

## STAFF REPORT

**AGENDA ITEM:** Clear Creek Management Area Update

**STAFF:** Daphne Greene, Deputy Director, Off-Highway Motor Vehicle Recreation Division  
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**DATE:** May 25, 2011

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**Issue:** Update on the status of Clear Creek Management Area (CCMA).

**Background:** The CCMA is a popular off-highway vehicle (OHV) recreation area administered by the Hollister Field Office of the BLM. Since May 2008, the CCMA has been subject to a temporary closure order based on health concerns identified in a 2008 study conducted by the Region 9 office of the U.S. Environmental Protection Agency (EPA Region 9), related to naturally occurring asbestos.

The Off-Highway Motor Vehicle Recreation Commission (Commission) has discussed issues relating to the temporary closure of CCMA at two previous Commission meetings; first on February 10, 2010, and again at the April 5, 2011 Commission meeting. During that meeting, Rick Cooper, Hollister Field Office Manager, Bureau of Land Management (BLM), presented an overview of the CCMA, described the existing temporary closure of CCMA and planning alternatives for the future. Jere Johnson, Remedial Project Manager and Daniel Stralka, Toxicologist, from the EPA Region 9 made a presentation of the May 2008 risk assessment study entitled, "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment."

The Commission also heard a presentation from the authors of the Division commissioned study of vehicle-specific risk assessment of the naturally occurring asbestos exposure at the CCMA. Scientists with expertise in asbestos-related risk assessment from the International Environmental Research Foundation (IERF) released a report on March 8, 2011, entitled, "Preliminary Analysis of the Asbestos Exposures Associated with Motorcycle Riding and Hiking in the Clear Creek Management Area (CCMA), San Benito County, California".

Approximately 100 people attend the Commission meeting. The CCMA agenda resulted in over six hours of discussion, public comment, and Commission deliberations. Deliberations covered such topics as:

- Role of government at the expense of individual freedom
- Management options to mitigate risk
- Division to work with BLM to come up with a solution that is a compromise that mitigates the risk and allows people to ride
- Government has a responsibility to provide for public health
- Concerns for the potential risks to children
- Need for additional study because of the uncertainty of the two reports
- Need to ensure the integrity of the information before any decisions are made
- There should be a standard of public trust that's maintained by the agencies involved
- Need to open CCMA while more study occurs
- CCMA should not open until level of risk is acceptable

A motion was passed that the Commission would send letters expressing concerns and suggestions for ensuring safe public access for OHV recreation at CCMA to various government officials.

The Commission members and interested parties toured part of the CCMA on April 6, 2011. The tour was conducted exclusively on county roads, including the Clear Creek Road, which remain open to the public and pass through the Serpentine Area of Critical Environmental Concern.

**Discussion:** On April 25<sup>th</sup>, the Department of Toxic Substances Control, Human and Ecological Risk Office (HERO) released a memorandum, dated April 4<sup>th</sup>, which was a technical review of the IERF study (see attached).

On May 12<sup>th</sup>, the EPA sent a letter to Rick Cooper, Field Manager of the BLM Hollister Field Office, reviewing the IERF Report (see attached).

The IERF team has received copies of these letters. The letters have not prompted the IERF team to alter any of the conclusions of its study.

**Commission Action:** For information only.