serpentine mass also hosts many rare minerals including jadeite, fersite, joaquinite, neptunite, and benitoite which are highly valued by gem and mineral collectors. The privately-owned Gem Mine within the CCMA is the only known source of gem-grade benitoite in the world." The Agency should edit or delete text redundancy to reduce the size of the document and improve readability. Additionally, this is needless details that fail to concentrate on issues that are truly significant to the action in question (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete needless details that fail to concentrate on issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 546: Subject: Redundant Statement Page 198

Substantive Comment

547

Subject: Inaccurate Statement

Page 198

Referring to the Following Paragraph

The poor structural integrity of the New Idria serpentine mass has resulted in an unstable terrain composed of low, rounded hills that have a high tendency to slide when slopes become over-steepened. Evidence of this unstable terrain is represented by many prehistoric (<30 million years old; Miocene age) landslides including those which deposited serpentine in the nearby Vallecitos Valley and Big Blue Hills (Casey and Dickson, 1976). Smaller, more geologically recent landslides (< 10,000 years old; Holocene age) are indicated by tongues of material that project outward from the serpentine mass on the northern and eastern boundaries (Cowan and Mansfield, 1979). The New Idria serpentine mass contains many economically-important minerals including cinnabar (mercury sulfide), chromite (iron-chromium oxide), and asbestos, which have all been commercially-mined during the past 150 years. The serpentine mass also hosts many rare minerals including jadeite, fersite, joaquinite, neptunite, and benitoite which are highly valued by gem and mineral collectors. The privately-owned Gem Mine within the CCMA is the only known source of gem-grade benitoite in the world.

Discussion

The statement, "Mining for cinnabar (mercury sulfide), chromite (iron-chromium oxide), asbestos and other minerals ..." Cinnabar, chromite and chrysotile were mined, therefore the statement of ores should be parallel and read as, "Mining for cinnabar (mercury ore), chromite (chromium ore), chrysotile (asbestos) and other minerals ..."

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 547: Subject: Inaccurate Statement Page 198

Substantive Comment

548

Subject: Inaccurate Statement

Page 198

Referring to the Following Paragraph

Soil type varies greatly throughout the CCMA and is strongly influenced by parent material (bedrock type), topography, local precipitation, and vegetation cover. Like, the geologic units, soil type may also be divided into those derived from serpentine and those derived from nonserpentine parent materials such as sandstone and shale. Since the serpentine-derived soils of the CCMA are derived from the asbestos-rich New Idria serpentine mass, those soils typically contain high concentrations of asbestos. In general, soil types may be grouped as “serpentine soils” and “nonserpentine soils.” Map 5 in Appendix I shows the distribution of soil series within the CCMA. The Serpentine ACEC Zone consists almost entirely of serpentine soils, whereas the Tucker, San Benito River, Condon, and Cantua Zones located outside of the Serpentine ACEC, consist primarily of nonserpentine soils. Table 3.8-1 below summarizes all of the soil series found within the CCMA and how they are categorized for analysis as “serpentine soils” and “nonserpentine soils.”

Discussion

The statement, “Since the serpentine-derived soils of the CCMA are derived from the asbestos-rich New Idria serpentine mass, those soils typically contain high concentrations of asbestos” is inaccurate because it implies that the soils contain commercial asbestos products. The statement ignores the fact that chrysotile must first be mined and milled before being packaged as a commercial asbestos product. There is no mineral called “asbestos.”

Recommendation

The Agency must correct or delete the inaccurate reference to commercially ready asbestos product and instead use the serpentine or chrysotile reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 548: Subject: Inaccurate Statement Page 198

Substantive Comment

549

Subject: Erroneous Statement

Page 200

Referring to the Following Statement

The Atravesada and Henneke serpentine soil series are especially vulnerable to erosion due to sparse vegetative cover. Erosion assessment of serpentine barrens within the CCMA was conducted by PTI Environmental Services (1993) and Dynamac Corporation Environmental Services (1998). The PTI (1993) study focused exclusively on the Clear Creek watershed. Clear Creek is classified as an impaired watershed due to excessively high sediment rates and elevated mercury levels. Erosion factors including soil type, slope, vegetative cover, and road/trail type and concentration per unit area were used to estimate erosion rates for subwatersheds within the Clear Creek watershed. That study identified nine subwatersheds out of a total of forty-one, which had estimated erosion rates of more than 3,000 yd³/year (Figure 1). Most of the subwatersheds were rated at between 1,000 and 3,000 yd³/year. PTI's best management practice recommendations for erosion and sediment control included limiting OHV access to soils having high erosion risk and structural erosion controls such as water energy dissipaters and sediment retention catchments.

Discussion

The statement, "Erosion assessment of serpentine barrens within the CCMA was conducted by PTI Environmental Services (1993) and Dynamac Corporation Environmental Services (1998)" is erroneous because there is no corporation named "Dynamac Corporation Environmental Services." Perhaps the author meant to reference "Dynamac Corporation," a company that performs "environmental services." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the word is misspelled and author meant "priorities." The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 549: Subject: Erroneous Statement Page 200

Substantive Comment

550

Subject: Misleading Statement

Page 200

Referring to the Following Paragraph

The Atravesada and Henneke serpentine soil series are especially vulnerable to erosion due to sparse vegetative cover. Erosion assessment of serpentine barrens within the CCMA was conducted by PTI Environmental Services (1993) and Dynamac Corporation Environmental Services (1998). The PTI (1993) study focused exclusively on the Clear Creek watershed. Clear Creek is classified as an impaired watershed due to excessively high sediment rates and elevated mercury levels. Erosion factors including soil type, slope, vegetative cover, and road/trail type and concentration per unit area were used to estimate erosion rates for subwatersheds within the Clear Creek watershed. That study identified nine subwatersheds out of a total of forty-one, which had estimated erosion rates of more than 3,000 yd³/year (Figure 1). Most of the subwatersheds were rated at between 1,000 and 3,000 yd³/year. PTI's best management practice recommendations for erosion and sediment control included limiting OHV access to soils having high erosion risk and structural erosion controls such as water energy dissipaters and sediment retention catchments.

Discussion

The statement, "PTI's best management practice recommendations for erosion and sediment control included limiting OHV access to soils having high erosion risk and structural erosion controls such as water energy dissipaters and sediment retention catchments" is misleading within the section context which is discussing "soil erosion." The statement is attempting to conclude or imply that OHV access is the source of soil erosion.

Recommendation

The Agency must delete this statement from this paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 550: Subject: Misleading Statement Page 200

Substantive Comment

551

Subject: Erroneous Statement

Page 204

Referring to the Following Paragraph

Water resources refer to all surface water runoff into rivers and creeks within the CCMA and the values that this water provides to people, wildlife, and vegetation. The San Benito River is impounded by a dam, forming the Hernandez Reservoir, approximately six miles north of the mouth of Clear Creek. The Hernandez Reservoir provides for groundwater recharge for northern San Benito County. The State of California Regional Water Control Boards (CRWCB) with jurisdiction over water resources in the CCMA, as authorized by the Environmental Protection Agency under the Clean Water Act are: the Central Valley Regional Water Control Board and the Central Coast Regional Water Control Board. The former agency oversees all waters flowing into the Central Valley, known collectively as the “West Side Streams”, and the latter agency oversees those waters within the CCMA that flow into the San Benito River.

Discussion

The statement, “The San Benito River is impounded by a dam, forming the Hernandez Reservoir, approximately six miles north of the mouth of Clear Creek” is false because the linear distance between the mouth of Clear Creek and the Hernandez Reservoir dam is approximately 4.0 miles.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 551: Subject: Erroneous Statement Page 204

Substantive Comment

552

Subject: Inaccurate Statement

Page 204

Referring to the Following Paragraph

The Planning Area is encompassed by two hydrologic regions: Central Coast and San Joaquin River. Approximately 11 waters and 43 National Wetlands Inventory mapped wetlands exist within the Planning Area. These aquatic areas function to recharge aquifers, slow flood waters, and assimilate and neutralize some pollutants before they enter rivers and lakes.

Discussion

The statement, "The Planning Area is encompassed by two hydrologic regions: Central Coast and San Joaquin River. Approximately 11 waters and 43 National Wetlands Inventory mapped wetlands exist within the Planning Area." is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 552: Subject: Inaccurate Statement Page 204

Substantive Comment

553

Subject: Erroneous Statement

Page 204

Referring to the Following Paragraph

Water demand exceeds water supply in many areas throughout the Planning Area, though more commonly east of the coast range. Watershed function and improved water quality is key to increasing water supply to support various resource needs within the Planning Area.

Discussion

The statement, "Water demand exceeds water supply in many areas throughout the Planning Area" is false because water demand does not exceed water supply "throughout the Planning Area."

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 553: Subject: Erroneous Statement Page 204

Substantive Comment

554

Subject: Erroneous Statement

Page 204

Referring to the Following Paragraph

- U.S. Clean Water Act (33 USC 1251) – aims to restore and maintain the chemical, physical, and biological integrity of the Waters of the United States.

Discussion

The statement, “U.S. Clean Water Act” is erroneous because the Act is properly title: “Federal Water Pollution Control Act” and is commonly referred at the “Clean Water Act,” not the “U.S. ...” The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 554: Subject: Erroneous Statement Page 204

Substantive Comment

555

Subject: Erroneous Statement

Page 205

Referring to the Following Paragraph

The Planning Area encompasses eleven watersheds located within the CCMA: Clear Creek, Larios Creek, Upper San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroyo Leona Creek, and White Creek. These areas represent distinct watersheds, often with extreme geographic, topographic, and mineralogical variability. The watersheds are drained by higher order perennial streams that, with the exception of White Creek and Diaz Creek, descend from San Benito Mountain. White Creek descends from Wright Mountain and flows to the southeast, converging with Diaz Creek and then with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga and thence drains into a landlocked basin in the southern San Joaquin Valley. Clear Creek and Picacho Creek converge with the San Benito River, which discharges into the Pajaro River watershed, which drains into Monterey Bay. Larios Creek and both forks of San Carlos Creek flow to the north where they discharge to Silver Creek and thence into the Panoche Creek watershed, which drains into the San Joaquin River, which empties into San Francisco Bay.

Discussion

The statement, "The Planning Area encompasses eleven watersheds located within the CCMA" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 555: Subject: Erroneous Statement Page 205

Substantive Comment

556

Subject: Inaccurate Statement

Page 205

Referring to the Following Paragraph

The Planning Area encompasses eleven watersheds located within the CCMA: Clear Creek, Larios Creek, Upper San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroyo Leona Creek, and White Creek. These areas represent distinct watersheds, often with extreme geographic, topographic, and mineralogical variability. The watersheds are drained by higher order perennial streams that, with the exception of White Creek and Diaz Creek, descend from San Benito Mountain. White Creek descends from Wright Mountain and flows to the southeast, converging with Diaz Creek and then with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga and thence drains into a landlocked basin in the southern San Joaquin Valley. Clear Creek and Picacho Creek converge with the San Benito River, which discharges into the Pajaro River watershed, which drains into Monterey Bay. Larios Creek and both forks of San Carlos Creek flow to the north where they discharge to Silver Creek and thence into the Panoche Creek watershed, which drains into the San Joaquin River, which empties into San Francisco Bay.

Discussion

The statement, "White Creek descends from Wright Mountain" is inaccurate because White Creek descends from Condon Peak and Joaquin Ridge.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 556: Subject: Inaccurate Statement Page 205

Substantive Comment

557

Subject: Erroneous Statement

Page 205

Referring to the Following Paragraph

The Planning Area encompasses eleven watersheds located within the CCMA: Clear Creek, Larios Creek, Upper San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroyo Leona Creek, and White Creek. These areas represent distinct watersheds, often with extreme geographic, topographic, and mineralogical variability. The watersheds are drained by higher order perennial streams that, with the exception of White Creek and Diaz Creek, descend from San Benito Mountain. White Creek descends from Wright Mountain and flows to the southeast, converging with Diaz Creek and then with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga and thence drains into a landlocked basin in the southern San Joaquin Valley. Clear Creek and Picacho Creek converge with the San Benito River, which discharges into the Pajaro River watershed, which drains into Monterey Bay. Larios Creek and both forks of San Carlos Creek flow to the north where they discharge to Silver Creek and thence into the Panoche Creek watershed, which drains into the San Joaquin River, which empties into San Francisco Bay.

Discussion

The statement, "then with Los Gatos Creek, which flows into Arroyo Pasajero near Coalinga" is erroneous because the name "Arroyo Pasajero" was rejected by the U.S. Board of Geographic Names.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 557: Subject: Erroneous Statement Page 205

Substantive Comment

558

Subject: Misleading Statement

Page 205

Referring to the Following Paragraph

The topography of the CCMA is dominated by convex gently sloping ridges, with slopes becoming quite steep as they approach the stream channels and inner gorges. Elevations within the CCMA range from approximately 2,500 feet at the mouth of the drainage to 5,000 feet along the crest of the Diablo Range. The ridges and slopes are dominated by naturally occurring areas of serpentinite soils forming complexes of barren areas interspersed with chaparral and conifers. Climate within the Planning Area is Mediterranean with cool, wet winters and hot, dry summers; there is commonly a water supply surplus in the winter and deficit during the summer (Cal Alive 2005). Annual precipitation varies across the Planning Area from 8 inches on the drier eastern side of the Diablo Mountains to 40 inches in Hernandez Valley.; the predominant form of precipitation is rainfall (CARA 2005). Water demand exceeds water supply in many areas throughout the Planning Area.

Discussion

The statement, "Annual precipitation varies across the Planning Area from 8 inches on the drier eastern side of the Diablo Mountains to 40 inches in Hernandez Valley" is misleading because "40 inches in Hernandez Valley" is an unusual season and far for average.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 558: Subject: Misleading Statement Page 205

Substantive Comment

559

Subject: Erroneous Statement

Page 205

Referring to the Following Paragraph

The serpentine watershed and riparian areas in the CCMA have been subject to widespread surface disturbances over the last century. In general, the watershed conditions observed in the CCMA reflect naturally high rates of erosion that have been accelerated by human impacts. These watershed conditions result from a long history of surface disturbance, beginning in the mid-1850, from road construction, logging, and mineral exploration and extraction, and in more recent times by off-road vehicle travel and recreation. These watersheds have high erosion rates due to the steep, unstable slopes which are composed of soft sheared serpentine bedrock. Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area. Road maintenance operations and techniques also influence erosion and sedimentation rates. Maintenance of the route network is based on, to prioritize the work and determine the appropriate measures to reduce erosion and off-site sedimentation impacts, and to provide for safe motorized access.

Discussion

The statement, "The serpentine watershed and riparian areas in the CCMA have been subject to widespread surface disturbances over the last century." is erroneous because the period of "widespread surface disturbances" more correctly spans a century and a half.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 559: Subject: Erroneous Statement Page 205

Substantive Comment

560

Subject: Inaccurate Statement

Page 206

Referring to the Following Paragraph

Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality study (Dynamac, 1998) 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 produced important findings. 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, differences in the water samples taken from below and above mined sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Accessibility by vehicles was also found to potentially be a factor in increasing concentrations of metals transported 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.

Discussion

The statement, "Because heavy metals and asbestos are concerns in this area," is inaccurate because it implies that the soils contain commercial asbestos products. The statement ignores the fact that chrysotile must first be mined and milled before being packaged as a commercial asbestos product. There is no mineral called "asbestos."

Recommendation

The Agency must correct or delete the inaccurate reference to commercially ready asbestos product and instead use the serpentine or chrysotile reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 560: Subject: Inaccurate Statement Page 206

Substantive Comment

561

Subject: Erroneous Statement

Page 206

Referring to the Following Statement

Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality study (Dynamac, 1998) 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 produced important findings. 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, differences in the water samples taken from below and above mined sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Accessibility by vehicles was also found to potentially be a factor in increasing concentrations of metals transported 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.

Discussion

This paragraph is erroneous because the citation reference "Dynamac, 1998" does not discuss "the magnitude of heavy metals being deposited into streams from 15 abandoned mines" and therefore invalidates the entire paragraph. The citation, "Dynamac, 1998," as listed in the "6.0 References" section (page 559), refers to: Dynamac Corporation Environmental Services, 1998 Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek Management Area. Dynamac Corporation Environmental Services. Rockville, Maryland. 81 pp.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 561: Subject: Erroneous Statement Page 206

Substantive Comment

562

Subject: Erroneous Statement

Page 206

Referring to the Following Statement

To evaluate the potential threat to human health, BLM compared the results of surface water analyses (Dynamac, 1998) to Federal drinking water regulations. From six mine sites, down gradient surface water samples contained concentrations of antimony, cadmium, chromium, mercury, and nickel that exceeded the Maximum Contaminant Levels (MCLs). On Clear Creek and the San Benito River, where multiple sampling points were established, cumulative, increasing concentrations did not appear to occur. Mine sites in the San Carlos and Larious Creek watersheds were the only locations where metals were detected at concentrations three times the background levels. In general, the metal concentrations detected in the Clear Creek watershed were very low. Mercury compounds were the most prevalent metal compounds detected, occurring in all but one sample, over the five watersheds. Results from combined surface water sample data for the San Benito watershed indicated background and down gradient concentrations of nickel that exceeded the MCL. The San Carlos watershed exhibited means background and down gradient concentrations of mercury that exceed the MCL. The surface water exposure pathway would appear to present a minimal risk to recreation users of the CCMA, because of the limited number of days that a typical user visits, and the fact that the surface water is generally not used as a potable water source. The Alpine Mine and Larious Canyon would present the greatest exposure to users.

Discussion

This paragraph is erroneous because the citation reference "Dynamac, 1998" does not discuss "the magnitude of heavy metals being deposited into streams from 15 abandoned mines" and therefore invalidates the entire paragraph. The citation, "Dynamac, 1998," as listed in the "6.0 References" section (page 559), refers to: Dynamac Corporation Environmental Services, 1998 Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek Management Area. Dynamac Corporation Environmental Services. Rockville, Maryland. 81 pp.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 562: Subject: Erroneous Statement Page 206

Substantive Comment

563

Subject: Misleading Statement

Page 206

Referring to the Following Paragraph

Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality study (Dynamac, 1998) 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 produced important findings. 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, differences in the water samples taken from below and above mined sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Accessibility by vehicles was also found to potentially be a factor in increasing concentrations of metals transported 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.

Discussion

The statement, "However, differences in the water samples taken from below and above mined sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels" is misleading because it fails to recognize that mining sites are purposely located where the mineral naturally exists. While mineral extraction certainly disturbed the natural balance of a location, it is unreasonable to assume that mineral extraction was adding mineral to the deposit location. Now that the area has been disturbed by mineral extraction and a large portion of the mineral has been removed, it is difficult to extrapolated what the original (natural) background mineral level was. A high mineral surface deposit is probably what led the original prospector to begin mining a specific location.

Recommendation

The Agency must edit or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 563: Subject: Misleading Statement Page 206

Substantive Comment

564

Subject: Inaccurate Statement

Page 208

Referring to the Following Paragraph

Table 3.9-2 Watershed Assessments or Reports within the Planning Area

Discussion

The statement, "Watershed Assessments or Reports within the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore the CCMA cannot provide habitat for all areas of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 564: Subject: Inaccurate Statement Page 208

Substantive Comment

565

Subject: Misleading Statement

Page 209

Referring to the Following Paragraph

The Arroyo Pasajero Watershed has a contrast of between 22 and 8 inches of annual rainfall from the upper and lower portions of the watershed. Severe incision, stream bank cutting, stream bank meandering, and lateral erosion affect riparian function within the watershed area and occur primarily during high intensity runoff and are exacerbated by heavy grazing in the riparian area. Tamarisk trees, which are a problematic noxious plant species throughout the west, continue to influence channel flow by deflecting the flow toward channel banks and increasing channel meander but also impede lateral bank erosion.

Discussion

The statement, "The Arroyo Pasajero Watershed" is misleading because the name "Arroyo Pasajero" was rejected by the U.S. Board of Geographic Names. Although this term reflects its usage in the Arroyo Pasajero Watershed Management Plan, it needs further explanation to be better understood by the general public.

Recommendation

The Agency must edit or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 565: Subject: Misleading Statement Page 209

Substantive Comment

566

Subject: Misleading Statement

Page 205

Referring to the Following Paragraph

Most streams within the Cantua Creek watershed are ephemeral with a few reaches of intermittent flows also occurring. Runoff from these drainages has historically resulted in transport of sediment and selenium, boron, salts, and other trace elements during large runoff events onto the alluvial fan area and into the California Aqueduct. Localized areas of incision, bank failures and gullyng increase erosion within the watersheds.

Discussion

The statement, "The Localized areas of incision, bank failures and gullyng increase erosion within the watersheds." is misleading because it provides no explanation for the areas of "incision, bank failures and gullyng" thus it may cause a reader to assume the natural processes of this drainage are anthropogenic.

Recommendation

The Agency must edit or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 566: Subject: Misleading Statement Page 205

Substantive Comment

567

Subject: Confusing Format

Page 210

Referring to the Following Paragraph

The U.S. Fish and Wildlife Service's National Wetland Inventory lists 44 wetlands (excluding streams and rivers) within the boundaries of CCMA. Wetland types include Freshwater Emergent Wetlands, Freshwater Forested/Shrub Wetlands, Freshwater Ponds, Lakes, and miscellaneous water bodies categorized as 'Other.' Wetlands range in size from approximately 0.06 to 62 acres in size, excluding Hernandez Reservoir, an impoundment on the San Benito River, which borders the NW corner of CCMA and which is approximately 400 acres in size.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 567: Subject: Confusing Format Page 210

Substantive Comment

568

Subject: Misleading Statement

Page 214

Referring to the Following Paragraph

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.

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complimentarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist.

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 568: Subject: Misleading Statement Page 214

Substantive Comment

569

Subject: Inaccurate Statement

Page 214

Referring to the Following Paragraph

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.

Discussion

The statement, "naturally occurring asbestos," is inaccurate because it implies that the area contains commercial asbestos products. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Bureau of Land Management must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 569: Subject: Inaccurate Statement Page 214

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 569: Subject: Inaccurate Statement Page 214

Substantive Comment

570

Subject: Inaccurate Statement

Page 214 & 215

Referring to the Following Paragraph

Human induced changes within this geologically unique area, and the presence of distinctive plant species associated with the serpentine formation, established the need for special management attention. 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. Additionally, plant regeneration is slow, and accelerated erosion from human activities (such as mining, road building and maintenance, and recreation) has negatively affected soil and vegetative resources. Minimizing soil erosion and damage to sensitive plant populations is a management priority. The Serpentine ACEC provides visitors with a variety of recreation experiences. However, due to the high concentrations of naturally occurring asbestos, public health concerns persist over the use of this popular recreation area.

Discussion

The statement, "naturally occurring asbestos," is inaccurate because it implies that the area contains commercial asbestos products. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Bureau of Land Management must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 570: Subject: Inaccurate Statement Page 214 & 215

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 570: Subject: Inaccurate Statement Page 214 & 215

Substantive Comment

571

Subject: Inaccurate Statement

Page 214

Referring to the Following Paragraph

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.

Discussion

The statement, "asbestos soils," is inaccurate because it implies that the area contains commercial asbestos products. Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Bureau of Land Management must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 571: Subject: Inaccurate Statement Page 214

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 571: Subject: Inaccurate Statement Page 214

Substantive Comment

572

Subject: Confusing Format

Page 215

Referring to the Following Paragraph

The 1999 Record of Decision (ROD) for the CCMA Amendment to the Hollister RMP officially designated the 'Outstanding Natural Area' as the San Benito Mountain 'Research Natural Area' to encourage research and provide protection of the unique conifer forest on and around San Benito Mountain. The ROD (1999) also identified the need to expand the SBMRNA, which was completed in a 2006 ROD for CCMA RMP Amendment and Route Designation, and approved expansion of the boundary of the San Benito Mountain RNA to 4147 acres. Following the 2006 ROD, BLM completed additional fencing to protect the RNA values described below.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 572: Subject: Confusing Format Page 215

Substantive Comment

573

Subject: Confusing Format

Page 215

Referring to the Following Paragraph

The 1999 Record of Decision (ROD) for the CCMA Amendment to the Hollister RMP officially designated the 'Outstanding Natural Area' as the San Benito Mountain 'Research Natural Area' to encourage research and provide protection of the unique conifer forest on and around San Benito Mountain. The ROD (1999) also identified the need to expand the SBMRNA, which was completed in a 2006 ROD for CCMA RMP Amendment and Route Designation, and approved expansion of the boundary of the San Benito Mountain RNA to 4147 acres. Following the 2006 ROD, BLM completed additional fencing to protect the RNA values described below.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 573: Subject: Confusing Format Page 215

Substantive Comment

574

Subject: Conflicting Data

Page 219

Referring to the Following Paragraph

The CCMA grazing lands have a Mediterranean-type climate, with cool, moist winters and hot, dry summers. Ninety percent of the precipitation (approximately 17 inches) comes during the late fall, winter, and early spring. The growth of forage grass begins with the first fall rains, and dormancy occurs in the late spring with soil water depletion.

Discussion

The statement, "Ninety percent of the precipitation (approximately 17 inches ..." conflicts with other statements in this report, such as Page 153, "Average annual precipitation in the CCMA is 12 inches." The statement, "Mountain. Average annual precipitation in the CCMA is 12 inches" needs more explanation and a citation because according to the average annual precipitation, derived from the previous ten years, on the southern slope of Joaquin Ridge, including Los Gatos Creek is about 40.5 cm [16.0 in.]; eastern slope precipitation averages about 27.3 cm [10.8 in.] according to the California Data Exchange Center, Department of Water Resources. Compilation of historic Station Data from HDZ (Hernandez), SRI (Santa Rita Peak), and JQN (Joaquin Ridge [east base]). <http://cdec.water.ca.gov/>. While the overall annual average is about 12 inches, greater delineation of this data is useful as it relates better to the area's topography.

Recommendation

The Agency must correct this flaw or delete the entire statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 574: Subject: Conflicting Data Page 219

Substantive Comment

575

Subject: Confusing Statement

Page 219

Referring to the Following Paragraph

Forage production for livestock consumption is a historic land use in the Planning Area. The Hollister RMP, as amended, authorizes 1,354 animal unit months (AUMs), which are leased for grazing on 22,140 acres of BLM-administered lands on 14 grazing allotments that are within portions of CCMA and the Serpentine ACEC. All of these lands consist of mixed chaparral and oak woodland vegetation types, as well as annual grasslands and half-shrub vegetation. Forage production, currently for cattle only, consists primarily of annual grasses and forbs that grow during the winter and spring, when the weather is cool and wet. Yearlong grazing is common on many allotments. Key aspects of managing annual grasslands for livestock production are maintenance of residual dry matter and appropriate season of use.

Discussion

The statement, "Forage production for livestock consumption is a historic land use in the Planning Area" is confusing and meaningless. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 575: Subject: Confusing Statement Page 219

Substantive Comment

576

Subject: Conflicting Statement

Page 219

Referring to the Following Paragraph

Vegetation consists mainly of annual grasslands, chaparral, chamise, and oak savannah. Annual grasses are the important livestock forage. The HFO Planning Area currently consists of four management areas (MAs) categorized according to common features, resource issues, or management needs.

Discussion

The statement, "The HFO Planning Area currently consists of four management ..." seems to conflict with the statement on page 130 which states "The Planning Area is divided into five management zones ..." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must correct this discrepancy, or delete the conflicting statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 576: Subject: Conflicting Statement Page 219

Substantive Comment

577

Subject: Confusing Statement

Page 219

Referring to the Following Paragraph

The BLM administers its grazing program in California and in the other western States under 43 CFR 4100. These regulations implement the laws that govern public land grazing, including the **Taylor Grazing**, Federal Land Policy and Management Act, and Public Rangelands Improvement Act.

Discussion

The statement, "Taylor Grazing," is confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant "Taylor Grazing Act." The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 577: Subject: Confusing Statement Page 219

Substantive Comment

578

Subject: Erroneous Statement

Page 219

Referring to the Following Paragraph

The Taylor Grazing Act of 1934 authorizes BLM administration of livestock grazing on public lands. Currently, the 1984 Hollister RMP provides specific guidance for livestock grazing within the Planning Area. In accordance with 43 CFR 4180.2, the Central California Rangeland Health Standards and Guidelines for Livestock Grazing Management was approved on July 13, 2000. The standards establish four fundamentals for managing rangelands including soils, species, riparian, and water quality (see subsection 3.11.4). Specific indicators of rangeland health determine whether these standards are being met within a grazing allotment, and appropriate management corrective action is required if one or more of the standards are not being met. The grazing guidelines consist of 18 specific items that provide direction for grazing management. The standards describe the conditions needed to promote and sustain rangeland health and apply to all land uses in addition to grazing.

Discussion

The statement, "Currently, the 1984 Hollister RMP provides specific guidance for livestock grazing within the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" private lands, the Hollister RMP could not "provides specific guidance for livestock grazing within the Planning Area" because such "specific guidance" would have also included the private lands.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 578: Subject: Erroneous Statement Page 219

Substantive Comment

579

Subject: Confusing Citation

Page 220

Referring to the Following Paragraph

The 1984 Hollister RMP stated “resource production on public lands is not significant in relation to the overall economy” (BLM 1984:9). However, a few industries and individuals are economically dependent on public lands. For example, 11 livestock operations, or 91 percent of the lessees in the Planning Area, are dependent on public lands for more than 10 percent of their forage needs.

Discussion

The reference, “(BLM 1984)” is confusing because it may be incomplete. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to include a complete citation, such as (BLM 1984:9). The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the incomplete citation. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 579: Subject: Confusing Citation Page 220

Substantive Comment

580

Subject: Erroneous Statement

Page 220

Referring to the Following Paragraph

The 1984 Hollister RMP stated “resource production on public lands is not significant in relation to the overall economy” (BLM 1984:9). However, a few industries and individuals are economically dependent on public lands. For example, 11 livestock operations, or 91 percent of the lessees in the Planning Area, are dependent on public lands for more than 10 percent of their forage needs.

Discussion

The statement, “For example, 11 livestock operations, or 91 percent of the lessees in the Planning Area,” is erroneous because it conflicts with the “Planning Area” defined on Page 1 the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction.” Since the “Planning Area” includes private lands, there are more than “11 livestock operations” within “southern San Benito County and western Fresno County.”

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 580: Subject: Erroneous Statement Page 220

Substantive Comment

581

Subject: Outdated Statistical Reference

Page 220

Referring to the Following Paragraph

The overall pattern of livestock production in California is similar to the pattern on HFO public lands. In 1992 California supported 22,700 livestock operations, which had a total inventory of over 5.5 million cattle and sheep. During the preceding years from 1987–1992, the number of beef cattle and sheep operations decreased 14 percent and 20 percent, respectively. While the numbers of sheep have decreased on sheep operations, the opposite is true for numbers of cattle, which have increased on cattle operations. The decrease in the number of cattle ranches coupled with an increase in the number of cattle has been a consistent trend for the past 30 years.

Discussion

The statements, “In 1992 California supported 22,700 livestock operations, which had a total inventory of over 5.5 million cattle and sheep. During the preceding years from 1987–1992, the number of beef cattle and sheep operations decreased 14 percent and 20 percent, respectively” are twenty years old and probably fail to reflect current statistics.

Recommendation

The Agency must edit or delete the outdated statistical reference. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 581: Subject: Outdated Statistical Reference Page 220

Substantive Comment

582

Subject: Confusing Format

Page 223

Referring to the Following Paragraph

Based on the Hollister Oil and Gas RMP Amendment (1993), the hydrocarbon mineral potential for oil and gas in the Serpentine ACEC is classified as 'none' due to the serpentine rocks present. Although, the other management zones within the CCMA boundary do contain sedimentary formations that could be suitable for hydrocarbon production and are classified as 'moderate' in the BLM's Reasonably Foreseeable Development (RFD) Scenario prepared in 2005 (refer to Appendix VIII).

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 582: Subject: Confusing Format Page 223

Substantive Comment

583

Subject: Erroneous Statement

Page 223

Referring to the Following Paragraph

Historically, exploratory oil wells have been drilled on less than 5 percent of the leases issued on BLM public lands, and only one of every 15 to 20 exploratory wells actually results in the discovery of oil. As a result, there is currently no oil and gas production within the Planning Area. The nearest production comes from oil fields near Coalinga and the Vallecitos Valley.

Discussion

The statement, "As a result, there is currently no oil and gas production within the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Since the "Planning Area" includes private lands, there is major "oil and gas production within" within "southern San Benito County and western Fresno County."

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 583: Subject: Erroneous Statement Page 223

Substantive Comment

584

Subject: Erroneous Statement

Page 223

Referring to the Following Paragraph

The only active mining on or immediately adjacent to BLM-administered land in the CCMA is for unique minerals and gemstones (benitoite). Since the 1984 Hollister RMP was prepared, mining claims in the CCMA have been limited to approximately 12 small claims for casual use mineral collection. Casual use means that no mechanized equipment is used and the disturbance is limited in size to less than 1 acre.

Discussion

The statement, "Since the 1984 Hollister RMP was prepared, mining claims in the CCMA have been limited to approximately 12 small claims" is erroneous because according to LR2000 (11/20/2009) there are currently at least 30 active mining claims within the CCMA, not counting claims abandoned since 1984.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 584: Subject: Erroneous Statement Page 223

Substantive Comment

585

Subject: Erroneous Statement

Page 223

Referring to the Following Paragraph

The only active mining on or immediately adjacent to BLM-administered land in the CCMA is for unique minerals and gemstones (benitoite). Since the 1984 Hollister RMP was prepared, mining claims in the CCMA have been limited to approximately 12 small claims for casual use mineral collection. Casual use means that no mechanized equipment is used and the disturbance is limited in size to less than 1 acre.

Discussion

The statement, "Casual use means that no mechanized equipment is used and the disturbance is limited in size to less than 1 acre" is erroneous because 43 C.F.R. §§ 3809.5 and 3809.21 defines "casual use" as:

43 C.F.R. § 3809.5 Casual use means activities ordinarily resulting in no or negligible disturbance of the public lands or resources.

43 C.F.R. § 3809.21 (a) You must submit a complete notice of your operations 15 calendar days before you commence exploration causing surface disturbance of 5 acres or less

...

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 585: Subject: Erroneous Statement Page 223

Substantive Comment

586

Subject: Erroneous Statement

Page 223

Referring to the Following Paragraph

In the past 100 years, mining activity in the CCMA has been extensive, starting with the mercury exploration associated with the gold rush in the mid-1800's. Many of these abandoned mercury mines were left to erode and degrade surface waters. BLM started an active Abandoned Mine Land program in the late 1990's. A summary of BLM's efforts to restore water quality by restoration of abandoned mercury mines is included in Section 3.2.3.3. In 2004, the Regional Water Quality Control Board issued a Total Maximum Daily Load (TMDL) of mercury in the CCMA.

Discussion

The statement, "starting with the mercury exploration associated with the gold rush ..." is erroneous because the exploration was for cinnabar, not native mercury. Although the area contains deposits of native mercury, this was not mined because of the expense involved in mixing it into brick before processing it in the kiln. Cinnabar did not require this extra step and was more economical to mine.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 586: Subject: Erroneous Statement Page 223

Substantive Comment

587

Subject: Erroneous Statement

Page 223

Referring to the Following Paragraph

In the past 100 years, mining activity in the CCMA has been extensive, starting with the mercury exploration associated with the gold rush in the mid-1800's. Many of these abandoned mercury mines were left to erode and degrade surface waters. BLM started an active Abandoned Mine Land program in the late 1990's. A summary of BLM's efforts to restore water quality by restoration of abandoned mercury mines is included in Section 3.2.3.3. In 2004, the Regional Water Quality Control Board issued a Total Maximum Daily Load (TMDL) of mercury in the CCMA.

Discussion

The statement, "Many of these abandoned mercury mines" is erroneous because the exploration was for cinnabar, not native mercury. Although the area contains deposits of native mercury, this was not mined because of the expense involved in mixing it into brick before processing it in the kiln. Cinnabar did not require this extra step and was more economical to mine.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 587: Subject: Erroneous Statement Page 223

Substantive Comment

588

Subject: Inaccurate Statement

Page 224

Referring to the Following Paragraph

Historically, the region was known as the New Idria Mining district. The New Idria Quicksilver Mining Company began mining cinnabar and mercury from the region in 1854. Other materials such as asbestos, magnesite, nickel, and chromium were also extracted (USDI 2005). Mining of asbestos began in the 1950's and the last active asbestos mine in the U.S. was the KCAC asbestos mine. In general, the region was an active mining and ore processing area for over a century. Refer to Cultural Resources, Section 3.13.3.3, for more information on historic era energy and minerals development.

Discussion

The statement, "Other materials such as asbestos, magnesite, nickel, and chromium were also extracted." Since the minerals "magnesite, nickel, and chromium" are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 588: Subject: Inaccurate Statement Page 224

Substantive Comment

589

Subject: Erroneous Statement

Page 224

Referring to the Following Paragraph

Historically, the region was known as the New Idria Mining district. The New Idria Quicksilver Mining Company began mining cinnabar and mercury from the region in 1854. Other materials such as asbestos, magnesite, nickel, and chromium were also extracted (USDI 2005). Mining of asbestos began in the 1950's and the last active asbestos mine in the U.S. was the KCAC asbestos mine. In general, the region was an active mining and ore processing area for over a century. Refer to Cultural Resources, Section 3.13.3.3, for more information on historic era energy and minerals development.

Discussion

The statement, "Mining of asbestos began in the 1950's and the last active asbestos mine in the U.S. was the KCAC asbestos mine" is erroneous because the King City Asbestos Company mined chrysotile which they processed in marketable commercial asbestos at the KCAC plant east from King City, California.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 589: Subject: Erroneous Statement Page 224

Substantive Comment

590

Subject: Erroneous Statement

Page 224

Referring to the Following Paragraph

Remediation efforts at the KCAC mine are still underway, and are being monitored by BLM, San Benito County, and the State of California under the 1976 SMARA regulations. There are many other abandoned mines and prospects for mercury, of which BLM has undertaken remediation to reduce the transport of contaminated sediment from impacting CCMA watershed values. Abandoned mine lands that have been remediated include the Atlas Superfund Site, Aurora, Jade Mill, Alpine, Xanadu, Larious Canyon, Archer, and multiple unnamed retort piles adjacent to Clear Creek.

Discussion

The statement, "... prospects for mercury ..." is erroneous because the exploration was for cinnabar, not native mercury. Although the area contains deposits of native mercury, this was not mined because of the expense involved in mixing it into brick before processing it in the kiln. Cinnabar did not require this extra step and was more economical to mine.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 590: Subject: Erroneous Statement Page 224

Substantive Comment

591

Subject: Inaccurate Statement

Page 234

Referring to the Following Paragraph

In 1907 a relatively new government agency chartered under the United States Department of Agriculture took ownership of a large portion of the CCMA from the United States General Land Office. This agency was later known as the United States Forest Service (USFS), and created the San Benito Division of the Monterey National Forest. Approximately 150,000 acres were set aside for the new Forest, including all of Sections in T18S, R12E and T19S, R12E and portions Sections in T17S, R11/12E; T18S, R10/11/13; T19S, R10/11/13 MDBM. The San Benito Division of the forest was “located principally in Clear Creek, Saw Mill and Eagle Creeks” (Sloane 1914:III,26). Part of the responsibility in managing this new forest reserve was to create a Plan of Operations, approved in October 1914. The Plan provided basic regional information and characterized the natural resources available or being currently utilized.

Discussion

The statement, “In 1907 a relatively new government agency chartered under the United States Department of Agriculture took ownership of a large portion of the CCMA from the United States General Land Office” is inaccurate because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 591: Subject: Inaccurate Statement Page 234

Substantive Comment

592

Subject: Erroneous Statement

Page 226

Referring to the Following Paragraph

Oil was discovered early in the Vallecitos Valley in 1886, just north of the CCMA Planning Area. The California Central Oil Company spent a reported \$20,000 to sink a well that only produced a “small quantity” of oil and operated for less than two years (Irelan 1888:488). Shell Oil Company began production in the Vallecitos in 1951. Even though Shell Oil had apparently made contracts with some local landowners to sink wells, several parties filed suit in 1957 claiming partial ownership of the property and rights to part of the revenue from the oil. These ownership challenges were eventually settled in the 1960s (Jackson and Armstrong 2008:12).

Discussion

The statement, “Oil was discovered early in the Vallecitos Valley in 1886, just north of the CCMA Planning Area” is erroneous because it conflicts with the “Planning Area” defined on Page 1 the same report. Page 1 states: “The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction.” Since the Vallecitos Valley is located in southern San Benito County and includes federal and private land, then is located within the “Planning Area.”

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 592: Subject: Erroneous Statement Page 226

Substantive Comment

593

Subject: Inaccurate Statement

Page 236

Referring to the Following Paragraph

Historically, the region was known as the New Idria Mining district. Discovered in the late 1840s – early 1850s by Mexican prospectors, large portions of the CCMA were mined for mercury to produce quicksilver during the California Gold Rush era. The New Idria Quicksilver Mining Company began mining in 1854, working a “huge deposit of naturally occurring cinnabar and native mercury found in the mountains and in the canyon followed by San Carlos Creek” (Iddings 2007a:2). Mercury from the CCMA was vital to gold production in the Sierra Nevada of California as well as silver mining at the Nevada Comstock Lode (Gilbert 1984:10). Later in time, the district’s mercury was used in medical products, paint, and even munitions for World War I. Other materials such as asbestos, magnesite, nickel, and chromium were also extracted (USDI 2005). The region in general was a historically active mining and ore processing area between about 1855 and 1970, and as such, supported a “diverse community of social, civic and industrial activity” represented by at least two dozen historic mine and mill sites (Fowkes and Iddings 2008:13).

Discussion

The statement, “Other materials such as asbestos, magnesite, nickel, and chromium were also extracted.” Since the minerals “magnesite, nickel, and chromium” are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit or delete this statement to correct this inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 593: Subject: Inaccurate Statement Page 236

Substantive Comment

594

Subject: Inaccurate Statement

Page 242

Referring to the following paragraph

By far, cinnabar and mercury was the predominant mineral material historically extracted from the CCMA region. However, several other important minerals were also mined including magnesite, chromite, and asbestos. A large magnesite deposit near Sampson Peak was worked extensively during the early to mid 20th century (Figure 3.13-4). Magnesite was used in flooring and for electrical insulation applications. The Butler Estate Chromite Mine which opened in 1954 was the largest commercial chromite mine in the CCMA. A small “chromite boom” occurred in the CCMA during the 1950s-1960s as a reaction to the need for metals in post- World War II domestic automobile production. There have been at least three significant asbestos mines in the CCMA since the 1950s, namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine), the Atlas Mine, and the KCAC Mine (King City Asbestos Company). The Railroad Mine and Atlas Mine are located on private land but are surrounded by BLM public land, and both mines were designated as EPA Superfund sites under CERCLA. The KCAC Mine is also on private land and was the last active asbestos mine in the United States; the mine closed in 2002. Asbestos was traditionally used as an insulator material because of its durable “fireproof” nature.

Discussion

The statement, “also mined including magnesite, chromite, and asbestos” Since the minerals magnesite and chromite are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit the statement to replace the word “asbestos” with the word “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 594: Subject: Inaccurate Statement Page 242

Substantive Comment

595

Subject: Erroneous Statement

Page 242

Referring to the Following Paragraph

By far, cinnabar and mercury was the predominant mineral material historically extracted from the CCMA region. However, several other important minerals were also mined including magnesite, chromite, and asbestos. A large magnesite deposit near Sampson Peak was worked extensively during the early to mid 20th century (Figure 3.13-4). Magnesite was used in flooring and for electrical insulation applications. The Butler Estate Chromite Mine which opened in 1954 was the largest commercial chromite mine in the CCMA. A small “chromite boom” occurred in the CCMA during the 1950s-1960s as a reaction to the need for metals in post- World War II domestic automobile production. There have been at least three significant asbestos mines in the CCMA since the 1950s, namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine), the Atlas Mine, and the KCAC Mine (King City Asbestos Company). The Railroad Mine and Atlas Mine are located on private land but are surrounded by BLM public land, and both mines were designated as EPA Superfund sites under CERCLA. The KCAC Mine is also on private land and was the last active asbestos mine in the United States; the mine closed in 2002. Asbestos was traditionally used as an insulator material because of its durable “fireproof” nature.

Discussion

The statement, “namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine)” is erroneous because the Johns-Manville mine was not named or associated with the Union Carbide Mine. The KCAC mine was previously owned by Union Carbide.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 595: Subject: Erroneous Statement Page 242

Substantive Comment

596

Subject: Erroneous Statement

Page 242

Referring to the Following Paragraph

By far, cinnabar and mercury was the predominant mineral material historically extracted from the CCMA region. However, several other important minerals were also mined including magnesite, chromite, and asbestos. A large magnesite deposit near Sampson Peak was worked extensively during the early to mid 20th century (Figure 3.13-4). Magnesite was used in flooring and for electrical insulation applications. The Butler Estate Chromite Mine which opened in 1954 was the largest commercial chromite mine in the CCMA. A small “chromite boom” occurred in the CCMA during the 1950s-1960s as a reaction to the need for metals in post- World War II domestic automobile production. There have been at least three significant asbestos mines in the CCMA since the 1950s, namely the Railroad Mine (a.k.a. Johns-Manville Union Carbide Mine), the Atlas Mine, and the KCAC Mine (King City Asbestos Company). The Railroad Mine and Atlas Mine are located on private land but are surrounded by BLM public land, and both mines were designated as EPA Superfund sites under CERCLA. The KCAC Mine is also on private land and was the last active asbestos mine in the United States; the mine closed in 2002. Asbestos was traditionally used as an insulator material because of its durable “fireproof” nature.

Discussion

The statement, “The KCAC Mine is also on private land” is erroneous because the KCAC mine owned mining claims on public land.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 596: Subject: Erroneous Statement Page 242

Substantive Comment

597

Subject: Erroneous Statement

Page 245 & 246

Referring to the Following Paragraph

The CCMA was historically bounded by smaller Planning Area units which the BLM used to characterize and manage the region. In addition to the 1975 cultural resources inventory within the CCMA, these other Planning Area units were also surveyed. Lands in the Laguna Mountain Area were cursorily examined in 1980 for cultural resources by inspecting existing vehicle routes and adjacent areas. The results included the discovery of one "occupation site with midden" on BLM land (postulated to be associated with the Chalon Costanoan) and three additional occupation sites containing "midden, lithics, BRMs, housepits and groundstone," presumably not located on BLM land (USDI 1981:16). In the former Call Mountain-Hernandez Valley Management Area, the known sites at the time were in poor to good condition; road construction, uncontrolled OHV use, and unauthorized artifact collection were the main threats to cultural resources (USDI 1984:32). Impacts to archeological sites in the former Ciervo Hills-Joaquin Rocks Management Area were primarily a result of cattle grazing, road construction, natural weathering and erosion, unauthorized artifact collection, and uncontrolled OHV use (USDI 1984).

Discussion

The statement, "The CCMA was historically bounded by smaller Planning Area units which the BLM used to characterize and manage the region" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Since there is only one Planning Area it cannot be "bounded by smaller Planning Area units."

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 597: Subject: Erroneous Statement Page 245 & 246

Substantive Comment

598

Subject: Confusing Statement

Page 246

Referring to the Following Paragraph

(4) asbestos hazard

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 598: Subject: Confusing Statement Page 246

Substantive Comment

599

Subject: Misleading Statement

Page 250

Referring to the Following Paragraph

The Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) within the Clear Creek Management Area (CCMA) roughly approximates the boundary for the Hazardous Asbestos Area (HAA). While there is no stand alone ACEC Management Plan, there are significant planning issues within the ACEC including cultural resources management. Under the 1986 Clear Creek Management Plan and Decision Record, policies and guidance for the management of prehistoric (and to a lesser extent historic) resources were established - with an emphasis on physical and administrative protection and data retrieval as a mitigation measure. Refer back to Section 3.13.4.1 for more specific information.

Discussion

The etymology of the phrase "Hazardous Asbestos Area" is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase "Hazardous Asbestos Area" may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complimentarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area" is simply injected as an occasional misleading "scare-tactic" meant to suggest greater danger than actually exist.

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 599: Subject: Misleading Statement Page 250

Substantive Comment

600

Subject: Confusing Format

Page 254

Referring to the Following Paragraph

As a general rule “historic” properties that have achieved significance within the past fifty years are not eligible for listing to the National Register because the Register is “intrinsically a compilation of the Nation's historic resources that are worthy of preservation” and “does not include properties important solely for their contemporary impact and visibility” [emphasis theirs] (Sherfy and Luce 1998:1). It is nearly impossible and impractical to evaluate the historical impacts or relative value of a property immediately after an event occurs or a building is constructed; the passage of time is necessary “in order to apply the adjective ‘historic’ and to ensure adequate perspective” (Sherfy and Luce 1998:1).

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 600: Subject: Confusing Format Page 254

Substantive Comment

601

Subject: Confusing Format

Page 154

Referring to the Following Paragraph

Naturally, the more recent a property has achieved a recognizable level of significance the more difficult it is to demonstrate its “exceptional importance” (Sherfy and Luce 1998:7). “Exceptional importance” does not necessarily imply a national-level of significance, rather it is a “measure of a property’s importance within the appropriate historic context, whether the geographic scale of that context is local, State, or national” (Sherfy and Luce 1998:8). In the evaluating and justification of “exceptional importance” it is important to remember that the level at which this evaluation is made is “directly related to the geographic level or ‘scale’ of the property’s historic context” (Sherfy and Luce 1998:8).

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since “agencies should employ writers of clear prose or editors to write, review or edit statements” (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author’s accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [“ ”] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [‘ ’] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader’s attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 601: Subject: Confusing Format Page 154

Substantive Comment

602

Subject: Erroneous Statement

Page 267

Referring to the Following Paragraph

The CCMA Planning Area is within the Coast Range Physiographic Province of California; bounded by the Pacific Ocean to the west and the great Central Valley to the east. It is characterized by northwest-southeast trending faults and mountain ranges (Staebler 1981; USGS 2005). From the Upper Cretaceous time period through the Miocene epoch much of Hollister Field Office Area was periodically covered by shallow, warm seas which allowed sediment to wash onto the area from the low-lying continental mass to the east. This is evident in the San Joaquin Management Area that shows great thickness of Jurassic age or younger marine and terrestrial sedimentary deposits (Staebler 1981).

Discussion

The statement, "The CCMA Planning Area is within the Coast Range Physiographic Province of California; bounded by the Pacific Ocean to the west and the great Central Valley to the east" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The the Pacific Ocean does not bound against either southern San Benito County and western Fresno County.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 602: Subject: Erroneous Statement Page 267

Substantive Comment

603

Subject: Erroneous Statement

Page 268

Referring to the Following Paragraph

Table 3.14.4.2 - Rock Formations within the CCMA Planning Area and their Paleontological Sensitivity

Discussion

The statement, "Rock Formations within the CCMA Planning Area and their Paleontological Sensitivity" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The definition does not define a "CCMA Planning Area," but rather the CCMA is contained within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 603: Subject: Erroneous Statement Page 268

Substantive Comment

604

Subject: Erroneous Statement

Page 270

Referring to the Following Paragraph

Significant vertebrate fossils have been found east of the CCMA Planning Area on private and public lands, primarily in locations associated with the Moreno Shale deposits along Cantua Canyon. Invertebrate fossils have been found in various locations also on private and public lands in Los Gatos Creek Canyon south of the CCMA Planning Area. These fossils are associated with the sandstone formations outside of the Clear Creek Serpentine ACEC.

Discussion

The statement, "Significant vertebrate fossils have been found east of the CCMA Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The definition does not define a "CCMA Planning Area," but rather the CCMA is contained within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 604: Subject: Erroneous Statement Page 270

Substantive Comment

605

Subject: Erroneous Statement

Page 270

Referring to the Following Paragraph

Fossils are also known to occur throughout the Coalinga and Pleasant Valley areas east of the Planning Area. For example, an unusual single invertebrate fossil specimen was recovered by a volunteer in 2006 on public lands near Black Mountain, east of the CCMA Planning Area.

Discussion

The statement, "Fossils are also known to occur throughout the Coalinga and Pleasant Valley areas east of the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Coalinga and Pleasant Valley areas contain federal and private lands are located in western Fresno County and are therefore within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 605: Subject: Erroneous Statement Page 270

Substantive Comment

606

Subject: Incomplete Data

Page 272

Referring to the Following Paragraph

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

Discussion

The represented data set, which includes Fresno, Merced, Monterey, San Benito, Santa Clara, and Santa Cruz counties, is insufficient because it fails to consider the entire radius of the demographic area, which also includes: San Luis Obispo, Santa Barbara, Kings, Tulare, Kern, Madera, Mariposa, Stanislaus counties.

Recommendation

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 606: Subject: Incomplete Data Page 272

Substantive Comment

607

Subject: Erroneous Statement

Page 273

Referring to the Following Paragraph

Table 3.15-1 indicates the populations in the counties within the Planning Area, in California, and in the U.S in the years 1990, 2000, and 2004. The population is large because it includes much of the south San Francisco Bay Area. Almost a quarter of California's total population resides within the Planning Area. The rate of population growth within the Planning Area was about the same as that for the entire state from 1990 to 2000 but dropped below the State rate after 2000. For both periods, the State and the region

Discussion

The statement, "Table 3.15-1 indicates the populations in the counties within the Planning Area ..." is erroneous because it includes Fresno, Merced, Monterey, San Benito, Santa Clara, and Santa Cruz counties, which fails to conform to the "Planning Area" defined on Page 1 the same report.

Recommendation

The Agency must correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 607: Subject: Erroneous Statement Page 273

Substantive Comment

608

Subject: Erroneous Statement

Page 273

Referring to the Following Paragraph

Table 3.15-1 indicates the populations in the counties within the Planning Area, in California, and in the U.S in the years 1990, 2000, and 2004. The population is large because it includes much of the south San Francisco Bay Area. Almost a quarter of California's total population resides within the Planning Area. The rate of population growth within the Planning Area was about the same as that for the entire state from 1990 to 2000 but dropped below the State rate after 2000. For both periods, the State and the region

Discussion

The statement, "Almost a quarter of California's total population resides within the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." A quarter of California's total population does not reside within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 608: Subject: Erroneous Statement Page 273

Substantive Comment

609

Subject: Erroneous Statement

Page 273

Referring to the Following Paragraph

Table 3.15-1 Total Population, by County, in the Planning Area

Discussion

The statement, "Total Population, by County, in the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Table 3.15-1 includes counties that are not part of the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 609: Subject: Erroneous Statement Page 273

Substantive Comment

610

Subject: Incomplete Data

Page 273

Referring to the Following Paragraph

Table 3.15-1 Total Population, by County, in the Planning Area

County	1990	2000	2004	Total % Change	
				1990-00	2000-04
Fresno	670,250	804,333	876,842	20.0	9.0
Merced	179,400	211,245	237,155	17.8	12.3
Monterey	356,797	403,943	425,521	13.2	5.3
San Benito	36,911	53,789	57,353	45.7	6.6
Santa Clara	1,495,296	1,692,759	1,749,365	13.2	3.3
Santa Cruz	229,329	256,488	259,990	11.8	1.4
Total in Area	2,967,983	3,422,557	3,606,266	13.3	5.1
California	29,828,496	34,098,740	36,590,814	14.3	7.3
U.S. (mil.)	248.7	281.4	293.7	13.1	4.4

Discussion

The represented data set, which includes Fresno, Merced, Monterey, San Benito, Santa Clara, and Santa Cruz counties, is insufficient because it fails to consider the entire radius of the demographic area, which also includes: San Luis Obispo, Santa Barbara, Kings, Tulare, Kern, Madera, Mariposa, Stanislaus counties.

Recommendation

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 610: Subject: Incomplete Data Page 273

Substantive Comment

611

Subject: Meaningless Data

Page 273

Referring to the Following Paragraph

Table 3.15-1 Total Population, by County, in the Planning Area

County	1990	2000	2004	Total % Change	
				1990-00	2000-04
Fresno	670,250	804,333	876,842	20.0	9.0
Merced	179,400	211,245	237,155	17.8	12.3
Monterey	356,797	403,943	425,521	13.2	5.3
San Benito	36,911	53,789	57,353	45.7	6.6
Santa Clara	1,495,296	1,692,759	1,749,365	13.2	3.3
Santa Cruz	229,329	256,488	259,990	11.8	1.4
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California	29,828,496	34,098,740	36,590,814	14.3	7.3
U.S. (mil.)	248.7	281.4	293.7	13.1	4.4

Discussion

The represented data set which compares the eleven year period from 1990 to 2000, to the five period from 2000 to 2004, and overlaps data from the year 2000 is a meaningless presentation. The comparison should be parallel to be meaningful, such as percent of change per year.

Recommendation

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 611: Subject: Meaningless Data Page 273

Substantive Comment

612

Subject: Confusing Statement

Page 274

Referring to the Following Paragraph

Public lands in CCMA are accessed from the sparsely populated San Benito valley on the west and the San Joaquin valley on the east. The rather large population totals for Merced and Fresno Counties mask the relatively smaller populations in the immediate vicinity of CCMA. Tract data from the 2000 Census indicate that less than 20 percent of Fresno and Merced Counties' one million residents in 2000 lived in the Interstate 5 Corridor just east of the Diablo Range. This analysis area grew far more rapidly than the State average, driven by the growth of Hollister and Los Banos as bedroom communities and population increases in Fresno and other towns in the central San Joaquin valley.

Discussion

The statement, "Public lands in CCMA are accessed from the sparsely populated San Benito valley on the west and the San Joaquin valley on the east" is confusing because it references the unknown "San Benito valley," and fails to consider access from the north and south.

Recommendation

The Agency must correct the statement or delete the confusing or erroneous data. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 612: Subject: Confusing Statement Page 274

Substantive Comment

613

Subject: Incomplete Data

Page 274

Referring to the Following Paragraph

**Table 3.15-2 Populations of Counties and Major Towns
in the Local Analysis Areas**

Central Coast					
County	1990	2000	2004	Total % Change	
				1990-00	2000-04
	Central Coast				
Monterey	356,797	403,943	425,521	13.2	5.3
Marina	27,550	21,014	19,165	-23.7	-8.8
Monterey	31,800	29,674	30,314	-6.7	2.2
Salinas	107,600	143,776	152,590	33.6	6.1
Seaside	38,950	31,696	33,386	-18.6	5.3
Santa Cruz	229,329	256,488	259,990	11.8	1.4
Santa Cruz	48,800	54,593	56,018	11.9	2.6
Watsonville	30,850	44,265	48,041	43.5	8.5
Total	586,126	660,431	685,511	12.7	3.8
	Diablo Range				
Fresno	670,250	804,333	876,842	20.0	9.0
Clovis	49,650	68,468	81,256	37.9	18.7
Coalinga	8,050	16,213	16,735	101.4	3.2
Fresno	350,700	427,652	458,203	21.9	7.1
Reedley	15,650	20,756	21,849	32.6	5.3
Sanger	16,650	18,931	20,612	13.7	8.9
Selma	14,650	19,444	21,881	32.7	12.5
Merced	179,400	211,245	237,155	17.8	12.3
Atwater	22,100	23,113	26,594	4.6	15.1
Los Banos	13,750	25,869	30,898	88.1	19.4
Merced	55,700	63,893	70,415	14.7	10.2
San Benito	36,911	53,789	57,353	45.7	6.6
Hollister	19,000	34,413	36,993	81.1	7.5
Total	886,561	1,069,367	1,171,350	20.6	9.5
California	29,828,496	34,098,740	36,590,814	14.3	7.3

Discussion

The represented data set, which includes Fresno, Merced, Monterey, San Benito, Santa Clara, and Santa Cruz counties, is insufficient because it fails to consider the entire radius of the demographic area, which also includes: San Luis Obispo, Santa Barbara, Kings, Tulare, Kern, Madera, Mariposa, Stanislaus counties.

Recommendation

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 613: Subject: Incomplete Data Page 274

Substantive Comment

614

Subject: Meaningless Data

Page 274

Referring to the Following Paragraph

**Table 3.15-2 Populations of Counties and Major Towns
in the Local Analysis Areas**

Central Coast					
County	1990	2000	2004	Total % Change	
				1990-00	2000-04
Central Coast					
Monterey	356,797	403,943	425,521	13.2	5.3
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Monterey	31,800	29,674	30,314	-6.7	2.2
Salinas	107,600	143,776	152,590	33.6	6.1
Seaside	38,950	31,696	33,386	-18.6	5.3
Santa Cruz	229,329	256,488	259,990	11.8	1.4
Santa Cruz	48,800	54,593	56,018	11.9	2.6
Watsonville	30,850	44,265	48,041	43.5	8.5
Total	586,126	660,431	685,511	12.7	3.8
Diablo Range					
Fresno	670,250	804,333	876,842	20.0	9.0
Clovis	49,650	68,468	81,256	37.9	18.7
Coalinga	8,050	16,213	16,735	101.4	3.2
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Merced	55,700	63,893	70,415	14.7	10.2
San Benito	36,911	53,789	57,353	45.7	6.6
Hollister	19,000	34,413	36,993	81.1	7.5
Total	886,561	1,069,367	1,171,350	20.6	9.5
California	29,828,496	34,098,740	36,590,814	14.3	7.3

Discussion

The represented data set which compares the eleven year period from 1990 to 2000, to the five period from 2000 to 2004, and overlaps data from the year 2000 is a meaningless presentation. The comparison should be parallel to be meaningful, such as percent of change per year.

Recommendation

The Agency must correct the deficiency or delete the data set. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 614: Subject: Meaningless Data Page 274

Substantive Comment

615

Subject: Irrelevant Data

Page 276

Referring to the Following Paragraph

Employment growth in the Central Coast analysis area seemed to mirror the rate for the State, but the experiences of Santa Cruz and Monterey Counties were quite different. Santa Cruz employment growth was very rapid in the 1980s, began to slow down in the 1990s, and has recently been stagnant. Monterey's employment growth lagged that of the State in the 1980s, slowed down in the 1990s, but then became robust in the first few years of this century.

Discussion

The paragraph containing the statement, "... experiences of Santa Cruz and Monterey Counties ..." is irrelevant, confusing and outdated because it present data beyond the scope of the Planning Area and uses data that is twenty to thirty years old.

Recommendation

The Agency must update and correct this paragraph or delete the irrelevant, confusing and outdated material. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 615: Subject: Irrelevant Data Page 276

Substantive Comment

616

Subject: Irrelevant Data

Page 276

Referring to the Following Paragraph

California's per capita income grew at a slower rate than the U.S. average between 1980 and 2000 and declined faster between 2000 and 2002. Consequently, the gap in 1980 between California's very high per capita income and the U.S average has narrowed considerably. The same trend has been followed in the Central Coast area despite a surge in personal income in Santa Cruz County in the 1990s. The Diablo Range area represents an anomaly in that per capita income has declined since 1980. A per capita income that was slightly higher than the U.S. average is now less than 75 percent of the national average.

Discussion

The paragraph containing the statement, "... despite a surge in personal income in Santa Cruz County in the 1990s ..." is irrelevant, confusing and outdated because it present data beyond the scope of the Planning Area and uses data that is twenty to thirty years old.

Recommendation

The Agency must update and correct this paragraph or delete the irrelevant, confusing and outdated material. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 616: Subject: Irrelevant Data Page 276

Substantive Comment

617

Subject: Erroneous Statement

Page 276

Referring to the Following Paragraph

The requirements for environmental justice review during the environmental analysis process were established by Executive Order 12898 (February 11, 1994). That order declares that each Federal agency is to identify “disproportionately high and adverse human health or environment effects of its programs, policies, and activities on minority populations and low-income populations.”

Discussion

The quotation, “disproportionately high and adverse human health or environment effects of its programs, policies, and activities on minority populations and low-income populations” is erroneous because it fails to reflect the original text precisely. The original text reads as “... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations ...”

Recommendation

The Agency must correct this quotation or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 617: Subject: Erroneous Statement Page 276

Substantive Comment

618

Subject: Irrelevant Sentence

Page 276

Referring to the Following Paragraph

Table 3.15-5 describes the results of the 2000 U.S. Census with regard to ethnicity and poverty in the counties that make up the Central Coast and Diablo Range analysis areas. Most of the counties share the same general ethnic patterns that the State of California exhibits – a very large Hispanic population, ranging from 25 to 50 percent of the population; distinct minority populations of African Americans, generally comprising less than 5 percent of the population; Asian/Pacific Islanders, comprising between 5 and 10 percent of the population; and a very small Native American population. There are no Native American Tribal lands within the Planning Area. Santa Cruz is the county that least represents the State ethnic pattern, with minority populations that are all below the State average.

Discussion

The sentence, “Santa Cruz is the county that least represents the State ethnic pattern, with minority populations that are all below the State average” is irrelevant and confusing because its topic is beyond the scope of the Planning Area.

Recommendation

the Agency must edit or delete the irrelevant material. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 618: Subject: Irrelevant Sentence Page 276

Substantive Comment

619

Subject: Confusing Paragraph

Page 277

Referring to the Following Paragraph

The major share of recreation use in the CCMA is concentrated in the Serpentine ACEC, with over 78,000 visits in 2006 and 2007 combined. Together they account for over 70 percent of the recreation use on public lands in the Planning Area. (See Section 3.8, "Recreation," for a more extensive treatment of recreation use). There are two semi-developed campgrounds in the CCMA that traditionally receive the majority of visitor use from October to May. Compared to the recreation requirements of the millions of people who reside within 2 hours of other major blocks of public lands in Central California, the use of CCMA public lands is inconsequential. The same is true for expenditures related to recreation on CCMA public lands.

Discussion

The paragraph containing the sentence, "The major share of recreation use in the CCMA is concentrated in the Serpentine ACEC, with over 78,000 visits in 2006 and 2007 combined" is confusing because present the total visitation population for two period and uses the value to represent 70 percent of area recreation, and then places that recreation into the October to May period and then compares that "to the recreation requirements of the millions of people who reside within 2 hours. The paragraph is simply confusing and meaningless.

Recommendation

The Agency must edit or delete the confusing paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 619: Subject: Confusing Paragraph Page 277

Substantive Comment

620

Subject: Irrelevant Paragraph

Page 277

Referring to the Following Paragraph

The California Department of Parks and Recreation recently commissioned a study that was conducted by California State University, Sacramento's Department of Recreation, Parks and Tourism Administration from 2007 to 2009. The preliminary findings of the study report that 74.9 million people visit California state parks annually, spending an average of \$4.32 billion per year in park-related expenditures. About half of this amount is related to recreation on the California Coast, which means the other half of all of the expenditures were made in other regions including the Coast Ranges, Sierra-Nevada, and the California Desert.

Discussion

The paragraph containing the sentence "The California Department of Parks and Recreation recently commissioned ..." is irrelevant and confusing because its topic is beyond the scope of the Planning Area.

Recommendation

the Agency must edit or delete the irrelevant material. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 620: Subject: Irrelevant Paragraph Page 277

Substantive Comment

621

Subject: Unsubstantiated Statement

Page 278

Referring to the Following Paragraph

The amount of spending within the CCMA would not be significant given size of the Diablo region and its economy. However, recreation on public lands in CCMA is still very important to many sectors of the local economy, and to the many individuals who recreate there. The motorcycle shops in Hollister rely heavily on off-highway vehicle recreation opportunities in CCMA, which along with Hollister Hills SVRA, is a primary local OHV resource. Several shop owners indicated a very heavy reliance on OHV at CCMA. In addition to hosting several major national events such as the Quicksilver and Wild Boar enduros, the area is close enough to several hundred thousand residents that it is a popular weekend recreation area. On weekends, the area draws visitors from several hours away for a variety of motorized and non-motorized recreation activities.

Discussion

The statement, "The amount of spending within the CCMA would not be significant given size of the Diablo region and its economy" is unsubstantiated because it fails to present quantified data and hence reflect speculation by the author. Given 78,000 visits during 2006 and 2006 (page 277), then a rough estimate could suggest that CCMA recreation may easily contribute ten million annual dollar to local Hollister, King City or Coalinga businesses, without counting the value of their recreational equipment. Certainly this value is speculative, but given the absence of contrary data, it shows the necessity for the Agency to determine quantified estimates for CCMA's recreation's economic contribution to the local economies.

Recommendation

The Agency must edit the sentence to include quantified data or delete the sentence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 621: Subject: Unsubstantiated Statement Page 278

Substantive Comment

622

Subject: Confusing Statement

Page 278

Referring to the Following Paragraph

The amount of spending within the CCMA would not be significant given size of the Diablo region and its economy. However, recreation on public lands in CCMA is still very important to many sectors of the local economy, and to the many individuals who recreate there. The motorcycle shops in Hollister rely heavily on off-highway vehicle recreation opportunities in CCMA, which along with Hollister Hills SVRA, is a primary local OHV resource. Several shop owners indicated a very heavy reliance on OHV at CCMA. In addition to hosting several major national events such as the Quicksilver and Wild Boar enduros, the area is close enough to several hundred thousand residents that it is a popular weekend recreation area. On weekends, the area draws visitors from several hours away for a variety of motorized and non-motorized recreation activities.

Discussion

The statement, "... the area is close enough to several hundred thousand residents that it is a popular weekend recreation area ..." is confusing and meaningless. The statement implies the area "weekend recreation" is popular only because it is "close enough to several hundred thousand residents" while ignoring the areas other attributes.

Recommendation

The Agency must edit or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 622: Subject: Confusing Statement Page 278

Substantive Comment

623

Subject: Erroneous Statement

Page 278

Referring to the Following Paragraph

Other forms of recreation at CCMA include hunting, rock-hounding, and hiking. The area is highly valued by these visitors as well as the OHV community because it is nearby, because it offers varied terrain, and because there are no comparable properties that allow public access in the vicinity. The CCMA is also frequently said to be valued as a place to get away from the stress of population and traffic.

Discussion

The statement, "The area is highly valued by these visitors as well as the OHV community because it is nearby, because it offers varied terrain, and because there are no comparable properties that allow public access in the vicinity" is erroneous because it fails to recognize that visitors also enjoy this public land because it is the people's land, and because a unique environment unmatched anywhere in California.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 623: Subject: Erroneous Statement Page 278

Substantive Comment

624

Subject: Unsubstantiated Statement

Page 278

Referring to the Following Paragraph

Hunting is an important recreation activity on public lands in the Diablo Range. Upland game birds (chukar, quail), black-tailed deer, and wild pig are all hunted there. The southern part of the Range is in an area called “the pig triangle” (King City to Paso Robles to Coalinga) because of the number of pigs taken there every year. Hunters come here from throughout the state, and they purchase some supplies and equipment locally in support of their hunting. However, the only economic sector that clearly benefits from hunting in the Diablo Range is the hunting clubs.

Discussion

The statement, “However, the only economic sector that clearly benefits from hunting in the Diablo Range is the hunting clubs.” is unsubstantiated speculation because it fails to present quantified data in support, and hence reflect speculation by the author. The statement ignores that hunter may be purchasing addition supplies in the locals communities of Hollister, King City or Coalinga.

Recommendation

The Agency must edit the sentence to include quantified data or delete the unsubstantiated statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 624: Subject: Unsubstantiated Statement Page 278

Substantive Comment

625

Subject: Misleading Statement

Page 278

Referring to the Following Paragraph

Beyond any financial contribution, the public lands in the Central Coast and Diablo Range, like those in CCMA, provide places for local residents and others to get away from the very densely populated communities in this part of California. The area is accessible for day trips to the more than 8 million residents of the Bay Area and the Central Valley, and it provides a sense of isolation that is difficult to find elsewhere in the region.

Discussion

The statement, "The area is accessible for day trips to the more than 8 million residents of the Bay Area and the Central Valley, and it provides a sense of isolation that is difficult to find elsewhere in the region" is misleading because it suggests that the area is suitable for day trip recreation while ignoring that round-trip drive time consumes about six hours, thus making the area more attractive camping.

Recommendation

The Agency must edit the sentence to include supporting data or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 625: Subject: Misleading Statement Page 278

Substantive Comment

626

Subject: Erroneous Statement

Page 281

Referring to the Following Paragraph

Public land management activities and resource uses contribute only marginal revenues to local and State governments, based on the very limited Federal revenue from grazing fees, oil and gas royalties, and fees for recreation special use permits. Payment in Lieu of Taxes (PILT) based on BLM land ownership in the entire 12 county Hollister Field Office, contributed about \$225,000 to local government revenues in 2004, which comprises a very small portion of these governments total revenues. As with other quantifiable economic indicators such as personal income, the public land resources in the CCMA are simply too small relative to other public revenue generators to make a significant contribution.

Discussion

The concept of Bureau of Land Management land ownership is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 626: Subject: Erroneous Statement Page 281

Substantive Comment

627

Subject: Erroneous Statement

Page 282

Referring to the Following Paragraph

A recurrent theme in most discussions of public lands in the CCMA was their function as a place to escape, to get away from the stress of population. Visitors to CCMA from the Bay Area must drive several hours, but then may spend an entire day riding, hiking, or rockhounding without seeing another person. An important element of this feeling of escape is that experiences on public lands are far less regulated, far less structured, than those at other recreation sites. There are a number of State Parks in the Planning Area, for example, but they are heavily used, sometimes requiring reservations, and often with a single focus, such as motorcycling, that requires intense regulation to manage its use safely. The downside to the remoteness of areas such as the CCMA is that many illegal activities such as poaching, trespassing, and marijuana cultivation are more prevalent.

Discussion

The statement, "There are a number of State Parks in the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." There are no State Parks within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 627: Subject: Erroneous Statement Page 282

Substantive Comment

628

Subject: Erroneous Statement

Page 286

Referring to the Following Paragraph

Of course, the predominant feature in the Southern Diablo Range is Joaquin Ridge, culminating at Joaquin Rocks, and Black Mountain. These arid foothills in the rain shadow of the Diablo Range are characterized by annual grassland/shrub vegetation and the steep chaparral and oak-covered slopes of the Diablo Range. Although Joaquin Ridge and Joaquin Rocks are outside the CCMA RMP 'planning area', BLM will consider potential effects on these resources in the CCMA RMP.

Discussion

The statement, "Although Joaquin Ridge and Joaquin Rocks are outside the CCMA RMP 'planning area' ..." is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The definition only provides one Planning Area, it does not include a "CCMA RMP planning area." Additionally, "Joaquin Ridge and Joaquin Rocks" are located in western Fresno County and are therefore within the Planning Area."

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 628: Subject: Erroneous Statement Page 286

Substantive Comment

629

Subject: Confusing Format

Page 286

Referring to the Following Paragraph

Of course, the predominant feature in the Southern Diablo Range is Joaquin Ridge, culminating at Joaquin Rocks, and Black Mountain. These arid foothills in the rain shadow of the Diablo Range are characterized by annual grassland/shrub vegetation and the steep chaparral and oak-covered slopes of the Diablo Range. Although Joaquin Ridge and Joaquin Rocks are outside the CCMA RMP 'planning area', BLM will consider potential effects on these resources in the CCMA RMP.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 629: Subject: Confusing Format Page 286

Substantive Comment

630

Subject: Erroneous Statement

Page 290

Referring to the Following Paragraph

Fire risk is the probability that wildfire will start from natural or human-caused ignitions. Fire hazard is the presence of ignitable fuel coupled with the influences of terrain and weather. The nature of fuels, terrain, and weather conditions combine to dictate fire behavior, rate of spread, and intensity. Wildland fuel attributes refer to both dead and live vegetation and include such factors as density, bed depth, continuity, loading, vertical arrangement, and moisture content. In the wildland urban interface (WUI), structures are also potential fuel. Fire tends to burn more rapidly and intensely upslope than on level terrain. Also, weather conditions such as high ambient temperatures, low relative humidity, and windy conditions favor fire ignition and erratic fire behavior. The Hollister Field Office (HFO) strategy for wildfire management is to reduce the risk of unwanted fire in the Planning Area by managing wildland fuel and reducing human-caused ignitions. To develop the most effective management strategy, the Planning Area is divided into eight fire management units (FMU) based on geography and fuel type (see Map 6 in Appendix I). The FMUs differ in fuel type, acreage, and land use (see Table 3.17-1).

Discussion

The statement, "The Hollister Field Office (HFO) strategy for wildfire management is to reduce the risk of unwanted fire in the Planning Area by managing wildland fuel and reducing human-caused ignitions" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The Hollister Field Office has no jurisdiction or ability to assert "strategy for wildfire management" on non-public lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 630: Subject: Erroneous Statement Page 290

Substantive Comment

631

Subject: Conflicting Statement

Page 290

Referring to the Following Paragraph

Fire risk is the probability that wildfire will start from natural or human-caused ignitions. Fire hazard is the presence of ignitable fuel coupled with the influences of terrain and weather. The nature of fuels, terrain, and weather conditions combine to dictate fire behavior, rate of spread, and intensity. Wildland fuel attributes refer to both dead and live vegetation and include such factors as density, bed depth, continuity, loading, vertical arrangement, and moisture content. In the wildland urban interface (WUI), structures are also potential fuel. Fire tends to burn more rapidly and intensely upslope than on level terrain. Also, weather conditions such as high ambient temperatures, low relative humidity, and windy conditions favor fire ignition and erratic fire behavior. The Hollister Field Office (HFO) strategy for wildfire management is to reduce the risk of unwanted fire in the Planning Area by managing wildland fuel and reducing human-caused ignitions. To develop the most effective management strategy, the Planning Area is divided into eight fire management units (FMU) based on geography and fuel type (see Map 6 in Appendix I). The FMUs differ in fuel type, acreage, and land use (see Table 3.17-1).

Discussion

The statement, "Planning Area is divided into eight fire management units ..." seems to conflict with the statement on page 130 which states "The Planning Area is divided into five management zones ..."

Recommendation

The Agency must correct this discrepancy, or delete the conflicting statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 631: Subject: Conflicting Statement Page 290

Substantive Comment

632

Subject: Inaccurate Statement

Page 290

Referring to the Following Paragraph

Table 3.17-1 Fire Management Units (FMU) in the Planning Area

Discussion

The statement, "Fire Management Units (FMU) in the Planning Area" is inaccurate because it does not apply to the Planning Area, but rather to the CCMA. Use of the term "Planning Area" within this context conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The CCMA is only a portion of the Planning Area, therefore Fire Management Units within the CCMA cannot include the entire Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the inaccurate statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 632: Subject: Inaccurate Statement Page 290

Substantive Comment

633

Subject: Erroneous Statement

Page 290

Referring to the Following Paragraph

The Bureau of Land Management (BLM) is responsible for wildland fire and fuel management in the Planning Area. The HFO, under a mutual aid agreement with the California Department of Forestry and Fire Protection (CALFIRE), provides appropriate management response (AMR) for all wildland fires within the HFO. CALFIRE is responsible for actual fire suppression on HFO lands. The HFO currently manages wildland and prescriptive fire through the 1984 Hollister RMP and 2008 Fire Management Plan (FMP).

Discussion

The statement, "The Bureau of Land Management (BLM) is responsible for wildland fire and fuel management in the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The Hollister Field Office has no jurisdiction or ability to assert responsibility for wildfire or fuel management on non-public lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 633: Subject: Erroneous Statement Page 290

Substantive Comment

634

Subject: Erroneous Statement

Page 295

Referring to the Following Paragraph

Federal Land Policy and Management Act of 1976 (FLPMA)– Lands are to be retained in Federal ownership, unless it is determined that disposal of a particular parcel will serve the national interest. Land use plans should avoid prescribing the method of disposal, acquisition, or property interest to be acquired.

Discussion

The concept of Federal land ownership is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 634: Subject: Erroneous Statement Page 295

Substantive Comment

635

Subject: Erroneous Statement

Page 296

Referring to the Following Paragraph

The HFO administers approximately 63,000 acres of public land located in 2 counties. There are an additional 3,500 acres of private land with Federal ownership of the subsurface minerals, also known as “split-estate.” Adjacent landowners include private holdings and the federal, state, county, or local governments. Consolidation of federal lands through exchange or disposal per FLPMA and as amended in the Federal Land Transaction Facilitation Act (FLTFA) would require consideration of suitability criteria, multiple-use values, and consistency with other HFO management objectives and plans.

Discussion

The concept of Federal land ownership is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 635: Subject: Erroneous Statement Page 296

Substantive Comment

636

Subject: Erroneous Statement

Page 296

Referring to the Following Paragraph

The trend in land exchanges have allowed for more efficient and better management of resource values on BLM lands with contiguous ownership. Acquisition of non-federal lands has improved public access, provided additional protection for threatened and endangered species habitat, reduced the potential for trespass, and improved the management and protection of cultural and rangeland resources. Land disposals have relieved BLM of the administrative burden of managing isolated parcels of federal lands. Long-term benefits include the reduction of encroachment onto public lands from the surrounding private property and increasing the local property tax rolls of additional private lands.

Discussion

The concept of Bureau of Land Management land ownership is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 636: Subject: Erroneous Statement Page 296

Substantive Comment

637

Subject: Erroneous Statement

Page 296

Referring to the Following Paragraph

Public lands transferred from BLM ownership are made subject to existing ROWs. ROWs closed through the disposal of public lands tend to be for small access roads rather than the larger utility ROWs. Lands that should be considered for disposal are scattered parcels that are difficult to manage, parcels that are continually threatened with encroachment or parcels without public access. No lands will be made available for disposal that will compromise the management objectives for the CCMA.

Discussion

The concept of Bureau of Land Management land ownership is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 637: Subject: Erroneous Statement Page 296

Substantive Comment

638

Subject: Erroneous Statement

Page 297

Referring to the Following Paragraph

Requests for ROW or construction of utility sites and related facilities outside of designated or established corridors are considered on a case-by-case basis (this would include additional costs for mitigation). Communication sites are authorized under FLPMA according to BLM's ROW policy. The CCMA has several mountaintops that are well suited for communication sites. There are presently seven communications sites located on or near San Benito Mountain, Santa Rita Peak, Spanish Lake, Sampson Peak and Sampson Creek Ridge. Existing utility corridors are located along **Spanish Lake Road** in the northeast portion of the CCMA.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 638: Subject: Erroneous Statement Page 297

Substantive Comment

639

Subject: Confusing Statement

Page 298

Referring to the Following Paragraph

Currently, the Serpentine ACEC is not a right-of-way avoidance area (areas to be avoided but may be available for location of right-of-ways with special stipulations and areas which are not available for location of right-of-ways under any conditions). However, this type of restriction would be consistent with BLM's management objectives to minimize asbestos exposure and reduce asbestos emissions in the ACEC. Terms and conditions that may apply to right-of-way corridors or avoidance areas, including best management practices to minimize environmental impacts would be necessary to maintain resource values and protect public health and safety.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 639: Subject: Confusing Statement Page 298

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 639: Subject: Confusing Statement Page 298

Substantive Comment

640

Subject: Needless Bulk

Page 301

Referring to the Following Paragraph

4.0.2.1 Direct and Indirect Impacts Terms referring to the intensity, context (geographic extent), and duration of impacts are used in this chapter. Impacts are not necessarily only negative; many are positive benefits and are specified as such. The standard definitions for terms used in the impacts analysis include the following:

- Adverse – the effect is negative.
- Beneficial – the effect is positive.
- Negligible – the effect is at the lower level of detection; change would be hard to measure.
- Minor – the effect is slight but detectable; there would be a small change.
- Moderate – the effect is readily apparent; there would be a measurable change that could result in small but permanent change.
- Major – the effect is large; there would be a highly noticeable, long-term, or permanent measurable change.
- Localized – the effect occurs in a specific site or area.
- Temporary – the effect occurs only during implementation of a management action.
- Short-term – the effect occurs only for a short time after implementation of a management action.
- Long-term – the effect occurs for an extended period after implementation of a management action.
- Permanent – the effect is irreversible; the resource would never revert to current conditions.
- Direct – effect that occurs as a result of actions on the resource being addressed.
- Indirect – effect that occurs as a result from actions on other resources, or which are caused by the action and are later in time or farther removed in distance.

Discussion

This paragraph contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 640: Subject: Needless Bulk Page 301

Substantive Comment

641

Subject: **Needless Bulk**

Page 301

Referring to the Following Paragraph

40 CFR 1508.25 and the Council on Environmental Quality (CEQ) regulations require evaluation of an action's potential to contribute to "cumulative" environmental impacts during the land use planning process. A cumulative impact is defined as: "The impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Cumulative impacts can result from similar projects or actions, as well as from projects or actions that have similar impacts" (40 CFR 1508.7). Cumulative impacts are also addressed in this chapter. The objective of cumulative impact analysis is to evaluate the significance of the proposed action's contribution to cumulative environmental impacts.

Discussion

This paragraph contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to 40 CFR 1508.7 (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment

642

Subject: Misleading Statement

Page 302

Referring to the Following Paragraph

Impacts are quantified where possible. Impacts are sometimes described using ranges of potential impacts or in qualitative terms. In the absence of quantitative data, impacts are described based on the professional judgment of the interdisciplinary team of technical specialists using the best available information. Impacts analysis based on incomplete or unavailable information is identified where applicable in this chapter. **In particular, uncertainties with regards to human health risks associated with asbestos and the impacts of public health and safety management actions are addressed in Section 4.2, Hazardous Materials and Public Health and Safety.**

Discussion

This paragraph is misleading because emphasizing the statement "In particular, uncertainties with regards to human health risks associated with asbestos and the impacts of public health and safety management actions are addressed in Section 4.2, Hazardous Materials and Public Health and Safety" that the actual health risk may be more deleterious. However, such implication, or assumption, is erroneous because the statement ignores the fact that the EPA risk model drastically overestimates cancer related diseases by factors of 50 to 150 times (Camus et al 2002: 95). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must remove unnecessary emphasis from this statement or delete this paragraph because it implies outcome that is contrary to the scientific evidence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 642: Subject: Misleading Statement Page 302

Substantive Comment

643

Subject: Confusing Statement

Page 302

Referring to the Following Paragraph

Impacts are quantified where possible. Impacts are sometimes described using ranges of potential impacts or in qualitative terms. In the absence of quantitative data, impacts are described based on the professional judgment of the interdisciplinary team of technical specialists using the best available information. Impacts analysis based on incomplete or unavailable information is identified where applicable in this chapter. In particular, uncertainties with regards to human health risks associated with asbestos and the impacts of public health and safety management actions are addressed in Section 4.2, Hazardous Materials and Public Health and Safety.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 643: Subject: Confusing Statement Page 302

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 643: Subject: Confusing Statement Page 302

Substantive Comment

644

Subject: Erroneous Statement

Page 302

Referring to the Following Paragraph

- The level of activity on BLM-administered land is expected to increase, based on historical trends, population increases, and statements of interest in land use by individuals and industry organizations. This includes ongoing reasonable access to private land or interests.

Discussion

The statement, "The level of activity on BLM-administered land is expected to increase" is erroneous because it is contrary to the Agency's statistic showing a significant reduction in CCMA visitor use (see page 135 of subject report).

Recommendation

The Agency must correct this assumption to agree with their own visitor use statistic, or they must explain why they expect an increase in visitor population in face of the contrary historic trend. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 644: Subject: Erroneous Statement Page 302

Substantive Comment

645

Subject: Speculative Statement

Page 302

Referring to the Following Paragraph

- Climate change will affect the planning area and likely result in warmer and drier conditions.

Discussion

Estimating climate change trends is speculative and beyond the scope of the goals and objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. Recent exposure of the conspiracy by leading scientists at the Climate Research Unit at the University of East Anglia, England showed that they falsified data and suppressed academic debate in order to exaggerate the possible threat of anthropogenic global warming. These are the same scientists who edit and control the content of the reports of the Intergovernmental Panel on Climate Change. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must delete nescient speculative information (40 C.F.R. § 1502.24), and needless details that fail to concentrate on the issue that are truly significant to the action in question (40 C.F.R. § 1500.1(b)), and issues that are beyond the scope of the goals and objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 645: Subject: Speculative Statement Page 302

Substantive Comment

646

Subject: Unnecessary Repetition

Page 304

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- The goals for recreation management are to (1) provide a variety of experiences and settings for a diversity of users and to meet potential changes in demand while minimizing conflicts with adjacent property owners and among user groups; (2) provide a range of recreational use opportunities while protecting sensitive natural and cultural resources from human intrusion; (3) promote sharing of ideas, resources, and expertise to increase the public's appreciation and understanding of natural and cultural resources on BLM public lands; and (4) disseminate information that will foster responsible behavior in order to achieve the highest possible environmental quality on BLM public lands.

Discussion

Restating the goals from page 34 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 646: Subject: Unnecessary Repetition Page 304

Substantive Comment

647

Subject: Confusing Statement

Page 304

Referring to the Following Paragraph

The alternatives analyzed in the CCMA RMP were developed based on public scoping and comments from Federal, State, Tribal, and local agencies, and in response to the purpose and need, as identified in Chapter 1. These alternatives provide a reasonable range of recreational opportunities to consider, as allowable uses and other restrictions are stratified among Motorized (A, B, C, D, E) and Non-motorized Alternatives (F and G) in order to evaluate overall protection of human health and the environment.

Discussion

The paragraph's reference to "the CCMA RMP" is confusing because the reader is unsure about which of the following "CCMA RMP" is being referenced:

BLM (1986) *Clear Creek Management Plan and Decision Record*, United States Department of the Interior, Bureau of Land Management.

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (1999) *Approved Resource Management Plan Amendment, Record of Decision for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2006) *Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph remove ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 647: Subject: Confusing Statement Page 304

Substantive Comment

648

Subject: Confusing Statement

Page 304

Referring to the Following Paragraph

The alternatives analyzed in the CCMA RMP were developed based on public scoping and comments from Federal, State, Tribal, and local agencies, and in response to the purpose and need, as identified in Chapter 1. These alternatives provide a reasonable range of recreational opportunities to consider, as allowable uses and other restrictions are stratified among Motorized (A, B, C, D, E) and Non-motorized Alternatives (F and G) in order to evaluate overall protection of human health and the environment.

Discussion

The statement is confusing because it contains unexplained unusual formatting or unusual capitalization. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 648: Subject: Confusing Statement Page 304

Substantive Comment

649

Subject: Confusing Statement

Page 304

Referring to the Following Paragraph

The range of alternatives in the Draft CCMA RMP/EIS considers a variety of management actions to address human health risks from exposure to asbestos to CCMA recreational visitors. Under Alternative A (No Action), there would be no change to the type of allowable uses and recreation opportunities on BLM-managed lands in CCMA; although, BLM would use a combination of best available control technologies (BACTs) and administrative actions (i.e. supplemental rules) to manage human health and safety risk from exposure to asbestos in CCMA, and augment the existing public asbestos hazard information program through improved signing, hand-outs, advisories, monitoring, public contact, and education programs with new information from the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment incorporated into these materials.

Discussion

The paragraph's reference to "the Draft CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "Draft CCMA RMP/EIS" is being referenced:

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph remove ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 649: Subject: Confusing Statement Page 304

Substantive Comment

650

Subject: Confusing Statement

Page 302

Referring to the Following Paragraph

The range of alternatives in the Draft CCMA RMP/EIS considers a variety of management actions to address human health risks from exposure to asbestos to CCMA recreational visitors. Under Alternative A (No Action), there would be no change to the type of allowable uses and recreation opportunities on BLM-managed lands in CCMA; although, BLM would use a combination of best available control technologies (BACTs) and administrative actions (i.e. supplemental rules) to manage human health and safety risk from exposure to asbestos in CCMA, and augment the existing public asbestos hazard information program through improved signing, hand-outs, advisories, monitoring, public contact, and education programs with new information from the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment incorporated into these materials.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 650: Subject: Confusing Statement Page 302

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 650: Subject: Confusing Statement Page 302

Substantive Comment

651

Subject: Confusing Statement

Page 304

Referring to the Following Paragraph

Among the Motorized Alternatives (B, C, D, E) considered in the CCMA RMP/EIS, Alternative B and C would continue to provide vehicular access and OHV recreation at existing locations; although, certain allowable uses, competitive events, and commercial activities within the Serpentine ACEC would be restricted. Similarly, under Alternatives D and E, BLM would allow Motorized access through the ACEC, but the emphasis would be focused on establishing and managing motorized and non-motorized recreation use areas to provide appropriate recreation opportunities on BLM-managed lands outside of the ACEC.

Discussion

The statement is confusing because it contains unexplained unusual formatting or unusual capitalization. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 651: Subject: Confusing Statement Page 304

Substantive Comment

652

Subject: Confusing Statement

Page 304

Referring to the Following Paragraph

Among the Motorized Alternatives (B, C, D, E) considered in the CCMA RMP/EIS, Alternative B and C would continue to provide vehicular access and OHV recreation at existing locations; although, certain allowable uses, competitive events, and commercial activities within the Serpentine ACEC would be restricted. Similarly, under Alternatives D and E, BLM would allow Motorized access through the ACEC, but the emphasis would be focused on establishing and managing motorized and non-motorized recreation use areas to provide appropriate recreation opportunities on BLM-managed lands outside of the ACEC.

Discussion

The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "CCMA RMP/EIS" is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 652: Subject: Confusing Statement Page 304

Substantive Comment

653

Subject: Confusing Statement

Page 305

Referring to the Following Paragraph

Under the Non-motorized Alternatives (F and G), BLM would reduce asbestos emissions by limiting allowable uses to foot traffic only inside the ACEC (Alt. F) or minimize human health risks from exposure to asbestos by prohibiting all public use and entry in the ACEC (Alt G). Under these alternatives, public access would only be authorized inside the ACEC and the San Benito Mountain RNA for scientific research and education.

Discussion

The statement is confusing because it contains unexplained unusual formatting or unusual capitalization. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual formatting might convey special meaning.

Recommendation

The Agency must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 653: Subject: Confusing Statement Page 305

Substantive Comment

654

Subject: Confusing Statement

Page 305

Referring to the Following Paragraph

Under the Non-motorized Alternatives (F and G), BLM would reduce asbestos emissions by limiting allowable uses to foot traffic only inside the ACEC (Alt. F) or minimize human health risks from exposure to asbestos by prohibiting all public use and entry in the ACEC (Alt G). Under these alternatives, public access would only be authorized inside the ACEC and the San Benito Mountain RNA for scientific research and education.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 654: Subject: Confusing Statement Page 305

Substantive Comment

655

Subject: Needleless Bulk

Page 305

Referring to the Following Paragraph

As described in Chapters 2 and 3, in order to manage recreation on BLM-managed lands, public lands are designated as Special Recreation Management Areas (SRMAs) or Extensive Recreation Management Areas (ERMAs). Recreation in SRMAs is under intensive management, with investment in facilities and supervision. Anything not delineated as a SRMA is an ERMA. ERMAs are typically managed for more dispersed recreation with less oversight of facilities (e.g., trails, parking areas). The designation of a SRMA or an ERMA is an administrative action and does not result in any direct physical environmental impacts. Designation of a SRMA can, however, result in changes to the recreational opportunity in that area based on subsequent planning efforts.

Discussion

This paragraph contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to BLM Manual 8300 (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 655: Subject: Needleless Bulk Page 305

Substantive Comment

656

Subject: Confusing Terminology

Page 305

Referring to the Following Paragraph

Under all alternatives, except G, the CCMA would be managed as a SRMA and would have some inherent management emphasis as to the type of recreation that occurs within the different management zones. Under these alternatives, non-motorized recreation activities such as hiking, hunting, and rock-hounding would be allowed throughout the CCMA. Mountain bike and equestrian use opportunities would also be available; although, they would be limited to routes and trails on BLM-managed lands outside the Serpentine ACEC under alternatives E, F, and G because of health risk concerns from exposure to asbestos emissions that would be similar to riding a motorcycle or ATV.

Discussion

The sentence "... non-motorized recreation activities such as hiking, hunting, and rock-hounding would be allowed ..." implies that the term "rock-hounding" is always associated with recreation. However, Merriam-Webster Online Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational.

Recommendation

The Agency must edit the phrase to clarify the meaning or delete the flawed characterization. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 656: Subject: Confusing Terminology Page 305

Substantive Comment

657

Subject: Confusing Statement

Page 305

Referring to the Following Paragraph

Under all alternatives, except G, the CCMA would be managed as a SRMA and would have some inherent management emphasis as to the type of recreation that occurs within the different management zones. Under these alternatives, non-motorized recreation activities such as hiking, hunting, and rock-hounding would be allowed throughout the CCMA. Mountain bike and equestrian use opportunities would also be available; although, they would be limited to routes and trails on BLM-managed lands outside the Serpentine ACEC under alternatives E, F, and G because of health risk concerns from exposure to asbestos emissions that would be similar to riding a motorcycle or ATV.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 657: Subject: Confusing Statement Page 305

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 657: Subject: Confusing Statement Page 305

Substantive Comment

658

Subject: Irrelevant Statement

Page 305

Referring to the Following Paragraph

Camping within the Serpentine ACEC would be prohibited inside the ACEC under all the alternatives. The broad spectrum of existing recreational opportunities currently meets the needs and demands of visitors; although additional opportunities for recreation would be needed in the future, especially in areas closer to urban centers, as the population in California continues to grow. Therefore, other recreation facilities would be developed outside the Serpentine ACEC under Alternatives B-F.

Discussion

The paragraph contains a statement that is irrelevant to the Purpose and Need within the context of the planning area.

“... although additional opportunities for recreation would be needed in the future, especially in areas closer to urban centers ...”

This paragraph contains a needless detail that is not truly significant to the action in question (40 C.F.R. §§ 1500.1(b), 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16).

Recommendation

The Agency must edit the subject paragraph to delete needless detail that is not truly significant to the action in question. Specifically, the Agency should delete the phrase “... especially in areas closer to urban centers ...” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 658: Subject: Irrelevant Statement Page 305

Substantive Comment

659

Subject: Erroneous Statement

Page 305

Referring to the Following Paragraph

Recreational use of public lands can be expected to increase as population grows, not only in the Central Coast and Diablo Range areas that support local use but also throughout the HFO and California. If recreation use were to grow at a rate proportional to projected population growth in the Central Coast and Diablo Range areas, over 50,000 annual visits would be expected, compared to the 43,000 visitor use days recorded in 2006.

Discussion

This paragraph is erroneous because it is contrary to the Agency's statistic showing a significant reduction in CCMA visitor use (see page 135 of subject report).

Recommendation

The Agency must delete the erroneous paragraph, or they must explain why they expect an increase in visitor population in face of the contrary historic trend. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 659: Subject: Erroneous Statement Page 305

Substantive Comment

660

Subject: Erroneous Statement

Page 305

Referring to the Following Paragraph

Increased visitor use would place higher demands on the recreation infrastructure and increase demand for developed and maintained facilities, access points (trailheads), comprehensive trail maps, and trail maintenance. Increased use would also place more demand on management resources, natural resources, and trail system infrastructure. Current observations are that OHV use at CCMA is not increasing at the rate of other OHV areas, although publicity and population growth would be expected to contribute to slight increases in CCMA visitor use over the life of this plan.

Discussion

This paragraph is erroneous because it is contrary to the Agency's statistic showing a significant reduction in CCMA visitor use (see page 135 of subject report).

Recommendation

The Agency must delete the erroneous paragraph, or they must explain why they expect an increase in visitor population in face of the contrary historic trend. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 660: Subject: Erroneous Statement Page 305

Substantive Comment

661

Subject: Erroneous Statement

Page 305

Referring to the Following Paragraph

Management actions associated with mineral and energy development may preclude recreational activity at certain locations and times. Currently, recreation users are restricted from entering public lands that are part of the Atlas and KCAC mine sites. Active and inactive mine sites have negative impact on the viewshed of the area for recreation users. Increased traffic associated with active mine operations would increase asbestos emissions and pose an additional health risk to recreation users. Existing hard rock mining claims and newly established claims will prohibit access to public lands by amateur rockhounding enthusiasts.

Discussion

This paragraph contains an erroneous because is states "... inactive mine sites have negative impact on the viewshed of the area for recreation users ..." which is false because many visitor enjoy historic mining sites.

Recommendation

The Agency must correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 661: Subject: Erroneous Statement Page 305

Substantive Comment

662

Subject: Erroneous Statement

Page 305

Referring to the Following Paragraph

Management actions associated with mineral and energy development may preclude recreational activity at certain locations and times. Currently, recreation users are restricted from entering public lands that are part of the Atlas and KCAC mine sites. Active and inactive mine sites have negative impact on the viewshed of the area for recreation users. Increased traffic associated with active mine operations would increase asbestos emissions and pose an additional health risk to recreation users. Existing hard rock mining claims and newly established claims will prohibit access to public lands by amateur rockhounding enthusiasts.

Discussion

This paragraph contains an erroneous because it states "Increased traffic associated with active mine operations would increase asbestos emissions and pose an additional health risk to recreation users" which is false because possible mining claim might also include non-serpentine geology.

Recommendation

The Agency must correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 662: Subject: Erroneous Statement Page 305

Substantive Comment

663

Subject: Erroneous Statement

Page 305

Referring to the Following Paragraph

Management actions associated with mineral and energy development may preclude recreational activity at certain locations and times. Currently, recreation users are restricted from entering public lands that are part of the Atlas and KCAC mine sites. Active and inactive mine sites have negative impact on the viewshed of the area for recreation users. Increased traffic associated with active mine operations would increase asbestos emissions and pose an additional health risk to recreation users. Existing hard rock mining claims and newly established claims will prohibit access to public lands by amateur rockhounding enthusiasts.

Discussion

This paragraph contains an erroneous because is states "Existing hard rock mining claims and newly established claims will prohibit access to public lands by amateur rockhounding enthusiasts" which is false because such mining claim might also invite visitation by "amateur rockhounding enthusiasts."

Recommendation

The Agency must correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 663: Subject: Erroneous Statement Page 305

Substantive Comment

664

Subject: Confusing Statement

Page 306

Referring to the Following Paragraph

Under all alternatives, BLM's management presence on public lands would continue to be improved through the use of signs, boundary markers, and outdoor displays. Educational and interpretive activities in and of themselves would not directly affect public services. The use of exhibits and interpretive facilities is an important and positive mechanism to educate CCMA visitors and conduct outreach regarding environmental stewardship and human health risks from exposure to asbestos. Web-based and print media would also be effective tools for assisting recreationists in planning visits to the public lands. Establishing expected behaviors and actions before a visitor arrives is the best way to minimize health risks and conflicts between users/individual recreationists and natural/cultural resources. If use patterns change based upon the selected alternative, new visitor use patterns will need to be ascertained so that education and interpretation materials can be tailored to better serve the new activities.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 664: Subject: Confusing Statement Page 306

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

665

Subject: Unnecessary Repetition

Page 308

Referring to the Following Paragraph

Increased visitor use would place higher demands on the recreation infrastructure and increase demand for developed and maintained facilities, access points (trailheads), comprehensive trail maps, and trail maintenance. Increased use would also place more demand on management resources, natural resources, and trail system infrastructure. Current observations are that OHV use at CCMA is not increasing at the rate of other OHV areas, although publicity and population growth would be expected to contribute to slight increases in CCMA visitor use over the life of this plan.

Discussion

This paragraph is unnecessary redundant statement already posted on page 305. Unnecessary repetition adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 665: Subject: Unnecessary Repetition Page 308

Substantive Comment

666

Subject: Erroneous Statement

Page 308

Referring to the Following Paragraph

Increased visitor use would place higher demands on the recreation infrastructure and increase demand for developed and maintained facilities, access points (trailheads), comprehensive trail maps, and trail maintenance. Increased use would also place more demand on management resources, natural resources, and trail system infrastructure. Current observations are that OHV use at CCMA is not increasing at the rate of other OHV areas, although publicity and population growth would be expected to contribute to slight increases in CCMA visitor use over the life of this plan.

Discussion

This paragraph is erroneous because it is contrary to the Agency's statistic showing a significant reduction in CCMA visitor use (see page 135 of subject report).

Recommendation

The Agency must delete the erroneous paragraph, or they must explain why they expect an increase in visitor population in face of the contrary historic trend. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 666: Subject: Erroneous Statement Page 308

Substantive Comment

667

Subject: Confusing Statement

Page 308

Referring to the Following Paragraph

Hobby gem and minerals collection (rock-hounding) and hunting would also continue to be popular activities in CCMA. Both would probably be subject to more restrictions due to human health risks from exposure to asbestos in CCMA. Areas outside the Serpentine ACEC will likely become more popular as BLM implements public health and safety measures. Volunteers could play a greater role in the development and maintenance of these areas.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 667: Subject: Confusing Statement Page 308

Substantive Comment

668

Subject: Confusing Statement

Page 308

Referring to the Following Paragraph

Development of trails as well as installation of any other visitor facilities may become necessary to manage public use and meet recreation opportunity demands in the CCMA's San Benito Mountain Research Natural Area. Such infrastructure would require greater law enforcement presence, as well as increased demand for non-motorized trail use and improved facilities outside the Serpentine ACEC.

Discussion

This paragraph is confusing because it contains contradictory information. The San Benito Mountain Research Natural Area is located within the ACEC and development of trails and other visitor facilities would be contrary it being designated a "natural area."

Recommendation

The Agency must edit or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 668: Subject: Confusing Statement Page 308

Substantive Comment

669

Subject: Erroneous Statement

Page 308

Referring to the Following Paragraph

Under Alternative A, user conflicts would continue to be an issue in areas where there is competition for non-motorized and motorized use on roads and trails and at other recreation facilities, such as campgrounds. Individual conflicts are temporary and localized, but would continue to have major long-term adverse effects on non-motorized recreationist and private landowners that are negatively impacted by safety hazards, noise, and large crowds associated with OHV use in CCMA. Whereas, impacts to motorized recreationist and OHV recreation would be negligible, even as recreation demand grows, because of the size of the designated OHV route network and the existing recreation facilities.

Discussion

This paragraph contains an erroneous phrase, "... even as recreation demand grows ..." because it is contrary to the Agency's statistic showing a significant reduction in CCMA visitor use (see page 135 of subject report).

Recommendation

The Agency must delete the erroneous phrase, or they must explain why they expect an increase in visitor population in face of the contrary historic trend. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 669: Subject: Erroneous Statement Page 308

Substantive Comment

670

Subject: Confusing Statement

Page 308

Referring to the Following Paragraph

Under this alternative, the use of boundary postings and outdoor kiosk/display sites would be encouraged. The Hollister Field Office would continue to provide outreach and education through publications and field contacts to create public awareness of human health risks from exposure to airborne asbestos fibers in CCMA. By incorporating the best available information on human health risks from CCMA recreation activities, BLM's interpretation and education program would provide minor long-term benefits to public health and safety.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 670: Subject: Confusing Statement Page 308

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 670: Subject: Confusing Statement Page 308

Substantive Comment

671

Subject: Erroneous Statement

Page 309

Referring to the Following Paragraph

Major energy and mineral exploration/development is unlikely within CCMA under Alternative A based on the underlying geology and health and safety concerns associated with the presence of asbestos. However, past mining activities have adversely impacted the viewshed and have created asbestos emissions in association with road construction and vehicle traffic. Currently all hard rock mining is casual use. No plans of operations are on file. The atlas and KCAC asbestos mines are fenced and no public access is allowed.

Discussion

The statement, "Major energy and mineral exploration/development is unlikely within CCMA under Alternative A based on the underlying geology ..." which is contained in this paragraph is erroneous because is the geology, which could attract mineral exploration and extraction. However, the current marketability of area minerals is low, thus there is no economic incentive for mineral development.

Recommendation

The Agency must edit this statement to correct its deficiency, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 671: Subject: Erroneous Statement Page 309

Substantive Comment

672

Subject: Confusing Statement

Page 309

Referring to the Following Paragraph

Major energy and mineral exploration/development is unlikely within CCMA under Alternative A based on the underlying geology and health and safety concerns associated with the presence of asbestos. However, past mining activities have adversely impacted the viewshed and have created asbestos emissions in association with road construction and vehicle traffic. Currently all hard rock mining is casual use. No plans of operations are on file. The atlas and KCAC asbestos mines are fenced and no public access is allowed.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 672: Subject: Confusing Statement Page 309

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 672: Subject: Confusing Statement Page 309

Substantive Comment

673

Subject: Erroneous Statement

Page 309

Referring to the Following Paragraph

Lode claims in the area conflict with recreation opportunities. Rockhounds can recreate on sites with active lode claim. Development mine operations will create conflicts with other uses due to increased equipment use and potential for higher asbestos emissions.

Discussion

The statement, "Lode claims in the area conflict with recreation opportunities" which is contained in this paragraph is erroneous because all of the current claims are classified as casual use (43 C.F.R. §§ 3809.5, 3809.10). However, the claim holder cannot prevent others from crossing his or her claim for uses recognized under the Multiple Surface Use Act of 1955 (30 U.S.C. §§ 611-615) or engaging in lawful recreational activities provided that they do not interfere with the claim holder's operations (United States v. Curtis-Nevada Mines, Inc., 415 F. Supp. 1373 [E.D. Cal. 1976]. Affirmed in part, revised in part, 611 F. 2nd 1277 [9th Cir. 1980]).

Recommendation

The Agency must edit this statement to correct its deficiency, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 673: Subject: Erroneous Statement Page 309

Substantive Comment

674

Subject: Conflicting Statement

Page 309

Referring to the Following Paragraph

Lode claims in the area conflict with recreation opportunities. Rockhounds can recreate on sites with active lode claim. Development mine operations will create conflicts with other uses due to increased equipment use and potential for higher asbestos emissions.

Discussion

The statement, "Rockhounds can recreate on sites with active lode claim" which is contained in this paragraph is conflicting because while the claim holder cannot prevent others from crossing his or her claim for uses recognized under the Multiple Surface Use Act of 1955 (30 U.S.C. §§ 611-615) or engaging in lawful recreational activities provided that they do not interfere with the claim holder's operations (United States v. Curtis-Nevada Mines, Inc., 415 F. Supp. 1373 [E.D. Cal. 1976]. Affirmed in part, revised in part, 611 F. 2nd 1277 [9th Cir. 1980]), a claim holder does have the right to prevent others from prospecting and mining on the claim, except by invitation.

Recommendation

The Agency must edit this statement to correct its deficiency, or delete the conflicting statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 674: Subject: Conflicting Statement Page 309

Substantive Comment

675

Subject: Confusing Statement

Page 309

Referring to the Following Paragraph

Lode claims in the area conflict with recreation opportunities. Rockhounds can recreate on sites with active lode claim. Development mine operations will create conflicts with other uses due to increased equipment use and potential for higher asbestos emissions.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 675: Subject: Confusing Statement Page 309

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 675: Subject: Confusing Statement Page 309

Substantive Comment

676

Subject: Unnecessary Repetition

Page 310

Referring to the Following Paragraph

Alternative A provides adequate protection of these resources. If a special resource is encountered or if a special study is under way, recreation may be restricted from that area for a limited time. The restricted area would likely be small, and a fence or barrier would be erected. This impact would generally be localized and short-term and would not result in any noticeable changes to recreation use or opportunity.

Discussion

This paragraph is unnecessary redundant statement already posted on page 307. Unnecessary repetition adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 676: Subject: Unnecessary Repetition Page 310

Substantive Comment

677

Subject: Confusing Statement

Page 310 & 311

Referring to the Following Paragraph

Under Alternatives B, C, D, E, F, and G, special recreation permits (SRPs) would only be authorized outside the ACEC to further reduce asbestos exposure and emissions associated with organized events. The restrictions on SRPs for organized events in the ACEC would have major long-term negative impacts on OHV clubs and groups that have historically held competitive motorcycle races, jeep tours, and other events; as well as any other organizations or clubs that promote group activities in the Serpentine ACEC because of the lost opportunity for fundraising and events sanctioned by the American Motorcycle Association.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 677: Subject: Confusing Statement Page 310 & 311

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 677: Subject: Confusing Statement Page 310 & 311

Substantive Comment

678

Subject: Confusing Statement

Page 311

Referring to the Following Paragraph

As a result of the varying levels of recreation management and differences in allowable uses from Alternative A, all of these alternatives would have some potential for adverse effects on existing recreation resources. In particular, each of these alternatives would prohibit staging for recreational activities and overnight camping in the ACEC, with the exception of visitor use at Jade Mill for camping under all alternatives. Although the purpose and need for this RMP/EIS is based on minimizing and reducing human health risk associated with asbestos exposure, Upper Jade Mill campground is underlain by nonserpentine soils. BLM first identified the Jade Mill site for development of recreation facilities in the Hollister RMP (BLM, 1984); and as a result, the Upper Jade Mill site remains a favorite camping location and consistently receives heavy use.

Discussion

This paragraph contains the statement, "Although the purpose and need for this RMP/EIS is based on minimizing and reducing human health risk associated with asbestos exposure, Upper Jade Mill campground is underlain by nonserpentine soils" is confusing because it contains the unknown words, "based" and "associated." Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the general public is left to assume that such unusual words might convey special meaning.

Recommendation

The Agency must explain unusual words, correct spelling errors, or delete confusing statements. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 678: Subject: Confusing Statement Page 311

Substantive Comment

679

Subject: Confusing Statement

Page 311

Referring to the Following Paragraph

Under these alternatives, the Hollister Field Office would provide recreation information such as maps, brochures, and educational opportunities to enhance visitors' experience on BLM public lands, incorporate the best available information concerning: asbestos health hazards, OHV use designations, fire prevention, BLM regulations, and natural resources of the area into educational materials and on all maps, brochures, and kiosks. By incorporating the best available information on human health risks from CCMA recreation activities and other BLM regulations, the Hollister Field office interpretation and education program would provide moderate long-term benefits to CCMA recreation visitors.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 679: Subject: Confusing Statement Page 311

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 679: Subject: Confusing Statement Page 311

Substantive Comment

680

Subject: Confusing Statement

Page 313

Referring to the Following Paragraph

Under this alternative, BLM would require permits for access into the Serpentine ACEC to limit annual visitor use days in order to reduce asbestos exposure to acceptable risk levels. Based on the potential for excess lifetime cancer risk calculated in EPA's risk assessment, motorized access would be limited to less than 5 days/year, and non-motorized access would be limited to less than 12 days/year. The requirement to obtain access permits for authorized recreation activities in the ACEC would have moderate long-term negative effects on recreation resources in the ACEC because the opportunities for motorized and non-motorized would be substantially reduced, even though they would continue to be available in the ACEC.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 680: Subject: Confusing Statement Page 313

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 680: Subject: Confusing Statement Page 313

Substantive Comment

681

Subject: Confusing Statement

Page 313 & 314

Referring to the Following Paragraph

Major energy and mineral exploration/development is unlikely within CCMA based on the underlying geology and health and safety concerns associated with the presence of asbestos. However, under this alternative the area would be open to lode claims and the development of a mine operation would potentially have long-term adverse impacts to recreation in CCMA because mine development would preclude recreation use in mined areas and would generally increase asbestos exposure and emissions in the Serpentine ACEC.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 681: Subject: Confusing Statement Page 313 & 314

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 681: Subject: Confusing Statement Page 313 & 314

Substantive Comment

682

Subject: Confusing Format

Page 314

Referring to the Following Paragraph

The Dry Season Use Restrictions would be extended from April 15th through December 1st, which would further reduce the visitor use season by 12 weeks and limit access to CCMA more than 60% of the year. Wet Season Use Restrictions would continue using established or improved methods as they become available. Under this alternative, visitors will be limited in their use by days/year based on the EPA and BLM risk assessment models and activity-based air sampling data gathered during the 'wet season', which is the time of year CCMA is open to the public.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 682: Subject: Confusing Format Page 314

Substantive Comment

683

Subject: Confusing Statement

Page 315

Referring to the Following Paragraph

Mineral leasing or sales within the Serpentine ACEC would not adversely to recreation opportunities under this alternative. The withdrawal of public lands in the ACEC from locatable mineral entry would have long term beneficial impacts to recreation by reducing use conflicts between mine operations and recreationists. Conflicts for gem and mineral collection, increased asbestos emissions due to mine operations, and adverse impacts to the viewshed would be avoided.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 683: Subject: Confusing Statement Page 315

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 683: Subject: Confusing Statement Page 315

Substantive Comment

684

Subject: Erroneous Statement

Page 316

Referring to the Following Paragraph

Alternative E would allow motorized access inside the ACEC for full-size vehicles from the CCMA entrance near New Idria on **Spanish Lake Road** to Wright Mountain. Access would be authorized by permit only for less than 5 days/year for vehicle access and less than 12 days/year for pedestrian use. Gates would be installed where necessary to control access. Facilities such as pull-outs and parking areas would be developed in areas exhibiting unique recreational values, such as SBMRNA/WSA, Wright Mountain, and other scenic points of interest.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 684: Subject: Erroneous Statement Page 316

Substantive Comment

685

Subject: Misleading Statement

Page 316

Referring to the Following Paragraph

Special recreation permits for hobby gem and mineral collection would be issued on a case-by-case basis. Under this alternative, the requirement to obtain a special recreation permit for rockhounding would have negligible impact on CCMA visitors because the opportunities for hobby gem and mineral collection would continue to be available in the ACEC.

Discussion

The paragraphs is misleading because it assumes that all gem and mineral collection, and rockhounding is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 685: Subject: Misleading Statement Page 316

Substantive Comment

686

Subject: Erroneous Statement

Page 317

Referring to the Following Paragraph

Transportation and access would be severely limited in scope throughout the Serpentine ACEC, with pedestrian access the only available option outside of the **Spanish Lake Road** corridor. New opportunities would become available as developed in the surrounding zones.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 686: Subject: Erroneous Statement Page 317

Substantive Comment

687

Subject: Misleading Statement

Page 318

Referring to the Following Paragraph

Under this alternative, hobby gem and mineral collection would be authorized within the Serpentine ACEC by permit only. The requirement to obtain permits for hobby gem and mineral collection would have minor short term negative effects on visitors that must learn to acquire the necessary approval before visiting CCMA. On the other hand, health and safety mitigation measures that limit annual visitor use days would have moderate long-term adverse impacts on these recreation visitors because the opportunity for rockhounding in the Serpentine ACEC would be restricted to approximately 12 days/year

Discussion

The paragraphs is misleading because it assumes that all gem and mineral collection, and rockhounding is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 687: Subject: Misleading Statement Page 318

Substantive Comment

688

Subject: Confusing Statement

Page 319

Referring to the Following Paragraph

Cumulative effects of BLM's land use decisions vary among the range of alternatives, though the proposed limits on allowable uses and BLM management actions to reduce human health risk from exposure to asbestos in CCMA would all have some adverse impacts on recreation resources in the Planning Area, as restrictions on visitor use, particularly within the Serpentine ACEC, would send recreationists to other BLM areas or to other County, State or Federal recreation areas. Alternatives A, B, C, and D would have moderate beneficial cumulative effects on recreation resources in the region because they would continue to allow OHV recreation and motorized access for non-motorized recreation opportunities in the Serpentine ACEC and other management zones within CCMA. The opportunities available in CCMA for OHV recreation would benefit recreation users in the region and resources within other recreation areas by dispersing the impacts of motorized and non-motorized recreation on public lands.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 688: Subject: Confusing Statement Page 319

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

689

Subject: Unnecessary Repetition

Page 322

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are reiterated here: The goals for hazardous materials and public safety management are to (1) protect public health and safety and environmental resources by minimizing environmental contamination from past and present land uses (i.e., abandoned mine lands) on public lands and on BLM-owned and operated facilities; (2) comply with Federal, State, and local hazardous materials management laws and regulations; (3) maintain the health of ecosystems through assessment, cleanup, and restoration of contaminated lands; (4) manage the costs, risks, and liabilities associated with hazardous materials so that the responsible parties and not the government bear the brunt of financial liabilities; and (5) integrate environmental protection and compliance with all environmental statutes into BLM activities.

Discussion

Restating the goals from page 40 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 689: Subject: Unnecessary Repetition Page 322

Substantive Comment

690

Subject: Unnecessary Repetition

Page 322

Referring to the Following Paragraph

BLM's mission to sustain the health diversity and productivity of the public lands for the use and enjoyment of present and future generations includes efforts to minimize and reduce threats from releases of hazardous substances that could have an impact on the health, diversity, and productivity of the public lands as well as on the health and safety of the individuals who utilize and work on these lands. In addition, the Federal Land Policy and Management Act of 1976 requires that BLM actions comply with approved standards for public health and safety. Of particular concern to BLM are the safety impacts related to abandoned mines, debris flows, and hazardous materials.

Discussion

The "BLM's mission to sustain the health diversity and productivity of the public lands for the use and enjoyment of present and future generations" is already stated on pages I and 4 of the subject report. Repetition adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)) to the subject report.

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 690: Subject: Unnecessary Repetition Page 322

Substantive Comment

691

Subject: Confusing Statement

Page 322

Referring to the Following Paragraph

Asbestos Exposure Scenarios Under Each Alternative

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 691: Subject: Confusing Statement Page 322

Substantive Comment

692

Subject: Erroneous Statement

Page 322

Referring to the Following Paragraph

The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) analyzed excess lifetime cancer risk under the current management situation (No Action Alternative) based on the average number of hours visitors spend in the ACEC conducting different types of recreation activities. The same recreation scenarios are presented in this RMP/EIS to estimate human health risk from exposure to asbestos while conducting different types of recreation activities in the Serpentine ACEC under each of the alternatives. BLM modified the number of hours visitors spend in the ACEC for each recreation scenario based on public scoping information. The scenarios were then analyzed by EPA toxicologists to determine the human health risk associated with each alternative.

Discussion

The statement, "The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) analyzed excess lifetime cancer risk under the current management situation" is erroneous because the Assessment (EPA 2008) did not analyze "excess lifetime cancer risk." The Assessment (EPA 2008) collected exposure data for various individual activities that was used to calculate risk (EPA 2008:ES1) based on Environmental Health Hazard Assessment cancer toxicity values for asbestos (EPA 2008:ES3).

Recommendation

The Agency must edit the paragraph to correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 692: Subject: Erroneous Statement Page 322

Substantive Comment

693

Subject: Confusing Statement

Page 322

Referring to the Following Paragraph

The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) analyzed excess lifetime cancer risk under the current management situation (No Action Alternative) based on the average number of hours visitors spend in the ACEC conducting different types of recreation activities. The same recreation scenarios are presented in this RMP/EIS to estimate human health risk from exposure to asbestos while conducting different types of recreation activities in the Serpentine ACEC under each of the alternatives. BLM modified the number of hours visitors spend in the ACEC for each recreation scenario based on public scoping information. The scenarios were then analyzed by EPA toxicologists to determine the human health risk associated with each alternative.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 693: Subject: Confusing Statement Page 322

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

694

Subject: Confusing Statement

Page 322

Referring to the Following Paragraph

The following general principles were used to calculate the human health risk from exposure to asbestos by alternative presented in Tables 4.2-2 to 4.2-10.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 694: Subject: Confusing Statement Page 322

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 694: Subject: Confusing Statement Page 322

Substantive Comment

695

Subject: Confusing Statement

Page 326

Referring to the Following Paragraph

The constraints include areas of uncertainty within the EPA's risk assessment and other incomplete or unavailable information that affect BLM's evaluation of reasonably foreseeable effects on the human environment. In particular, BLM was unable to quantify reductions in human health risk and asbestos emissions from implementation of mitigation measures because reliable data on the effectiveness of surface hardening techniques or dust suppression on roads in CCMA cannot be obtained because of cost and feasibility issues. Therefore, BLM's evaluation of such impacts is based upon theoretical approaches or research methods discussed in the EPA's risk assessment and this RMP/EIS that are generally accepted in the scientific community.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 695: Subject: Confusing Statement Page 326

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 695: Subject: Confusing Statement Page 326

Substantive Comment

696

Subject: Confusing Statement

Page 326

Referring to the Following Paragraph

The CCMA Asbestos Exposure and Human Health Risk Assessment (EPA, 2008) identifies all relevant areas of uncertainty in order to provide the public and BLM managers an understanding of the associated areas of uncertainty to make informed decisions to manage the risk of exposure to asbestos in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 696: Subject: Confusing Statement Page 326

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 696: Subject: Confusing Statement Page 326

Substantive Comment

697

Subject: Erroneous Statement

Page 326 & 327

Referring to the Following Paragraph

As stated in the executive summary of the risk assessment (EPA, 2008; pg. ES-6):

“The assessment of risk as a probability of an outcome always has unknown values that are estimated in health protective ways to ensure that the risks are neither underestimated nor grossly overestimated. The largest uncertainty in the assessment of risk to users of CCMA is that the risk evaluation only assesses excess lifetime cancer risk. It is known that asbestos causes debilitating and fatal diseases other than cancer, such as respiratory and pleural disease. The non-cancer effects are not quantitatively taken into account in the assessment because there is no asbestos toxicity value for non-cancer health effects, even though non-cancer effects could actually be more significant to total disease outcome from CCMA asbestos exposure. Therefore, the general probability of developing disease from exposure related to activities at Clear Creek may be significantly underestimated in the report. Uncertainties related to the exposure parameters in the CCMA assessment that could cause the estimated risk to be less or greater than the actual risk include: the frequency of exposure and the time actually engaged in dust-generating activities; the effect of the exposures on children; and the representativeness of the areas used for the sampling as accurate models of typical CCMA conditions. One exposure that was not measured, and which could cause the exposure and risk to be higher, is the continued exposure that results when asbestos fibers from CCMA are taken home in vehicles and on equipment. Uncertainty related to the toxicity parameters of the risk characterization includes the application of the IRIS and OEHA asbestos toxicity values, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures. This uncertainty could mean that the actual risks could be much lower than those estimated in the CCMA assessment. Another uncertainty, adjustments for early lifetime childhood exposures, could mean that the actual risks are higher than those estimated in the report.”

Discussion

Although the quote appears to be reproduced from the original publication, it is none-the-less erroneous because the original text contains an error that is inappropriately being reproduced. The phrase, “... asbestos toxicity values, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures ...” is missing the word “not” in the original text. The word, “not” should be inserted so that a portion of the phrase reads as, “... occupational exposures, not to infrequent ...” The need for the missing word is self-evident from the sentence itself, and from other comments within the subject draft RMP/EIS, such as, second paragraph, page 143. The author of this section should have detected and corrected this error rather than continue its propagation.

Recommendation

The Agency must correct the erroneous statement in the subject document to include the word “not” so that the correct phrase reads as follows:

Substantive Comment - # 697: Subject: Erroneous Statement Page 326 & 327

1 "... asbestos toxicity values, which were developed from epidemiological studies of
occupational exposures, not to infrequent and episodic recreational exposures."

3 The Agency must rewrite the subject document to remove the discrepant issue from the
document. The original discrepancy must not be included or propagated in the final resource
5 management plan, the final environmental impact study, or the record of decision. The final
7 documentation should include corrected recommendations.

Substantive Comment - # 697: Subject: Erroneous Statement Page 326 & 327

Substantive Comment

698

Subject: Misleading Statement

Page 327

Referring to the Following Paragraph

In conclusion, the major uncertainties inherent in the assessment of exposure to asbestos at CCMA and the resulting estimate of risk include factors that may cause the EPA calculated risks to be overestimated or underestimated. Nevertheless, the disease potential of asbestos is recognized by the EPA, the Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), the California EPA and Department of Toxic Substances Control (DTSC), the National Academy of Sciences, and the World Health Organization (WHO). While there is on-going research on the relative potencies of the different mineral forms of asbestos, there is consensus in the medical and public health community that both chrysotile and amphibole asbestos cause disease.

Discussion

The statement, "EPA calculated risks to be overestimated or underestimated" confesses the fact that the Agency is relying on erroneous data, and that the EPA data is purely speculative. The statement also ignores the fact that the EPA risk model drastically overestimates cancer related diseases by factors of 50 to 150 times (Camus et al 2002: 95). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must delete reliance on erroneous data that is contrary to the scientific evidence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Camus, M., J. Siemiatycki, B.W. Case, M. Déry, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 698: Subject: Misleading Statement Page 327

Substantive Comment

699

Subject: Erroneous Statement

Page 327

Referring to the Following Paragraph

In conclusion, the major uncertainties inherent in the assessment of exposure to asbestos at CCMA and the resulting estimate of risk include factors that may cause the EPA calculated risks to be overestimated or underestimated. Nevertheless, the disease potential of asbestos is recognized by the EPA, the Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), the California EPA and Department of Toxic Substances Control (DTSC), the National Academy of Sciences, and the World Health Organization (WHO). While there is on-going research on the relative potencies of the different mineral forms of asbestos, there is consensus in the medical and public health community that both chrysotile and amphibole asbestos cause disease.

Discussion

The statement, "there is consensus in the medical and public health community that both chrysotile and amphibole asbestos cause disease" is erroneous because there is no consensus in the medical and public health community that chrysotile causes disease. The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must delete reliance on erroneous data that is contrary to the scientific evidence. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Bernstein, David M., Rick Rogers, Paul Smith, and Jörg Chevalier (2006) "The Toxicological Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response," *Inhalation Toxicology*, 18(5):313-332.

- 1 Camus, M., J. Siemiatycki, B.W. Case, M. Déry, (2002) "Risk of Mesothelioma Among Women
3 Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings,"
5 *Annals of occupational Hygiene*, 46(1):95-98.
- 7 Camus, Michel, Jack Siemiatycki, and Bette Meek (1998) "Nonoccupational Exposure to
9 Chrysotile Asbestos and the Risk of Lung Cancer," *The New England Journal of Medicine*,
11 338(22):1565-1571.
- 13 Dönmez-Altuntas, Hamiyet, Münevver Baran, F. Sema Oymak, Zuhail Hamurcu, Nalan
15 Imamoglu, Mustafa Özesmi, and Halil Demirtas (2007) "Investigation of micronucleus
17 frequencies in lymphocytes of inhabitants environmentally exposed to chrysotile
19 asbestos," *International Journal of Environmental Health Research*, 17(1):45-51.
- 21 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
23 Agency.
- 25 Ilgren, E. (2004) "Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part V –
27 Lack of Amphibole Asbestos Contamination," *Indoor Built Environment*, 13:325-341.
- 29 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
31 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
33 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.
- 35 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment
37 Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.
- 39
- 41
- 43
- 45

Substantive Comment

700

Subject: Misleading Statement

Page 327

Referring to the Following Paragraph

4.2.2.3 Epidemiology of Chrysotile Asbestos

During development of the CCMA Asbestos Exposure and Human Health Risk Assessment and scoping meetings for the CCMA RMP/EIS, many public comments expressed concern about the lack of an epidemiological study specific to CCMA visitors that provides empirical evidence of asbestos-related disease from exposure while conducting recreational activities.

Discussion

This entire section is very misleading because it presents the topic as relating to the lack of "empirical evidence of asbestos-related disease" among the CCMA recreating population. The discussion defends the lack of evidence in the second paragraph by stating "'because the local population is small, an epidemiological study restricted to this population would probably not be sensitive enough to detect the incidence of asbestos related disease, even if it is occurring at an unacceptable rate.' Furthermore, census data shows that California's Central Coast population is highly transitory and includes visitors or residents that travel from long distances or move in and out of the area at a rate that would further limit the efficacy of epidemiological studies of asbestos-related illnesses." The remainder of the section then deflects the discussion to World Health Organization (WHO) report titled "Chrysotile Asbestos" and to several generic statements about possible chrysotile etiology. However, it is important to note that the entire topic avoids mention of the cumulative size of the recreating population, or of the surrounding resident population, which would by association includes the mining and mill worker population, the historic resident population, and the surrounding populations near the cities of the Coalinga and King City mill sites. The BLM / EPA ignore the area demographic resource because the data set fails to support their research bias and preconceived conclusions. Additionally, the BLM / EPA confesses in this section that CCMA chrysotile is not a source of any epidemiological significance and hence mutes their entire argument. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit this section to reflect the inadequacy of The CCMA Asbestos Exposure and Human Health Risk Assessment to show that a CCMA asbestos human health risk exists. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 700: Subject: Misleading Statement Page 327

Substantive Comment

701

Subject: Misleading Statement

Page 327

Referring to the Following Paragraph

The World Health Organization (WHO) report titled “Chrysotile Asbestos” (1998) states under conclusions and recommendation for protection of human health, “exposure to chrysotile asbestos poses increased risks for asbestosis, lung cancer and mesothelioma in a dose-dependent manner. No threshold has been identified for carcinogenic risks.” The WHO report reflects the collective view of an international group of experts, and was published under the joint sponsorship of the WHO, the United Nations Environment Programme, and the International Labour Organization; and produced within the framework of the Inter-Organization Programme for the Sound Management of Chemicals.

Discussion

Also states on Page 8 & 9: “There is evidence that fibrous tremolite causes mesothelioma in humans. Since commercial chrysotile may contain fibrous tremolite, it has been hypothesized that the latter may contribute to the induction of mesotheliomas in some populations exposed primarily to chrysotile. The extent to which the observed excesses of mesothelioma might be attributed to the fibrous tremolite content has not been resolved.” Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 701: Subject: Misleading Statement Page 327

Substantive Comment

702

Subject: Misleading Statement

Page 327

Referring to the Following Paragraph

The World Health Organization (WHO) report titled “Chrysotile Asbestos” (1998) states under conclusions and recommendation for protection of human health, “exposure to chrysotile asbestos poses increased risks for asbestosis, lung cancer and mesothelioma in a dose-dependent manner. No threshold has been identified for carcinogenic risks.” The WHO report reflects the collective view of an international group of experts, and was published under the joint sponsorship of the WHO, the United Nations Environment Programme, and the International Labour Organization; and produced within the framework of the Inter-Organization Programme for the Sound Management of Chemicals.

Discussion

Inside cover of report states:

“This report contains the collective views of an international group of experts and does not necessarily represent the decisions or the stated policy of the United Nations Environment Programme, the International Labour Organisation, or the World Health Organization.”

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 702: Subject: Misleading Statement Page 327

Substantive Comment

703

Subject: Misleading Statement

Page 327

Referring to the Following Paragraph

The WHO report goes on to say the “estimation of the risk of mesothelioma is complicated in epidemiological studies by factors such as the rarity of the disease, the lack of mortality rates in the populations used as reference, and problems in diagnosis and reporting.” However, the report does claim “there is evidence that fibrous tremolite causes mesothelioma in humans”, and since approximately 8% of EPA’s air samples from the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) contained fibrous tremolite, exposure to asbestos in CCMA may contribute to the induction of mesotheliomas in CCMA visitors, even though they are exposed primarily to chrysotile.

Discussion

The EPA report, (2008) “Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment,” managed by EPA toxicologist report that “8% of the fibers of the size most closely related to health concerns were amphibole asbestos.” The EPA report tabulates data results in tables H-1 and H-2 listing chrysotile and amphibole mineral. The table identifies several amphibole minerals, such as tremolite and actinolite, and other unidentified mineral, which it list as “other.” However, the table fails to explain if these amphibole minerals are asbestiform fiber or not. A synthesis of the two tables is shown below, where the totals list fiber counts.

Species	Table H-1		Table H-2	
	Totals	Percent	Totals	Percent
Chrysotile	3,225	92.4	27,233	98.5
Amp Asbestos	193	5.5	232	0.8
Amp Other	72	2.1	179	0.7
Total	3,490	100.0	27,644	100.0

Analysis of the EPA table H-1 shows that amphibole asbestos is only 5.5% and only approaches 8% when the unidentified “other” is included in the calculation. The EPA failed to describe the fibril construction of the chrysotile fibers so the actual fiber lengths are unknown. Additionally, the EPA report fails to provide distribution mapping for the amphibole mineral so it is unknown how the material is dispersed across the study area. Since previous geological and mineralogical studies have shown the area is free of naturally occurring amphibole asbestos mineral, the EPA must produce some explanation for finding amphibole asbestos in their study, otherwise the best amphibole asbestos material is contamination from historical deposition. In the absence of better information artifactual deposition is the best explanation since the EPA study area was historically industrialized. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental

1 impact statements. They shall identify any methodologies used and shall make explicit
reference by footnote to the scientific and other sources relied upon for conclusions in the
3 statement (40 C.F.R. § 1502.24).

5 **Recommendation**

7 The Agency must edit this paragraph to correct these deficiencies, or delete the paragraph.
The Agency must rewrite the subject document to remove the discrepant issue from the
9 document. The original discrepancy must not be included or propagated in the final resource
management plan, the final environmental impact study, or the record of decision. The final
11 documentation should include corrected recommendations.

13 **Reference**

15 Coleman, R.G. (1957) "Mineralogy and Petrology of the New Idria District, California," PhD
Dissertation, Stanford University.

17 Coleman, R.G. (1961) "Jadeite Deposits of the Clear Creek Area, New Idria District, San
Benito County, California," *Journal of Petrology*, 2(2):209-247.

19 Fowkes, E.J., and R. Iddings (2008) "Geological and Historical Archaeology Phase 1
Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San
21 Benito County, California."

23 EPA (2008a) "Clear Creek Management Area Asbestos Exposure and Human Health Risk
Assessment," U.S. Environmental Protection Agency.

Substantive Comment - # 703: Subject: Misleading Statement Page 327

Substantive Comment

704

Subject: Misleading Statement

Page 328

Referring to the Following Paragraph

The WHO report (1998) states: “Commercial grades of chrysotile have been associated with an increased risk of pneumoconiosis³, lung cancer and mesothelioma in numerous epidemiological studies of exposed workers.” Whereas, “the non-malignant diseases associated with exposure to chrysotile comprise a somewhat complex mixture of clinical and pathological syndromes not readily definable for epidemiological study.” Therefore, the primary focus of most epidemiological studies has been asbestosis among workers exposed to chrysotile in different occupational settings.

Discussion

The also goes on to state on Page 8 & 9: “There is evidence that fibrous tremolite causes mesothelioma in humans. Since commercial chrysotile may contain fibrous tremolite, it has been hypothesized that the latter may contribute to the induction of mesotheliomas in some populations exposed primarily to chrysotile. The extent to which the observed excesses of mesothelioma might be attributed to the fibrous tremolite content has not been resolved.” Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 704: Subject: Misleading Statement Page 328

Substantive Comment

705

Subject: Misleading Statement

Page 328

Referring to the Following Paragraph

The WHO report (1998) states: “Commercial grades of chrysotile have been associated with an increased risk of pneumoconiosis³, lung cancer and mesothelioma in numerous epidemiological studies of exposed workers.” Whereas, “the non-malignant diseases associated with exposure to chrysotile comprise a somewhat complex mixture of clinical and pathological syndromes not readily definable for epidemiological study.” Therefore, the primary focus of most epidemiological studies has been asbestosis among workers exposed to chrysotile in different occupational settings.

Discussion

Page 8 states “Estimation of the risk of mesothelioma is complicated in epidemiological studies by factors such as the rarity of the disease, the lack of mortality rates in the populations used as reference, and problems in diagnosis and reporting. In many cases, therefore, risks have not been calculated, and cruder indicators have been used, such as absolute numbers of cases and deaths, and ratios of mesothelioma over lung cancers or total deaths.” Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 705: Subject: Misleading Statement Page 328

Substantive Comment

706

Subject: Confusing Statement

Page 328

Referring to the Following Paragraph

4.2.2.4 Estimates of Asbestos Emissions Reductions, Cost, Effectiveness, and Feasibility of Mitigation Measures

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 706: Subject: Confusing Statement Page 328

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 706: Subject: Confusing Statement Page 328

Substantive Comment

707

Subject: Confusing Statement

Page 328

Referring to the Following Paragraph

Table 3.3-1 identifies potential mitigation measures for management of transportation and roads to reduce asbestos emissions. The BLM's analysis of feasibility for implementation of Alternatives A through G are based on the estimates associated with the cost and effectiveness in meeting resources management goals and objectives, including reducing and minimizing human health risk from exposure to asbestos. These estimates are based on best available information at the time the Draft CCMA RMP/EIS was prepared, and are described in more detail under Travel and Transportation Management in Chapter 3, Table 3.3-1.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 707: Subject: Confusing Statement Page 328

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

708

Subject: Confusing Statement

Page 328

Referring to the Following Paragraph

Table 3.3-1 identifies potential mitigation measures for management of transportation and roads to reduce asbestos emissions. The BLM's analysis of feasibility for implementation of Alternatives A through G are based on the estimates associated with the cost and effectiveness in meeting resources management goals and objectives, including reducing and minimizing human health risk from exposure to asbestos. These estimates are based on best available information at the time the Draft CCMA RMP/EIS was prepared, and are described in more detail under Travel and Transportation Management in Chapter 3, Table 3.3-1.

Discussion

The paragraph's reference to "the Draft CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "Draft CCMA RMP/EIS" is being referenced:

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 708: Subject: Confusing Statement Page 328

Substantive Comment

709

Subject: Confusing Statement

Page 328 & 329

Referring to the Following Paragraph

The analysis of cost and effectiveness in reducing asbestos emissions from surface hardening, dust suppression, and a variety of soil stabilizers on CCMA roads treatments and other mitigation measures is presented qualitatively because information on the effectiveness of these mitigation measures specific to CCMA is currently unavailable. Therefore, BLM developed the estimates outlined in Table 3.3-1 based on an EPA evaluation of asbestos mitigation measures prepared in 1981, and a study conducted by the California Department of Toxic Substances Control (DTSC) that briefly evaluated reductions in emissions on roads in areas with serpentine soils.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 709: Subject: Confusing Statement Page 328 & 329

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 709: Subject: Confusing Statement Page 328 & 329

Substantive Comment

710

Subject: Confusing Statement

Page 329

Referring to the Following Paragraph

As a result, BLM anticipates that air sample results would show lower asbestos emissions after the serpentine aggregate on CCMA roads is covered and sealed with the road surfacing materials described in Appendix V; and that dust emissions on those roads would continue to remain low. However, due to the concentrations of asbestos in the serpentine soils in CCMA, weather conditions, and the presence of 'fugitive dust' that contains asbestos fibers previously deposited on vegetation, rocks, and soils adjacent to CCMA roads could be re-suspended by wind and air disturbances from passing vehicles would still pose a risk to human health following surface hardening and dust suppression or other mitigation measures on CCMA roads.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 710: Subject: Confusing Statement Page 329

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 710: Subject: Confusing Statement Page 329

Substantive Comment

711

Subject: Confusing Format

Page 329

Referring to the Following Paragraph

As a result, BLM anticipates that air sample results would show lower asbestos emissions after the serpentine aggregate on CCMA roads is covered and sealed with the road surfacing materials described in Appendix V; and that dust emissions on those roads would continue to remain low. However, due to the concentrations of asbestos in the serpentine soils in CCMA, weather conditions, and the presence of 'fugitive dust' that contains asbestos fibers previously deposited on vegetation, rocks, and soils adjacent to CCMA roads could be re-suspended by wind and air disturbances from passing vehicles would still pose a risk to human health following surface hardening and dust suppression or other mitigation measures on CCMA roads.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 711: Subject: Confusing Format Page 329

Substantive Comment

712

Subject: Confusing Statement

Page 329

Referring to the Following Paragraph

Many of the other mitigation measures considered in the range of alternatives for the CCMA RMP/EIS are also limited to qualitative analysis because there is no information available on the effectiveness of such measures as restricting annual visitor use days/year, vehicle types, installing vehicle wash racks, enforcement of speed limits, indemnification of risk, and other administrative actions in reducing exposure to asbestos emissions in CCMA. However, the unavailable information identified above is not critical to making a reasoned analysis of Alternatives A – G because the estimates outlined in Table 3.3-1, and the qualitative analysis of other mitigation measures in Section 4.2.6.2, can be used to inform the BLM and the public on the cost and effectiveness of the mitigation measures for public health and safety. Regardless of the location, resources conditions, and levels of use on roadways, all mitigation measures on routes in the ACEC would have to be monitored and evaluated for effectiveness in reducing asbestos emissions to meet the purpose and need of the CCMA RMP/EIS for overall protection of human health and the environment.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 712: Subject: Confusing Statement Page 329

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

713

Subject: Confusing Statement

Page 329

Referring to the Following Paragraph

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

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 713: Subject: Confusing Statement Page 329

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

714

Subject: Confusing Statement

Page 329

Referring to the Following Paragraph

Alternatives B and C would have minor beneficial impacts to human health and the environment, compared to Alternative A, because Alternatives B and C include administrative management actions and other projects to reduce asbestos emissions in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 714: Subject: Confusing Statement Page 329

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 714: Subject: Confusing Statement Page 329

Substantive Comment

715

Subject: Confusing Statement

Page 330

Referring to the Following Paragraph

Other management actions to minimize asbestos exposure included under alternatives D and E would result in moderate beneficial impacts to environmental resource protection and public safety, compared to Alternatives B and C, because of further limits on allowable uses, as well as other projects to reduce asbestos emissions in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 715: Subject: Confusing Statement Page 330

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 715: Subject: Confusing Statement Page 330

Substantive Comment

716

Subject: Confusing Statement

Page 330

Referring to the Following Paragraph

Finally, alternatives F and G would have major long-term benefits to human health and the environment, compared to all the other alternatives, because allowable uses would reduce asbestos emissions to dust generated by foot traffic (Alt. F), or BLM would minimize asbestos exposure by prohibiting all public use and entry into the Serpentine ACEC (Alt. G).

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 716: Subject: Confusing Statement Page 330

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 716: Subject: Confusing Statement Page 330

Substantive Comment

717

Subject: Confusing Statement

Page 330

Referring to the Following Paragraph

4.2.3.1 CCMA Naturally Occurring Asbestos

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 717: Subject: Confusing Statement Page 330

Substantive Comment

718

Subject: Misleading Statement

Page 330

Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

Discussion

The statement, "Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment" is misleading because it fails to state that asbestos is not a mineralogical definition but a commercial name given to a group of minerals. Perhaps the Agency should consider using the National Institute for Occupational Safety and Health (NIOSH) definition:

"Asbestos" is a generic name given to a fibrous variety of six naturally occurring minerals that have been used for decades in thousands of commercial products. The term "asbestos" is not a mineralogical definition but a commercial name given to a group of minerals that possess high tensile strength, flexibility, resistance to chemical and thermal degradation, and electrical resistance. These minerals have been used in many products, including insulation and fireproofing materials, automotive brakes and textile products, and cement and wallboard materials." ("NIOSH Safety and Health Topic: Asbestos," <http://www.cdc.gov/niosh/topics/asbestos/>.)

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit the paragraph to correct or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 718: Subject: Misleading Statement Page 330

Substantive Comment

719

Subject: Misleading Statement

Page 330

Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

Discussion

The statement, "Chrysotile asbestos has long, flexible fibers" is false and misleading because the chrysotile found in the Serpentine ACEC is considered a "short-fiber" mineral. This material was known commercially as "Coalinga Asbestos" or "CalidriaTM Asbestos" and "are actually 'pseudofibers' consisting of assemblies of numerous overlapping, weakly bound short fibrils that each only extend over a small part of the length of the fiber (Ilgren 2008a:7). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit the paragraph to correct or delete the false or misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

TM Calidria is a registered trademark of Union Carbide Corp.

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Ilgren, Ed (2008a) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber Toxicity'" *Indoor and Built Environment* 17 (1):5-26.

Substantive Comment - # 719: Subject: Misleading Statement Page 330

1 Ilgren, Ed (2008b) "Review: The Fiber Width of Coalinga Chrysotile: Reduced Respirability
3 due to its Thick Nature in an Aerosol and its 'Ultra-Thin' Nature in Aqueous Solution (In
5 Vivo)," *Indoor and Built Environment* 17(1):27-41.
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Substantive Comment

720

Subject: Erroneous Statement

Page 330

Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

Discussion

The statement, "Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases" is erroneous because it fails to show the growing consensus that chrysotile is substantially less potent than amphibole asbestos fibers. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit the paragraph to correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

EPA (2003) *Technical Support Document for a Protocol to Assess Asbestos-Related Risk, Office of Solid Waste and Emergency Response*, U.S. Environmental Protection Agency.

Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials containing asbestos," Health and Safety Commission Paper HSC/06/55, United Kingdom.

Substantive Comment - # 720: Subject: Erroneous Statement Page 330

Substantive Comment

721

Subject: Misleading Statement

Page 330

Referring to the Following Paragraph

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos fibers are too small to be seen by the naked eye. They do not dissolve in water or evaporate. They are resistant to heat, fire, and chemical or biological degradation. The two general types of asbestos are amphibole and chrysotile (fibrous serpentine). Chrysotile asbestos has long, flexible fibers. This type of asbestos is most commonly used in commercial products. Amphibole fibers are brittle, have a rod or needle shape, and are less common in commercial products. Although exposure to both types of asbestos increases the likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos.

Discussion

The statement, "They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos" is misleading because it fails to show the growing consensus that mesothelioma is not caused by chrysotile exposure.

Recommendation

The Agency must edit the paragraph to correct or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

EPA (2003) *Technical Support Document for a Protocol to Assess Asbestos-Related Risk*, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency.

Gibbs, Graham W. and Geoffrey Berry (2007) "Mesothelioma and Asbestos," *Regulatory Toxicology and Pharmacology*.

Substantive Comment - # 721: Subject: Misleading Statement Page 330

1 Kave, Ruth and Eun Hye Choi (2007) "Asbestos Exposure: How Risky is it?" A position paper
of the American Council on Science and Health.

3 Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials
5 containing asbestos," Health and Safety Commission Paper HSC/06/55, United
Kingdom.

Substantive Comment - # 721: Subject: Misleading Statement Page 330

Substantive Comment

722

Subject: Misleading Statement

Page 330

Referring to the Following Paragraph

Naturally occurring asbestos refers to those fibrous minerals that are found in the rocks or soil in an area and released into the air by routine human activities or weathering processes. If naturally occurring asbestos is not disturbed and fibers are not released into the air, then it is not a health risk. Asbestos is commonly found in ultramafic rock, including serpentine rock, and near fault zones. The amount of asbestos that is typically present in these rocks ranges from less than 1% up to about 25%, and sometimes more. Asbestos can be released from ultramafic and serpentine rock if the rock is broken or crushed.

Discussion

The statement, "Naturally occurring asbestos refers to those fibrous minerals that are found in the rocks or soil in an area and released into the air by routine human activities or weathering processes" is misleading because in context of the Serpentine ACEC, the phrase "naturally occurring asbestos" specifically refers to the mineral chrysotile, which according to recent EPA's OSWER (EPA 2003), ATSDR and HSC studies is no longer a serious health risk, whereas the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) was conducted with EPA's older 1986 asbestos risk assessment (EPA 1986).

Recommendation

The Agency must edit the paragraph to correct or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.
- Berman, D. Wayne and Kenny S. Crump (2008) "Update of Potency Factors for Asbestos-Related Lung Cancer and Mesothelioma," *Critical Reviews in Toxicology*, 38:(1):1-47.
- Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2003) *Technical Support Document for a Protocol to Assess Asbestos-Related Risk*, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency.

Substantive Comment - # 722: Subject: Misleading Statement Page 330

1 Gibbs, Graham W. and Geoffrey Berry (2007) "Mesothelioma and Asbestos," Regulatory
Toxicology and Pharmacology.

3 Kave, Ruth and Eun Hye Choi (2007) "Asbestos Exposure: How Risky is it?" A position paper
of the American Council on Science and Health.

5 Walkin, Kevin and Geoff Lloyd (2006) "A comparison of the risks from different materials
7 containing asbestos," Health and Safety Commission Paper HSC/06/55, United
Kingdom.

Substantive Comment - # 722: Subject: Misleading Statement Page 330

Substantive Comment

723

Subject: Confusing Statement

Page 330

Referring to the Following Paragraph

Asbestos exposure results from breathing in asbestos fibers. If rocks, soil, or products containing asbestos are disturbed, they can release asbestos fibers into the air. These fibers can be breathed into your lungs and could remain there for a lifetime. Asbestos exposure is not a problem if solid asbestos is left alone and not disturbed.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, may not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 723: Subject: Confusing Statement Page 330

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 723: Subject: Confusing Statement Page 330

Substantive Comment

724

Subject: Erroneous Statement

Page 330

Referring to the Following Paragraph

Asbestos exposure results from breathing in asbestos fibers. If rocks, soil, or products containing asbestos are disturbed, they can release asbestos fibers into the air. These fibers can be breathed into your lungs and could remain there for a lifetime. Asbestos exposure is not a problem if solid asbestos is left alone and not disturbed.

Discussion

The statement, "These fibers can be breathed into your lungs and could remain there for a lifetime" is erroneous because the chrysotile found in the Serpentine ACEC, known commercially as "Calidria™ Asbestos" has a low biopersistence (Bernstein 2005) and does not remain in lungs "for a lifetime," as some amphibole asbestos might.

Recommendation

The Agency must edit the paragraph to correct or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

™ Calidria is a registered trademark of Union Carbide Corp.

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Substantive Comment - # 724: Subject: Erroneous Statement Page 330

Substantive Comment

725

Subject: Confusing Statement

Page 330

Referring to the Following Paragraph

Elements that contribute to human health risks from asbestos exposure include, but are not limited to asbestos type and size of airborne fibers, frequency and duration of exposure to asbestos emissions, time since initial exposure to asbestos emissions, extent of exposure to asbestos emissions, and exposure to other pre-existing lung conditions. In particular cigarette smoking significantly increases risk of cancer associated with asbestos.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 725: Subject: Confusing Statement Page 330

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 725: Subject: Confusing Statement Page 330

Substantive Comment

726

Subject: Extraneous Background Data

Page 331

Referring to the Following Paragraph

Children have more time to be exposed and develop asbestos-related diseases. Medical experts do not know whether lung differences may cause a greater amount of asbestos fibers to stay in the lungs of a child who breaths in asbestos compared with the amount that stays in the lungs of an adult. Asbestos-related diseases can be cancerous or non-cancerous. Examples of non-cancerous asbestos related disease include asbestosis, which is a scarring of the lungs, and pleural diseases. Asbestosis is typically caused by very high exposure levels over a prolonged period of time, as seen in work-related asbestos exposure. Smoking increases the risk of developing asbestosis. Some late stage symptoms include progressive shortness of breath, a persistent cough, and chest pain. Pleural changes or pleural plaques include thickening and hardening of the pleura (the lining that covers the lungs and chest cavity). Most people will not have symptoms, but some may have decreased lung function. Some people may develop persistent shortness of breath with exercise or even at rest if they have significantly decreased lung function. Lung cancer is cancer of the lungs and lung passages. Cigarette smoking combined with asbestos exposure greatly increases the likelihood of lung cancer. Lung cancer caused by smoking or asbestos looks the same. Symptoms for lung cancer can vary. Some late stage symptoms can include chronic cough, chest pain, unexplained weight loss, and coughing up blood. Lung cancer from all causes affects about 61 out of every 100,000 Americans a year. According to the American Cancer Society, it is the leading cause of cancer-related death in both men and women and accounts for about 29% of all cancer deaths. Asbestos exposure is only one of many potential causes of lung cancer. Cigarette smoking is by far the most important risk factor for lung cancer. Cigarette smoking combined with asbestos exposure greatly increases the likelihood of lung cancer. Mesothelioma is a rare cancer mostly associated with asbestos exposure. It occurs in the covering of the lungs and sometimes the lining of the abdominal cavity. Some late stage symptoms include chest pain, persistent shortness of breath, and unexplained weight loss. Mesothelioma is relatively rare. According to the American Cancer Society, there are about 2,000 – 3,000 new cases per year in this country. It is most common in asbestos-related work exposure though it has been observed in certain communities worldwide where people have had lifetime exposures to naturally occurring asbestos. (DHHS, 2006).

Discussion

These paragraphs contain extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental

Substantive Comment - # 726: Subject: Extraneous Background Data Page 331

1 impact study, or the record of decision. The final documentation should include corrected
3 recommendations.

Substantive Comment - # 726: Subject: Extraneous Background Data Page 331

Substantive Comment

727

Subject: Erroneous Statement

Page 332

Referring to the Following Paragraph

Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas. Abandoned mines may pose a threat to human health and the environment through the presence of abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment, particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if they are eroding into a stream or creek. Because BLM-managed lands are typically remote and secluded but must be made available to the public, the management actions to identify and maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or mitigate them as soon as possible, would be an over benefit to the environment and public safety. Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to biological habitats for nocturnal species such as bats.

Discussion

The statement, "Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas" is erroneous because there were no copper mines with the CCMA area, and because "the San Joaquin and Salinas Management Areas" conflict with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction."

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 727: Subject: Erroneous Statement Page 332

Substantive Comment

728

Subject: Erroneous Statement

Page 332

Referring to the Following Paragraph

Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas. Abandoned mines may pose a threat to human health and the environment through the presence of abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment, particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if they are eroding into a stream or creek. Because BLM-managed lands are typically remote and secluded but must be made available to the public, the management actions to identify and maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or mitigate them as soon as possible, would be an over benefit to the environment and public safety. Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to biological habitats for nocturnal species such as bats.

Discussion

The statement, "Abandoned mines may pose a threat to human health and the environment through the presence of abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining equipment" is erroneous because cyanide was not used within the CCMA areal mineral extraction, and because CCMA area acid mine drainage (if existent) is not pose a direct "human health risk," and because there are no "containers of diesel fuel and gasoline for operating the mining equipment" remaining within the CCMA.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 728: Subject: Erroneous Statement Page 332

Substantive Comment

729

Subject: Erroneous Statement

Page 332

Referring to the Following Paragraph

Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas. Abandoned mines may pose a threat to human health and the environment through the presence of abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment, particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if they are eroding into a stream or creek. Because BLM-managed lands are typically remote and secluded but must be made available to the public, the management actions to identify and maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or mitigate them as soon as possible, would be an over benefit to the environment and public safety. Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to biological habitats for nocturnal species such as bats.

Discussion

The statement, "Also, physical threats to public safety include open shafts and tunnels, deteriorated buildings, and mining equipment" is erroneous because there are no public safety threats from "deteriorated buildings, and mining equipment" remaining within the Agency's jurisdiction within the planning area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 729: Subject: Erroneous Statement Page 332

Substantive Comment

730

Subject: Erroneous Statement

Page 332

Referring to the Following Paragraph

Abandoned mines, particularly for copper and mercury ores, are scattered throughout BLM public lands within the Planning Area, especially in the San Joaquin and Salinas Management Areas. Abandoned mines may pose a threat to human health and the environment through the presence of abandoned hazardous materials, such as cyanide, which may be found in containers or in tailings piles; acid mine drainage; and containers of diesel fuel and gasoline for operating the mining equipment. Also, physical threats to public safety include open shafts and tunnels, deteriorated buildings, and mining equipment. Eroding tailings piles may pose a threat to the environment, particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if they are eroding into a stream or creek. Because BLM-managed lands are typically remote and secluded but must be made available to the public, the management actions to identify and maintain an inventory of hazardous materials sites, including abandoned mines, and eliminate or mitigate them as soon as possible, would be an over benefit to the environment and public safety. Depending on the type of mining, adits, tunnels, and caves also create a beneficial impact to biological habitats for nocturnal species such as bats.

Discussion

The statement, "Eroding tailings piles may pose a threat to the environment, particularly if they contain extraction chemicals (e.g., cyanide) or elevated levels of metals, or if they are eroding into a stream or creek" is erroneous because "extraction chemicals (e.g., cyanide)" was not used in area mineral extraction.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 730: Subject: Erroneous Statement Page 332

Substantive Comment

731

Subject: Extraneous Data

Page 332

Referring to the Following Paragraph

Oil and gas development activities often require the use of or creation of hazardous materials, including drilling muds. Drilling muds may contain various contaminants such as mercury, cadmium, arsenic, and hydrocarbons, among others, and if not managed correctly can seep into surrounding surface and ground water and degrade the quality.

Discussion

These paragraphs contain extraneous data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) because, according to page 223 of the subject report, there is no oil or gas development activities within the planning area of the CCMA.

Recommendation

The Agency must delete the extraneous. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 731: Subject: Extraneous Data Page 332

Substantive Comment

732

Subject: Inaccurate Statement

Page 332

Referring to the Following Paragraph

Hard rock mining operations in the CCMA have resulted in mercury, chromium and asbestos contamination in state waters. Any development of mine operations has potential to result in additional contamination to waterways as well potential airborne asbestos emissions.

Discussion

The statement, "mercury, chromium and asbestos" is inaccurate. Since the minerals mercury and chromium are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 732: Subject: Inaccurate Statement Page 332

Substantive Comment

733

Subject: Extraneous Data

Page 332

Referring to the Following Paragraph

Rangeland use can require the use or storage of hazardous materials such as fuel tanks and various paints, solvents or thinners. In the event of an accidental spill, the fuel can migrate to into surrounding surface and ground water and degrade the water quality.

Discussion

These paragraphs contain extraneous data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) because there is “use or storage of hazardous materials such as fuel tanks and various paints, solvents or thinners” within the planning area of the CCMA.

Recommendation

The Agency must delete the extraneous data. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 733: Subject: Extraneous Data Page 332

Substantive Comment

734

Subject: Confusing Statement

Page 332

Referring to the Following Paragraph

In 2004, as part of the process of evaluating the completeness of the Atlas Mine cleanup for possible delisting from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA. The goal of the assessment was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the excess lifetime cancer risks associated with those exposures.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 734: Subject: Confusing Statement Page 332

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 734: Subject: Confusing Statement Page 332

Substantive Comment

735

Subject: Needleless Bulk

Pages 332 - 339

Referring to the Following Paragraph

4.2.4.1 CCMA Asbestos Exposure and Human Health Risk

Discussion

This entire section contain extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 735: Subject: Needleless Bulk Pages 332 - 339

Substantive Comment

736

Subject: Confusing Statement

Page 335

Referring to the Following Paragraph

Figure 1 shows the individual sample results for each activity and for measurements of CCMA ambient air. The data shows that the activities which typically create the most soil disturbance and dust, motorcycling, ATV driving/riding, and SUV driving/riding, also release the most asbestos into the breathing zone. In some instances, the concentration of asbestos measured in the EPA samples even exceeded what the U.S. Occupational Safety and Health Administration (OSHA) sets for workers as a 30-minute limit for asbestos.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 736: Subject: Confusing Statement Page 335

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 736: Subject: Confusing Statement Page 335

Substantive Comment

737

Subject: Confusing Statement

Page 336

Referring to the Following Paragraph

Figure 2 shows the results for motorcycle riders in the lead and trailing behind and for ATV and SUV drivers/riders. First trailing drivers/riders encountered higher asbestos air concentrations than lead drivers/riders and second trailing drivers/riders typically encountered higher levels than first trailing drivers/riders. This means that the asbestos levels in the air increased with the larger dust clouds encountered by those riders following one or more riders ahead of them.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 737: Subject: Confusing Statement Page 336

Substantive Comment

738

Subject: Confusing Statement

Page 337

Referring to the Following Paragraph

Figure 3 shows the effect of sampling event weather conditions on asbestos air concentrations. Using rainfall patterns and on-site observations, the September 2004 and 2005 events were determined to be conducted under —dry conditions, with little or no precipitation in the month prior to the event. The November 2004 event was designated as occurring under —moist conditions, with two to three inches of rain in the two weeks before the event. The February 2005 events were conducted under —wet conditions, with rain immediately before and during the events. Based on the sampling results, it appears that only active rainfall reduces asbestos air concentrations, although further study would be needed to define the exact conditions necessary to reduce dust generation and asbestos exposure.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 738: Subject: Confusing Statement Page 337

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

739

Subject: Erroneous Statement

Page 337

Referring to the Following Paragraph

Figure 3 shows the effect of sampling event weather conditions on asbestos air concentrations. Using rainfall patterns and on-site observations, the September 2004 and 2005 events were determined to be conducted under —dry conditions, with little or no precipitation in the month prior to the event. The November 2004 event was designated as occurring under —moist conditions, with two to three inches of rain in the two weeks before the event. The February 2005 events were conducted under —wet conditions, with rain immediately before and during the events. Based on the sampling results, it appears that only active rainfall reduces asbestos air concentrations, although further study would be needed to define the exact conditions necessary to reduce dust generation and asbestos exposure.

Discussion

The statement, “The November 2004 event was designated as occurring under “moist” conditions, with two to three inches of rain in the two weeks before the event” is erroneous because the “moist” designation refers to their November (2nd & 3rd) event (EPA 2008:4-8) during which period soil conditions were actually dry (EPA 2008:Appendix F). Note that the EPA used the United States Department of Agriculture Natural Resource Conservation Service “Estimating Soil Moisture by Feel and Appearance” method (EPA 2008:4-6). The meteorological data shows that although the humidity increased on November 3rd, it did not begin to rain until the evening after the EPA was finished (HDZC1 2004). These conditions cannot be designated as “moist” because the air and soil were dry on the first day of EPA testing and the soil remained dry throughout the second (final) day. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit this paragraph to accurately reflect the dry conditions that existed during the period that the EPA designed as “moist.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

EPA (2008) “Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment,” U.S. Environmental Protection Agency.

HDZC1 (2004) “Past Weather Conditions for HDZC1” Hernandez, California Department of Water Resources.

Substantive Comment - # 739: Subject: Erroneous Statement Page 337

1 USDA (1998) "Estimating Soil Moisture by Feel and Appearance," Program Aid Number
3 1619, United States Department of Agriculture, Natural Resources Conservation
5 Service.
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Substantive Comment

740

Subject: Erroneous Statement

Page 338

Referring to the Following Paragraph

SUV Exposures Were Significant

As shown in Figure 4, driving on the unpaved CCMA access roads resulted in significant measured asbestos air concentrations inside the vehicles, even with the windows closed and the air system set to -recirculate”.

Discussion

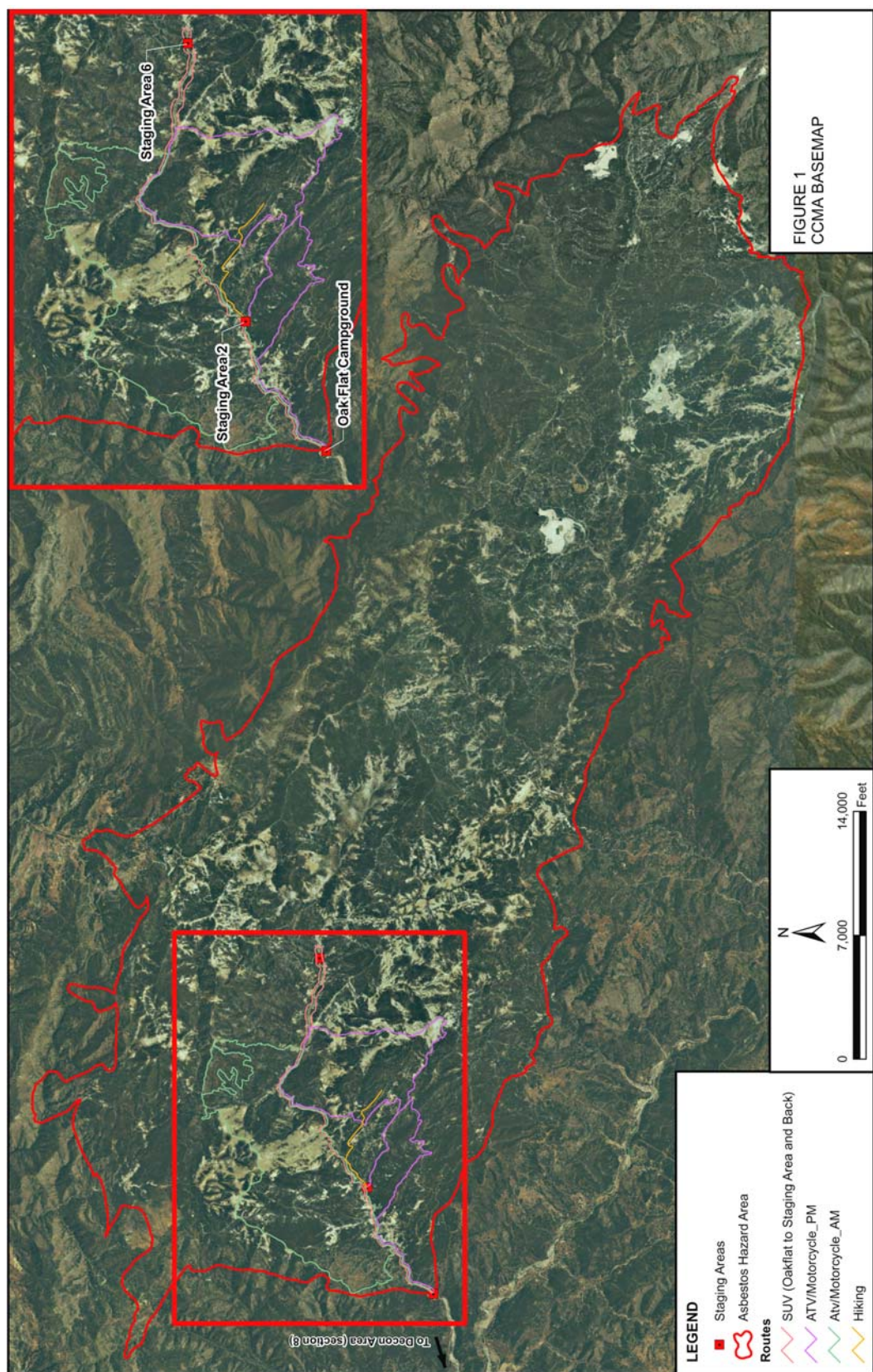
The statement, “driving on the unpaved CCMA access roads resulted in” is erroneous because according to Figure 1 from the EPA titled Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, only one road (not roads) was driven with SUV (see reproduction of Figure 1 on Figure 1 on page 914).

Recommendation

The Agency must edit this paragraph to change the word “roads” to “road.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 740: Subject: Erroneous Statement Page 338

Figure 1: Reproduction of Figure 1 from EPA Report



Substantive Comment - # 740: Subject: Erroneous Statement Page 338

Substantive Comment

741

Subject: Confusing Statement

Page 338

Referring to the Following Paragraph

As shown in Figure 4, driving on the unpaved CCMA access roads resulted in significant measured asbestos air concentrations inside the vehicles, even with the windows closed and the air system set to —recirculate.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.

EPA (2008) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 741: Subject: Confusing Statement Page 338

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 741: Subject: Confusing Statement Page 338

Substantive Comment

742

Subject: Confusing Statement

Page 339

Referring to the Following Paragraph

Figure 5 shows the ratio between the child and adult samples collected at the same time on the same sampler. With the exception of the camping activity, the majority of child exposures exceeded the exposure recorded for the paired adult sample. In total, the asbestos concentration in the child sample exceeded the concentration in the adult sample 64% of the time.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 742: Subject: Confusing Statement Page 339

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 742: Subject: Confusing Statement Page 339

Substantive Comment

743

Subject: Misleading Statement

Page 339

Referring to the Following Paragraph

While chrysotile asbestos was the predominant asbestos mineral type found in the EPA air samples, almost 8% of the PCME fibers were identified as tremolite, actinolite, or another amphibole asbestos mineral. There is an emerging consensus in the scientific community that amphibole asbestos may present an even greater health risk.

Discussion

The EPA report, (2008) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," managed by EPA toxicologist report that "8% of the fibers of the size most closely related to health concerns were amphibole asbestos." The EPA report tabulates data results in tables H-1 and H-2 listing chrysotile and amphibole mineral. The table identifies several amphibole minerals, such as tremolite and actinolite, and other unidentified mineral, which it list as "other." However, the table fails to explain if these amphibole minerals are asbestiform fiber or not. A synthesis of the two tables is shown below, where the totals list fiber counts.

Species	Table H-1		Table H-2	
	Totals	Percent	Totals	Percent
Chrysotile	3,225	92.4	27,233	98.5
Amp Asbestos	193	5.5	232	0.8
Amp Other	72	2.1	179	0.7
Total	3,490	100.0	27,644	100.0

Analysis of the EPA table H-1 shows that amphibole asbestos is only 5.5% and only approaches 8% when the unidentified "other" is included in the calculation. The EPA failed to describe the fibril construction of the chrysotile fibers so the actual fiber lengths are unknown. Additionally, the EPA report fails to provide distribution mapping for the amphibole mineral so it is unknown how the material is dispersed across the study area. Since previous geological and mineralogical studies have shown the area is free of naturally occurring amphibole asbestos mineral, the EPA must produce some explanation for finding amphibole asbestos in their study, otherwise the best amphibole asbestos material is contamination from historical deposition. In the absence of better information artifactual deposition is the best explanation since the EPA study area was historically industrialized.

Recommendation

The Agency must edit this paragraph to correct these deficiencies, or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the

Substantive Comment - # 743: Subject: Misleading Statement Page 339

document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Coleman, R.G. (1957) "Mineralogy and Petrology of the New Idria District, California," PhD Dissertation, Stanford University.

Coleman, R.G. (1961) "Jadeite Deposits of the Clear Creek Area, New Idria District, San Benito County, California," *Journal of Petrology*, 2(2):209-247.

Fowkes, E.J., and R. Iddings (2008) "Geological and Historical Archaeology Phase 1 Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San Benito County, California."

EPA (2008a) "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment," U.S. Environmental Protection Agency.

Substantive Comment - # 743: Subject: Misleading Statement Page 339

Substantive Comment

744

Subject: Extraneous Background Data

Page 340

Referring to the Following Paragraph

4.2.4.4 Other Impacts from HAZMAT for Alternative A

Discussion

This entire section contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which is not relevant to the planning area within the CCMA context.

Recommendation

The Agency must delete the irrelevant extraneous data. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 744: Subject: Extraneous Background Data Page 340

Substantive Comment

745

Subject: Erroneous Statement

Page 340

Referring to the Following Paragraph

Impacts from land tenure adjustments on public safety would be negligible because BLM cannot accept lands that are contaminated from hazardous materials and wastes. There would be no impact to existing right-holders either, as BLM would maintain land use authorizations for private landowners and rights-of-way holders.

Discussion

The statement, "There would be no impact to existing right-holders either, as BLM would maintain land use authorizations for private landowners and rights-of-way holders" is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Authorized access for landowners is already guaranteed in law and on the original land title by Presidential signature and no authorization is needed. The Agency is impotent in the matter of granting access authorization and is attempting to convert Rights to a privilege.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 745: Subject: Erroneous Statement Page 340

Substantive Comment

746

Subject: Needless Bulk Pages 340 through 350

Referring to the Following Paragraph

4.2.5 Impacts from HAZMAT and Public Health & Safety for Alternatives B, C, D, E, F, and G

Discussion

This entire section contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 746: Subject: Needless Bulk Pages 340 through 350

Substantive Comment

747

Subject: Confusing Statement

Page 340

Referring to the Following Paragraph

It is important to note that the risk assessment of the range of alternatives presents quantitative estimates of excess cancer risk over a lifetime in a population based on the defined exposure scenarios and EPA risk assessment data collected for the CCMA Asbestos Exposure and Human Health Risks Assessment (2008). The scenarios have been designed to represent current and future exposures for recreational visitors of CCMA. The numbers do not predict individual exposures or individual health outcomes. The asbestos concentrations used by BLM in the **CCMA RMP/EIS** are based only on asbestos fibers known as phase contrast microscopy equivalent (PCME) fibers because they are the fibers whose shape and size have been most closely linked to asbestos disease.

Discussion

The paragraph's reference to "the CCMA RMP/EIS" is confusing because the reader is unsure about which of the following "CCMA RMP/EIS" is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 747: Subject: Confusing Statement Page 340

Substantive Comment

748

Subject: Confusing Statement

Page 340

Referring to the Following Paragraph

4.2.5.1 CCMA Asbestos Exposure and Human Health Risk

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 748: Subject: Confusing Statement Page 340

Substantive Comment

749

Subject: Erroneous Statement

Page 340

Referring to the Following Paragraph

It is important to note that the risk assessment of the range of alternatives presents quantitative estimates of excess cancer risk over a lifetime in a population based on the defined exposure scenarios and EPA risk assessment data collected for the CCMA Asbestos Exposure and Human Health Risks Assessment (2008). The scenarios have been designed to represent current and future exposures for recreational visitors of CCMA. The numbers do not predict individual exposures or individual health outcomes. The asbestos concentrations used by BLM in the CCMA RMP/EIS are based only on asbestos fibers known as phase contrast microscopy equivalent (PCME) fibers because they are the fibers whose shape and size have been most closely linked to asbestos disease.

Discussion

This statement, "The asbestos concentrations used by BLM in the CCMA RMP/EIS are based only on asbestos fibers known as phase contrast microscopy equivalent (PCME) fibers because they are the fibers whose shape and size have been most closely linked to asbestos disease" is erroneous because it fails to consider the lack of epidemiological data to support asbestos etiology for chrysotile species natural to the CCMA, and the fact that CCMA chrysotile fibers are a unique short-fiber species, and the growing scientific consensus that local chrysotile is in fact harmless. "Coalinga type fibers are actually 'pseudofibers' consisting of assemblies of numerous overlapping, weakly bound short fibrils that each only extend over a small part of the length of the fiber" (Ilgren 2008:7). Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24).

Recommendation

The Agency must edit this paragraph to correct the deficiency or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Bernstein, David M., Rick Rogers, Paul Smith, and Jörg Chevalier (2006) "The Toxicological Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation

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- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
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- Ilgren, Ed (2008) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber Toxicity'" *Indoor and Built Environment* 17(1):5-26.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.
- Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

Substantive Comment - # 749: Subject: Erroneous Statement Page 340

Substantive Comment

750

Subject: Confusing Statement

Page 341

Referring to the Following Paragraph

Based on EPA risk assessment data collected for the CCMA Asbestos Exposure and Human Health Risks Assessment (2008), Alternatives B and C would result in similar risks to human health and safety as under Alternative A. Alternatives D and E would both have similar risk to human health because they both allow for motorized access and non-motorized recreation in the Serpentine ACEC. Alternative F would reduce human health risk from exposure to asbestos more than Alternatives A-E because it would prohibit motorized access in the Serpentine ACEC. However, only Alternative G would truly minimize human health risks from exposure to asbestos in CCMA because it would prohibit public entry into the ACEC, thereby eliminating CCMA visitor exposure to airborne asbestos entirely.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 750: Subject: Confusing Statement Page 341

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

751

Subject: Confusing Statement

Page 351

Referring to the Following Paragraph

Mitigation measures are included in the management actions in Chapter 2. BLM would eliminate or mitigate as soon as possible potential environmental and public safety impacts from exposure to airborne asbestos emissions, illegally dumped hazardous materials, and waste and from abandoned mine sites. Additionally, BLM would seek cost avoidance and/or cost recovery from the legally responsible parties to mitigate BLM funding impacts for cleanup costs of contaminated public lands.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 751: Subject: Confusing Statement Page 351

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 751: Subject: Confusing Statement Page 351

Substantive Comment

752

Subject: Confusing Statement

Page 351

Referring to the Following Paragraph

The EPA Risk Assessment Guidelines for Superfund (RAGS) recommends that risks be calculated using the reasonable maximum exposure (RME) that is expected to occur at a site under both current and future land-use conditions. Based on national recreational survey data and statements made by CCMA users, EPA and BLM estimated an RME for the CCMA of 5 visitor use per year. Some users indicated that they rode for longer periods and more frequently, so the risk analysis also considers a “high estimate” of 12 visits per year. To provide a low estimate of exposures and to facilitate the evaluation of the range of alternatives, 1 visit per year was also incorporated into the CCMA RMP/EIS risk assessment.

Discussion

The paragraph's reference to “the CCMA RMP/EIS” is confusing because the reader is unsure about which of the following “CCMA RMP/EIS” is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 752: Subject: Confusing Statement Page 351

Substantive Comment

753

Subject: Misleading Statement

Page 352

Referring to the Following Paragraph

During public scoping, authorization of access into the Serpentine ACEC based on signed waivers of liability (i.e. indemnification of risk), was identified as a potential mitigation measure to inform visitors of the health risk associated with exposure to asbestos to determine their own willingness to accept the risk of exposure to asbestos in CCMA. In other words, this measure would allow individuals to “ride at their own risk”, and reflects the preferred approach identified by the majority of the public scoping comments. However, developing a waiver of liability, or establishing indemnification of risk, would have no beneficial impacts on public health and safety because neither approach would actually reduce exposure to airborne asbestos or improve overall protection of human health and the environment. Therefore, the potential for waivers of liability or indemnification of risk as “stand-alone” mitigation measures for human health and safety do not satisfy the purpose and need for the CCMA RMP/EIS. Furthermore, these actions would likely have major long-term adverse impacts on human health and the environment due to the perception that exposure to airborne asbestos fibers above the acceptable risk range established under the EPA Superfund Act is permissible and authorized by the Federal government.

Discussion

This paragraph is misleading because it fails to quantify, and present in perspective, the actual human health risk associated with asbestos exposure based upon the EPA’s 1986 asbestos risk assessment, which does not reflect the current scientific knowledge regarding chrysotile exposure which is significantly less potent.

Substantive Comment - # 753: Subject: Misleading Statement Page 352

Everyday Risk Compared to Clear Creek Management Area Recreation

Situation	Risk	Deaths per 100,000
High Risk		
Smoking (Cancer)	$.88 \times 10^{-3}$	8,000.00
Motor vehicle accidents	$.17 \times 10^{-3}$	1,700.00
Elevated Risk		
Frequent airline passenger	1.0×10^{-3}	100.00
Low Risk		
Cycling	7.5×10^{-3}	75.00
Extremely Low Risk		
Tornadoes	$.0049 \times 10^{-3}$	4.90
Lightning	$.0035 \times 10^{-3}$	3.50
CCMA Recreation		
Off-Road riding	$.002 \times 10^{-3}$	2.00
Hiking & camping	$.003 \times 10^{-3}$	3.00
Combined activities	$.005 \times 10^{-3}$	5.00

Data taken from (Crouch and Wilson, 1980; D'Agostino and Wilson, 1993; Davis and McDonald, 1988; PTI, 1992; Wilson, 1978) and reproduced by R.G. Coleman's 1995 *Tectonic Emplacement of the New Idria asbestos-bearing serpentinite: EPA versus BLM land management strategies* report. Edited version.

Recommendation

The Agency must edit or delete the misleading statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 753: Subject: Misleading Statement Page 352

Substantive Comment

754

Subject: Confusing Statement

Page 352

Referring to the Following Paragraph

During public scoping, authorization of access into the Serpentine ACEC based on signed waivers of liability (i.e. indemnification of risk), was identified as a potential mitigation measure to inform visitors of the health risk associated with exposure to asbestos to determine their own willingness to accept the risk of exposure to asbestos in CCMA. In other words, this measure would allow individuals to “ride at their own risk”, and reflects the preferred approach identified by the majority of the public scoping comments. However, developing a waiver of liability, or establishing indemnification of risk, would have no beneficial impacts on public health and safety because neither approach would actually reduce exposure to airborne asbestos or improve overall protection of human health and the environment. Therefore, the potential for waivers of liability or indemnification of risk as “stand-alone” mitigation measures for human health and safety do not satisfy the purpose and need for the CCMA RMP/EIS. Furthermore, these actions would likely have major long-term adverse impacts on human health and the environment due to the perception that exposure to airborne asbestos fibers above the acceptable risk range established under the EPA Superfund Act is permissible and authorized by the Federal government.

Discussion

The paragraph's reference to “the CCMA RMP/EIS” is confusing because the reader is unsure about which of the following “CCMA RMP/EIS” is being referenced:

BLM (1995) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2004) *Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area*, United States Department of the Interior, Bureau of Land Management.

BLM (2005) *Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

BLM (2009) *Clear Creek Management Area Draft Resource Management Plan Draft Environmental Impact Statement*, United States Department of the Interior, Bureau of Land Management.

Recommendation

The Agency must edit the paragraph to remove the ambiguity or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 754: Subject: Confusing Statement Page 352

Substantive Comment

755

Subject: Confusing Statement

Page 352

Referring to the Following Paragraph

The installation of vehicle wash racks is a mitigation measure proposed under Alternatives A, B, C, and D to reduce asbestos exposure by preventing the potential for “take home” or “track out” of serpentine soils that contain asbestos on vehicles and clothing, in order to minimize subsequent exposure to asbestos fibers from CCMA. If managed properly, installing vehicle wash racks would provide a major long-term benefit to public health and safety by reducing the potential for “track out” of asbestos laden soils and subsequent exposure to asbestos fibers from CCMA. However, cost, effectiveness, and CCMA visitors’ willingness to use vehicle wash racks would limit the potential benefits of this mitigation measure. Furthermore, the construction and operation of vehicle wash racks requires reliable sources of water, but it is unclear whether the resources would be available to support the visitor use levels under the range of alternatives.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 755: Subject: Confusing Statement Page 352

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

756

Subject: Confusing Statement

Page 353

Referring to the Following Paragraph

Under Alternative C motorized access in the Serpentine ACEC would be limited to full-size vehicles and motorcycles on designated routes for visitors 18 years of age or older, which would have major long-term benefits on the risk of exposure to asbestos for children and visitors under age 18.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 756: Subject: Confusing Statement Page 353

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 756: Subject: Confusing Statement Page 353

Substantive Comment

757

Subject: Confusing Statement

Page 353

Referring to the Following Paragraph

On the other hand, there would be no reduction in risk to visitors by restricting the use of vehicles types, such as ATVs or UTVs, because the levels of exposure to airborne asbestos fibers and the associated risks to human health would be the same as existing conditions for motorcycles and full-size vehicles on routes and trails in the Serpentine ACEC.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 757: Subject: Confusing Statement Page 353

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 757: Subject: Confusing Statement Page 353

Substantive Comment

758

Subject: Confusing Statement

Page 353

Referring to the Following Paragraph

Alternative D would also include the age requirement for visitors in the Serpentine ACEC to be < 18 years old, which would have major long-term benefits on the risk of exposure to asbestos for children and visitors under age 18.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 758: Subject: Confusing Statement Page 353

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 758: Subject: Confusing Statement Page 353

Substantive Comment

759

Subject: Erroneous Statement

Page 353

Referring to the Following Paragraph

Alternatives D and E would restrict authorization of new communications sites and other rights-of-ways in the Serpentine ACEC to existing facilities. Alternative E would also authorize access into the Serpentine ACEC by permit only for < 12 days for non-motorized recreation, and < 5 days for motorized activities.

Discussion

The statement, "... and other rights-of-ways ..." is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Authorized access for landowners is already guaranteed in law and on the original land title by Presidential signature and no authorization is needed. The Agency is impotent in the matter of granting access authorization and is attempting to convert Rights to a privilege.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 759: Subject: Erroneous Statement Page 353

Substantive Comment

760

Subject: Erroneous Statement

Page 353

Referring to the Following Paragraph

Alternative F would restrict authorization of new communications sites and other rights-of-ways in the Serpentine ACEC to existing facilities, and Alternative G would prohibit new rights-of-ways in the ACEC. Both alternatives would stipulate human health and safety mitigation measures in new and/or existing land use authorizations. These restrictions and stipulations would have a moderate long-term beneficial impact on human health and safety.

Discussion

The statement, "... and other rights-of-ways ..." is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Authorized access for landowners is already guaranteed in law and on the original land title by Presidential signature and no authorization is needed. the Agency is impotent in the matter of granting access authorization and is attempting to convert Rights to a privilege.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 760: Subject: Erroneous Statement Page 353

Substantive Comment

761

Subject: Extraneous Background Data

Page 354

Referring to the Following Paragraph

4.2.9 Cumulative Effects

Discussion

This entire section contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 761: Subject: Extraneous Background Data Page 354

Substantive Comment

762

Subject: Misleading Statement

Page 354

Referring to the Following Paragraph

In a July 2004, the United States Center for Diseases Control and Prevention reported that temporal patterns of pneumoconiosis mortality during 1968—2000 indicate an overall decrease in pneumoconiosis mortality. Pneumoconioses are diseases caused by the inhalation and deposition of mineral dusts in the lungs, resulting in pulmonary fibrosis and other parenchymal changes. The CDC report describes known pneumoconioses, which include “coal workers’ pneumoconiosis (CWP), silicosis, asbestosis, mixed dust pneumoconiosis, graphitosis, and talcosis”, and explains that no effective treatments for these diseases are available. Despite the marked decrease in some pneumoconioses, the CDC study concludes that “asbestosis increased steadily” from 1968-2000, and is “now the most frequently recorded pneumoconiosis on death certificates” (CDC 2004). The CDC acknowledges that the findings in this report are subject to limitations.

Discussion

This paragraph and the entire section is misleading because it fails to balance the discussion with conflicting opinion expressed by other agencies, such as ATSDR (2002) and EPA (2008c) which suggest that the 1986 asbestos risk assessment need to be updated to reflect the fact that chrysotile is significantly less potent than amphibole asbestos minerals.

Recommendation

The Agency must edit or delete the misleading statement to correct for this information deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

ATSDR (2002) “Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length,” Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

EPA (2008c) “SAB Consultation on EPA’s Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos,” U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 762: Subject: Misleading Statement Page 354

Substantive Comment

763

Subject: Misleading Statement

Page 354

Referring to the Following Paragraph

The presence of airborne asbestos dust, a known carcinogen, poses a potential human health risk in the serpentine portion of the CCMA. Studies have proven that the vast majority of airborne asbestos dust in the Clear Creek area is generated by human activities, primarily vehicle use. Continued OHV use on unpaved routes, trails, and barrens would generate asbestos emissions, and visitor use and exposure to asbestos in the ACEC would have long-term negative cumulative effect on individuals excess lifetime cancer risks (ELCR).

Discussion

The statement, "The presence of airborne asbestos dust, a known carcinogen, poses a potential human health risk in the serpentine portion of the CCMA" is misleading because chrysotile, the asbestos mineral found in the subject area, does not pose a significant human health risk (ATSDR (2002) and EPA (2008c)).

Recommendation

The Agency must edit or delete the misleading statement to correct for this information deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

ATSDR (2002) "Expert Panel on Health Effects of Asbestos and Synthetic Vitreous Fibers (SVF): The Influence of Fiber Length," Agency for Toxic Substances and Disease Registry, Division of Health Assessment & Consultation.

EPA (2008c) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 763: Subject: Misleading Statement Page 354

Substantive Comment

764

Subject: Confusing Statement

Page 354

Referring to the Following Paragraph

Alternatives A, B, C would have long-term adverse cumulative effects on public health and safety from airborne asbestos emissions because visitor use would be similar to current levels. Potential health risks and air quality impacts from airborne asbestos emissions associated with OHV recreation use would still include an elevated risk of contracting serious and/or life-threatening asbestos-related diseases from exposure to asbestos fibers. Any reductions in impacts to human health would come primarily from mitigation and administrative measures. Extending dry season vehicle restrictions would contribute to reduced impacts to human health.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 764: Subject: Confusing Statement Page 354

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 764: Subject: Confusing Statement Page 354

Substantive Comment

765

Subject: Confusing Statement

Page 355

Referring to the Following Paragraph

Furthermore, airborne asbestos emissions and public exposure would be reduced by dust suppression with water trucks, on approximately 25 miles of major routes in CCMA. A public vehicle wash rack for removing dust, mud and other asbestos-containing materials from vehicles could substantially reduce the cumulative impacts on public health and safety from off-site transport of asbestos by OHV user vehicles and subsequent exposure.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 765: Subject: Confusing Statement Page 355

Substantive Comment

766

Subject: Confusing Statement

Page 355

Referring to the Following Paragraph

Under these alternatives, surface disturbing activities would only be permitted during periods when air concentrations of asbestos fall below OSHA action levels for a given activity. All BLM road maintenance and grading activities would be conducted in compliance with MBUAPCD ATCM for airborne asbestos, to prevent visible emissions during these operations. Education programs related to asbestos exposure and hazards would be expanded, and any new risk assessments would be incorporated into informational materials. Closure of all remaining mine areas and restricting vehicle access to these areas would further reduce public exposure to hazardous contaminants and transport of hazardous metals to streams and corresponding off-site transport.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 766: Subject: Confusing Statement Page 355

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

767

Subject: Confusing Statement

Page 355

Referring to the Following Paragraph

Under Alternatives E, F, and G, closure of routes and barrens to motorized access and OHV recreation would contribute to an overall reduction in asbestos dust generation and its transport by wind off-site, and would contribute to lower levels of asbestos transported by water and reduced impacts to beneficial uses.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 767: Subject: Confusing Statement Page 355

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 767: Subject: Confusing Statement Page 355

Substantive Comment

768

Subject: Misleading Statement

Page 355

Referring to the Following Paragraph

Nonetheless, exposure to concentrations of asbestos similar to those analyzed by EPA in the CCMA Asbestos Exposure and Human Health Risk Assessment would have a long-term negative cumulative impact on public health and safety due to the elevated risk of asbestos related diseases and cancer.

Discussion

This paragraph is misleading because it attempts to qualify its conclusion on similar concentrations (generic volume) and fails to consider the lack of epidemiological data to support asbestos etiology for chrysotile species natural to the CCMA, and the fact that CCMA chrysotile is a unique short-fiber species, and the growing scientific consensus that local chrysotile is in fact harmless. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (40 C.F.R. § 1502.24). When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking (40 C.F.R. § 1502.22).

Recommendation

The Agency must edit this paragraph to correct the deficiency or delete the paragraph. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Bernstein, David M., Jörg Chevalier, and Paul Smith (2005) "Comparison of Calidria Chrysotile Asbestos to Pure Tremolite: Final Results of the Inhalation Biopersistence and Histopathology Examination Following Short-Term Exposure," *Inhalation Toxicology*, 17(9):427-449.

Bernstein, David M., Rick Rogers, Paul Smith, and Jörg Chevalier (2006) "The Toxicological Response of Brazilian Chrysotile Asbestos: A Multidose Subchronic 90-Day Inhalation Toxicology Study with 92-Day Recovery to Assess Cellular and Pathological Response," *Inhalation Toxicology*, 18(5):313-332.

Camus, M., J. Siemiatycki, B.W. Case, M. Désy, (2002) "Risk of Mesothelioma Among Women Living Near Chrysotile Mines Versus US EPA Asbestos Risk Model: Preliminary Findings," *Annals of occupational Hygiene*, 46(1):95-98.

Substantive Comment - # 768: Subject: Misleading Statement Page 355

- 1 Camus, Michel, Jack Siemiatycki, and Bette Meek (1998) "Nonoccupational Exposure to
3 Chrysotile Asbestos and the Risk of Lung Cancer," *The New England Journal of Medicine*,
338(22):1565-1571.
- 5 Dönmez-Altuntas, Hamiyet, Münevver Baran, F. Sema Oymak, Zuhail Hamurcu, Nalan
7 Imamoglu, Mustafa Özesmi, and Halil Demirtas (2007) "Investigation of micronucleus
frequencies in lymphocytes of inhabitants environmentally exposed to chrysotile
asbestos," *International Journal of Environmental Health Research*, 17(1):45-51.
- 9 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.
- 11 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
13 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.
- 15 Ilgren, E. (2004) "Coalinga Chrysotile: A Short Fibre, Amphibole Free, Chrysotile: Part V –
Lack of Amphibole Asbestos Contamination," *Indoor Built Environment*, 13:325-341.
- 17 Ilgren, Ed (2008) "Review: The Fiber Length of Coalinga Chrysotile: Enhanced Clearance
19 due to Its Short Nature in Aqueous Solution with a Brief Critique on 'Short Fiber
Toxicity'" *Indoor and Built Environment* 17(1):5-26.
- 21 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.
- 23 Yarborough, Charles M. (2006) "Chrysotile as a Cause of Mesothelioma: An Assessment
25 Based on Epidemiology," *Critical Reviews in Toxicology*, 36:165-187.

Substantive Comment - # 768: Subject: Misleading Statement Page 355

Substantive Comment

769

Subject: Confusing Statement

Page 355

Referring to the Following Paragraph

Alternatives E, F, and G would have long-term beneficial cumulative impacts on public health and safety compared to other alternatives because visitor use would be much lower than current levels and additional mitigation measures would be implemented to further reduce human health risks. Nonetheless, potential health risks and air quality impacts from airborne asbestos emissions associated with motorized and non-motorized recreation use would still include an elevated risk of contracting serious and/or life-threatening asbestos-related diseases from exposure to asbestos fibers. Any reductions in impacts to human health would come primarily from mitigation and administrative measures.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 769: Subject: Confusing Statement Page 355

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 769: Subject: Confusing Statement Page 355

Substantive Comment

770

Subject: Unnecessary Repetition

Page 357

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- The goals for travel management are to (1) continue to maintain roads for resource management purposes; (2) continue to support local counties and the State of California in providing a network of roads for movement of people, goods, and services across public lands; (3) manage motorized access use to protect resource values, promote public safety, provide responsible motorized access use opportunities where appropriate and minimize conflicts among various user groups.

Discussion

Restating the goals from page 42 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 770: Subject: Unnecessary Repetition Page 357

Substantive Comment

771

Subject: Erroneous Statement

Page 357

Referring to the Following Paragraph

All routes in the Planning Area are assigned one of four travel management designations: (1) open to motorized or mechanized cross-country travel, (2) limited to designated routes, (3) closed to motorized and mechanized travel, or (4) closed to all public use.

Discussion

The statement, "All routes in the Planning Area are assigned one of four travel management designations" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Portions of the Planning Area contains public and private ways over which the Agency has no jurisdiction or authority to designate route usage with non BLM managed lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 771: Subject: Erroneous Statement Page 357

Substantive Comment

772

Subject: Erroneous Statement

Page 357 & 358

Referring to the Following Paragraph

Impacts from travel restrictions include changes in the amount and type of traffic, construction of new roads/trails, and abandonment of existing roads/trails. The development and construction of new routes and the abandonment and restoration of existing routes would also have minor negative, indirect impacts on private property owners and other existing rights-holders that would be required to obtain rights-of-ways to travel across BLM public lands on authorized on specific routes. Similarly, changes in the level and types of traffic on roads accessing CCMA could result in minor negative, indirect impacts on local and State governments that manage the road system if additional maintenance or patrol becomes necessary.

Discussion

The statement, "impacts on private property owners and other existing rights-holders that would be required to obtain rights-of-ways to travel across BLM public lands on authorized on specific routes" is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Perhaps the property owners and the Agency might wish to negotiate new right of ways, but such decisions cannot impair rights historically existing by public ways. Additionally, there are no "BLM public lands" within the planning area; these are public land, managed (not owned) by the Bureau of Land Management.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 772: Subject: Erroneous Statement Page 357 & 358

Substantive Comment

773

Subject: Erroneous Statement

Page 357 & 358

Referring to the Following Paragraph

Impacts from travel restrictions include changes in the amount and type of traffic, construction of new roads/trails, and abandonment of existing roads/trails. The development and construction of new routes and the abandonment and restoration of existing routes would also have minor negative, indirect impacts on private property owners and other existing rights-holders that would be required to obtain rights-of-ways to travel across BLM public lands on authorized on specific routes. Similarly, changes in the level and types of traffic on roads accessing CCMA could result in minor negative, indirect impacts on local and State governments that manage the road system if additional maintenance or patrol becomes necessary.

Discussion

The statement, "... negative, indirect impacts on local and State governments that manage the road system if additional maintenance or patrol becomes necessary" is erroneous because it assumes that only government agencies conduct maintenance of the public ways. This is erroneous because many private state citizens and property owners also conduct some road maintenance.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 773: Subject: Erroneous Statement Page 357 & 358

Substantive Comment

774

Subject: Misleading Statement

Page 358

Referring to the Following Paragraph

Appropriate capacity and modes of access is an important feature of travel management planning. Too little route capacity may result in overcrowding, and lack of roads or access could result in the inability of the public to enjoy certain areas of the CCMA public lands. Areas where there is no public access or where access could be improved include Condon Zone, Cantua Zone, Tucker Zone and Joaquin Ridge, directly south of the CCMA. **Traditional access to Joaquin Ridge has been through the CCMA along Spanish Lake Road.**

Discussion

The statement, "Traditional access to Joaquin Ridge has been through the CCMA along Spanish Lake Road" is misleading because it fails to recognize the historic public ways associated with Joaquin Ridge and Joaquin Rocks that were established during the prehistoric period and continued in use historically and contemporaneously.

Recommendation

The Agency must edit or delete the misleading statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 774: Subject: Misleading Statement Page 358

Substantive Comment

775

Subject: Erroneous Statements

Page 358

Referring to the Following Paragraph

Appropriate capacity and modes of access is an important feature of travel management planning. Too little route capacity may result in overcrowding, and lack of roads or access could result in the inability of the public to enjoy certain areas of the CCMA public lands. Areas where there is no public access or where access could be improved include Condon Zone, Cantua Zone, Tucker Zone and Joaquin Ridge, directly south of the CCMA. Traditional access to Joaquin Ridge has been through the CCMA along **Spanish Lake Road**.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 775: Subject: Erroneous Statements Page 358

Substantive Comment

776

Subject: Erroneous Statement

Page 358

Referring to the Following Paragraph

Redundant routes are routes that no longer serve their intended purpose and/or exceed State soil loss standards. Redundant routes can result in deterioration of visual or biological resources, or cause an additional maintenance load on the managing agency. Closure of these routes can result in beneficial impacts on water and biological resources and visual quality; however, the potential added burden on the remaining open routes may result in negative impacts such as soil erosion or compaction, loss of vegetative cover, or traffic congestion on the remaining route network.

Discussion

The statement, "Redundant routes are routes that no longer serve their intended purpose and/or exceed State soil loss standards" is erroneous because it fails to recognize the proper and accepted definition for the word "redundant."

According to Merriam-Webster Dictionary: *redundant* 1 a: exceeding what is necessary or normal: superfluous b: characterized by or containing an excess; specifically: using more words than necessary c: characterized by similarity or repetition 2: profuse, lavish 3: serving as a duplicate for preventing failure of an entire system (as a spacecraft) upon failure of a single component.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 776: Subject: Erroneous Statement Page 358

Substantive Comment

777

Subject: Inaccurate Statement

Page 358

Referring to the Following Paragraph

Multiple products are available for dust suppression on trails. See Appendix V. Each of these products requires multiple applications per year, especially in areas sustaining high mechanical wear, such as OHV routes and trails. Rain and snow further shorten the application intervals due to run-off. There is no production-grade application device available for a single track trail situation, especially when dealing with the narrow, off-camber and steep grade trails endemic to CCMA. An application device would have to be fabricated for motorcycle or hand application and would likely be unfeasible from a cost/benefit perspective, especially when labor is considered.

Discussion

The statement, "There is no production-grade application device available for a single track trail situation, especially when dealing with the narrow, off-camber and steep grade trails endemic to CCMA" is inaccurate because ROKON, Inc. does manufacture single-track equipment that could accommodate or facilitate various applications. However, it remains probable that extreme variation in trail camber, incline, soil compaction and many other factors may impair the efficacy of such applications.

Recommendation

The Agency should edit or delete the inaccurate statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 777: Subject: Inaccurate Statement Page 358

Substantive Comment

778

Subject: Confusing Statement

Page 359

Referring to the Following Paragraph

Major energy and mineral exploration in the management area stopped in 1996 with the KCAC Asbestos Mine and would see no impacts under all alternatives.

Discussion

This statement is confusing because it does not include an action for KCAC, Inc., and because it does not provide explanation for "would see no impacts under all alternatives."

Recommendation

The Agency should edit or delete the confusing statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 778: Subject: Confusing Statement Page 359

Substantive Comment

779

Subject: Confusing Statement

Page 361 & 362

Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented below in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 779: Subject: Confusing Statement Page 361 & 362

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
7 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 779: Subject: Confusing Statement Page 361 & 362

Substantive Comment

780

Subject: Erroneous Statement

Page 363

Referring to the Following Paragraph

Under Alternatives B-G, there are potential adverse impacts to existing rights-holders and CCMA private land owners that use routes crossing public lands from requirements to obtain a formal right-of-way (ROW) pursuant to FLPMA and pay annual rental fees. The intensity of those adverse impacts varies based on the alternatives. Alternatives A through D would be considered minor because County roads would be used for primary access to private inholdings. Whereas, Alternatives E, F, and G would have moderate short-term adverse impacts because these alternatives would effectively close all County roads and require all landowners to get ROW from BLM for travel on routes in the ACEC. BLM may consider undue hardship on landowners and negotiate rental rates in accordance with BLM guidance. Often times this can mitigate the financial impact.

Discussion

The statement, "... impacts to existing rights-holders and CCMA private land owners that use routes crossing public lands from requirements to obtain a formal right-of-way (ROW) pursuant to FLPMA and pay annual rental fees ..." is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 780: Subject: Erroneous Statement Page 363

Substantive Comment

781

Subject: Confusing Format

Page 363

Referring to the Following Paragraph

Alternatives A and B provide the most amount of open or limited access routes in the Management Area. The route networks are identical and are only different by temporal/seasonal access restrictions. Alternative B would designate the CCMA a 'Limited' OHV use area and reaffirm the route and barren network designated under the 2006 CCMA ROD. Access points would be limited to the main entrance to Clear Creek Canyon from Coalinga Road and the county road through the former town of Idria. The Salinas Ramblers Motorcycle Club would also continue to have access via R7, which ends at their property boundary.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 781: Subject: Confusing Format Page 363

Substantive Comment

782

Subject: Confusing Format

Page 363

Referring to the Following Paragraph

The Dry Season Use Restriction would extend from April 15th through December 1st, which would further reduce the visitor use season by 12 weeks and limit access to CCMA more than 60% of the year. Wet Season Use Restrictions would continue using established or improved methods as they become available. Under this alternative, visitors will be limited in their use by days/year based on the EPA and BLM risk assessment models and activity-based air sampling data gathered during the 'wet season', which is the time of year CCMA is open to the public.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 782: Subject: Confusing Format Page 363

Substantive Comment

783

Subject: Confusing Statement

Page 364

Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 783: Subject: Confusing Statement Page 364

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 783: Subject: Confusing Statement Page 364

Substantive Comment

784

Subject: Erroneous Statement

Page 364

Referring to the Following Paragraph

These actions would result in a permanent net loss of open or limited access routes in the Planning Area. While there are many ecological benefits to this, this loss of opportunity is considered an adverse impact to the transportation network in the Planning Area as it may cause additional crowding of the remaining roads which can result in secondary effects of off-road driving and creation of unofficial, user-inspired routes that ultimately will need to be closed or maintained.

Discussion

The statement, "These actions would result in a permanent net loss of open or limited access routes in the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Portions of the Planning Area contains public and private ways over which the Agency has no jurisdiction or authority to designate route usage with non BLM managed lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 784: Subject: Erroneous Statement Page 364

Substantive Comment

785

Subject: Confusing Statement

Page 365

Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 785: Subject: Confusing Statement Page 365

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 785: Subject: Confusing Statement Page 365

Substantive Comment

786

Subject: Confusing Statement

Page 366

Referring to the Following Paragraph

It is important to note that new route development, especially in the Cantua and Condon Zones, would likely result in the discovery of asbestos bearing serpentine inclusions and would present further health and safety issues at any points of crossing. The San Benito River Zone is a fragmented area that presents many difficulties for a motorized route network because the majority of the public lands in this Zone are non-contiguous and broken by private property. Connecting this Zone to any other routes outside of the Serpentine ACEC within the neighboring Condon Zone would not be possible without crossing private lands. These considerations make this zone an unlikely candidate for any further routes.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 786: Subject: Confusing Statement Page 366

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 786: Subject: Confusing Statement Page 366

Substantive Comment

787

Subject: Confusing Statement

Page 366

Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 787: Subject: Confusing Statement Page 366

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 787: Subject: Confusing Statement Page 366

Substantive Comment

788

Subject: Erroneous Statement

Page 366

Referring to the Following Paragraph

Under Alternative D, OHV recreation activities would be allowed on designated open routes in the Condon Zone, which could result in adverse impacts on riparian areas from streambed disruption or trampling of riparian vegetation, and not meeting the goal of maintaining or enhancing water quality. Motorized recreation access would be authorized on approximately 60 miles of route network following inventory resource screening, and route designation criteria outlined in Appendix II. Additional roads and parking for vehicles would be allowed near Coalinga-Los Gatos Road, San Carlos Bolsa, and Tucker and Wright Mountain(s), and increased development and/or expansion of recreation facilities such as campgrounds throughout the Planning Area would be pursued. Compared to other action alternatives, Alternative D would allow the most motorized recreation outside the ACEC and the most development of recreation facilities in the CCMA, which has the potential to create moderate adverse impacts to water

Discussion

The statement, "increased development and/or expansion of recreation facilities such as campgrounds throughout the Planning Area would be pursued" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Portions of the Planning Area contains public and private land over which the Agency has no jurisdiction or authority to develop recreation usage on non BLM managed lands within the Planning Area.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 788: Subject: Erroneous Statement Page 366

Substantive Comment

789

Subject: Erroneous Statement

Page 367

Referring to the Following Paragraph

Alternative E would restrict public access to T153 and **Spanish Lake Road** (Route R-11) year-round within the ACEC. All public rights-of-way would be vacated on County roads within the ACEC. The County roads from Clear Creek entrance to Jade Mill would be maintained, as would the County road from Idria to its connection with T153. Access would be restricted during extreme weather conditions based on soil moisture monitoring and/or established procedures for seasonal use restrictions. Gates would be installed at all entrance points to control public access. Motorized access throughout the rest of the ACEC would be authorized for existing rights-holders, private property in-holders, scientific studies, research and education from accredited institutions and individuals and on a case-by-case basis. The Condon and Tucker Zones would be maintained for non-motorized activities. The Cantua Zone would be analyzed for construction of a motorized route network. If implemented, this route would provide primary hunting and hiking access, and new recreation facilities would be constructed to support non-motorized recreation opportunities. Existing RMOs would be maintained within the Condon Zone.

Discussion

The paragraph is erroneous because there is no "Spanish Lake Road" within the subject area. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps the author meant to refer to San Benito County's "Mexican Lake Road," which is a California public highway. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must rewrite the subject document to edit the paragraph to remove the ambiguity or delete the confusing or discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 789: Subject: Erroneous Statement Page 367

Substantive Comment

790

Subject: Erroneous Statement

Page 367

Referring to the Following Paragraph

Alternative E would restrict public access to T153 and Spanish Lake Road (Route R-11) year-round within the ACEC. All public rights-of-way would be vacated on County roads within the ACEC. The County roads from Clear Creek entrance to Jade Mill would be maintained, as would the County road from Idria to its connection with T153. Access would be restricted during extreme weather conditions based on soil moisture monitoring and/or established procedures for seasonal use restrictions. Gates would be installed at all entrance points to control public access. Motorized access throughout the rest of the ACEC would be authorized for existing rights-holders, private property in-holders, scientific studies, research and education from accredited institutions and individuals and on a case-by-case basis. The Condon and Tucker Zones would be maintained for non-motorized activities. The Cantua Zone would be analyzed for construction of a motorized route network. If implemented, this route would provide primary hunting and hiking access, and new recreation facilities would be constructed to support non-motorized recreation opportunities. Existing RMOs would be maintained within the Condon Zone.

Discussion

The statement, "All public rights-of-way would be vacated on County roads within the ACEC" is erroneous because the Agency lacks authority to vacate a County public highway in the State of California; such authority is reserved to the California Legislature.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 790: Subject: Erroneous Statement Page 367

Substantive Comment

791

Subject: Erroneous Statement

Page 367

Referring to the Following Paragraph

Alternative E would restrict public access to T153 and Spanish Lake Road (Route R-11) year-round within the ACEC. All public rights-of-way would be vacated on County roads within the ACEC. The County roads from Clear Creek entrance to Jade Mill would be maintained, as would the County road from Idria to its connection with T153. Access would be restricted during extreme weather conditions based on soil moisture monitoring and/or established procedures for seasonal use restrictions. Gates would be installed at all entrance points to control public access. Motorized access throughout the rest of the ACEC would be authorized for existing rights-holders, private property in-holders, scientific studies, research and education from accredited institutions and individuals and on a case-by-case basis. The Condon and Tucker Zones would be maintained for non-motorized activities. The Cantua Zone would be analyzed for construction of a motorized route network. If implemented, this route would provide primary hunting and hiking access, and new recreation facilities would be constructed to support non-motorized recreation opportunities. Existing RMOs would be maintained within the Condon Zone.

Discussion

The statement, "Motorized access throughout the rest of the ACEC would be authorized for existing rights-holders, private property in-holders ..." is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA and the Agency cannot impair those existing rights of way.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 791: Subject: Erroneous Statement Page 367

Substantive Comment

792

Subject: Confusing Statement

Page 368

Referring to the Following Paragraph

In addition, the designated route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 792: Subject: Confusing Statement Page 368

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 792: Subject: Confusing Statement Page 368

Substantive Comment

793

Subject: Erroneous Statement

Page 368

Referring to the Following Paragraph

Alternative F would restrict public access in the ACEC to pedestrian traffic and/or written motorized access authorizations. All existing rights-of-way would be maintained, and gates would be constructed at entrance points to control vehicle access into the ACEC. Clear Creek Road would be decommissioned and restored to provide habitat and control erosion. Non-motorized recreation opportunities would be allowed for the general public within the ACEC, but permits would limit access to less than 12 visitor days. Written authorizations would also be required for scientific research and education groups to access the Serpentine ACEC, SBMRNA, and Joaquin Rocks. Access would be restricted during extreme weather conditions based on soil moisture monitoring and/or established procedures for seasonal use restrictions. New transportation facilities would be considered in the Cantua and Tucker Zones to support non-motorized recreation opportunities. Existing RMOs would be maintained within the Condon Zone, with a new staging area and motorized access established along Coalinga-Los Gatos Road.

Discussion

The statement, "Clear Creek Road would be decommissioned and restored to provide habitat and control erosion." is erroneous because decommissioning Clear Creek road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 793: Subject: Erroneous Statement Page 368

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 793: Subject: Erroneous Statement Page 368

Substantive Comment

794

Subject: Confusing Statement

Page 369

Referring to the Following Paragraph

In addition, the administrative route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 794: Subject: Confusing Statement Page 369

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
7 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 794: Subject: Confusing Statement Page 369

Substantive Comment

795

Subject: Erroneous Statement

Page 369

Referring to the Following Paragraph

This alternative includes a complete restriction on motorized use of roads and trails in the Serpentine ACEC. BLM would continue to implement the BMPs set forth in Appendix V for routes in the ACEC that would continue to be used for administrative purposes and authorized access for landowners and existing rights-of-way holders.

Discussion

The statement, "... authorized access for landowners ..." is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Authorized access for landowners is already guaranteed in law and on the original land title by Presidential signature and no authorization is needed. the Agency is impotent in the matter of granting access authorization and is attempting to convert Rights to a privilege.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 795: Subject: Erroneous Statement Page 369

Substantive Comment

796

Subject: Erroneous Statement

Page 370

Referring to the Following Paragraph

Alternative G would prohibit all public access inside the ACEC. All public rights-of-way would be terminated on County Roads and gates would be constructed at entrance points to control vehicle access into the ACEC. Access would be authorized into the ACEC for existing rights-holders, private property in-holders, scientific studies, research and education from accredited institutions and individuals and on a case-by-case basis. Access authorizations would stipulate health and safety requirements and, where deemed appropriate, would require compliance with the Hollister Field Office Health and Safety Plan for the ACEC. Cantua and Tucker Mtn. zones would be managed for non-motorized recreation and Condon Peak zone would be limited to full-sized vehicles and ATVs on designated routes with a new staging area established along Los Gatos Creek Road.

Discussion

The statement, "All public rights-of-way would be terminated on County Roads and gates would be constructed at entrance points to control vehicle access into the ACEC. Access would be authorized into the ACEC for existing rights-holders, private property in-holders ..." is erroneous because such act would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 796: Subject: Erroneous Statement Page 370

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 796: Subject: Erroneous Statement Page 370

Substantive Comment

797

Subject: Erroneous Statement

Page 370

Referring to the Following Paragraph

Alternative G would prohibit all public access inside the ACEC. All public rights-of-way would be terminated on County Roads and gates would be constructed at entrance points to control vehicle access into the ACEC. Access would be authorized into the ACEC for existing rights-holders, private property in-holders, scientific studies, research and education from accredited institutions and individuals and on a case-by-case basis. Access authorizations would stipulate health and safety requirements and, where deemed appropriate, would require compliance with the Hollister Field Office Health and Safety Plan for the ACEC. Cantua and Tucker Mtn. zones would be managed for non-motorized recreation and Condon Peak zone would be limited to full-sized vehicles and ATVs on designated routes with a new staging area established along Los Gatos Creek Road.

Discussion

The statement, "Access authorizations would stipulate health and safety requirements and, where deemed appropriate, would require compliance with the Hollister Field Office Health and Safety Plan for the ACEC ..." is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Authorized access for landowners is already guaranteed in law and on the original land title by Presidential signature and no authorization is needed. The Agency is impotent in the matter of granting access authorization and is attempting to convert Rights to a privilege.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 797: Subject: Erroneous Statement Page 370

Substantive Comment

798

Subject: Erroneous Statement

Page 370

Referring to the Following Paragraph

This alternative includes a complete restriction on motorized use of roads and trails in the Serpentine ACEC. BLM would continue to implement the BMPs set forth in Appendix V for routes in the ACEC that would continue to be used for administrative purposes and authorized access for landowners and existing rights-of-way holders.

Discussion

The statement, "... authorized access for landowners and existing rights-of-way holders" is erroneous because historic public highways already provide existing right of ways to private property surrounded by public lands within the CCMA. Authorized access for landowners is already guaranteed in law and on the original land title by Presidential signature and no authorization is needed. the Agency is impotent in the matter of granting access authorization and is attempting to convert Rights to a privilege.

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 798: Subject: Erroneous Statement Page 370

Substantive Comment

799

Subject: Confusing Statement

Page 370

Referring to the Following Paragraph

In addition, the administrative route network would be improved to mitigate asbestos dust emissions utilizing a combination of paving/asphalt, base rock, chip seal, surfactants and copolymer emulsion soil stabilizers. A comparison of these mitigation measures, including initial cost and maintenance estimates is presented above in Table 3.3-1, and was used to determine feasibility of implementing these measures. In addition, monitoring would be necessary to determine the effectiveness of these dust suppression methods in reducing asbestos emissions and the associated human health risk of exposure to airborne asbestos fibers in CCMA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 799: Subject: Confusing Statement Page 370

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
7 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 799: Subject: Confusing Statement Page 370

Substantive Comment

800

Subject: Needleless Bulk

Pages 371 and 372

Referring to the Following Paragraph

4.3.11 Cumulative Effects

Discussion

This entire section contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 800: Subject: Needleless Bulk Pages 371 and 372

Substantive Comment

801

Subject: Misleading Statement

Page 372

Referring to the Following Paragraph

Alternative A would have major long-term cumulative benefits for public and administrative access to BLM-administered lands in the Planning Area because it would continue to allow all forms of motorized and non-motorized recreation activities on designated routes and barrens in CCMA. Even though Alternatives B, C, and D would also authorize OHV recreation and motorized access for hunting and rockhounding on public lands, these alternatives would only have minor long-term cumulative benefits because of increasing restrictions on visitor use and vehicle types, or reductions in the miles of designated routes and barrens in the CCMA.

Discussion

The statement, "... recreation and motorized access for hunting and rockhounding on public lands ..." is misleading because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 801: Subject: Misleading Statement Page 372

Substantive Comment

802

Subject: Unnecessary Repetition

Page 374

Referring to the Following Paragraph

For ease of use, the management goals from Chapter 2.4 are reiterated here:

- The goals for vegetation resources are to (1) restore, maintain, or improve ecological conditions, natural diversity, and associated watersheds of high value, high-risk, native plant communities and unique plant assemblages and (2) restore degraded landscapes and plant communities.

Discussion

Restating the goals from page 49 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 802: Subject: Unnecessary Repetition Page 374

Substantive Comment

803

Subject: Misleading Statement

Pages 381 & 382

Referring to the Following Paragraph

Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can cause minor adverse impacts to vegetation resources. Of these activities, camping poses the greatest impact to vegetation resources since camping sites are repeatedly used. Repeated use of campsites can result in localized vegetation damage and removal (adverse). This is particularly true for serpentine riparian vegetation within the ACEC. The many level stream terraces adjacent to Clear Creek and other riparian areas within the CCMA were heavily used historically as OHV staging areas and camp sites. Although most of those terraces are now closed, some stream terraces remain open and continue to be used as campsites. Most campsites with the CCMA are located at designated campgrounds and staging areas, however, there are several small, popular informal campsites scattered throughout the CCMA. Foot traffic activities such as hiking, hunting, and rockhounding tend to be dispersed and not result in measurable adverse impacts to vegetation resources. Most hiking and hunting activities tend to occur primarily outside of the ACEC which are more vegetated and support more game animals, whereas most rockhounding activities are focused within the ACEC where there is a wide variety of rare minerals that appeal to collectors.

Discussion

The statement, "Non-motorized recreation activities including camping, hiking, hunting, and rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 803: Subject: Misleading Statement Pages 381 & 382

Substantive Comment

804

Subject: Erroneous Statement

Pages 381 & 382

Referring to the Following Paragraph

Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can cause minor adverse impacts to vegetation resources. Of these activities, camping poses the greatest impact to vegetation resources since camping sites are repeatedly used. Repeated use of campsites can result in localized vegetation damage and removal (adverse). This is particularly true for serpentine riparian vegetation within the ACEC. The many level stream terraces adjacent to Clear Creek and other riparian areas within the CCMA were heavily used historically as OHV staging areas and camp sites. Although most of those terraces are now closed, some stream terraces remain open and continue to be used as campsites. Most campsites with the CCMA are located at designated campgrounds and staging areas, however, there are several small, popular informal campsites scattered throughout the CCMA. Foot traffic activities such as hiking, hunting, and rockhounding tend to be dispersed and not result in measurable adverse impacts to vegetation resources. Most hiking and hunting activities tend to occur primarily outside of the ACEC which are more vegetated and support more game animals, whereas most rockhounding activities are focused within the ACEC where there is a wide variety of rare minerals that appeal to collectors.

Discussion

The statement, "The many level stream terraces adjacent to Clear Creek and other riparian areas within the CCMA were heavily used historically as OHV staging areas and camp sites" is inaccurate because it fails to recognize the mining related activities and the associated community of residential, commercial and industrial facility that supported area mining which began during the 1850s and 60s, and earlier prehistoric utilization. All of the locales used as "OHV staging areas and camp sites" were also preferred sites for previous human activity.

Recommendation

The Agency must edit or delete the inaccurate statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 804: Subject: Erroneous Statement Pages 381 & 382

Substantive Comment

805

Subject: Erroneous Statement

Page 382

Referring to the Following Paragraph

Energy and mineral development can result in long-term damage to- or permanent loss of vegetation (adverse). Like vehicle travel impacts, construction can cause direct removal of or damage to vegetation. Vegetation disturbance from construction is typically more intense compared to OHV (light vehicle) impacts due to the use of heavy equipment. Generally, the significance of vegetation loss depends on the type of impact, amount of area disturbed, plant community types affected, and capacity for the disturbed area to recover. These factors determine whether impacts to vegetation are short- or long-term. Impacts to vegetation from transmission lines and staging areas would be temporary, whereas impacts from building construction and open pit mining may be regarded as permanent as both vegetation and soil are removed down to bedrock.

Discussion

The statement, "... whereas impacts from building construction and open pit mining may be regarded as permanent as both vegetation and soil are removed down to bedrock)" is erroneous because building construction does not necessarily remove soil "down to bedrock.

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 805: Subject: Erroneous Statement Page 382

Substantive Comment

806

Subject: Inaccurate Statement

Page 382

Referring to the Following Paragraph

Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine mass (ACEC) is highly-mineralized and was historically, commercially mined for magnesite, chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues to mine and market benitoite. Most other mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals and changing mineral markets and mineral regulation (i.e. asbestos ban in U.S.). The CCMA has moderate potential for energy development. Oil and gas development potential is very low as the New Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

Discussion

The statement, "... mined for magnesite, chromite, cinnabar, and asbestos" is inaccurate because it fail to properly identify the mineral ore chrysotile. Since the minerals "magnesite, chromite, cinnabar" are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit or delete the inaccurate statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 806: Subject: Inaccurate Statement Page 382

Substantive Comment

807

Subject: Erroneous Statement

Page 382

Referring to the Following Paragraph

Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine mass (ACEC) is highly-mineralized and was historically, commercially mined for magnesite, chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues to mine and market benitoite. Most other mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals and changing mineral markets and mineral regulation (i.e. asbestos ban in U.S.). The CCMA has moderate potential for energy development. Oil and gas development potential is very low as the New Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

Discussion

The statement, "Most other mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals ..." is erroneous because it conflicts with page 198 of the subject report, and because most of the ore deposits within the subject area remain large, but are currently unattractive to mineral exploration and extraction because the current marketability of area minerals is low, thus there is no economic incentive for mineral development.

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 807: Subject: Erroneous Statement Page 382

Substantive Comment

808

Subject: Erroneous Statement

Page 382

Referring to the Following Paragraph

Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine mass (ACEC) is highly-mineralized and was historically, commercially mined for magnesite, chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues to mine and market benitoite. Most other mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals and changing mineral markets and mineral regulation (i.e. asbestos ban in U.S.). The CCMA has moderate potential for energy development. Oil and gas development potential is very low as the New Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

Discussion

The statement, "... (i.e. asbestos ban in U.S.)" is erroneous because asbestos is not banned in the United States, see *Corrosion Proof Fittings, et al. v. The Environmental Protection Agency and William K. Reilly, Administrator*, 947 F.2d 1201 (5th Cir. 1991).

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 808: Subject: Erroneous Statement Page 382

Substantive Comment

809

Subject: Erroneous Statement

Pages 391 & 392

Referring to the Following Paragraph

Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial) of motorized recreation impacts to serpentine riparian and upland plant communities within the ACEC as compared to Alternative A. Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to Alternative A due to the construction of a limited number of access routes (much less than Alternative D) through nonserpentine riparian and upland plant communities in the Tucker, Cantua, Condon, and San Benito River zones. A new route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to full-sized vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Since vegetation impacts from the construction of the new routes outside of the ACEC are expected to be short term, and vegetation impacts from their use as access routes are expected to be minimal, overall motorized recreation impacts to nonserpentine riparian and upland plant communities outside of the ACEC would be slightly greater (adverse) than Alternative A and much less than Alternative D.

Discussion

The statement, "Clear Creek Road (R1) would be decommissioned" is erroneous because decommissioning Clear Creek road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Substantive Comment - # 809: Subject: Erroneous Statement Pages 391 & 392

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 809: Subject: Erroneous Statement Pages 391 & 392

Substantive Comment

810

Subject: Unnecessary Repetition

Page 396

Referring to the Following Paragraph

For ease of plan reference, the management goals from Chapter 2 are reiterated here:

- The goal for management of fish and wildlife is to provide diverse, structured, resilient, and connected habitat on a landscape level to support viable and sustainable populations of wildlife, fish, and other aquatic organisms.

Discussion

Restating the goals from page 50 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 810: Subject: Unnecessary Repetition Page 396

Substantive Comment

811

Subject: Misleading Statement

Page 399

Referring to the Following Paragraph

Under alternatives B-D, active management to improve wildlife populations would occur, including control of nonnative species, preservation of woody habitat such as downed trees, removal of manmade barriers, active maintenance of wildlife-specific water developments such as guzzlers, and restoration of native fish and wildlife species. Alternatives B-D also include protection of raptor nests from disturbance. Research on raptor behavior has identified a range of buffer distances from nests and perch sites sufficient to reduce by 90% the direct disturbance from human activities. Two hundred (200) meters (=1/8 mile) is a conservative distance that would be sufficient to encompass the behavioral responses of raptors present at CCMA (Craig 2002 and references therein). In order to provide additional protection to T&E raptors, a doubling of this distance to 400 meters (1/4 mile) will unequivocally afford sufficient protection to reduce the potential of harassment to near zero. All of these actions would have moderate long-term beneficial effects on wildlife habitat because of the increase in suitable areas for wildlife in CCMA.

Discussion

Note that Craig, writing for Raptors of Colorado, states: "These zones and seasonal restrictions are recommended as guidance only and may be subject to change. They do not represent official Division policy."

"Division" here equals "Colorado Division of Wildlife."

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 811: Subject: Misleading Statement Page 399

Substantive Comment

812

Subject: Misleading Statement

Page 402

Referring to the Following Paragraph

Under Alternatives E-F, active management to improve wildlife populations would occur, including control of nonnative species, preservation of woody habitat such as downed trees, removal of manmade barriers, active maintenance of wildlife-specific water developments such as guzzlers, and restoration of native fish and wildlife species. Alternatives E, F, and G also include protection of raptor nests from disturbance. Research on raptor behavior has identified a range of buffer distances from nests and perch sites sufficient to reduce by 90% the direct disturbance from human activities. Two hundred (200) meters (=1/8 mile) is a conservative distance that would be sufficient to encompass the behavioral responses of raptors present at CCMA (Craig 2002 and references therein). In order to provide additional protection to T&E raptors, a doubling of this distance to 400 meters (1/4 mile) will unequivocally afford sufficient protection to reduce the potential of harassment to near zero. All of these actions would have moderate long-term beneficial effects on wildlife habitat because of the increase in suitable areas for wildlife in CCMA.

Discussion

Note that Craig, writing for Raptors of Colorado, states: "These zones and seasonal restrictions are recommended as guidance only and may be subject to change. They do not represent official Division policy."

"Division" here equals "Colorado Division of Wildlife."

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 812: Subject: Misleading Statement Page 402

Substantive Comment

813

Subject: Erroneous Statement

Page 405

Referring to the Following Paragraph

A key component of the long term reduction in sediment yields benefiting riparian areas is the rehabilitation and restoration of closed routes to a natural condition, so that they trend towards undisturbed soil erosion and sediment delivery rates. Over 150 miles of roads and trails would be closed and restored over a 5-year period. Closure and restoration of barrens would benefit riparian vegetation and increase the acreage of barrens which would be able to support vegetation and special status species. Route and barren closures in high erosion sub-watersheds, including Upper Clear Creek Canyon, south fork of Clear Creek, and Larious Canyon would contribute to reductions in sediment delivery and impacts to sensitive species habitat. A portion of R008 contributing significant amounts of sediment to the sub-watershed, riparian areas, and sensitive habitat would be closed. In addition, the designation of routes and areas and the enforcement of these designations should result in less off route travel and route proliferation.

Discussion

The statement, "Route and barren closures in high erosion sub-watersheds, including Upper Clear Creek Canyon, south fork of Clear Creek, and Larious Canyon would contribute to reductions in sediment delivery and impacts to sensitive species habitat. A portion of R008 contributing significant amounts of sediment to the sub-watershed, riparian areas, and sensitive habitat would be closed" is erroneous because closure of some road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Substantive Comment - # 813: Subject: Erroneous Statement Page 405

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 813: Subject: Erroneous Statement Page 405

Substantive Comment

814

Subject: Unnecessary Repetition

Page 407

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are reiterated here:

- The goals for management of special status species are to (1) protect and/or improve habitat necessary to recover populations of sensitive or special status species, and (2) manage Bureau of Land Management (BLM) land to maintain, restore, or enhance populations and habitat of special status fish, wildlife, and plant species.

Discussion

Restating the goals from page 52 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 814: Subject: Unnecessary Repetition Page 407

Substantive Comment

815

Subject: Confusing Format

Page 407

Referring to the Following Paragraph

The term 'special status species' is used in this section to refer to all species listed with U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) Fisheries, and the State of California, and to special status species listed with BLM.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 815: Subject: Confusing Format Page 407

Substantive Comment

816

Subject: Misleading Statement

Page 407

Referring to the Following Paragraph

San Benito evening primrose, a federally-listed Threatened plant species which is a local serpentine endemic within the CCMA is singled out and analyzed separately from all other special status plant species due to its high list status and the large number of management actions which are specific to it. The majority of San Benito evening primrose populations and potential habitat occur on serpentine stream terraces (serpentine riparian) within the ACEC. One population and some potential habitat occur at the margins of moist meadows in uplands (serpentine upland) within the ACEC. A few San Benito evening primrose populations occur on serpentine alluvial stream terraces outside of the ACEC (nonserpentine riparian). Potential habitat occurs on the margins of moist meadows on nutrient-poor shale (nonserpentine) in the uplands just outside of the ACEC (nonserpentine upland). Although San Benito evening primrose occupied and potential habitat occurs within “serpentine riparian” habitat, some occupied and potential habitat also occurs within “serpentine upland,” “nonserpentine riparian,” and “nonserpentine upland” habitat. As a result, impacts to all four habitat groups are analyzed.

Discussion

The statement, “The majority of San Benito evening primrose populations and potential habitat occur on serpentine stream terraces (serpentine riparian) within the ACEC” is misleading because it appears to conflict with a statement on page 382 of the subject report thus suggesting that San Benito evening primrose preferred habit may require historic human disturbance.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 816: Subject: Misleading Statement Page 407

Substantive Comment

817

Subject: Misleading Statement

Page 427

Referring to the Following Paragraph

Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can cause adverse impacts to special status plant species and their habitat. Of these activities, camping poses the greatest impact to vegetation resources since camping sites are repeatedly used. Repeated use of campsites can result in localized vegetation damage and removal and soil compaction and erosion (adverse). This is particularly true for serpentine riparian habitat within the ACEC. The many level stream terraces adjacent to Clear Creek and other riparian areas within the CCMA were heavily used historically as OHV staging areas and camp sites. Most of the terraces are occupied and potential habitat for San Benito evening primrose. Although most of those terraces are now closed, some stream terraces remain open and continue to be used as campsites. Most campsites with the CCMA are located at designated campgrounds and staging areas, however, there are several small, popular informal campsites scattered throughout the CCMA. Foot traffic activities such as hiking, hunting, and rockhounding tend to be dispersed and not result in measurable adverse impacts to special status plant species. Most hiking and

Discussion

The statement, "Non-motorized recreation activities including camping, hiking, hunting, and rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-Webster Dictionary defines "Rock Hound" as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 817: Subject: Misleading Statement Page 427

Substantive Comment

818

Subject: Erroneous Statement

Page 428

Referring to the Following Paragraph

Like vehicle travel impacts, construction can cause direct removal of special status plant species and/or damage their habitat (adverse). Habitat disturbance from construction is typically more intense compared to OHV (light vehicle) impacts due to the use of heavy equipment. As discussed in more detail in Section 4.4, the CCMA has moderate potential for mineral and energy development. Although the Serpentine ACEC was mined historically for metal ores and minerals, which adversely impacted special status plant species habitat, most mining has since ceased due to the depletion of near-surface marketable minerals and changing mineral markets and mineral regulation (i.e. asbestos ban in U.S.). Oil and gas development potential is very low as the New Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. The BLM would be responsible for analyzing potential impacts from energy and mineral development impacts to ensure that activities do not cause significant adverse effects to special status species and their habitat.

Discussion

The statement, "... mining has since ceased due to the depletion of near-surface marketable minerals ..." is erroneous because it conflicts with page 198 of the subject report, and because most of the ore deposits within the subject area remain large, but are currently unattractive to mineral exploration and extraction because the current marketability of area minerals is low, thus there is no economic incentive for mineral development.

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 818: Subject: Erroneous Statement Page 428

Substantive Comment

819

Subject: Erroneous Statement

Page 428

Referring to the Following Paragraph

Like vehicle travel impacts, construction can cause direct removal of special status plant species and/or damage their habitat (adverse). Habitat disturbance from construction is typically more intense compared to OHV (light vehicle) impacts due to the use of heavy equipment. As discussed in more detail in Section 4.4, the CCMA has moderate potential for mineral and energy development. Although the Serpentine ACEC was mined historically for metal ores and minerals, which adversely impacted special status plant species habitat, most mining has since ceased due to the depletion of near-surface marketable minerals and changing mineral markets and mineral regulation (i.e. asbestos ban in U.S.). Oil and gas development potential is very low as the New Idria serpentine mass (ACEC) which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. The BLM would be responsible for analyzing potential impacts from energy and mineral development impacts to ensure that activities do not cause significant adverse effects to special status species and their habitat.

Discussion

The statement, "... (i.e. asbestos ban in U.S.)" is erroneous because asbestos is not banned in the United States, see *Corrosion Proof Fittings, et al. v. The Environmental Protection Agency and William K. Reilly, Administrator*, 947 F.2d 1201 (5th Cir. 1991).

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 819: Subject: Erroneous Statement Page 428

Substantive Comment

820

Subject: Erroneous Statement

Page 434

Referring to the Following Paragraph

Under Alternative E, motorized recreation within the ACEC would be similar to Alternative D with highway-licensed vehicles restricted to a scenic route network composed of T153 and R11 south of its intersection with T153. T153 and R11 south of its intersection with T153 primarily follow hill slopes some distance from streams (except for at upper Sawmill Creek). Motorized recreation outside of the ACEC would be slightly increased (adverse) as compared to Alternative A due to the construction of a limited number of access routes (much less than Alternative D) through nonserpentine riparian and upland plant communities in the Tucker, Cantua, Condon, and San Benito River Zones. A new route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to full-sized vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Due to the closure of R1, R11 north of the intersection with T153, and R15, which parallel and impact perennial streams within the ACEC, motorized recreation impacts to serpentine riparian San Benito evening primrose habitat and other special status plant species habitat within the

Discussion

The statement, "... closure of R1, R11 ..." is erroneous because decommissioning Clear Creek road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 820: Subject: Erroneous Statement Page 434

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 820: Subject: Erroneous Statement Page 434

Substantive Comment

821

Subject: Erroneous Statement

Page 436

Referring to the Following Paragraph

Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial) of motorized recreation impacts to serpentine riparian and upland San Benito evening primrose habitat and other special status plant species habitat within the ACEC as compared to Alternative A. Decommissioning Clear Creek Road will restore serpentine terrace potential habitat currently occupied by the road bed, back to San Benito evening primrose and other special status plant species that typically occupy the serpentine terraces. The proposal to decommission Clear Creek Road is in accordance with the 2005 BO for the CCMA RMP and final EIS (1-8-05-F-20). Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to Alternative A due to the construction of a limited number of access routes (much less than Alternative D) through nonserpentine riparian and upland plant communities in the Tucker, Cantua, Condon, and San Benito River zones. A new route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to full-sized vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Since vegetation impacts from the construction of the new routes outside of the ACEC are expected to be short term, and vegetation impacts from their use as access routes are expected to be minimal, overall motorized recreation impacts to nonserpentine riparian and upland San Benito evening primrose habitat and special status plant species habitat outside of the ACEC would be slightly greater (adverse) than Alternative A and much less than Alternative D.

Discussion

The statement, "Clear Creek Road (R1) would be decommissioned" is erroneous because decommissioning Clear Creek road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S.2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

1 "the right of way for the construction of highways over public lands, not reserved for
public uses, is hereby granted."
3

4 Recommendation

5 The Agency must edit or delete the erroneous statement to correct for this deficiency. The
6 Agency must rewrite the subject document to remove the discrepant issue from the
7 document. The original discrepancy must not be included or propagated in the final resource
8 management plan, the final environmental impact study, or the record of decision. The final
9 documentation should include corrected recommendations.
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Substantive Comment

822

Subject: Confusing Statement

Page 436

Referring to the Following Paragraph

Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial) of motorized recreation impacts to serpentine riparian and upland San Benito evening primrose habitat and other special status plant species habitat within the ACEC as compared to Alternative A. Decommissioning Clear Creek Road will restore serpentine terrace potential habitat currently occupied by the road bed, back to San Benito evening primrose and other special status plant species that typically occupy the serpentine terraces. The proposal to decommission Clear Creek Road is in accordance with the 2005 BO for the CCMA RMP and final EIS (1-8-05-F-20). Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to Alternative A due to the construction of a limited number of access routes (much less than Alternative D) through nonserpentine riparian and upland plant communities in the Tucker, Cantua, Condon, and San Benito River zones. A new route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to full-sized vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Since vegetation impacts from the construction of the new routes outside of the ACEC are expected to be short term, and vegetation impacts from their use as access routes are expected to be minimal, overall motorized recreation impacts to nonserpentine riparian and upland San Benito evening primrose habitat and special status plant species habitat outside of the ACEC would be slightly greater (adverse) than Alternative A and much less than Alternative D.

Discussion

The paragraph contains the statement, "The proposal to decommission Clear Creek Road is in accordance with the 2005 BO for the CCMA RMP and final EIS (1-8-05-F-20)" which is confusing because it contains the unknown abbreviation "BO."

Recommendation

The Agency must edit the statement to explain the unknown symbol, spell it out, or delete the confusing statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 822: Subject: Confusing Statement Page 436

Substantive Comment

823

Subject: Unnecessary Repetition

Page 444

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- The goal for air quality management is to ensure that BLM authorizations and management activities comply with local, State, and Federal air quality regulations, requirements, State Implementation Plans, and Regional Air Board standards and goals.

Discussion

Restating the goals from page 56 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 823: Subject: Unnecessary Repetition Page 444

Substantive Comment

824

Subject: Misleading Statement

Page 445

Referring to the Following Paragraph

Other recreational uses such as hiking, rockhounding, and vehicle touring also generate emissions of hazardous air pollutants. Human health risks associated with recreational use are addressed under Hazardous Materials and Public Health and Safety in Section 4.2.

Discussion

The statement, "Other recreational uses such as hiking, rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-Webster Dictionary: *Rock Hound* as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 824: Subject: Misleading Statement Page 445

Substantive Comment

825

Subject: Confusing Format

Page 450

Referring to the Following Paragraph

Overall, motorized vehicle use on designated routes under these alternatives would contribute some level to emissions inventories for the affected air basins, but the cumulative impacts would be significantly less than the other 'motorized' alternatives because recreation and visitor use levels would decrease substantially under Alternatives E, F, and G.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 825: Subject: Confusing Format Page 450

Substantive Comment

826

Subject: Speculative Statement

Page 451

Referring to the Following Paragraph

This analysis assumes that global climate change will make the planning area warmer and drier by the end of the 21st century. However, the body of information and predictive models for climate change is in its infancy regarding prediction of site specific impacts to areas such as the CCMA, and the plan assumes that knowledge will advance quickly with the current emphasis on climate research and model development. As the RMP is implemented, BLM managers would place a continued emphasis on research, and studies may include components to assess the impacts of changing climate. In the event that climate change made achievement of RMP objectives themselves infeasible, the plan would need to be amended accordingly. Overall, BLM's air quality management efforts under the range of alternatives considered in this RMP/EIS would have negligible impacts on global climate change because greenhouse gas emissions would remain at de minimis levels.

Discussion

Estimating climate change trends is speculative and beyond the scope of the goals and objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. Recent exposure of the conspiracy by leading scientists at the Climate Research Unit at the University of East Anglia, England showed that they falsified data and suppressed academic debate in order to exaggerate the possible threat of anthropogenic global warming. These are the same scientists who edit and control the content of the reports of the Intergovernmental Panel on Climate Change.

Recommendation

The Agency must correct this flaw, or delete nescient speculative information, and needless details that fail to concentrate on the issue that are truly significant to the action in question (40 C.F.R. § 1500.1(b)), and issues that are beyond the scope of the goals and objective listed in the Purpose and Needs section (pages 3 & 4) of the subject report. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 826: Subject: Speculative Statement Page 451

Substantive Comment

827

Subject: Misleading Statement

Page 456

Referring to the Following Paragraph

Non-motorized recreation activities including camping, hiking, hunting, and rockhounding can cause minor adverse impacts to soil resources. Of these activities, camping poses the greatest impact to soil resources since camping sites are repeatedly used. Most campsites with the CCMA are located at designated campgrounds and staging areas, however, there are several small, popular informal campsites scattered throughout the CCMA. Repeated use of campsites can result in localized soil compaction and erosion (adverse). Foot traffic activities such as hiking, hunting, and rockhounding tend to be dispersed and not result in measurable adverse impacts to soil resources. Most hiking and hunting activities tend to

Discussion

The statement, "... recreation activities including camping, hiking, hunting, and rockhounding ..." is misleading because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-Webster Dictionary: *Rock Hound* "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 827: Subject: Misleading Statement Page 456

Substantive Comment

828

Subject: Erroneous Statement

Page 457

Referring to the Following Paragraph

Energy and mineral development can result in long-term damage to- or permanent loss of soils (adverse). Soil disturbance from construction, is typically more intense compared to OHV (light vehicle) impacts due to the use of heavy equipment. Impacts to soil from transmission lines and staging areas may be temporary, with minor compaction and erosion, whereas impacts from building construction and open pit mining may be regarded as permanent as soil is removed down to bedrock.

Discussion

The statement, "... whereas impacts from building construction and open pit mining may be regarded as permanent as soil is removed down to bedrock" is erroneous because building construction does not necessarily remove soil "down to bedrock."

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 828: Subject: Erroneous Statement Page 457

Substantive Comment

829

Subject: Inaccurate Statement

Page 457

Referring to the Following Paragraph

Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine mass is highly-mineralized and was historically, commercially mined for magnesite, chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues to mine and market benitoite. Most other mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals and changing mineral markets and mineral regulation. The CCMA has moderate potential for energy development. Oil and gas development potential is very low as the New Idria serpentine mass which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

Discussion

The statement, "... mined for magnesite, chromite, cinnabar, and asbestos" is inaccurate because it fail to properly identify the mineral ore chrysotile. Since the minerals "magnesite, chromite, cinnabar" are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit or delete the inaccurate statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 829: Subject: Inaccurate Statement Page 457

Substantive Comment

830

Subject: Erroneous Statement

Page 457

Referring to the Following Paragraph

Overall, the CCMA has moderate potential for mineral development. The New Idria serpentine mass is highly-mineralized and was historically, commercially mined for magnesite, chromite, cinnabar, and asbestos. The Gem mine, a privately-owned inholding within the CCMA, continues to mine and market benitoite. Most other mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals and changing mineral markets and mineral regulation. The CCMA has moderate potential for energy development. Oil and gas development potential is very low as the New Idria serpentine mass which comprises 40% of the CCMA land area has no potential for fossil fuel resources. The remainder of the CCMA contains sedimentary formations which have not yielded significant oil and gas resources within the local area. Wind energy development has some potential as the CCMA contains some of the highest points in the Diablo Range. Under all alternatives, the San Benito Mountain Research Natural Area is withdrawn from energy and mineral development.

Discussion

The statement, "... mineral development within the CCMA has ceased due to depletion of near-surface marketable minerals ..." is erroneous because it conflicts with page 198 of the subject report, and because most of the ore deposits within the subject area remain large, but are currently unattractive to mineral exploration and extraction because the current marketability of area minerals is low, thus there is no economic incentive for mineral development.

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 830: Subject: Erroneous Statement Page 457

Substantive Comment

831

Subject: Erroneous Statement

Page 462

Referring to the Following Paragraph

Under Alternative F, motorized recreation within the ACEC would not be permitted. Clear Creek Road (R1) would be decommissioned. As a result, there would be a major reduction (beneficial) of motorized recreation impacts to serpentine soils within the ACEC as compared to Alternative A. Motorized recreation outside of the ACEC would be slightly increased (adverse) compared to Alternative A due to the construction of a limited number of access routes (approximately 15 miles) on nonserpentine soils in the Tucker, Cantua, and Condon zones. A new route would be constructed from the existing Condon Peak trailhead on Coalinga-Los Gatos Road up to Condon Peak. The new route would be open to both highway-licensed vehicles and ATV/UTVs to access Condon Peak for non-motorized recreation only. Since impacts to soil from the construction of these few new routes are expected to be short term, and impacts to soil from their use as access routes are expected to be minimal, overall motorized recreation impacts to nonserpentine soil resources outside of the ACEC would be similar to Alternative E.

Discussion

The statement, "Clear Creek Road (R1) would be decommissioned" is erroneous because decommissioning Clear Creek road would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource

Substantive Comment - # 831: Subject: Erroneous Statement Page 462

1 management plan, the final environmental impact study, or the record of decision. The final
3 documentation should include corrected recommendations.

Substantive Comment - # 831: Subject: Erroneous Statement Page 462

Substantive Comment

832

Subject: Unnecessary Repetition

Page 466

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are reiterated here:

- The goals for water resources management are to (1) maintain, restore, or improve water quality and quantity to sustain the designated beneficial uses on BLM lands and (2) ensure that surface and groundwater quality comply with the Clean Water Act (CWA) and with California State standards.

Discussion

Restating the goals from page 59 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 832: Subject: Unnecessary Repetition Page 466

Substantive Comment

833

Subject: Confusing Statement

Page 467

Referring to the Following Paragraph

Many of these management practices have been implemented over the years. BLM does not propose to have funds available to implement all referenced management practices. The continuing priority in the short term is to provide for protection of unstable areas, minimize sediment production, protect water quality by minimizing soil erosion, and ensure that constructed erosion control structures are stabilized and working. Of primary concern are management practices to reduce impacts from motorized travel on roads in CCMA, which have been identified as a significant source of airborne asbestos emissions and excess lifetime cancer risks for CCMA visitors, as identified in the Environmental Protection Agency's Asbestos Exposure and Human Health Risk Assessment (2008). Erosion related to vehicle use on roads and barrens is also a contributor of sediment yield above background erosion rates in the CCMA watersheds. Minimizing dust emissions and erosion on routes and barrens, involving surface hardening, dust suppression, control of drainage, road slope stabilization, slope design, stream crossings, stream course protection, and seasonal use restrictions the extreme weather conditions are critical components to improving watershed conditions and overall protection of human health and the environment.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

834

Subject: Confusing Statement

Page 468

Referring to the Following Paragraph

The extent of the contribution of heavy metals and asbestos into the Hernandez Reservoir remains an issue, and some continued natural contribution of mercury and asbestos may be unavoidable. Water sampling data through 2002 indicates a possible overall slight downward trend in mercury concentrations in Clear Creek. However data from 2004/2005 indicates exceedance of the numeric objective for mercury in Clear Creek.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 834: Subject: Confusing Statement Page 468

Substantive Comment

835

Subject: Confusing Statement

Page 470

Referring to the Following Paragraph

Under Alternatives B, C, and D, allowable uses and BLM management actions are proposed to provide for off-highway vehicle use, as well as other non-motorized recreation opportunities. Most of these actions would result in beneficial impacts to water resources because they meet the goal of maintaining and improving water quality. In particular, dust suppression and surface hardening techniques on 25-30 miles of major roads and reducing soil disturbing activities on abandoned mine lands would contribute to reducing off-site transport of metals and asbestos and have major long-term benefits on water quality in the CCMA watersheds.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 835: Subject: Confusing Statement Page 470

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
7 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 835: Subject: Confusing Statement Page 470

Substantive Comment

836

Subject: Inaccurate Statement

Page 470

Referring to the Following Paragraph

Alternative E would reduce the miles of available routes in the Larios and San Carlos watershed where the highest levels of background concentrations of hazardous metals are present, thereby reducing the potential for human exposure and contaminated sediment delivery. Additional routes accessing the following mine areas (Chromium, Mercury, Asbestos) would be closed: Larios watershed – Larios, Sampson, Spanish, and Wonder Mines; San Carlos watershed – San Carlos and Molina Mine; Cantua watershed – Del Mexico, Anita, Sec. 28 asbestos, and Coalinga asbestos Mines; San Benito watershed – Big Ridge Mine; White Creek watershed – Big Ridge, Tromby, Archer, Byles, and Butler Mines. Any motorized OHV use on highly erosive areas such as barren slopes and on unpaved roads and trails, would disturb soils containing hazardous metals, and increase erosion and transport of sediment above natural background levels. Closure of routes accessing these mines and a corresponding reduction in soil disturbance from OHV's at these areas, would contribute to improvements in water quality by reducing the potential for contaminated sediment delivery.

Discussion

The statement, "chromium, mercury and asbestos" is inaccurate. Since the minerals mercury and chromium are correctly listed, then the list should be parallel and the word asbestos (a commercial product) should be replaced with the mineral term chrysotile.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 836: Subject: Inaccurate Statement Page 470

Substantive Comment

837

Subject: Erroneous Statement

Page 473

Referring to the Following Statement

BLM actions that would increase groundwater use in the CCMA, such as installation of public wash racks would have an adverse cumulative impact on water availability. Additionally, heavy metals and asbestos are concerns in the CCMA; the BLM contracted a water quality study (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams from 15 abandoned mines. The background concentration of metals detected in soils tended to be above stated federal standards, and is consistent with the natural geochemistry of the area. However, differences in the water samples taken from below and above abandoned mine sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Disturbance by vehicles has also been a factor in increasing concentrations of metals transported downstream in the water.

Discussion

This paragraph is erroneous because the citation reference "Dynamac, 1998" does not discuss "the magnitude of heavy metals being deposited into streams from 15 abandoned mines" and therefore invalidates the entire paragraph. The citation, "Dynamac, 1998," as listed in the "6.0 References" section (page 559), refers to: Dynamac Corporation Environmental Services, 1998 Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek Management Area. Dynamac Corporation Environmental Services. Rockville, Maryland. 81 pp.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 837: Subject: Erroneous Statement Page 473

Substantive Comment

838

Subject: Confusing Statement

Page 473

Referring to the Following Paragraph

BLM actions that would increase groundwater use in the CCMA, such as installation of public wash racks would have an adverse cumulative impact on water availability. Additionally, heavy metals and asbestos are concerns in the CCMA; the BLM contracted a water quality study (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams from 15 abandoned mines. The background concentration of metals detected in soils tended to be above stated federal standards, and is consistent with the natural geochemistry of the area. However, differences in the water samples taken from below and above abandoned mine sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Disturbance by vehicles has also been a factor in increasing concentrations of metals transported downstream in the water.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 838: Subject: Confusing Statement Page 473

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment

839

Subject: Confusing Statement

Page 473 & 474

Referring to the Following Paragraph

Compared to existing conditions, under these alternatives, water quality should exhibit a gradually improving trend over many years. Impacts related to OHV use of the barrens would be limited to the Clear Creek watershed. By eliminating unregulated use, eliminating vehicle access to all remaining abandoned mines, continuing completion of abandoned mine remediation projects, and by completing significant road repairs and improvements, the BLM would minimize the potential for additional human-caused impacts to the subject waterways, and maintain or enhance current water quality conditions while minimizing effects to human health. Reducing the number of miles of unpaved roads by 45 percent, and reducing soil disturbing activities at remaining mine sites, would contribute to reducing off-site transport of metals and asbestos. The extent of the contribution of heavy metals and asbestos passing into the Hernandez Reservoir remains an issue, and some continued natural contribution of mercury and asbestos may be unavoidable. Recent water sampling data indicates a possible downward trend in mercury concentrations in Clear Creek.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 839: Subject: Confusing Statement Page 473 & 474

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.
- USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment

840

Subject: Confusing Statement

Page 474

Referring to the Following Paragraph

Any motorized OHV use on highly erosive areas such as barren slopes and on unpaved roads and trails, could disturb soils containing hazardous metals and asbestos, and increase erosion and transport of sediment above natural background levels. Closure of routes accessing these mines and a corresponding reduction in soil disturbance from OHV's at these areas, would contribute to improvements in water quality by reducing the potential for contaminated sediment delivery.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 840: Subject: Confusing Statement Page 474

Substantive Comment

841

Subject: Unnecessary Repetition

Page 476

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are reiterated here:

- The goals for ACECs/RNAs are to identify and manage ACECs and RNAs 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.
- The goals and objectives for managing Wilderness Areas and Wilderness Study Areas (WSAs) are the same for all alternatives. For designated wilderness areas, BLM is required to manage the areas consistent with the Act of designation and the Wilderness Act of 1964 as applicable. More specific management direction can be found in 3 CFR 6300. BLM is required to manage WSAs consistent with Section 603 of the FLPMA and the H-8550-1 Handbook (Interim Management Policy for Lands Under Wilderness Review) until Congress designates the area(s) as wilderness or releases them from the Section 603 FLPMA provision. If the areas are released, they would be managed consistent with the provisions within the RMP.

Discussion

Restating the goals from page 61 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 841: Subject: Unnecessary Repetition Page 476

Substantive Comment

842

Subject: Confusing Statement

Page 477

Referring to the Following Paragraph

Energy and mineral development in the Serpentine ACEC could potentially cause increased airborne asbestos emissions, surface and groundwater contamination, increased soil erosion, native vegetation removal, recontouring of natural terrain, and the proliferation of noxious and invasive weeds. These effects would be long-term in nature depending on the severity, duration, and application of mitigation measures.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 842: Subject: Confusing Statement Page 477

Substantive Comment

843

Subject: Confusing Statement

Page 478

Referring to the Following Paragraph

Vehicular access and recreational activities in the ACEC would perpetuate human health risk from exposure to asbestos, and could potentially damage natural vegetation and increase soil erosion when travel occurs on non-established motorized vehicle routes or vehicle roadways. BLM would enforce allowable use restrictions to manage recreational activities and reduce human health risks in the Serpentine ACEC and San Benito Mountain RNA; and designated routes would be maintained to minimize detrimental long-term environmental effects.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 843: Subject: Confusing Statement Page 478

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 843: Subject: Confusing Statement Page 478

Substantive Comment

844

Subject: Confusing Statement

Page 478 & 479

Referring to the Following Paragraph

Under all alternatives, the existing Serpentine ACEC (30,000 acres), and the San Benito Mountain RNA (4,147 acres) and WSA (1,500 acres) would remain special designation areas. The WSA would be managed according to the Interim Management Policy (IMP) with added emphasis on management of natural resources to protect the values for which these special designations have been established. The effects of maintaining the Serpentine ACEC designation for the 30,000-acre area of serpentine soil with high concentrations of asbestos fibers associated with the New Idria serpentine mass would provide major long-term benefits to public health and safety because BLM's proposed management restrictions would reduce asbestos exposure to EPA's acceptable risk range for human health as described in Section 4.2.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

Substantive Comment - # 844: Subject: Confusing Statement Page 478 & 479

1 EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection
Agency.

3 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
5 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

7 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
9 commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 844: Subject: Confusing Statement Page 478 & 479

Substantive Comment

845

Subject: Irrelevant Statement

Page 481

Referring to the Following Paragraph

Alternative E promotes low-impact activities in special designation areas and has much greater restrictions for vehicle use in the ACEC than Alternative A-D, but Alternative E would still allow motorized access for the public entirely. Motorized recreational touring would be limited to BLM-led tours at Fort Ord, which would greatly reduce impacts from vehicles. Alternative F and G minimize or avoid adverse effects to resources in existing special designation areas from high-impact recreational activity by limiting access to pedestrian use (i.e. foot traffic) only or prohibiting all forms of public entry into the ACEC, respectively. These alternatives would provide major long-term benefits to public health and safety, special status species, and other values for which the special designation areas are established.

Discussion

The statement, "Motorized recreational touring would be limited to BLM-led tours at Fort Ord, which would greatly reduce impacts from vehicles." is irrelevant because it is outside the scope of the planning area. Inclusion of irrelevant information simply creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is not truly significant to the action in question (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must edit the subject paragraph to delete needless details that are not truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 845: Subject: Irrelevant Statement Page 481

Substantive Comment

846

Subject: Confusing Statement

Page 481

Referring to the Following Paragraph

Alternatives E would require management actions similar to previous alternatives that would have minor long-term benefits on the values for which the ACEC was established. However, Alternatives F and G would exclude livestock grazing from the ACEC, which would also have minor long-term benefits on the health risk to grazing operators from exposure to asbestos, as well as special status species and other natural and cultural resources by reducing or eliminating the effects of trampling.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 846: Subject: Confusing Statement Page 481

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 846: Subject: Confusing Statement Page 481

Substantive Comment

847

Subject: Confusing Statement

Page 482

Referring to the Following Paragraph

The cumulative effects of Alternatives B, C, and D are similar to Alternative A; whereas Alternatives E, F, and G are collectively more consistent with resource management goals and would provide major long-term benefits to public health and safety by reducing asbestos exposure from current levels.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 847: Subject: Confusing Statement Page 482

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 847: Subject: Confusing Statement Page 482

Substantive Comment

848

Subject: Unnecessary Repetition

Page 484

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- The goals for livestock grazing management are to (1) provide for a sustainable level of livestock grazing consistent with other resource objectives, (2) identify lands and forage available for livestock grazing, and (3) achieve the standards and implement guidelines for rangeland health as outlined in the Central California Standards and Guidelines for Livestock Grazing (hereafter referred to as the Standards and Guidelines).

Discussion

Restating the goals from page 64 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 848: Subject: Unnecessary Repetition Page 484

Substantive Comment

849

Subject: Unnecessary Repetition

Page 491

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- Establish guidelines for managing resources to allow development of energy and minerals resources to meet the demand for energy and mineral production while protecting natural and cultural resources in the area.

Discussion

Restating the goals from page 68 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 849: Subject: Unnecessary Repetition Page 491

Substantive Comment

850

Subject: Misleading Statement

Page 495

Referring to the Following Paragraph

restrictions and/or mitigation requirements on where and how energy and mineral extraction could occur. While this would not create an adverse affect on the opportunity for rockhounding (i.e. hobby gem and mineral collection), it could slightly adversely affect the economic viability of energy and mineral development in certain areas; although the impacts would be minor because the area only has low or moderate potential for energy development, including wind energy.

Discussion

The statement, "... rockhounding (i.e. hobby gem and mineral collection) ..." is misleading because it assumes that all so-called "rockhounding" is a recreational activity. Merriam-Webster Dictionary defines *Rock Hound* as "1) a specialist in geology, 2) an amateur rock and mineral collector," which is not necessarily recreational. Some mineralogical collecting and prospecting conducted in the area is occupationally related and hence not recreational.

Recommendation

The Agency must edit or delete the misleading statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 850: Subject: Misleading Statement Page 495

Substantive Comment

851

Subject: Irrelevant Statement

Page 496

Referring to the Following Paragraph

maintenance. The level of reasonably foreseeable development within the CCMA is a negligible portion of the overall development in the assessment area. To the south of the Hollister Field Office management boundary lie the largest oilfields in the lower 48 states, which are administered by the Bakersfield Field Office of BLM in Kings' and Kern Counties. They contain tens of thousands of producing wells, with 2,000 or more wells being drilled each year. It is unknown whether the level of drilling will increase or decrease in these regions over the life of the RMP. In any event, the level of activity outside the CCMA will be several orders of magnitude greater than within the CCMA because production of energy and minerals within the CCMA would add negligible levels to overall production within the region, even if new reserves are developed in areas with low to moderate potential based on the value of oil.

Discussion

This paragraph contains irrelevant information that is outside the scope of the planning area. Inclusion of irrelevant information simply creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is not truly significant to the action in question (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must edit the subject paragraph to delete needless details that are not truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 851: Subject: Irrelevant Statement Page 496

Substantive Comment

852

Subject: Misleading Statement

Page 500

Referring to the Following Paragraph

In the late 1980s and early 1990s, the BLM continued to plan for OHV recreation in the Hollister Field Office Area, with the CCMA the focus of the planning and studies to understand OHV-related impacts and management costs. A three-part Clear Creek OHV Feasibility Study was conducted by the Hollister Field Office, the results of which were somewhat incorporated into the 1995 CCMA RMP planning process. The study represented the “examination of the feasibility of developing OHV recreation outside the hazardous asbestos area in the Clear Creek Management Area” (USDI 1991:1).

Discussion

The etymology of the phrase “Hazardous Asbestos Area” is uncertain but the term seems to have been fabricated as a rarely used synonym for the Serpentine ACEC. An Internet search of the phrase suggests that it is used exclusively in reference to CCMA discussion. An additional quick document search indicates that the first published use of the phrase “Hazardous Asbestos Area” may have occurred in the 1986 BLM Clear Creek Management Plan and Record of Decision(4 times). The phrase appears in eight documents a total of forty times during the past twenty years. In all occurrences, the phrase is included complementarily to emphasize alleged human health danger. Even the EPA confesses low potency of chrysotile, growing scientific consensus for the lack of chrysotile etiology, and the absence of CCMA chrysotile epidemiological data, thus proving that the phrase Hazardous Asbestos Area” is simply injected as an occasional misleading “scare-tactic” meant to suggest greater danger than actually exist.

Recommendation

The Agency must strike this phrase from the Resource Management Plan and the Environmental Impact Statement, and discontinue its irrelevant use. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 852: Subject: Misleading Statement Page 500

Substantive Comment

853

Subject: Extraneous Background Data

Page 501

Referring to the Following Paragraph

Some of the earliest OHV effect studies on cultural resources were performed by the BLM in California in the 1960s and 1970s. OHV-related damage was identified as the since “significant source of damage to archaeological sites and other historic properties, second only to development” (Sampson 2007:3). It became understood that OHV recreational use had the unintended consequence of enabling artifact collectors and looters to access vast areas of public land. As OHV technology improved, some lands which were formerly difficult to access became within reach. Irresponsible OHV use was documented as the primary cause for the “inadvertent or purposeful destruction of significant cultural features,” occurring most frequently in areas closed to roads or campgrounds (Sampson 2007:4). The Red Rock Canyon study identified thirty-six archeological sites within the State Park that were traversed by Park roads or “informal” OHV trails. Thirteen of the sites were prehistoric habitation locations with another eleven sites identified as prehistoric lithic scatters; the remaining twelve sites were historic camps or other resource. In fact, a historic stage station site is “regularly crossed by OHV traffic” (Sampson 2007:5). Sampson’s description of visitor use and recreation at Red Rock Canyon State Park mirrors the recreational activity that occurs at some of the historic sites in the CCMA, on both private and public land: The site of Cudahy Camp has been impacted by modern-day camping and vehicle activity. Illegal target shooting would occur at this location and considerable trash has been left on-site by campers. The campers damage the remains of the historic buildings and displace surface artifacts. The site has now been closed to camping. OHV users perform unauthorized hill climbs on the edge of the residential area that leave the bare slopes scarred and highly susceptible to erosion (Sampson 2007:8). Although there was physical damage at each cultural resource, 17 of the 36 archeological sites in the study (46%) exhibited “pronounced damage resulting from regular OHV use and erosion that follows from vehicular activity.” This more intensive damage included “measurable deflation of the sites within road beds or the trail treads, degradation of cultural deposits, vehicle scars resulting from off-trail riding, road damage requiring extensive and costly restoration efforts, loss of soils in measurable volumes, loss of vegetation, creation of deep gullies, displacement and damage to artifacts and cultural features, modern-day trash left on-site, [and] alteration of natural hydrologic patterns” (Sampson 2007:9).

Discussion

These paragraphs contain extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. Inclusion of irrelevant information simply creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is not truly significant to the action in question (40 C.F.R. § 1500.1(b)). The Agency must rewrite the subject document to remove the discrepant issue from the document. The original

Substantive Comment - # 853: Subject: Extraneous Background Data Page 501

1 discrepancy must not be included or propagated in the final resource management plan, the
final environmental impact study, or the record of decision. The final documentation should
3 include corrected recommendations.

Substantive Comment - # 853: Subject: Extraneous Background Data Page 501

Substantive Comment

854

Subject: Extraneous Background Data

Page 501

Referring to the Following Paragraph

4.13.2.2 Mitigation Measures for Cultural Resources

Discussion

This section contains extraneous background data (40 C.F.R. § 1500.2(b)) which creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) which would be better served by reference to the source document (40 C.F.R. § 1502.21).

Recommendation

The Agency must edit the subject paragraph to reduce the extraneous background data by making reference to appropriate documents. Inclusion of irrelevant information simply creates unnecessary bulk (40 C.F.R. §§ 1502.2, 1502.15, 1502.16) by amassing needless detail that is not truly significant to the action in question (40 C.F.R. § 1500.1(b)). The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 854: Subject: Extraneous Background Data Page 501

Substantive Comment

855

Subject: Unnecessary Repetition

Page 520

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are reiterated here:

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

Discussion

Restating the goals from page 73 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 855: Subject: Unnecessary Repetition Page 520

Substantive Comment

856

Subject: Unnecessary Repetition

Page 530

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- The goal for visual resource management is to manage public land actions and activities in a manner consistent with visual resource management (VRM) class objectives.

Discussion

Restating the goals from page 74 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 856: Subject: Unnecessary Repetition Page 530

Substantive Comment

857

Subject: Insufficient Analysis of Impact

Page 535

Referring to the Following Paragraph

4.17 Fire Management

Discussion

This section fails fire management affect on serpentine soil uptake caused by wild land fires within the Serpentine ACEC. Such uptake occurs when thermal updrafts bring soil dust into updraft current and rises to a higher elevation in the smoke column for areal dispersal as fallout on downwind communities.

Recommendation

The Agency must edit this section to include analysis of potential fallout dispersal of serpentine soils caused by wild land fire thermal updraft. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 857: Subject: Insufficient Analysis of Impact Page 535

Substantive Comment

858

Subject: Unnecessary Repetition

Page 535

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are restated here:

- The goals for fire management are to (1) establish a fire management program that is cost-efficient and commensurate with threats to life, property, public safety, and resources, (2) use fire to restore and/or sustain ecosystem health, (3) cooperate with communities at risk within the wildland-urban interface to develop plans for risk reduction, (4) cooperate with regional partners in fire and resource management across agency boundaries, and (5) reduce man-made fires, with a special emphasis on reductions in developed areas such as communities, campgrounds, and transportation corridors.

Discussion

Restating the goals from page 75 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 858: Subject: Unnecessary Repetition Page 535

Substantive Comment

859

Subject: Confusing Format

Page 536

Referring to the Following Paragraph

Prescribed fire could occur either in a defined 'area' or in localized 'burn piles'. 'Area' prescribed fires are used to burn vegetation in place and can vary in the number of acres burned. 'Burn piles' are heaps of woody fuel that are accumulated after a mechanical treatment. Consistency with State fire and air pollution laws and BLM policy would be maintained during prescribed fires. Appropriate smoke management plans would be developed and approved by the local air quality monitoring district for each prescribed fire. Acceptable burn days would be determined in coordination with State and local agencies and minimized during April through September.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Does this have a special meaning, or is it a reflection on poor document management, the lack writing skill or the lack of competent editing.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 859: Subject: Confusing Format Page 536

Substantive Comment

860

Subject: Unnecessary Repetition

Page 541

Referring to the Following Paragraph

Mitigation measures are contained in the management actions in Chapter 2. For Alternatives B through G, measures include prevention strategies, coordination with public agencies, and monitoring. Additionally, all alternatives would require that the HFO comply with new fire management guidance provided by recent Federal wildfire management policy. This guidance includes newly developed fire and fuels management strategies and tactics to comply with the Federal Wildland Fire Management Plan Policy and Program Review (1995 and 2001) and the National Fire Plan: A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Comprehensive Strategy and Implementation Plan (2002). Current Federal policy requires that fire management plans developed for all acres of burnable vegetation on HFO management land comply with these documents and be linked closely with approved resource management plans. This recent policy provides for improved correlation and communication among local, State, and Federal agencies with fire and fuels management responsibilities, which ultimately would reduce the risk of wildfire to life and property and reintroduce fire as a natural component of ecosystems, as appropriate.

Discussion

The majority of this paragraph is repetition from page 539 of the subject report and adds unnecessary bulk when a when a reference would suffice (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 860: Subject: Unnecessary Repetition Page 541

Substantive Comment

861

Subject: Erroneous Statement

Page 541

Referring to the Following Paragraph

Plans are currently being finalized to abandon the Beaver Dam Fire Station from the Hwy. 25 location in south San Benito County. This would move two fire engines and a water tender further away from the CCMA and increase response times to the CCMA by over an hour. Based on the long history of mutual aid within California, cooperation with adjoining fire suppression agencies will continue in the future.

Discussion

The statement, "Plans are currently being finalized to abandon the Beaver Dam Fire Station from the Hwy. 25 location in south San Benito County" is erroneous because the Beaver Dam Fire Station is not located on Highway 25, but the fire station is located on Coalinga Road about 5.0 roadway-miles east from highway 25.

Recommendation

The Agency must edit or delete the erroneous statement to correct this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 861: Subject: Erroneous Statement Page 541

Substantive Comment

862

Subject: Unnecessary Repetition

Page 544

Referring to the Following Paragraph

For ease of reference, the management goals from Chapter 2 are reiterated here:

- The goal for lands and realty management is to provide lands, interests in land, and authorizations for public and private uses while maintaining and improving resource values and public land administration.

Discussion

Restating the goals from page 80 of the subject report, when a simple reference would suffice, adds unnecessary bulk (40 C.F.R. §§ 1500.4, 1502.2(c), 1502.15) and needless detail (40 C.F.R. § 1500.1(b)).

Recommendation

The Agency must delete unnecessary bulk and needless details that fail to concentrate on the issues that are truly significant to the action in question. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 862: Subject: Unnecessary Repetition Page 544

Substantive Comment

863

Subject: Confusing Statement

Page 544

Referring to the Following Paragraph

Land tenure adjustments and land use authorizations are BLM activities that would occur for all alternatives. Alternative A represents the “No Action” alternative required by NEPA, and would reaffirm current management under the existing 1984 RMP (BLM 1984) and its associated amendments (1986, 1999, 2006). All alternatives would maintain existing land use authorizations and rights of ways in CCMA for private land owners, communication sites, and mining claims. Alternatives E, F and G would emphasize protection of human health and safety by incorporating mitigation measures into land use authorizations for rights-of-ways and communication sites in CCMA to reduce exposure to airborne asbestos fibers.

Discussion

Using the word “asbestos” is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word “asbestos” is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, “Asbestos is a generic name given to six fibrous minerals that have been used in commercial products.” The definition is expanded further in the USGS Open-File Report 02-149 as, “These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos.” (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term “asbestos” with the technically accurate, mineral specific, term “chrysotile.” The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) “Asbestos: Geology, Mineralogy, Mining, and Uses,” U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) “Airborne Asbestos Health Assessment Update,” U.S. Environmental Protection Agency.

Substantive Comment - # 863: Subject: Confusing Statement Page 544

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 863: Subject: Confusing Statement Page 544

Substantive Comment

864

Subject: Erroneous Statement

Page 545

Referring to the Following Paragraph

For all alternatives, direct impacts upon lands and realty program would be administrative in nature. The management actions would assure some level of land use authorizations including development opportunities for energy and minerals, utility corridor, wind energy, and telecommunications. The varying degrees of access allowed in the ACEC and elimination of a county road network would directly impact landowners within the ACEC. The BLM would provide reasonable access and the landowners would be required to pay annual rent for their access.

Discussion

The statement, "... elimination of a county road network would directly impact landowners within the ACEC. The BLM would provide reasonable access and the landowners would be required to pay annual rent for their access" is erroneous because elimination of a county road network would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Recommendation

The Agency must edit or delete the erroneous statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 864: Subject: Erroneous Statement Page 545

Substantive Comment

865

Subject: Confusing Statement

Page 545

Referring to the Following Paragraph

Management of resources would be maintained at current levels. This alternative would not modify allowable uses to address emerging issues on public lands; however, this alternative would incorporate new human health risk information into BLM's public outreach and education asbestos hazard information program and guidance for management of natural and heritage resource, livestock grazing, energy and minerals, or lands and realty established after the 1984 Hollister RMP, as amended.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 865: Subject: Confusing Statement Page 545

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 865: Subject: Confusing Statement Page 545

Substantive Comment

866

Subject: Confusing Statement

Page 546

Referring to the Following Paragraph

As described above, impacts from other management actions would primarily be related to land use authorizations. Under Alternative A, there would be no new areas of special designation (ACEC, Wilderness, etc.) and the existing ACEC and WSAs would remain. This impact on availability of land use authorizations would be negligible, however, because over the next 15 to 20 years, no more than 15 wells are planned to be drilled and a combined total of 74 acres of Federal lands disturbed (includes permanent and temporary disturbance). This estimate is based on oil and gas potential outlined in the Hollister Field Office Reasonably Foreseeable Development Scenario (Appendix VIII).

Discussion

The statement, "This impact on availability of land use authorizations would be negligible, however, because over the next 15 to 20 years, no more than 15 wells are planned to be drilled and a combined total of 74 acres of Federal lands disturbed" is confusing because it is out context of "Lands and Realty."

Recommendation

The Agency must edit or delete the confusing statement to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 866: Subject: Confusing Statement Page 546

Substantive Comment

867

Subject: Erroneous Statement

Page 547

Referring to the Following Paragraph

Allowable uses would be somewhat restricted with access limited to the county road system under alternative D. CCMA private landowners would be able to utilize the county roads to drive all or most of the distance to their property. The landowners who are not able to drive the entire distance to their private property on county roads would be required to obtain a ROW from BLM for driving on non-county roads across BLM land. Driving on non-county roads would be limited to ingress and egress of private property owned by the ROW holder. Use of the county roads under alternative E would be limited to R11. R11 is that portion of the county road from New Idria straight through to the locked gate accessing Joaquin Rocks. Landowners accessing their property through Clear Creek would require a ROW for all or most of the distance to their private property.

Discussion

This entire paragraph is erroneous because it confesses the Agency's intent to ignore State and Federal laws, and principles of law, to violate private property rights. Impairment of the road network would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

Township 17 South, Range 11 East, Mount Diablo Meridian

Township 17 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 11 East, Mount Diablo Meridian

Township 18 South, Range 12 East, Mount Diablo Meridian

Township 18 South, Range 13 East, Mount Diablo Meridian

Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

The existing private property within the CCMA have rights superior to Bureau of Land Management's authority and hence, BLM authorization is unnecessary or illegal, and violates their inalienable rights protected by the United State Constitution, California State law, Federal law, and Presidential authority affixed by signature on the original land title.

Recommendation

The Agency must edit or delete the erroneous section containing this paragraph to correct for this deficiency. The Agency must rewrite the subject document to remove the discrepant

Substantive Comment - # 867: Subject: Erroneous Statement Page 547

1 issue from the document. The original discrepancy must not be included or propagated in the
final resource management plan, the final environmental impact study, or the record of
3 decision. The final documentation should include corrected recommendations.

Substantive Comment - # 867: Subject: Erroneous Statement Page 547

Substantive Comment

868

Subject: Confusing Statement

Page 548

Referring to the Following Paragraph

Emphasis would be on authorization of multiple uses outside the ACEC, where appropriate. Allowable use restrictions would minimize exposure to airborne asbestos emissions, reduce risk to public health and safety, and land use authorizations would provide limited resource use or commodity production, as appropriate.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 868: Subject: Confusing Statement Page 548

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 868: Subject: Confusing Statement Page 548

Substantive Comment

869

Subject: Erroneous Statement

Page 548

Referring to the Following Paragraph

Under these alternatives, private inholders would use the BLM's administrative route network as principle means of access to their private lands. Approximately 24 private landowners would need to obtain ROW from BLM to access their private lands under Alternatives F & G. Obtaining a ROW would require submitting a Standard Form 299 "Application for Transportation and Utility Systems and Facilities on Federal Lands" to the Hollister Field Office with a map displaying the location of the private property (including APN) and the proposed route of travel. There are three fees involved for processing ROWs. The processing fee is required to reimburse the United States in advance for the cost of processing the application. The monitoring fee reimburses the BLM for monitoring the construction, operation, maintenance, and termination of the project, including protection and rehabilitation of the public lands involved. The third fee is the annual rent. The Hollister FO would GPS the routes of travel and determine the distance across BLM land. Annual rent is determined by multiplying the number of acres (rounded up to next tenth of an acre) included in the ROW by the rental rate for the appropriate county zone.

Discussion

This entire paragraph is erroneous because it confesses the Agency's intent to ignore State and Federal laws, and principles of law, to violate private property rights. Impairment of the road network would impair existing right of ways and easements associated with vehicular access to private property within the following Townships and Ranges:

- Township 17 South, Range 11 East, Mount Diablo Meridian
- Township 17 South, Range 12 East, Mount Diablo Meridian
- Township 18 South, Range 11 East, Mount Diablo Meridian
- Township 18 South, Range 12 East, Mount Diablo Meridian
- Township 18 South, Range 13 East, Mount Diablo Meridian
- Township 19 South, Range 13 East, Mount Diablo Meridian

Public highways over these lands were established before the Treaty of Guadalupe Hidalgo or by the United States Congress, and the public's rights to use these ways was clearly establish before passage of the Federal Land Policy Management Act of 1976 (FLPMA). Within the FLPMA, Congress expressly preserved R.S. 2477 rights-of-way that already had been established. In its entirety, R.S. 2477 provided that:

"the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

The existing private property within the CCMA have superior rights to Bureau of Land Management's authority and hence, BLM authorization is unnecessary or illegal, and violates their inalienable rights protected by the United State Constitution, California State

Substantive Comment - # 869: Subject: Erroneous Statement Page 548

1 Constitution, California State law, Federal law, and Presidential authority affixed by signature
on the original land title.

3
4 **Recommendation**

5 The Agency must edit or delete the erroneous section containing this paragraph to correct
6 for this deficiency. The Agency must rewrite the subject document to remove the discrepant
7 issue from the document. The original discrepancy must not be included or propagated in the
8 final resource management plan, the final environmental impact study, or the record of
9 decision. The final documentation should include corrected recommendations.

Substantive Comment - # 869: Subject: Erroneous Statement Page 548

Substantive Comment

870

Subject: Confusing Format

Page 551

Referring to the Following Paragraph

Three public scoping workshops were held during September and October 2007 to raise awareness of the pending release of the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment, and initiate public involvement in the BLM's CCMA RMP/EIS land use planning process. These early meetings included a BLM presentation to provide context for the proposed project and an information package that included materials to introduce the concept of 'scoping,' the CCMA RMP/EIS planning criteria, comment sheets, and other supplementary information on the National Environmental Policy Act (NEPA) and BLM's land use planning policy.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 870: Subject: Confusing Format Page 551

Substantive Comment

871

Subject: Confusing Format

Page 551

Referring to the Following Paragraph

A majority of the public comments were submitted during the scoping workshops on flip charts and 'scoping worksheets'; although BLM received many written letters and emails that reflect the interest of numerous agencies and constituents who did not attend the public meetings and workshops.

Discussion

The misuse of quote marks, single or double, and sometime combined with italic emphasis is very confusing. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Bureau of Land Management must explain any special meaning intended by unusual formatting, or confess that it is a reflection on poor document management, the lack writing skill or the lack of competent editing and correct such deficiencies. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Generally, written American English uses the following format: Use quotation marks [" "] to set off material that represents quoted or spoken language. Quotation marks also set off the titles of things that do not normally stand by themselves. Single quotation marks [' '] to enclose quoted material within other quoted material. Periods and commas go inside quotation marks. Use italics to call the reader's attention to a word or phrase that is unfamiliar or to one that is used in a nonstandard way, or for unfamiliar foreign words and phrases, and for technical terms followed by definitions. Italicize punctuation marks immediately following italicized words. Italicized words also set off the titles of full-length works that are published separately. While other format and usage rules might be applied to a document, such rules are always applied consistently throughout the document.

Substantive Comment - # 871: Subject: Confusing Format Page 551

Substantive Comment

872

Subject: Erroneous Statement

Page 552

Referring to the Following Paragraph

The Tachi Yokut Tribe of the Santa Rosa Rancheria is the only federally recognized Native American group in the Planning Area. Representatives of the tribe are aware of BLM's CCMA RMP/EIS land use planning process. In general, they support BLM's conservation goals in the Planning Area provided that they are informed of any potential impacts to cultural resources or other traditionally used natural resources. Non-federally recognized California Indian tribes that were notified and/or consulted include members of several Ohlone/Costanoan tribal groups. Members of these tribes also utilize the Planning Area for cultural and Native American traditional uses. Consultation between BLM officials in the Hollister Field Office and tribal representatives are being conducted for this EIS and many other activities or proposed actions within the Planning Area. The BLM will continue to provide an opportunity for the Tachi Yokut Tribe and Ohlone/ Costanoan tribal members to provide input to the CCMA RMP/EIS throughout the planning process.

Discussion

The statement, "The Tachi Yokut Tribe of the Santa Rosa Rancheria is the only federally recognized Native American group in the Planning Area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report, and it conflicts with the statement on page 251. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." The Santa Rosa Rancheria is not located in southern San Benito County or western Fresno County.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 872: Subject: Erroneous Statement Page 552

Substantive Comment

873

Subject: Confusing Statement

Page 604

Referring to the Following Paragraph

2) To define and create a environment for research designed (1) to investigate and better understand the geology, biology, ecology, and archaeology; (2) to address asbestos related public health issues; and (3) to build an information base for guiding management of this and other serpentine ecosystems on BLM lands. This goal furthers the public interest under Environmental Protection Agency (EPA) guidance regarding naturally-occurring asbestos.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 873: Subject: Confusing Statement Page 604

Substantive Comment

874

Subject: Confusing Statement

Page 607

Referring to the Following Paragraph

Lichens are useful for detecting heavy metal concentrations and air-born pollutants. Lichens may serve as an indicator of environmental changes relevant to human health and ecosystem function. The serpentine soils within the SBMRNA often contain high levels of mercury, nickel, chromium, and other heavy metals as well as unusual assemblages of vascular plant species. Unusual lichen species may occur as well. The physiological and chemical interactions between lichens and their rock substrates may help researchers to better understand ways to mitigate environments contaminated with heavy metals and asbestos found in the SBMRNA.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.

EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.

Substantive Comment - # 874: Subject: Confusing Statement Page 607

1 EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific
3 Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental
Protection Agency, Science Advisory Board.

5 USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department
7 of the Interior, U.S. Geological Survey, <[http://minerals.usgs.gov/minerals/pubs/
commodity/asbestos/index.html](http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html)>.

Substantive Comment - # 874: Subject: Confusing Statement Page 607

Substantive Comment

875

Subject: Confusing Statement

Page 611

Referring to the Following Paragraph

Wind erosion and aerial suspension of asbestos presents a human health risk. Some sampling and modeling of human health risk for asbestos under natural conditions has been conducted at the CCMA by research groups and the EPA. Further studies of airborne asbestos originating from the CCMA and the SBMRNA may be warranted.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 875: Subject: Confusing Statement Page 611

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 875: Subject: Confusing Statement Page 611

Substantive Comment

876

Subject: Confusing Statement

Page 647

Referring to the Following Paragraph

Objective: Improve the level of visitor awareness of environment health and safety hazards, e.g., asbestos hazard in dust and water.

Discussion

Using the word "asbestos" is confusing because it implies that the subject Serpentine ACEC contains a large volume of all of the asbestos mineral, which is erroneous. The subject Serpentine ACEC is known for its naturally occurring chrysotile deposit, and is known to be free of natural amphibole asbestos fiber. The word "asbestos" is being misused as a substitute term when the reference to a specific mineral is more appropriate and technically correct. According to the United States Geological Survey, "Asbestos is a generic name given to six fibrous minerals that have been used in commercial products." The definition is expanded further in the USGS Open-File Report 02-149 as, "These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile. There are five asbestiform varieties of amphiboles: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos." (Virta 2002:5). The EPA asbestos risk assessment is based on 1986 data (EPA 1986) and fails to consider the current EPA opinion which admits that chrysotile is much less potent (EPA 2008), and may, in fact, not be a human health risk.

Recommendation

The Agency must not imply that the Serpentine ACEC contains a large volume of the asbestos mineral spectrum. Solve this discrepancy by replacing the generic term "asbestos" with the technically accurate, mineral specific, term "chrysotile." The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Reference

- Virta, Robert L. (2002) "Asbestos: Geology, Mineralogy, Mining, and Uses," U.S. Department of the Interior, U.S. Geological Survey, Open-File Report 02-149.
- EPA (1986) "Airborne Asbestos Health Assessment Update," U.S. Environmental Protection Agency.
- EPA (2008) "SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos," U.S. Environmental Protection Agency, Science Advisory Board.

Substantive Comment - # 876: Subject: Confusing Statement Page 647

USGS (2010) "Asbestos, Statistics and Information," Minerals Information, U.S. Department of the Interior, U.S. Geological Survey, <<http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/index.html>>.

Substantive Comment - # 876: Subject: Confusing Statement Page 647

Substantive Comment

877

Subject: Erroneous Statement

Page 654

Referring to the Following Paragraph

BLM Manual 8351.33A(2), "Wild and Scenic Rivers – Policy and Program Direction for Identification, Evaluation and Management", states "In situations where there is limited public land (shoreline and adjacent land) administered by the BLM within an identified river study area, it may be difficult to ensure those identified outstandingly remarkable values could be properly maintained and afforded adequate management protection over time. Accordingly, for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values. An alternative method to consider these segments is for state, local governments or private citizens to initiate efforts under section 2(a)(ii), or a joint study under section 5C of the Wild and Scenic Rivers Act." Typically, the local county governments have land use planning responsibility for the private lands on these segments. However, BLM has not approached the counties in the Planning Area regarding their support for wild and scenic designation of these segments, because the study team determined that they are not worthy additions to the system and BLM ownership of shoreline and adjacent lands is ...

Discussion

The concept of Bureau of Land Management land ownership is erroneous because the Constitution of the United States and the Treaty of Guadalupe Hidalgo prohibit the federal ownership of land except as provided in Article 1, Section 8 of the Constitution of the United States.

Recommendation

The Agency must edit or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 877: Subject: Erroneous Statement Page 654

Substantive Comment

878

Subject: Confusing Symbol

Page 671

Referring to the Following Paragraph

Pipeline (20 ' wide)10 miles2.4 acres/mi24

Discussion

The symbol 20 ` is unknown. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps this a typographic error, perhaps 20' was meant. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 878: Subject: Confusing Symbol Page 671

Substantive Comment

879

Subject: Confusing Symbol

Page 677

Referring to the Following Paragraph

Pipeline (20 ' wide)10 miles2.4 acres/mi24

Discussion

The symbol 20 ` is unknown. Since "agencies should employ writers of clear prose or editors to write, review or edit statements" (40 C.F.R. 1502.8), the public is left to assume that such unusual words, terminology or formatting might convey special meaning. Perhaps this is a typographic error, perhaps 20' was meant. The public depends on author's accuracy and is therefore not at liberty to interpret variant meanings, therefore the Agency must write clear prose that is comprehensible and unambiguous.

Recommendation

The Agency must edit or delete the discrepant statement to correct the deficiency. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 879: Subject: Confusing Symbol Page 677

Substantive Comment

880

Subject: Erroneous Statement

Page 677

Referring to the Following Paragraph

Military Bases – Fort Hunter Liggett military base is within the planning area. Leasing these lands requires consent from the local Base Commander. It has been shown in numerous cases across the country and within California that oil and gas exploration and development can often be conducted in a manner that is fully compatible with ongoing military operations. It is quite possible that negotiations between BLM and military personnel may result in agreement to lease lands within the boundaries of bases or other military lands. In the event that happens, appropriate leasing stipulations that would fully protect the military's mission will be added prior to any land being leased.

Discussion

The statement that "Fort Hunter Liggett military base is within the planning area" is erroneous because it conflicts with the "Planning Area" defined on Page 1 the same report. Page 1 states: "The Planning Area for this RMP/EIS includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction." Fort Hunter Liggett is located in Monterey County.

Recommendation

The Agency must correct this discrepancy, or delete the erroneous statement. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 880: Subject: Erroneous Statement Page 677

Substantive Comment

881

Subject: Technical Review of References Section

Discussion

The references section is so poorly presented and derisory that it is nearly useless and fails to provide the reader, the public, and the deciding officer adequately usable bibliography. Of the 140 citations listed, nearly all contain punctuation mistakes that seriously impair readability. Many of the citations are incomplete or insufficient thus requiring the reader to exert tremendous effort and time to decipher its true meaning. Out of the 140 listed citations, 24, or 17%, of them are not used in the document. Furthermore, the first-pass review of the document revealed an additional 53 references that remain unlisted, and hence unknown.

Figure 2 on page 1109 through Figure 14 on page 1121 reproduce each of the section 6.0 References page with corrections inserted in color. Some of the suggested corrects made by italicized font might instead be more accurately blocked within quotation marks.

Table 7 on page 1122 tabulates a partial list of citations that are missing from section 6.0 References. Some of Table 7 listings may be incorrect because many of the 6.0 References listing are so confusing.

The Agency should have corrected these deficiencies before presenting the document for public review because the mistakes contained in section 6.0 References cause the entire document to be unusable. The Agency must rewrite the subject document to remove the discrepant issue from the document. The original discrepancy must not be included or propagated in the final resource management plan, the final environmental impact study, or the record of decision. The final documentation should include corrected recommendations.

Substantive Comment - # 881: Subject: Technical Review of References Section

Figure 2: Review of Section 6.0 References, Page 556

<i>Clear Creek Management Area Draft RMP/EIS</i>	6.0 References
6.0 REFERENCES	
Association of Monterey Bay Area Governments	
2004 ~~AMBAG~~ <i>2004 Population, Housing Unit & Employment Forecasts</i> . "Marina, California," Association of Monterey Bay Area Governments.	
~~Arroues, Kerry D.~~	
2006 ~~Soil survey of Fresno County, California, western part. United States Department of Agriculture, Natural Resources Conservation Service.~~	
Bean, Lowell J.	
1991 <i>The Ohlone Past and Present: Native Americans of the San Francisco Bay Region</i> . Ballena Press, Menlo Park, California.	
Becker, George F.	
1888 <i>Geology of the Quicksilver Deposits of the Pacific Slope</i> . United States Geological Survey, Monograph Vol.8.	
Belli, Hope	
1984 "Ramblers Celebrate 50 Years of Good Rides," <i>The Californian</i> , July 26, 1984.	
Bennyhoff, James and Richard Hughes	
1987 "Shell Bead and Ornament Exchange Networks Between California and the Western Great Basin." <i>Anthropological Papers of the American Museum of Natural History</i> 64(2):82-175. New York.	
Boyes, Hugh	
2008 Personal Communication regarding history of Idria and the Clear Creek Management Area, Hollister Field Office, December 8, 2008.	
Boyd, R.S.	
2009 High-nickel insects and nickel hyperaccumulator plants: A review. <i>Insect Science</i> , 16:19-31	
Breschini, Gary S., Trudy Haversat, and R. Paul Hampson	
1983 <i>A Cultural Resources Overview of the Coast and Coast-Valley Study Areas</i> . MS on file at the Hollister Field Office, Bureau of Land Management.	
Breschini, Gary S. and Trudy Haversat	

Figure 3: Review of Section 6.0 References, Page 557

<i>Clear Creek Management Area Draft RMP/EIS</i>	6.0 References
~~1986 Archaeological Investigations at CA-FRE-1333, in the White Creek Drainage, Western Fresno County, California. MS on file at the Hollister Field Office, Bureau of Land Management.~~	
Brooks, R.R.	
1987 <i>Serpentine and its Vegetation: A multidisciplinary approach.</i> Dioscorides Press, Portland, Oregon.	
Bunning, Dan	
2008 Personal Communication Regarding History of OHV Use in Clear Creek Management Area, November 2008.	
California Department of Finance	
2004 <i>Population Projections by Race/Ethnicity, Gender and Age for California and Its Counties 2000-2050</i> , Sacramento, California.	
California Department of Parks and Recreation	
1984 <i>Martin Ranch State Vehicular Recreation Area Feasibility Study</i> . Sacramento, California.	
~~1985 Martin Ranch State Vehicular Recreation Area Acquisition Project Draft Environmental Impact Report. Sacramento, California.~~	
~~1994 Off Highway Vehicle Recreation's \$3 Billion Economic Impact in California & A Profile of OHV users: A Family Affair. Sacramento, California.~~	
California Department of Toxic Substances Control	
2005 <i>Study of Airborne Asbestos from a Serpentine Road in garden Valley, California. Sacramento, California.</i> http://www.dtsc.ca.gov/SiteCleanup/Projects/upload/Garden-Valley_REP_Slodustv.pdf	
California Geological Survey	
2002 "Note 11: Benitoite California State Gem, May 2002." Sacramento, California.	
Casey, J.T.A.L. and W.R. Dickinson	
1976 "Sedimentary serpentinite of the Miocene Big Blue formation near Cantua Creek, California." In: The Neogene Symposium SEPM-SEG Pacific sections meeting. A.E. Fritsche, H. Terbest, and W.W. Wornardt, eds. <i>AAPG Bulletin</i> , 60(12):65-74.	
Center for Disease Control	
2004 "Changing Patterns of Pneumoconiosis Mortality United States, 1968-2000." Accessed on-line: http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5328a1.htm	
Cohan, Emily	

Figure 4: Review of Section 6.0 References, Page 558

<i>Clear Creek Management Area Draft RMP/EIS</i>	6.0 References
1997	"Six Inches from Monterey to Coalinga, The First Oil Pipeline in California and The Great Monterey Oil Fire of 1924." http://www.telemetrix.com/pipeline/index.htm
Coleman, R.G.	
1986	"Field trip guide book to New Idria Area, California." 14 th General Meeting of the International Mineralogical Association, July 1986.
1996	New Idria serpentinite: A land management dilemma. <i>Environmental and Engineering Geoscience</i> 2(1):9-22.
Cook, S.F.	
1943a	"The Indian versus the Spanish Mission." <i>Ibero-Americana</i> 21. University of California Press: Berkeley, California.
1943b	"The Physical and Demographic Reaction of the Nonmission Indians in Colonial and Provincial California." <i>Ibero-Americana</i> 22. University of California Press: Berkeley, California.
Cowan, Darrel S. and Charles F. Mansfield, C.F.	
1979	"Serpentinite flows on Joaquin Ridge, southern Coast Ranges, California." <i>Geological Society of America Bulletin</i> , 81(9):2615-2628.
Craig, Gerald R.	
2002	"Recommended buffer zones and seasonal restrictions for Colorado raptors." Colorado Division of Wildlife, 7pp.
Dean Runyan & Associates, Inc.	
2009	"California Travel Impacts by County, 1992-2007: 2008 Preliminary State Estimates." Accessed on-line April 2009: http://tourism.visitcalifornia.com/media/uploads/files/editor/Research/CAImp08pfinal(1).pdf
Dietz, S.A., and Thomas L. Jackson	
1981	<i>Report of Archaeological Excavations at Nineteen Archaeological Sites for the Stage 1 Pacific Grove-Monterey Consolidation Project of the Regional Sewerage System.</i> Archaeological Consulting and Research Services for Engineering-Science: Berkeley, California.
Dietz, S.A., W.R. Hildebrandt, and T. Jones	
1988	"Archaeological Investigations at Elkhorn Slough: CA-MNT-229, a Middle Period Site on the Central California Coast." <i>Papers in Northern California Anthropology</i> 3. Northern California Anthropological Research Group: Berkeley, California.
Department of Water Resources, State of California	
2003	<i>California's Groundwater</i> , Bulletin 118, California Department of Water Resources.

Figure 5: Review of Section 6.0 References, Page 559

<i>Clear Creek Management Area Draft RMP/EIS</i>	6.0 References
Dobkin, D.S., Oliveri, I., and P.R. Ehrlich.	
1987	"Rainfall and the interaction of microclimate with larval resources in the population dynamics of checkerspot butterflies (<i>Euphydryas editha</i>) inhabiting serpentine grassland." <i>Oecologia</i> 71(2):161-166.
Dynamac Corporation	~~Environmental Services~~
1998	<i>Geomorphic Field Evaluation of Serpentinite Soil Barrens, Clear Creek Management Area.</i> Dynamac Corporation ~~Environmental Services~~ . Rockville, Maryland. ~~81~~ 166 pp.
Fisher, R.N.; Suarez, A.V.; Case, T.J.	
2002	"Spatial patterns in the abundance of the coastal horned lizard." <i>Conservation Biology</i> 16(1):205-215.
Evens, J., A. Klein, J. Taylor, T. Keeler-Wolf, and D. Hickson	
2006	<i>Vegetation classification, descriptions, and mapping of the Clear Creek Management Area, Joaquin Ridge, and the environs in San Benito and western Fresno Counties, California.</i> California Native Plant Society and California Department of Fish and Game, Sacramento, California.
Fowkes, E. J. and R. Iddings	
2008	<i>Geological and Historical Archaeology Phase I Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San Benito County, California.</i>
Frazier, Si, and Ann Frazier	
1990	"A Rare Bit of History," <i>Lapidary Journal</i> , November 1990. ~~Pp. 44(8):~~ 46-58.
Galvan, Andrew M.	
1968	"People of the West: The Ohlone Story." <i>The Indian Historian</i> 1(2):9-13.
Gervais, B.R. and A.M. Shapiro.	
1999	"Distribution of edaphic-endemic butterflies in the Sierra Nevada of California." <i>Global Ecology and Biogeography</i> 8(2):151-162.
~~Gifford, E.W. and W.E. Schenck~~	
~~1926~~	~~Archaeology of the Southern San Joaquin Valley. University of California Publications in American Archaeology and Ethnology 23. Berkeley, California.~~
Gilbert, Charlene Ann	
1984	<i>Prospectors, Capitalists, and Bandits: The History of the New Idria Quicksilver Mine, 1854-1972.</i> Master's Thesis, ~~Department of History San Jose State University.~~
Griffin, J.R.	

Figure 6: Review of Section 6.0 References, Page 560

<i>Clear Creek Management Area Draft RMP/EIS</i>	6.0 References
1974	"A strange pine and cedar forest in San Benito County." <i>Fremontia</i> , 2(1):11-15.
~~Habieh, E.F.~~	
~~2001~~	~~Ecological Site Inventory. Technical Reference 1734-7. United States Department of the Interior, Bureau of Land Management.~~
Harris, T.B., Olday, F.C., and N. Rajakaruna.	
2007	"Lichens of Pine Hill, a Peridotite Outcrop in Eastern North America." <i>Rhodora</i> 109(940):430-447.
Harrison, S and A.M. Shapiro.	
1988	"Butterflies of northern California Serpentes." <i>Fremontia</i> 15(4):17-20.
~~Heizer, R. F. and A. E. Treganza~~	
~~1971~~	~~Mines and Quarries of the Indians of California. In: The California Indians, A Source Book, 2nd ed., Robert F. Heizer and M. A. Whipple, eds., Berkeley: University of California Press. Pp. 346-359.~~
~~1944~~	~~Mines and Quarries of the Indians of California. California Journal of Mines and Geology 40:291-359.~~
Hester, T. R.	
1978	"Esselen." In <i>Handbook of North American Indians</i> , Volume 8 (California). Pp. 496-499. Robert Heizer, ed., William C. Sturtevant, gen. ed., Smithsonian Institution, Washington, D.C.
Hevesi, Dennis	
2008	"George Switzer, 92, Dies; Started a Gem Treasury," <i>New York Times</i> , April 6, 2008.
Hewes, Gordon W.	
1941	"Reconnaissance of the Central San Joaquin Valley." <i>American Antiquity</i> 7(2):123-133.
~~Hewes, Gordon W. and W. C. Massey~~	
~~MS~~	~~Central San Joaquin Valley Archaeological Survey Notes. University of California Archaeological Survey Reports No.19.~~
Hillhouse, Clarence	
1931	"New Idria Quicksilver and Letters 1858-1859." MS on file at the Hollister Field Office, Bureau of Land Management.
Hopkins, C. and D. Silverman	

Figure 7: Review of Section 6.0 References, Page 561

<i>Clear Creek Management Area Draft RMP/EIS</i>	6.0 References
2004 <i>Vernal pool branchiopod sampling, Spanish Lakes (sic), Clear Creek Management Area, Fresno County, California.</i> Unpublished report prepared for the Bureau of Land Management by Xeric Specialties Consultants, Ridgecrest, California.	
Hylkema, L.	
1997 "Memo RE: CA-SBn-212 and CABA site" to Area Manager R. Beehler.	
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