

May 25, 2010

Bureau of Land Management -Hollister Field Office
Attn: Mr. Rick Cooper
20 Hamilton Court
Hollister, CA 95023

Re: CA-190

Dear Mr. Cooper,

Thank you for your letter dated April 13, 2010. As you know, this is a very difficult process for all parties involved and we appreciate your willingness to continue in a cooperative fashion to resolve the issues in the Clear Creek Management Area. This letter is intended to address some of your concerns. However, in order to properly respond to some of the issues raised, we will need more information regarding some of the concerns as outlined below:

Concern 1: Some sections of the road will become impassible due to erosion and landslides. These road blocks will create safety issues and may result in the public avoiding the blocked sections by crossing public lands closed to entry use.

Response: The County has not performed maintenance activity in the CCMA since 1994 and is not planning on performing maintenance on the roads in the future. Currently entrances to the area indicate that the County does not maintain the roads past the signed areas.

Concern 2: The erosion and landslides may also result in water quality issues for Clear Creek and the San Benito River.

Response: The County needs to be fully aware of what the constituents of concern are for which you are monitoring. For the County to fully understand the issue, please demonstrate that the roads in question are a significant proportion of the tributary area for the creek and that they represent an identified source of non-naturally occurring items for which you are monitoring. Also please include a calculation for what percentage of the expected constituents of concern are coming from the county roadway system as compared to the extensive trail system, private properties and adjacent Bureau lands. Please present baseline data that indicates the amount of material that has entered into the creek as a result of past operational practices. This would be needed to accurately identify any change in condition by recent board actions.

Concern 3: Allowing non street legal vehicles will create a huge law enforcement issue for BLM along the entire length of the road. BLM may be forced to corridor fence the entire road length and enforce citations for non street legal vehicles on county road in order to control trespass into closed area.

Response: The County does not have the independent discretion to authorize non street legal vehicles on County roads. Per California Vehicle Code, that is only allowable under very limited circumstances. In summary, vehicle code section 38026 allows non street legal vehicles on highways that form integral connections to established off-highway trails or on roads that connect lodging to the trail system. Both of these are the case in the CCMA. There is documentation, (such as the DEIS that currently under review) that includes the county roads in the trail system. County staff is currently investigating whether or not permission was obtained from the Commissioner of the Highway Patrol for this traffic. Has BLM taken any actions to secure legal transit on the County road system through the Commissioner of Highway Patrols' office?

Concern 4: There are a significant number of intersections with large roads that could be confusing to visitors using the county road. Visitors could be subject to citation because they get off the county road and into the closed area.

Response: The erection and maintenance of additional road signage on the County road network is not being considered at this time.

Concern 5: The Bureau of Land Management owns land that the road sets upon and borders. As such the BLM has responsibility for all resources in the vicinity of all roads, such as cultural, historical, endangered species habitat, water quality and air quality to name a few. We would therefore need to be consulted on any change to or maintenance to roads in the ACEC. Based on records, what is the defined width of the county road segments?

Response: The width of the road is an in-depth factual question as the width may vary throughout the Clear Creek Area. There is no intended change to or maintenance of the roads within ACEC and as such, there will be no impact to the resources such as cultural, historical, endangered species habitat, water and air quality on BLM land within the ACEC. The County has indicated that it will not accept any assistance or volunteer work for road maintenance.

Concern 6: The use of the road will lead to public exposure to levels of asbestos in excess of the acceptable range.

Response: The County has posted signage warning the public of the potential risks in the area. These signs will be checked on a regular basis. As to the issue of the possibility of hazardous material being tracked out of the area on vehicles, the County needs to understand the risk generated by the deposit of asbestos on the maintained public right-of-way. The maintained areas are several miles removed from the ACEC. In order to reach the ACEC area, a traveler must navigate through several miles of gravel road prior to reaching, and again upon exiting the asbestos area. The understanding of the County is that a potential risk has been identified for an individual recreating within the ACEC. Did the evaluation identify the risk associated with the exposure to asbestos that has been deposited on pavement following recreational activities? If there is risk identified, what would BLM's position be on allowing the general public to utilize the wash station located on Clear Creek Road?

The County looks forward to working with BLM through this process to facilitate public understanding of the situation.

Thank you,

Reb Monaco, Chairman
San Benito County Board of Supervisors