

BLM Time Line on CCMA Closure and DEIS

Based on documents received via the Freedom of Information Act

Available on-line at: <http://www.foccm.org/foia/>

Jan. 9, 2008	BLM provides OSHA with preliminary report on sampling done by BLM employees in Jan, Feb, March and May of 2007. Mean fiber concentrations ranged from .013 in Jan/Feb to .049 in May. OSHA Personal Exposure Limit (PEL) threshold is .1 f/cc.
Feb. 5, 2008	BLM receives draft EPA report
Feb 8, 2008	BLM toxicologist Karl Ford, in an e-mail to Rick Cooper, raises issues with the EPA report including missing data, questions about the sampling procedures, and states “ <i>From a land management perspective, it is essential for BLM to know if risk is acceptable during the wet season. Skewing the dataset towards dry conditions does not help us answer the question. I would like to see the risk computed for the wet period.</i> ”
Feb. 13, 2008	Rick Cooper acknowledges “obvious conflicts between OSHA thresholds for BLM employees and the EPA results” in memo to BLM California State Office
Feb 19, 2009	Toxicologist Karl Ford e-mails Rick Cooper about a possible alternative that would allow the BLM to keep Clear Creek open and allow up to <u>5 weekends</u> of use per year and stay below the 1 in 10,000 threshold.
March 4, 2008	State Director Mike Pool notifies DC of the closure and states that BLM toxicologists “ <i>have not disputed the risk assessment to human health. This includes the EPA protocols for sampling, analysis and modeling outcomes.</i> ”
March, 2008	BLM staff and toxicologists meet with EPA and submit list of questions and issues, including a request that the EPA redo the risk assessment with only “wet season” samples.
March 2008	BLM permits Timekeepers family enduro and Wild Boar enduro despite EPA claim that one day OHV use puts riders and particularly children at excessive risk.
March 2008	BLM permits Molina Ghost Run jeep event
March 2008	BLM hosts a Resource Advisory Council meeting at Clear Creek and makes no mention of pending closure. Rick e-mails the BLM State Associate Director Jim Abbott on March 7 stating: “ <i>I feel more than a little uncomfortable going through this tour without being able to give this group a heads up of what is about to occur. My concern is the group will be disappointed that BLM did not approach them or use them in an advisory capacity on the issue.</i> ”
April 2008	BLM permits Races Under the Son family event
April 11, 2008	Rick Cooper requests the EPA remove the words “ and perhaps zero ” from the EPA report. “ <i>This uncertainty could mean that the actual risks could be much lower than those estimated in the CCMA assessment <u>and perhaps zero.</u></i> ” The word do not appear in the EPA report released on May 1, 2008
May 1, 2008	BLM closes Clear Creek
May 2008	BLM sends OSHA a report titled ‘BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area. This report contains a chart showing the number of days that different tasks could be performed in the CCMA without exceeding a cancer risk of 1:10000. While the EPA report suggests that one day a year OHV use exceeds the 1:10000 limit, the OSHA report shows motorcycle patrolling (leading and following) can be done in excess of 44 days.
July 2009	EPA send letter to BLM addressing BLM concerns raised in March and explaining why they did not remove the dry season samples from the risk assessment.
April 2009	BLM approves the construction of a new decontamination facility just outside the CCMA that cost the taxpayers \$2.2M. Facility is built adjacent to the entrance station on Clear Creek Road where .020 f/cc fiber counts were recorded during air sampling.
Dec 4, 2009	BLM releases the Draft EIS with no mention of the conflicting OSHA report and using the full EPA sampling dataset that is slanted towards dry conditions.
May 2008 to Present	BLM employees continue work inside the CCMA including heavy equipment work restoring closed routes.

April 6, 2010

Dear Board of Supervisors,

The closure of Clear Creek (CCMA) has contributed to the economic hard times faced by San Benito County businesses, it has stolen from the public the opportunity to use our public lands in the CCMA for the past two years and has caused a tremendous amount of mental pain and suffering to the people who have frequented the CCMA for the past 50+ years.

It didn't have to be this way. I believe the fault lies squarely on the BLM, the local manager Rick Cooper and then State Director Mike Pool. Under their direction, the BLM has deceived the public, our legislators and this body throughout the closure and subsequent EIS process and committed a fraudulent act by knowingly excluding the results of the OSHA report from the Draft EIS.

I recommend that the County of San Benito include in their comments questions about the absence of any mention of employee health under section 3.0 affected environment and section 4.0 Environmental Consequences of the DEIS as well as any mention of the data in the May 2008 OSHA report that directly conflicts with the EPA study.

I also recommend that the County of San Benito send letters to Senators Feinstein and Boxer and Congressman Sam Farr asking for an investigation of the circumstances surrounding the closure of the CCMA and the creation of the DEIS.

Respectfully submitted,

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