

## STAFF REPORT

**AGENDA ITEM:** Bureau of Land Management (BLM), Clear Creek Management Area (CCMA): Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS)

**STAFF:** Kelly Long, OHMVR Division

**DATE:** April 29, 2010

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**Discussion:** The Commission will consider and discuss comments on the CCMA Draft RMP/EIS.

**Background:** The CCMA is located in Central California, in the Diablo Mountains that separate the Salinas Valley from the Central Valley. It encompasses the southern portion of San Benito County and the western portion of Fresno County. It consists of 75,829 acres of land, 63,197 acres of which are managed by its Bureau of Land Management (BLM). An additional 10,668 acres are under private and state ownership.

The CCMA is located on one of the largest naturally occurring asbestos deposits in the world. The 31,000 acre Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) is also located within the CCMA. About 4,082 acres of this Serpentine ACEC are designated as the San Benito Mountain Research Natural Area (SBMRNA) and is closed to OHV use.

The CCMA is home to many unique plant and animal biological resources. There are a number of special status species and species of concern. The most notable of CCMA's special status plant species is the San Benito Evening Primrose, a species which can only be found at CCMA. In 1985, the San Benito Evening Primrose was listed as a threatened species by the U.S. Fish and Wildlife Service. Since this determination, environmental groups have closely monitored BLM's management of OHV use and the protection of the Primrose habitat.

The area has a history of mining and logging. Beginning in the mid-1850s, road development began in conjunction with mining and timber operations. Since the mid-1970s, OHV use has been the predominant recreational activity at the CCMA. The area has been recognized as one of the top ten OHV recreation areas in the nation by Dirt Rider magazine. More recently hiking, mountain biking, rock-hounding, hunting and camping are popular activities. The full

year of recording prior to the closure, there were an estimated 35,000 visitors.

The CCMA contains the largest natural deposit of asbestos in the United States. Historically, commercial asbestos mines operated in the deposit. The Atlas Mine and the Coalinga Mine were identified and addressed by the federal Superfund program. Upon cleanup of these mines, they were subsequently delisted. For years, BLM has warned people visiting the area about the presence of and risks associated with asbestos.

In 2004, as part of the evaluation of the Atlas Mine clean up for possible delisting from the federal Superfund list, Environmental Protection Agency (EPA) Region 9 initiated an asbestos exposure and human health risk assessment for CCMA. The goal of the assessment was to update a 1992 BLM Human Health Risk Assessment by using current asbestos sampling and analytical techniques, and to provide more robust information to BLM on the asbestos exposures from typical recreational activities and the excess lifetime cancer risks associated with those exposures.

During 2004 and 2005, EPA conducted four air sampling events at CCMA. Data suggesting presence of elevated levels of airborne asbestos fibers during the dry season testing conducted in September and November 2004, resulted in BLM restricting public access to CCMA from June 1<sup>st</sup> – October 15<sup>th</sup> due to concerns that the greatest potential to generate dust and airborne asbestos could occur during this time.

On May 1, 2008, EPA released the CCMA Asbestos Exposure and Human Health Risk Assessment. The data showed that activities which typically create the most soil disturbance and dust – dirt bikes, ATV driving/riding, and SUV driving - also release the most asbestos into the breathing zones of testers. The report concluded that the risk of developing asbestos-related disease is dependent on: the level of exposure; the duration of exposure; and, the time since first exposure. The report goes on to say that reducing exposure will reduce the risk of developing asbestos-related cancers and debilitating and potentially fatal non-cancer disease.

As a result of concerns brought forth by this report, the BLM Hollister Field Office issued an immediate “temporary closure” effective to all forms of entry and public use for approximately 31,000 acres of public lands in the CCMA. BLM believed the closure was necessary for public/employee health and safety concerns raised in the EPA report.

**Draft RMP/EIS  
Overview:**

As a result of the findings of the EPA study, the BLM Hollister Field Office has prepared a Draft RMP/EIS to guide the management of public lands in the CCMA.

The CCMA RMP will replace the 1984 Hollister RMP and the associated amendments for the approximately 63,000 acres of public land contained in the CCMA. Development of a new plan will identify BLM's mission, long-term management goals and objectives, and land use allocations for the CCMA. It will also address concerns about the health risk from exposure to naturally occurring asbestos as agreed upon by BLM and the EPA, and will fulfill the needs and obligations set forth by the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act, and BLM management policies.

The Draft RMP/EIS provided seven alternatives for the management of the CCMA, ranging in scope from no action to prohibition of all public access. The preferred alternative 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. Additionally, vehicle touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year.

**Status:**

With the release of the Draft RMP/EIS, a 90-day public comment period on began on December 4, 2009 and ran through March 5, 2010. As required by NEPA, the public was given the opportunity to provide comments on the Draft RMP/EIS during this time.

The BLM hosted three public meetings during the month of January, 2010 in Coalinga, Hollister and Santa Clara. These meetings were well-attended by OHV enthusiasts and other visitors to CCMA. An additional public meeting specific to the socio-economic impacts of the Draft RMP/EIS was held in Hollister on February 22, 2010.

Multiple requests were made to the BLM asking for an extension of the public comment period. Following discussion at the February OHMVR Commission meeting, the OHMVR Commission sent a letter, dated March 2, 2009, requesting an additional 90 days for the public comment period. Similar appeals were made to the BLM by recreational user groups,

individuals, Congressional members, and other interested parties. On March 5, 2009 the BLM extended the public comment period by 45 days, closing on April 19, 2009.

On April 6, 2010 the San Benito County Board of Supervisors took action on two agenda items regarding the CCMA. First, the Board unanimously endorsed a letter to BLM favoring the "no action" alternative in the Draft RMP/EIS which would allow public access to the CCMA. Second, the Board adopted a resolution to re-open unmaintained County roads in the CCMA. Following installation of signage, this action would reopen 25 miles of roads overseen by the county in the CCMA. Additionally, the Board also agreed to send a letter to their Congressional delegates emphasizing the importance of the CCMA issue and requesting their support.

The CCMA remains under the Closure Notice until a Final RMP/EIS is in place. Before the extension of the public comment period, the BLM expected to release the Final RMP/EIS in September, 2010 and the Record of Decision in January, 2011.

The OHMVR Division has invested approximately \$7 million at CCMA for maintenance, conservation, restoration and law enforcement dating back to 1980. Given the many questions which have been raised regarding the validity of the EPA report's findings, conclusions and risk assessment, the OHMVR Division feels a more detailed investigation and analysis of the issues is warranted before any final management decisions are made by BLM. Based on these concerns, the OHMVR Division issued a request for proposals and awarded a contract to conduct a study that examines the findings of the EPA report and provides a risk assessment specific to OHV activity in CCMA. The goal of this contracted study is to answer the many questions and concerns and either support the EPA report's conclusions, or provide solid scientific basis for further study and consideration before final decisions are made regarding limits to be placed on public access to the CCMA.

**Commission action:** The Commission will consider and discuss comments and may take action to submit a comment letter to the BLM Hollister Field Office regarding the CCMA Draft RMP/EIS.