

March 5, 2010

Rick Cooper
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Hollister Field Office
20 Hamilton Court
Hollister, CA 95023

Rick,

Please find attached my comments regarding the CLEAR CREEK MANAGEMENT AREA RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT dated November 2009.

Please direct any questions about these comments to my e-mail address: edtobin@sbcglobal.net or to my home address at 490 Ferris Ave., Marina, CA 93933.

Please regard these comments to be co-signed by the Salinas Ramblers Motorcycle Club, PO Box 541, Salinas CA 93902, an organization of which I am a member and which I am representing in providing these comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Tobin', with a long horizontal flourish extending to the right.

Ed Tobin

Comments of Ed Tobin

CCMA Experience/Qualifications

I have used the CCMA since 1973 for OHV recreation, rock/gem collection, historical exploration and sightseeing. I participated in the planning that resulted in the 1986, 1999 and 2006 management plans for the CCMA. I served on the BLM's technical review team for Clear Creek from its inception until it was disbanded; I have assisted the BLM by organizing and participating in workdays to clean rubbish, build/repair fences and build/maintain trails. I assisted BLM staff in GPSing routes throughout the CCMA. I served for five years on the Central California Resource Advisory Council representing motorized recreation interests. For over twenty-five years I actively participated in the layout and conduct of the Salinas Rambler's Quicksilver Enduro.

General Comments: The BLM presented me with a very large and technical document to review. While I have tried my best, I find that I cannot research and comment on all aspects of this document in the 90 days allotted.

Further, I have made several requests for additional information to the BLM. Some have been fulfilled but as of March 4th, 2010 have failed to receive the some of the requested information. Specifically, the BLM has failed to provide:

- Results of sampling from events before 2004
- History of road maintenance on R1 from March 2004 to October 2005.
- A spreadsheet with calculations used by toxicologist Karl Ford on which he based a recommendation for an alternative that would allow up to five weekends of OHV recreation use per year.

Regarding the last point, I did receive a spreadsheet titled CCMA Rider Risk2.xls that was forwarded to me by Rick Cooper that purported to show Karl Ford's analysis. The results however did not support the recommendation shown in the attached e-mail and the data was laid out in a format using the alternatives listed in the DEIS. These alternatives were not developed until after the scoping meeting in May of 2008 so it is unlikely that this spreadsheet is the data Karl Ford used in his analysis.

In the documents the OHV community received via a FOIA request there is an e-mail from Karl Ford dated 2/15/2008 with a spreadsheet titled CCMA Rider Risk.xls. It is that spreadsheet that I wish to examine and comment on.

Comment #1:

Regarding: Section 1.1 - Purpose and Need for the CCMA Resource Management Plan, Page 4
"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."

Comment: What is the problem that the BLM is trying to solve? How many people who have every recreated, worked or lived in or near the CCMA have been diagnosed with an asbestos related disease? The BLM has not provided any facts in the DEIS to support the statement that there is a significant health risk of recreating in the CCMA as evidence by incidents of disease.

NONE! The BLM has failed to define a problem to be solved

Recommendation: Remove this statement from the Purpose and Need because the BLM has not defined a problem to be solved.

Comment #2:

Regarding: Section 1.1 - Purpose and Need for the CCMA Resource Management Plan, Page 4
“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.”

Comment: While the EPA’s CCMA Asbestos Exposure and Human Health Assessment (2008) provides new information, it does not provide information so compelling that it warrants the emergency closure or the severe restrictions on OHV use proposed in the preferred alternative.

The EPA analyzed 456 samples in conducting their study. Of these over 60% of the samples, 276 in total were taken during dates that fall within the existing seasonal closure dates. Of the remaining samples, 151 were taken on days in November 2004 during the open use season but in a month that receives, historically, a low amount of precipitation compared to other months of the open use season. While there was a rainfall event that preceded the November 2004 sampling, there were several days of dry weather between the rain event and the sampling. Prior to the October rain events there had been no significant rain since March 1st and 2nd, 2004 and total rainfall for the 2003/2004 rain year was below average.

Only 29 samples were taken during February that, historically, is a wet month. None of these samples were taken in the days after a rain/snow event and prior to the February 11, 2005 sampling event there had been 12 days with no or only minor (> .05 in) precipitation.

Recommendation: BLM has already addressed the risks described in the dry season by the seasonal closure that is incorporated in the current management plan and in Alternative A. We want this statement removed from the Purpose and Need because risk during the dry season has already been addressed by a previous decision.

Comment #3:

Regarding: Section 1.1 - Purpose and Need for the CCMA Resource Management Plan, DEIS page 4
“The EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008) (EPA Study) 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.”

Comment: The conclusions and alternatives in the DEIS are built upon information from the EPA’s CCMA Asbestos Exposure and Human Health Risk Assessment (2008). This study, while providing

additional sampling information, is a flawed piece of work that should not be considered significant new information for the following reasons:

Poorly Designed Study: The EPA study is a poorly designed study that failed to accurately portrait the risks experienced by recreation user of the CCMA. The first fatal flaw is the design and execution of the data gathering. In the Activity Based Sampling Scripts shown in Appendix B of the EPA Report, the motorcycle script states: *“The distance between riders varied depending on visibility, terrain, and safety considerations, with the ultimate objective to realistically simulate the behavior of recreational riders. The second and third trailing riders rode in the dust cloud of the lead rider, to the extent safe and practical.”* and the ATV script states: *“The distance between riders was based on terrain, visibility, and safety considerations. The trailing rider(s) remained in the dust cloud of the leading rider, to the extent safe and practical.”*

The following picture supplied by the EPA shows the OHV samplers on Clear Creek Road (CCR), BLM route R1, exercising the behavior cited above.



The following information is from the Hollister Field Office’s CCMA web site:

Precautions to take when visiting the Clear Creek Management Area

- Avoid areas where it is dusty or windy.
- Never drink the water from the streams or springs.
- Wash any vehicle that has been used at CCMA before returning home.
- Wash clothing worn at CCMA separately from you other clothes.
- If digging in dry dirt, try to minimize the amount of dust that is distributed.
- Do not ride Off Highway Vehicles (OHVs) around the campground. They create dust.
- If riding an OHV in a group, spread out along the trail, and don't ride in another rider's dust.

Before visiting call the Hotline at (831) 630-5060 to get recorded information about weather conditions. If the weather is hot, dry and dusty, avoid CCMA. If you would like clarification about asbestos, call the Hollister Office of the Bureau of Land Management at (831) 630-5000.

For further information

Call the United States Environmental Protection Agency (EPA) at (415) 744-1730, or leave a message on EPA's toll free line: (800) 231-3075.

Information provided by:

U.S. Department of the Interior, Bureau of Land Management
U.S. Environmental Protection Agency
ATSDR, Agency for toxic substances and disease registry
California Department of Health Services, Environmental Health Investigations Branch

Clearly the EPA did not adhere to the recommendations shown above that the BLM has been stressing to people recreating in the CCMA for more than 20 year, especially the last point about spacing out along the trail and not riding in another rider's dust.

Based on the way that sampling was conducted it is apparent that the EPA did not consult with a BLM expert to determine what a realistic OHV based behavior was. I have included in my comments a personal communications from the Law Enforcement Ranger who patrolled the area at the time of the sampling events, who had worked in the CCMA for 12 years, and who had the best knowledge of how people recreated in the CCMA. He states that he was not consulted before the September 2004 sampling and was not consulted after this sampling event to identify how best to conduct the sampling in order to insure that the sampling script accurately portrayed OHV recreation behavior.

The Ranger and I participated in the September 2004 pilot sampling event and attempted to relate what a typical OHV recreation experience was. The Ranger led the pilot sampling. He and I gave specific instruction to the EPA sample riders not to ride in the dust of the rider in front of them and to space themselves out along the trail to avoid dust. Apparently the EPA did not adopt our recommendations.

Sampling in the manner described in the sampling scripts fails to mimic the behavior recommended by the BLM, ATSDR, CA Dept of Health Services and the EPA itself. Sampling in the manner described in the sampling scripts allowed the sample riders to ride in close formation on R1, R2, R5 and other larger ATV designated routes and this resulted in situations as shown in the above picture above which no doubt would lead to higher exposures than is the norm for OHV recreation in the CCMA. **People don't ride this, especially after 20+ years of education by the BLM to the dangers of riding in dust clouds. In fact, most people avoid Clear Creek Road because of possible head-on accidents with large vehicles.**

Clear Creek Road: The second fatal flaw in the EPA Study is the use of Clear Creek Road (CCR) (BLM route R1) in every motorized sampling scenario. CCR is one of the oldest and most heavily used unpaved roads in the CCMA. A study cited in the DEIS, 'Geological and Historical Archaeology Phase 1 Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San Benito

County, California' by Iddings and Fowkes (2008) states: *“Our initial observations, pending formal mineralogical analysis, clearly suggest that the EPA's sampling route was highly misrepresentative of the vast majority of the New Idria serpentinite, and probably more representative of the commercial complex that supported 150 years of mining activity and the naturally occurring contact zones from which these mineable minerals were taken.”*

I estimate that approximately 5.0 miles of the CCR was used in each of the ATV and motorcycle sampling runs. This mileage represents approximately 30% of the mileage in each run. This portion of CCR used for sampling passed through the heart of the historical industrial site that may contain amphibole contamination left from the mining industry. As the most heavily used route dating back to the dawn of the automobile it is also likely that there is residue remaining from brake pads that used asbestos.

Over 59% of the SUV samples listed in Appendix F of the EPA Report contained amphibole fibers. This indicates that CCR is a source of amphibole contamination. **Because all the OHV sample routes used CCR and because there were no OHV samples that were taken exclusively on OHV routes that did not include CCR, it is impossible to form a conclusion about the risk of recreating on the CCMA route network.**

Inadequate Study Area: A third fatal flaw in the EPA Study is the fact that sampling was done over a limited number of trails in a fraction of the recreation area.

The EPA Study used the following routes identified in Figure 1 CCMA Basemap:

R1, listed as improved road in 2006 Trails and Barrens EIS
R2, listed as 4WD road in 2006 Trails and Barrens EIS
R5, listed as 4WD road in 2006 Trails and Barrens EIS
T106, listed as ATV route in 2006 Trails and Barrens EIS
T108, listed as ATV route in 2006 Trails and Barrens EIS
T113, listed as ATV route in 2006 Trails and Barrens EIS
T114, listed as SST (single track trail) in 2006 Trails and Barrens EIS
T116, listed as SST (single track trail) in 2006 Trails and Barrens EIS
T120, listed as jeep route in 2006 Trails and Barrens EIS

EPA claims to the contrary, the sample area was not representative of the larger CCMA. All of these routes are located in the lower Clear Creek canyon drainage. The nine routes used for sampling represent but 7% of the open routes and their cumulative mileage total equals but 9% of the total route mileage open for recreation use.

The study area and routes are located at the lowest elevations of the management area with elevations ranging between 2,600 ft. and 3,600 ft. At this elevation range, temperatures are generally higher and the soils dry faster than at the higher elevations of the management area where the soils dry much slower because cooler/freezing temperatures tend to allow the soil to hold the moisture longer.

In contrast to the EPA Study, data used in the PTI Study: *“were collected by BLM employees who wore personal samplers during their normal activities within the CCMA and during tests run in the CCMA to simulate exposures that motorcyclists and all-terrain-vehicle (ATV) riders might experience while riding in the area. Additional samples were collected by volunteers riding in motorcycle races in the CCMA.”*

The EPA Study is clearly flawed because it failed to sample a wide range of the routes open to the public. Because of this, the EPA Study should not be relied on to provide a risk characterization for the entire CCMA.

Inadequate Dates of Sampling: A fourth fatal flaw is the lack of sampling during the winter month when visitor use is at its highest. Less than 50% of the samples for OHV recreation activities were collected during CCMA open season months. Of the 95 motorcycle and quad samples collected during to open use season, only 18 were collected during one of the months with historically the heaviest precipitation and only 3 when there was precipitation falling. There was no sampling in days immediately after a rain event, a time that personal experience and personal observations indicate are the preferred time to recreate on an OHV in the CCMA.

The table below shows the months when samples were collected as well as the average precipitation per month using data from the California Department of Water Resources’ Santa Rita Peak (SRI) and Hernandez (HDZ) weather stations from September of 2004 through May of 2008.

Table 1	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
ATV Samples		58		32			9				
M/C Samples		54		45			9				
2003-2008											
2006/7 Visitors			2,742	4,153	5,343	6,000	6,400	5,200	4,500	4,500	400
SRI Avg inch	<.1	<.2	1.04	0.53	4.89	3.43	3.00	1.74	0.88	0.67	<.2
HDZ Avg inch	<.1	<.1	0.78	0.52	3.05	3.26	3.29	1.70	1.02	0.48	<.2

In addition, the November 2nd and 3rd sampling event was mischaracterized by the EPA as moist when in fact they should have been characterized as just slightly moist or perhaps even dry. While it is true that there was rainfall in the two weeks before the November 2004, the BLM has failed to note that prior to the rainfall events in October 2004 there had not been significant rainfall, i.e. > .1 inch, since early March 2004 and that the rainfall for the 2003/2004 rain year was only ~ 10-11 inches (measured at the SRI and HDZ rain gauges) This is below average rainfall compared to the annual accumulations from 2003 through 2009.

Contrary to the weather data published in the EPA Report, the overnight temperatures at the HDZ (elevation 3,752) or SRI (elevation 3,752) weather stations in the days before the sampling event did not drop below freezing and the relative humidity at both stations was in the 20-40% range.

The fact that this sampling event was not moist should have been known to the BLM staff who prepared the DEIS. In a February 8, 2008 Memorandum from Karl Ford, BLM Toxicologist to Rick

Cooper and Tim Moore (attached), Dr. Ford questioned the soil data in point 3. *“For example, the November 4 period designated by the EPA as “moist” had greater asbestos concentrations than some “dry” periods.”*

Due to the lack of rain for seven months preceding the event, the low elevation, and low relative humidity in the days preceding the sampling event it is evident that the conditions on November 2 and 3 should have been classified as just slightly moist and perhaps even dry. This would be easier to determine if the EPA had used the same procedure to determine soil moisture content in all of the sampling events. Unfortunately, the Feb 2005 used the USDA procedure for the determining soil moisture while the Sep 2005 used gravimetry. It is unclear what method was used for the Nov 2004 soil samples as the EPA Study does not identify the method.

When these facts are taken into consideration, it is clear that the EPA did not conduct enough sampling in moist to wet conditions that are desired by the majority of visitors and therefore cannot come to the conclusion: *“Based on the EPA sampling, it appears that only active rainfall reduces asbestos air concentrations.”* DEIS page 337

Conflicting Information: Information in EPA Report Appendix F Soil Sample Results contradicts the definition of the study area defined in Figure 1 CCMA Basemap. Soil samples

Sample Make-up: While not necessarily a fatal flaw, the EPA’s mix of ATV and motorcycle samples is disproportionately weighted towards quads when in fact the largest group using the CCMA recreate on motorcycles. Based on visitor contacts that I made at the entrance to Clear Creek in 2006 and 2007, I estimate that 80+% of visitors arrived to recreate on motorcycles. The EPA samples collected during the open season of use included 41 quad samples compared to 54 motorcycle samples. **There were no motorcycle samples taken during or after a rain event.**

Members of the Salinas Ramblers participated in the University of California study conducted by Cooper, Murchio, Popendorf and Wenk in 1978. I have spoken to two of the participants, Ted Ponton and Ron Carson, who recall that there were no quads used in the sampling done by the Salinas Ramblers.

Recommendation: Because the EPA Study is fatally flawed, the Draft EIS is likewise fatally flawed because it relies on the information in the EPA Study to draw the conclusions about public health and safety. The BLM must withdraw the DEIS, reopen Clear Creek and conduct additional studies to determine the real level of risk a visitor to the CCMA actually faces.

Comment #4:

Regarding: Appendix I, Maps, Maps for Alternatives B, C, D, E, F, and G.

Comment: The maps for Alternatives B, C, and D fail to show Sawmill Creek Road, a County road. Maps for Alternatives E, F, and G fail to show all County roads.

Sawmill Creek Road is listed as a county road and presently listed as closed on the San Benito Public Works web sites at:

http://www.san-benito.ca.us/departments/dpw/county_roads.htm
http://www.san-benito.ca.us/departments/dpw/road_closures.htm

At the time of this comment, the County roads are still public highways and have not been abandoned or vacated.

Recommendation: Revise the maps for Alternatives A through G to show the complete county road network.

Comment #5

Regarding: 4.2.4.1 **CCMA Asbestos Exposure and Human Health Risk, Page 332**

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.

Comment: The DEIS references “a 1992 BLM Human Health Risk Assessment” yet the BLM fails to identify this document or list it in 6.0 References.

Recommendation: Identify the document as the “Human Health Risk Assessment for the Clear Creek Management Area prepared by PTI Environmental Services” and list it in 6.0 References.

Comment #6:

Regarding: 1.1 Purpose and Need for the CCMA Resource Management Plan, Page 4

“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.”

Comment: While this statement may hold true for other lands managed by the BLM, the information regarding visitor use in table 3.8-1 contradicts this statement and shows that demand for the area has fallen since 2003. In addition, historic use is well below the historic levels of use seen in the 1980’s. The 1992 BLM Human Health Risk Assessment for the Clear Creek Management Area prepared by PTI Environmental Services for the BLM states on page 22: *“Although exact counts are not available, the BLM has estimated the annual number of visitors to the CCMA for the years 1977 to 1990 (BLM unpublished). Visitor use appears to have peaked in 1988, when BLM estimated 80,000 visitor-days were spent in the area.”*

Recommendation: Please remove the above statement from the purpose and need as the BLM has not identified a problem to be solved in the CCMA and because the statement is unsupported by the facts presented in the DEIS and data from the PTI study.

Comment #7:

Regarding: 4.2.1.1 Assumptions, Page 322

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.

Comment: The BLM has failed to disclose that the EPA toxicologists used the full data set of exposure samples to determine the human risk associated with each alternative. The majority of the samples were from dry periods when Clear Creek was closed to the public (personal communication from Daniel Stralka, EPA). The use of the September 2005 samples has skewed the risk analysis dramatically.

The BLM failed to inform the public that their own toxicologist was aware of the skewing (Karl Ford e-mail February 8, 2008 attached)

The BLM failed to inform the public that they requested the EPA make modifications to their analysis sometime in March but the EPA refused. (Letter from Jere Johnson of the EPA to Rick Cooper on July 17, 2008).

Recommendation: BLM should retract the risk analysis for each alternative shown in section 4.2.5.1 and acknowledge that the risk of recreating in the CCMA during the open use season is unknown because of flawed analysis by the EPA.

BLM must retract the DEIS, reopen the CCMA and perform a new risk analysis and if necessary have it peer reviewed.

Comment #8:

Regarding: 4.2.1.1 Assumptions, Page 323

Visitor use scenarios are presented with estimates of time spent traveling on routes in the ACEC only, based on average speeds identified below:

- i. County Roads: 10-15 mph (full-sized vehicles), ~20 mph (OHV)*
- ii. Dry Season (and Scenic) Routes: 10-15 mph (full-sized vehicles)*
- iii. Single Track Trails: 15-20 mph (motorcycles only)*
- iv. Proposed Routes: 10-15 mph (full-sized vehicles), ~20 mph (OHV)*

Comment: True single-track trails are very narrow and generally rocky and surrounded by brush. 15-20 mph is an extremely fast speed usually attained by the top enduro riders in the country. The average rider would be lucky to attain 12 mph speed on true single-track trails.

Recommendation: Modify the DEIS to show that the average speed on a single-track trail is ~12 mph.

Comment #9:

Regarding: 4.2.1.1 Assumptions, Page 322:

Risk calculations will be performed for the 30-year adult, 30-year combined (12-year child + 18 year adult), and 12-year child exposures.

Comment: The DEIS fails to take into account that many riders who use Clear Creek live outside the area and only visit the area perhaps once or twice a year. Clear Creek is recognized as one of the top riding areas in the United States (Dirt Rider Magazine, March 2002) and as such attracts visitors from a wide area.

BLM fails to take into account that many people who recreate on OHVs do so for only a short time in their lives and then life change such as marriage, children, job relocation, injuries, etc. end their OHV pursuits.

Interviews of people attending meetings will skew the profile of the average user because people attending meetings generally represent local users who frequent Clear Creek more often. Users who live outside the area are unlikely to know of or attend meetings. Riders who have sold their bike or quad are also unlikely to attend meetings.

Per the EPA Super Fund Report cited in the DEIS in 4.2.2.3: *“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 same logic should apply to the BLM’s assumption of average exposure.

Visitor permit numbers provided by the BLM after the release of the DEIS for the months January to April 2008 seem to confirm the above statements. The ration of season passes to weekly passes is roughly 10 to 1. (2,578 weekly vs. 227 season). (Personal communication from Sky Murphy on 3/2/2010)

Recommendation: BLM should use the 30-year adult, 30-year combined and 12-year child exposures as extreme or upper end exposures. BLM should contact season and weekly pass holders to assess their level of usage and then modify and recalculate the risk analysis using these revised numbers.

Comment #10:

Regarding: 4.2.2.1 Incomplete or Unavailable Information, Page 326

The EPA report identifies the limits and constraints of the analysis, which are summarized below This information is extremely relevant to evaluating the reasonably foreseeable significant adverse impacts to human health and the environment, and is essential to a reasoned choice among the range of alternatives in this draft RMP/EIS.

Comment: Paragraph cited appears to be missing a Period at the end of the first sentence.

Recommendation: Correct or amend the statement to be coherent.

Comment #11:

Regarding: 4.2.2.1 Incomplete or Unavailable Information, Page 326

The BLM's analysis of public health and safety in this RMP/EIS is based primarily on the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008). The EPA report identifies the limits and constraints of the analysis, which are summarized below. This information is extremely relevant to evaluating the reasonably foreseeable significant adverse impacts to human health and the environment, and is essential to a reasoned choice among the range of alternatives in this draft RMP/EIS.

Comment: As stated above in comment #3, the referenced EPA report is a highly flawed study that is not significant new information and is not extreme relevant.

Recommendation: Please remove this statement or modify to acknowledge that the EPA study was a very limited study that was narrowly focused on one small portion of the CCMA and the risk analysis it contains were skewed by the inclusion of exposure samples collected during dry periods when the CCMA is closed to the public.

Comment #12:

Regarding: 4.2.2.1 Incomplete or Unavailable Information, Page 326

"Uncertainty related to the toxicity parameters of the risk characterization includes the application of the IRIS and OEHHA asbestos toxicity values, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures."

Comment: I believe that I have identified a mistake. This statement does not make sense and appears to be missing the word "not" after the comma.

Recommendation: Please reword this statement to read "Uncertainty related to the toxicity parameters of the risk characterization includes the application of the IRIS and OEHHA asbestos toxicity values, which were developed from epidemiological studies of occupational exposures, NOT to infrequent and episodic recreational exposures.

Also request the EPA to correct this statement in their CCMA Asbestos Exposure and Human Health Risk Assessment (2008).

Comment #13

Regarding: 4.2.2.2 Exposure and Risk Uncertainties, Page 327

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).

Comment: The BLM has failed to inform the public that, since 2003, the EPA Office of Solid Waste and Emergency Response (OSWER) has been working on the creation of a new risk analysis methodology for chrysotile and that the growing body of opinion in the scientific community is that chrysotile is far less potent in causing disease than amphiboles. One such document discussing this subject is a paper that accompanies a November 2008 letter addressed to the EPA Administrator from the SAB Asbestos Committee on the subject: *SAB Consultation on EPA's Proposed Approach for Estimation of Bin-Specific Cancer Potency Factors for Inhalation Exposure to Asbestos*. (Attached)

Recommendation: The BLM must retract the DEIS and conduct a peer review of the EPA report and perhaps ways a new independent study because of the deficiencies in the current EPA report and its approach to determining the risk associated with naturally occurring chrysotile.

Comment #14

Regarding: 4.2.2.2 Exposure and Risk Uncertainties, Page 326

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.

Comment: The EPA report fails to disclose that there is considerable uncertainty due to the large number of samples collected during the dry season closure, the limited sampling done during the open use season, especially during the wet season, and the fact that the sampling was conducted on a limited number of trails in a small portion of the CCMA. .

Recommendation: BLM should remove the word “all” and acknowledge that there are many uncertainties due to the flaws in the EPA report including those cited in this comment.

Comment #15

Regarding: 4.2.2.3 Epidemiology of Chrysotile Asbestos, Page 327

In response, EPA stated, “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.”

Comment: This statement is ridiculous. Had there been one incident of asbestos related disease the BLM would have been immediately notified by a lawyer for the person diagnosed with the disease. Further, the OHV community is a very close group and had there been any incident of disease, the word would have spread very quickly throughout the community resulting in the BLM learning of the incident of disease.

Recommendation: BLM should remove this statement from the DEIS.

Comment #16

Regarding: 4.2.4.1 CCMA Asbestos Exposure and Human Health Risk (EPA Report), Page 333
In 2004 and 2005, Region 9 collected air samples while EPA employees and contractors participated in typical recreational activities at the Clear Creek Management Area

Comment: The BLM failed to inform the public that while the EPA employees and contractors participated in typical recreation activities, the manner in which they participated did not mimic typical behavior. The EPA team was outfitted with hazmat suits and masks that allowed them to race around the CCMA in close formation as shown in a picture in a EPA technical bulletin.

Recommendation: The BLM should acknowledge in the EIS that the EPA sampling procedures were flawed because the sampling riders were outfitted in protective clothing and masks that allowed them to sample that does not resemble the way normal people recreate.

Comment #17

Regarding: 4.2.4.2 CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008), Page 334
Using the IRIS toxicity value, as shown in Figure ES-1, EPA's risk estimations found that making five or more visits to CCMA per year over a 30-year period to participate in recreational Scenarios 1 (Weekend Rider), 2 (Day Use Rider), 4 (Weekend Hunter), or 5 (Combined Rider/Workday) 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% UCL exposure concentration for 12 visits per year for recreational Scenario 1 (Weekend Rider).

Using the OEHHA toxicity value, even one visit per year for recreational scenarios 1, 2, 4, and 5, 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% UCL 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. It should be noted that neither the IRIS nor OEHHA values are designed for very high exposure levels, so the number calculated for the high-end risk has a higher degree of uncertainty than the numbers calculated for the lower exposure scenarios. However, the risks are still extremely high.

Comment: Applying industrial standards intended for the workplace environment working with processed asbestos to a recreational setting will mischaracterize the risk and is extremely arbitrary given that BLM employees, who spend more time, on average, than recreational users in the CCMA are governed by OSHA rules and regulations.

Recommendation: BLM should retract the DEIS, reopen the CCMA under the existing management plan and conduct a new study utilizing samples from throughout the area, on a wide range of routes during the entire open use season.

Comment #18

Regarding: 4.2.4.3 Results, Pages 334, 335, 336, 337, and 339.
Figures 1, 2, 3 and-5

Comment: These charts are inaccurate as they contain information regarding samples that were collected during the dry season closure and are NOT pertinent to the risk analysis for use during the open season from October 15th through May 31 of each year.

Recommendation: BLM should retract the DEIS, correct the information and represent it to the public.

Comment #19

Regarding: 4.2.4.3 Results, Page 338.
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.

Comment: The BLM purports to show the effects of driving on unpaved roads throughout the CCMA however the sampling that produced this chart was only conducted on a portion of one road. There isn't any information to support the conclusion that driving on any other roads in the CCMA other than R1 between Oak Flat and Staging area 6 would result in significant asbestos concentration inside the vehicles.

Recommendation: BLM should correct this statement to identify R1, Clear Creek Road, between Oak Flat and Staging Area 6 and not "the unpaved CCMA roads".

Comment #20

Regarding: 4.2.4.3 Results, Page 337.
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

Comment: While it is true that there was rainfall in the two weeks before the November 2004, the BLM has failed to note that prior to the rainfall events in October 2004 there had not been significant rainfall, > .1 inch, since early March and that the rainfall for the 2003/2004 rain year was only ~ 10-11 inches (measured at the SRI and HDZ rain gauges) This is below average rainfall compared to the annual accumulations from 2003 through 2009.

Contrary to the weather data published in the EPA Report, the overnight temperatures at the HDZ (elevation 3,752) or SRI (elevation 3,752) weather stations in the days before and during the sampling event did not drop below 40 degrees and the relative humidity at both stations was in the 20-40% range.

The fact that this sampling event was not moist should have been known to the BLM staff who prepared the DEIS. In a February 8, 2008 Memorandum from Karl Ford, BLM Toxicologist to Rick Cooper and Tim Moore (attached), Dr. Ford questioned the soil data in point 3. *“For example, the November 4 period designated by the EPA as “moist” had greater asbestos concentrations than some “dry” periods.”*

A comparison of the soil samples from the ‘moist’ November 2004 event to the ‘dry’ September 2005 samples shows many of the November 2004 samples to be in the same soil moisture range as the September 2005 samples, further demonstrating that the November 2004 sampling event was conducted in dry conditions. This is not that unusual as the rain year begins to ramp. It is unfortunate that there was no sampling closer to the rain events and on higher elevation routes as the results would likely have been much different.

Conclusion: Due to the lack of rain for seven months preceding the event, the low elevation, and low relative humidity in the days preceding the sampling event it is evident that the conditions on November 2 and 3 should have been classified as just slightly moist and perhaps even dry. As a result, the BLM is incorrect in identifying the November 2004 event as occurring under moist conditions.

Recommendation: The BLM should change the chart to reflect the fact that the November 2004 sampling event was “Slightly Moist or Dry” even though it occurred in the transition months between the dry season (June – September) and the wet season (December – March).

Comment #21

Regarding: **4.2.2.3 Epidemiology of Chrysotile Asbestos** Page 328

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.

Comment: The DEIS fails to note that only two of the 73 soil samples, or less than 3% of the samples, collected by the EPA contained tremolite. One of the two sampling locations is identified as being adjacent to Staging Area 2 while the other is simply designated “CCMA ATV AM” so it is impossible to identify the location/source of the tremolite.

The DEIS also fails to note that according to the report “Geological and Historical Archaeology Phase 1 Reconnaissance of Routes R1 and R2 within the Clear Creek Management Area, San Benito County, California” written by Fowkes and Iddings (2008), it is likely that the tremolite discovered in the soil samples and air samples are not naturally occurring minerals but residue from historic industrial. Staging Area 2 is one known industrial site mentioned in this report and several other sites are located along R1.

As all motorized sampling routes shown in Figure 1, CCMA Base Map of the EPA Report used Clear Creek Road (R1) for all or a portion of their mileage, then it is likely that industrial uses of the CCMA contributed significantly to the tremolite found in the air samples.

BLM also failed to inform the public that the one known source of tremolite in Clear Creek is found in a formation of Jadeite is located adjacent to R1 near the intersection with R6 (Coleman 1957 – Mineralogy and Petrology of the New Idria District, California (attached). Tim Moore knows this fact

Recommendation: BLM needs to specify that tremolite was found on only 3% of the soil samples, incorporate the information in the Fowkes and Iddings study regarding the locations of historic industrial activities that may have contributed amphibole fibers into the CCMA environment and incorporate the information in the Coleman report concerning the location of tremolite in the CCMA.

Further, BLM must retract the DEIS and conduct further studies to determine the source(s) of the tremolite contamination.

Comment #22

Regarding: 4.2.4.3 Results Page 339

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.

Comment: All of the actinolite and tremolite fibers found during sampling were found **ONLY** in the samples collected in September 2005. This included one sample collected in Oak Flat that the public has been led to believe was a safe location. This is highly suspicious in light of the fact that the soil during the November 2004 sampling event has been shown to also be dry. One should assume that if tremolite and actinolite are present in the CCMA, why did they not show up in earlier samples that replicated the same activities?

Another interesting twist: in a public statement captured on video, Arnold Den of the EPA is recorded stating that one of his colleagues found a rock with actinolite ‘up the trail’ from Oak Flat. Coincidence?

This raises the question “Were the filters used in the September 2005 sampling contaminated at Oak Flat or at some other location prior to or after the sampling?” This is quite disturbing information that calls into question the integrity and quality of the entire EPA study and the corresponding risk analysis.

Recommendation: Until this question can be answered, the BLM should retract the DEIS, reopen the CCMA under the existing management plan and conduct a new round of sampling using a third party contractor.

Comment #23

Regarding: 4.2.5.1 CCMA Asbestos Exposure and Human Health Risk, Page 340

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.

Comment: The BLM is mistaken in concluding that Alternative C would result in similar risks to human health and safety as under Alternative A because the EPA Study failed to sample on any true single track trail (a route 18 to 35 inches in width that is not maintained with heavy equipment). Thus the BLM and EPA have no data to reach the stated conclusion.

The EPA Study used the following routes identified in Figure 1 CCMA Basemap:

- R1, listed as improved road in 2006 Trails and Barrens EIS
- R2, listed as 4WD road in 2006 Trails and Barrens EIS
- R5, listed as 4WD road in 2006 Trails and Barrens EIS
- T106, listed as ATV route in 2006 Trails and Barrens EIS
- T108, listed as ATV route in 2006 Trails and Barrens EIS
- T113, listed as ATV route in 2006 Trails and Barrens EIS
- T114, listed as SST (single track trail) in 2006 Trails and Barrens EIS
- T116, listed as SST (single track trail) in 2006 Trails and Barrens EIS
- T120, listed as jeep route in 2006 Trails and Barrens EIS

T116 and T114, however, are both greater than 36 inches in width, have been maintained with heavy equipment in the past and were used by ATVs during EPA testing.

Recommendation: The BLM should state that the risks associated with Alternative C are not known because there is no data in the EPA Report to identify the health risk associated with using a single track trail network.

Comment #24

Regarding: 4.2.6.2 Mitigation, Page 352

However, cost, effectiveness, and CCMA visitors' willingness to use vehicle wash racks would limit the potential benefits of this mitigation measure.

Comment: BLM is making an assumption regarding visitors' willingness to use a wash rack if provided by the BLM but does not provide any support for this assumption with data from a visitor survey or other form of collecting information.

Prior to the Ramblers installing a water system, I would stop in King City to wash my bike if it was muddy after a ride. With a water system in place, most members wash their bikes before going home. It is incorrect for the BLM to assume that visitors would not use a wash rack facility if provided.

Recommendation: BLM must declare that you do not have sufficient information to make a determination of the utilization of a wash rack and then do research to determine the effectiveness of willingness of visitors to use the wash rack.

Comment #25

Regarding: 4.2.6.2 Mitigation, Page 352

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.

Comment: This statement conflict directly with the 4.0.5 Assumptions, point 2 on page 302 - *"Funding and personnel would be sufficient to implement any alternative described."* According to the assumption laid out in 4.0.5, sufficient funding exists for BLM needs to haul water into a public wash rack facility or the BLM.

Recommendation: Correct this statement to confirm that adequate funding will be available or remove reference to cost as this is covered by the assumption in 4.0.5.

Comment #26

Regarding: 4.0.5 Assumptions, Page 302.

Climate change will affect the planning area and likely result in warmer and drier conditions.

Comment: While this conclusion may have been mainstream when the BLM started to write the DEIS 22 months ago, the issue of global warming has been proven to be false by the recent release of e-mails from climate researchers showing collusion to distort climate information in order to prove global warming. The earth goes through natural cycles and is influenced by the sun and sunspot activity and indications are that sunspot is waning and that the earth is due for a cooling cycle.

Where is the analysis to support this statement in light of recent developments? What would happen to Clear Creek if there were to be global cooling and there was more rainfall?

Recommendation: BLM must state that how the climate will affect the CCMA is speculation and that it is not a certainty that the climate will become warmer and drier.

Comment #27

Regarding: 3.15.4.4 BLM Contribution to the Local Economy

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.

Comment: The combining of two year's visitor use data is misleading given that all other visitor use data has been presented by year. It leaves the reader with the impression that the area is heavily used because of the large number of visits.

Recommendation: BLM must list usage by year and note that use has been declining since 1998.

Comment #28

Regarding: 4.1.4.1 Impacts from Recreation Management Actions, Page 310

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.

Comment: This proposed action is arbitrary. The BLM failed to inform the public in the DEIS of the results of air sampling conducted by clubs and organizations before and during the SRP events that the BLM has authorized in the past. Data received from the BLM during the comment period and displayed below shows that past SRP events did not exceed the .1f/cc threshold that would have triggered a postponement or cancellation of the event.

ACTUAL SAMPLE DATE	Concentration (f/mL)	30 Minute Red=H/R 1.0>	FIBERS	95% CONFIDENCE RESULTS	GENERAL JOB DESCRIPTION (ACTIVITY DURING SAMPLE COLLECTION)
15-Apr-04	0.0355			0.0517	Quicksilver #3
15-Apr-04	0.0417			0.0595	Quicksilver #3
3/13/2005	0.0271		47.5	0.079	Timekeepers Race Monitoring
3/13/2005	0.0315		40.5	0.0893	Timekeepers Race Monitoring
2/18/2007	0.019		34.5	0.0841	Quicksilver Pre-Event Monitoring
2/18/2007		0.0928	10.5		Quicksilver Pre-Event Monitoring
3/10/2007	<0.0027		1.5	0.0056	Timekeepers race
3/10/2007			3.5	0.0042	Timekeepers race
3/11/2007			1	0.0031	Timekeepers race
3/11/2007	<0.0027		1	0.0043	Timekeepers race
3/8/2008	0.0032		61	0.0425	Timekeepers race
3/9/2008		0.0169	30.5	0.022	Timekeepers race Check Point
3/9/2008	0.0413		53.5	0.037	Timekeepers race Sweep Rider

Additional year's data have been requested from the BLM but as of the date of submission of these comments, the data has not been provided.

All OHV SRP events have historically been conducted either in the winter or early spring months inside the ACEC. This timeframe has been identified as the preferred and safest time to recreate in the CCMA and ACEC. There are no suitable routes on which to conduct OHV SRP events outside the ACEC and the BLM knows this so it is very disingenuous of the BLM to suggest that SRP events could be held outside the ACEC.

Recommendation: BLM must acknowledge that OHV SRP events are a historic use of the CCMA, and have not exceeded the threshold for cancellation or postponement of any event. BLM must acknowledge that SRP events draw tourism to San Benito County and communities surrounding the CCMA over and above normal visitor use and the socio-economic benefits far outweighs any minor beneficial improvement in human health. Riding does that! BLM must provide analysis to the contrary. The BLM must include SRP events held inside the ACEC in Alternatives B and C.

Comment #29

Regarding: 3.15.4.4

???

Comment: It does not appear that the BLM has spent any time understanding the main recreation user community BLM has failed to analyze the current situation with OHV recreation in the Central California region despite taking 18 month to put together the DEIS. Basic information such as OHV registrations by county is readily available and was even given to the BLM at a meeting with Congressman Sam Farr in April 2009. Likewise, the impact being felt by other OHV parks is also readily available and was discussed at the socio-economic meeting the BLM conducted in Hollister on February 22, 2010

Recommendation: BLM must update the DEIS include current information about OHV registrations in Central California and the impact that the emergency closure of the CCMA has had on other OHV recreation resources in Central California.

Comment # 30

Regarding: 2.2.2 Personal Protection Equipment (PPE)

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.

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.

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

Comment: The BLM and the EPA failed to advise the public in either the EPA Report or the DEIS that an EPA safety officer approved the use of N95 rated masks inside the helmets of EPA motorcycle riders (e-mail from Daniel Strakla, EPA dated Feb. 25 2010). *"The riders with the full face helmets*

used N95 filter masks. They are not certified for asbestos use under OSHA but because of the safety concerns about the physical hazards and the 95 % efficiency for particulate removal, the safety and health officer considered these an appropriate combination.”

Picture of EPA rider in process of sampling.



The information in this section is misleading or incorrect. If it is acceptable for EPA personnel to protect themselves using N95 rated masks, then why is it that the public cannot use the same equipment approved by an EPA safety and health officer.

Recommendation: BLM should correct this section of the DEIS to advise the public that N95 masks do filter out asbestos fibers and are acceptable to help reduce exposure to asbestos.

Comment # 31

Regarding: ES Executive Summary

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

Comment: BLM has severely prejudiced the DEIS by the temporary closure. According to Section 1506.1 Limitations on actions during NEPA process, the BLM shall take no action that would limit the choice of reasonable alternatives.

The issuance of the temporary closure order has prejudiced the BLM ability to choose a reasonable alternative as evidenced by the following statement that appears in the Federal Register notice for this DEIS: *"Restrictions on the use of public lands within the Serpentine ACEC to minimize human health risks from exposure to asbestos and reduce airborne emissions of asbestos from BLM management activities vary among the range of alternatives, but are likely to include limitations on motorized vehicle use and many other surface disturbing activities."*

Had the BLM not issued the temporary closure order on May 1, 2008 and allowed the existing dry season closure to take effect on June 1, 2008, the BLM would have had an extended period in which to examine the EPA Study and perhaps recognize its deficiencies. The rush to judgment by BLM management creates a situation where in the BLM has now set an expectation among the public, elected officials and other governmental agencies that there is a severe risk to use the CCMA. Such an expectation will limit the BLM's ability to now choose an alternative other than one that is very restrictive.

Recommendation: BLM must retract the DEIS, reopen the CCMA and then start a new study to determine the true risks of recreating and working in the CCMA.

Comment #32

Regarding: 2.1 Overview of the Range of Alternatives

Alternative D emphasizes vehicle access for non-motorized recreation opportunities inside the Serpentine ACEC, and enhancing new OHV recreation opportunities outside of the ACEC. Resource uses consistent with BLM guidance and within human health risk constraints would be authorized in the ACEC. Emphasis would be on developing OHV recreation opportunities on public lands near Tucker Mtn., Condon Peak, or San Carlos Bolsa (Cantua Zone), where appropriate. Management actions would focus on protecting human health and safety by restricting motorized access in the ACEC to major routes, applying dust mitigation on major routes, installing a public wash rack, and by and eliminating camping and staging in the ACEC.

Comment: Because of the inclusion of major routes in Alternative D and the risk associated with them, the BLM has failed to present an acceptable alternative that preserves some degree of OHV use given the 60-year history of the CCMA being used for OHV recreation.

In the early 1990's Frank Cooney prepared a three part study titled 'Clear Creek OHV Feasibility Study'. The study looked at the development of a route network outside the ACEC. The development of such a route system would preserve OHV recreation under a revised Alternative D (without routes in the ACEC) and would be a smart addition to Alternatives A, B, and C as it would offer the OHV user the choice of routes outside the asbestos zone.

There should be no risk to using routes outside the ACEC. As detailed in the DEIS, the challenge will be to develop a route network that does not conflict with other resource values the BLM is required to manage.

Recommendation: The BLM must create a new or revised no risk alternative to promote OHV recreation outside the ACEC

Comment #33

Regarding: **SOIL-A3.**

Close roads to vehicle use during periods of extreme wet weather in areas where sustained vehicle use may compromise the integrity of the road surface, to reduce rutting of roads and trails and sediment transfer, and to improve visitor safety. Wet season closure procedures would be implemented after the annual total precipitation exceeds 8 inches. Once 8 inches of precipitation has been exceeded, the following will apply: Additional rainfall exceeding ½ inch within a 24 hour period or 1 inch within a 72 hour period will result in a three day closure. Once the area has been closed a field inspection will be completed prior to reopening, and daily thereafter to determine suitability of road conditions.

Comment: Rather than continuing managing with a hard and fast rule as proposed in the DEIS, the BLM should create guidelines for the staff to evaluate the conditions in the CCMA and make decisions as when to open and close the area. Quite often with the current rule and after 8" of rain has fallen, there can be an extended dry period which is followed by a rain event with less than 1' of rain. Conditions in the CCMA are usually ideal for promoting OHV recreation but the current rule forces the BLM to close the area. Even if the BLM desired to leave the area open the BLM would be prevented by threat of a lawsuit for mismanagement as has happened in the past.

Likewise, prior to the CCMA receiving 8" of rain a major storm event could hit the area but in the past the BLM has not closed the area because of this rule even though it would be prudent to do so.

The rule also does not distinguish between vehicle types. It may be perfectly acceptable to permit OHV vehicles to use the area after a rain event but prohibit larger vehicles from the main roads and secondary jeep routes until sufficient drying has occurred to permit their use.

Recommendation: BLM should drop the 8" rule and notify the public that it will use best management practices to determine when and for how long the CCMA would be closed after a rain event and if the closure effects all vehicles or just a class of vehicle.

Comment #34

Regarding: 1.3.3.1 Temporary Closure of Clear Creek Management Area

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.

Comment: The BLM failed to inform the public that, while 8% of the air samples contained amphibole fibers, only 2 of the 73 soil samples collected by the BLM contained <1%, or a trace amount, of tremolite. No actinolite was found in any of the samples. All of the samples contained only chrysotile.

The EPA failed in its study to provide GPS coordinates for the sampling locations so I can only surmise where one sample with tremolite was found. A second sample was taken adjacent Staging Area 2, a location identified by Fowkes and Iddings as a former industrial site that has likely been contaminated with none-naturally occurring amphibole.

It is very likely that the soil in the two samples containing tremolite were contaminated with fibers introduced from outside the CCMA. Sources of non-fibrous tremolite and actinolite within the CCMA have been identified by Dr. Robert Coleman in a 1957 thesis study (tremolite) and by Dr. Mark Van Baalen of Harvard (actinolite).

Further supporting the conclusion that the tremolite found in soil samples is not naturally occurring is a study by Dr. Ed Ilgren. 'Coalinga Chrysotile: A Short Fiber, Amphibole Free, Chrysotile: Part V – Lack of Amphibole Asbestos Contamination - July 2004'.

More details about this issue can be found in a letter from Dr. Ed Ilgren to Mike Pool, then BLM State Director titled 'Re Critical Commentary on the CCMA Closure' dated 24 Feb 2009 (attached).

Information about the toxicity and health risks associated with chrysotile have been made known to the BLM by Dr. Ilgren for many years yet no reference to his work or conclusions are cited in the DEIS. Failure by the BLM to include this information questions the openness of the BLM to understand the true risks associated with chrysotile and to learn the true sources of the fibers of the size most closely related to health concerns.

Recommendation: BLM must revise the DEIS to include information about the asbestos content of the soil samples and reference studies that offer a different opinion of the health risks associated with recreating in the CCMA.

Comment #35

Regarding: 4.1.2.1 Impacts from Recreation Management Actions

Camping within the Serpentine ACEC would be prohibited inside the ACEC under all the alternatives

Comment: This statement is inconsistent with REC-USE-B1 and 4.1.4 Impacts to Recreation Common to Alternatives B, C, D, E, F and G that states "*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.*"

Recommendation: BLM must correct this statement and state that under Alternative A that camping would be allowed inside the ACEC.

Comment #36

Regarding: 2.4.1.3 Management Actions under Alternative B

REC-USE-B1. Prohibit camping and staging for recreation in the Serpentine ACEC, except at Jade Mill Campground. Allow camping and staging for recreation on public lands outside the ACEC.

Comment: While I support the prohibition against camping and staging in Clear Creek Canyon, I do not support a general prohibition against camping and staging throughout the CCMA and ACEC.

The BLM has failed to identify in the DEIS where the camping use that would be displaced by this action would occur. Alternative D mentions the development of new staging areas near Condon Peak and New Idria but Alternatives B and C are silent on this issue. Before use can be migrated out of Clear Creek canyon, new camping and staging areas must be located and built.

Recommendation: BLM must identify suitable replacement camping and staging areas for Alternatives B and C.

Comment #37

Regarding: 4.2.1.1 Assumptions

3. Camping and staging at Jade Mill Campground = NO RISK because of administrative improvements and engineered controls to minimize exposure and reduce emissions at the site.

Comment: There is no data in the EPA report to suggest that this statement is true. No air sampling was conducted at this site and an e-mail dated 2/15/2008 from Dr. Karl Ford to Tim Radtke and copied to Rick Cooper requests that sampling be done at the campground (presumably Jade Mill because air sampling was done at Oak Flat.) The e-mail reads: *Tim, Please consider running a sample via TEM at the campground. Part of EPA's risk derives from camping and sleeping in the asbestos hazard area. BLM established a campground, but EPA did not sample there.*

Recommendation: BLM must conduct further studies or show evidence from existing studies that it really is safe to camp at Jade Mill.

Comment #38

Regarding: Table 2.4-1 (a) Alternative D

Develop and maintain approximately 60 miles of routes and trails in the Tucker, Condon and Cantua Zones for off-road vehicle (OHV) recreation

Comment: This alternative sound like pie in the sky. Is the BLM really serious? The Sierra Club has proposed wilderness in the Cantua Zone and Cantua Zone landowners have historically opposed

OHV recreation. Likewise, landowners around Tucker Mountain Zone have historically opposed OHV recreation. Perhaps the only viable area is the Condon Peak/White Creek Zone.

Where exactly is the BLM proposing to develop 60 miles of new routes? Show me the routes! All I see on the map for Alternative D is a bunch of hash marks in the various. The DEIS is silent on the locations and even feasibility of these routes.

Recommendation: BLM must identify a proposed route network so that the public will have an opportunity to comment on the proposed routes.

Comment #39

Regarding: 1.1 Purpose and Need for the CCMA Resource Management Plan

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.

Comment: The only stated purposes on the above list that has not been addressed by previous plans are numbers 5 and 6.

Recommendation:

Comment #40

Regarding: 2.5 BLM's Preferred Alternative

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.

Comment: It is shocking given the long history of motorcycle based OHV use in the CCMA that the BLM would select an alternative that completely eliminates this form of recreation entirely. The EPA

Study and ensuing temporary closure of Clear Creek has undoubtedly prejudiced the BLM against OHV recreation and led to the selection of this alternative.

The declaration that this preferred alternative will result in the BLM needing less infrastructure conflicts directly with the current \$2.2M project to build a new decontamination facility. What is the need for this facility if the ACEC is basically closed to the public?

The selection of this alternative shows the public that BLM management is prejudice against one segment of the American public, those of us how recreate on dirt bikes.

Recommendation: Given the historic use of the CCMA for OHV recreation, the BLM must develop a management alternative that allows the continued use of the CCMA for motorcycle based OHV recreation.

Comment #41

Regarding: 1.3.3.1 Temporary Closure of Clear Creek Management Area

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.

Comment: CEQ Sec. 1502.24 Methodology and scientific accuracy requires 'Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.'

BLM has failed to consider the significant information concerning the health risk associated with chrysotile that has been provided by the BlueRibbon Coalition and other interested parties. In fact, it appears that the BLM has deliberately ignored or internally discounted much if not all of the information that the OHV community has provided. Examples include e-mails by Dr. Karl Ford dismissing Dr. Ilgren's information (???? attached) and another from Tim Moore (4-4-2008 attached) dismissing information from retired USGS geologist Malcolm Ross

CEQ requires that the BLM insure the scientific integrity of the information but the BLM has failed to seek a peer review in light of the controversy surrounding the EPA Study or even conduct an extensive internal review of the data gathering rules, techniques and the ensuing evaluation of the samples using resources like Karl Ford or Tim Radtke of the Denver Science and Technology Center. Instead they have left it up to the public to perform this task. This is most evidenced by the quick decision making process in Feb. 2008, when, without even having the complete EPA report, the BLM decided over a period of three weeks to close the CCMA.

Recommendation: The BLM must retract the DEIS, reopen the CCMA and perform a study to insure the scientific integrity of the analyses in environmental impact statements

Comment #42

Regarding: 2.4 Description of the Alternatives

Extend Dry Season Use Restriction period from April 15th through December 1st.

Comment: BLM has failed to provide the rationale or analysis to justify this action in light of the fact that the 90 days that would be eliminated from the open use season represent a major part of the 'moist' season that brackets the wet months of December, January, February and March. The DEIS only mentions a minor beneficial impact to public health and safety but does not quantify this benefit nor explain how it was arrived at so the public is unable to understand how much benefit there is compared to the negative socio-economic effects the shortened use season would create.

Recommendation: BLM must explain the rationale and analysis to determine the minor beneficial benefit.

Comment #43

Regarding: 2.4 Description of the Alternatives

Authorize access into the Serpentine ACEC by Special Recreation Permits (SRP) only and limit visitor use to less than 12 days/year for non-motorized activities, and less than 5 days/year for motorized use.

Comment: According to analysis contained in an e-mail from Dr. Karl Ford to Rick Cooper, Dr. Ford suggests that if the BLM took certain steps, then recreation use could be allowed for up to 5 weekends a year. *"I have analyzed EPA's risk numbers, and another EIA alternative could meet EPA's 10-4 risk level and allow up to about 5 weekends/year if BLM:"*

- 1. installs a decon station*
- 2. establishes a permit system to track users to ensure they don't come more than 5 times (10 days/yr).*
- 3. restricts camping to the campground*
- 4. considers oiling/mag chloride/paving road to staging area?*
- 5. opens and closes the riding season based on either wireless soil moisture monitoring or several RAWS stations.*
- 6. closes high asbestos areas and dustiest trails to ORVs.*
- 7. excludes children <16 on ORVs.*
- 8. initiates liability waivers as part of permit system and include education*

So how did the EIS treat this subject? Answer, by incorporating actions for all but one of Dr. Ford's points.

Decon = HAZ-A1

Permits = REC-USE-B5

Restrict camping = REC-USE-B1

Oil Road = TRANS-B2

Soil moisture monitoring = SOIL-BG1

High Asbestos = ?

Exclude Children = REC-USE-C2
Waivers = HAZ –BG4

So, where is the analysis that Dr. Ford claims to have done? Did he calculate out the Dry period samples? Why hasn't this analysis been incorporated into the DEIS? Why hasn't the BLM crafted a single alternative along the lines described above instead of scattering the actions across four different actions?

Recommendation: Given the historic use of the CCMA and it's prominence as one of the top OHV recreation areas in the entire country, the BLM has failed the public by not incorporating a comprehensive alternative that preserves OHV use. The BLM must do so!

Comment #44

Regarding: [3.15.4.1 Demographics Tables 3.15 1 to 5](#)

Comment: BLM has failed to include the demographics of the many counties where CCMA visitors live and spend money. This was clearly evident by the attendance of businesses from Santa Clara County and Modesto at the socio-economic meeting on February 22. In addition to missing counties to the north of the CCMA, also missing is information about impacts to counties in the southern central valley and San Luis Obispo county.



Recommendation: BLM must expand this section to include the demographics and socio-economic impacts to a wider region as shown on the above map.

Comment #45

Regarding: [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.

Comment: BLM has failed to make any mention in this document about the new \$2.2M decontamination facility currently under construction. What impact will this facility have on the work schedule? Why can the BLM build housing for workers near the CCMA. One BLM employee lived in the area for many years at Section 8.

Recommendation: BLM needs to think outside the box. Other federal agencies house workers near their job site and have them work extended periods. This approach would allow the BLM to accomplish more work without all the transportation times. If the current staff is resistant to this approach, there should be an ample applicant pool to select workers from who will work away from home for several days at a time. My son-in-law who serves in the Coast Guard lives on base during a multi-day duty shift and then returns home after his shift is over. Make the employee's place of work a facility the BLM would build adjacent to the new decontamination facility. If an employee wants to drive home, they can do it on their own time and at their expense.

Comment #46

Regarding: **3.2.3.1 Naturally Occurring Asbestos, and 4.2.4.3 Results, Figures 1-4**

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.

Comment: According to a Department of Labor web site: (http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=PREAMBLES&p_id=796) : OSHA also has determined, based on the rulemaking record of the revised standard, that the lowest feasible short term limit which can be reliably measured for purposes of the OSHA compliance programs, is 1 f/cc measured over 30 minutes. OSHA reaffirms that the OSHA Reference Method (ORM) provides the optimal technology for assessing worker exposure to airborne asbestos.

The DEIS fails to present sampling data in the same format as it appears in the original EPA Report. Specifically missing is the red dotted line indicating the 1f/cc OSHA 30-minute excursion limit. The BLM has failed to inform the public that there were only two "cases" simulating adult receptors that exceeded this limit. BLM has also failed to inform the public that EPA testing procedures directed samplers who were trailing a lead rider to ride in the dust cloud of the rider ahead of them. This instruction by the EPA is completely opposite the instructions that the BLM has give to visitor for more than 20 years which is to space out on the trail and not ride in the dust cloud of another rider.

The BLM has failed to remove samples that were collected during the dry closure season from the health risk calculations.

Recommendation: BLM must retract the DEIS and conduct a new study because of the flaws in the EPA Study. BLM must not attempt to correct the data in the DEIS because it is not representative of the way people recreate.

Comment #47

Regarding: 4.2.9.1 Impacts from HAZMAT for Alternative A, B, C, and D

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.

Comment: The BLM has failed to identify or specify what the OSHA action levels for a given activity are. I was not aware that OSHA had an action level for OHV use. BLM has failed to cite a source for the missing information.

Recommendation: BLM must identify the activities publish the action level information or remove this statement from the DEIS.

Comment #48

Regarding: 3.2.3.1 Naturally Occurring Asbestos

Air filter sample cassettes were placed on adult samplers to collect air samples representing the breathing zone heights of both adults and children and samples were collected for both lead and trailing riders

Comment: Personal experience is that children rarely ride behind their parents. Most parents will ride behind their children in order to be able to critique them about how they are riding or to help pick them up when they fall. Average speeds and the amount of visible emissions associated with children will also be lower than that used in the sampling as the child samples were taken in conjunction with the adult sampling. This would also misrepresent the exposure a child might experience.

Recommendation: BLM must acknowledge that the sampling methodology for child exposure was not representative of the exposures that children are likely to experience in the CCMA and the BLM must conduct more testing to determine a true risk assessment for children.

Comment #49

Regarding: Department of Labor, Occupational Safety and Health Administration (DOL OSHA)

Comment: CEQ regulations emphasize interagency cooperation before an environmental impact statement is prepared. The regulations also emphasize cooperative consultation among agencies. The

BLM has failed to identify any interagency consultations with the DOL OSHA even though BLM employees are governed by OSHA workplace rule for exposure to asbestos.

The BLM has failed to make any mention of BLM employee exposure levels and how these exposures impact the various alternatives in the DEIS.

The BLM has failed to include in the DEIS information as to the results of sampling done in 2007/2008 and published in a report titled 'BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area' dated May 2008 (provided under request by the Hollister field office). This report appears to state that while employees are exposed to asbestos while working in the CCMA, the exposures are below or well below the OSHA personal exposure limit (PEL) and in some cases below the detectable limit.

The report also makes reference to "the healthy worker effect". Should not a similar 'effect' be attributed to OHV users, the vast majority of whom are more healthy than the average citizen because of the nature of their recreation, either on OHVs or on foot hunting?

The results of this sampling appear to be in line with sampling done before and during OHV events and they help to paint a more comprehensive picture of the risk of recreating in an area with naturally occurring chrysotile during the open season of use. I cannot understand why the BLM withheld this information from the public unless it was because it did not fit your agenda to close the CCMA to OHV recreation.

Recommendation: BLM must retract the DEIS, reopen the CCMA and conduct a new study that incorporates this additional significant information that conflicts with the information in the EPA Report.

Comment #50

Regarding: [2.4 Description of the Alternatives](#)

Comment: The only acceptable alternative in the DEIS is Alternative A. I recommend that the BLM add route mileage outside of the ACEC as described in Alternative D to the existing routes already approved for use so that visitors have the option to ride trails outside the ACEC or a mix of trails that will likely reduce exposure to naturally occurring chrysotile.

Recommendation: BLM must retract the DEIS and reopen the CCMA under the existing management plan and conduct a new health risk study before moving forward with a new draft. In addition, based on the flawed nature of the EPA study, the dry season closure must likewise be re-examined because it too was based on a flawed study.



Karl Ford/NOC/BLM/DOI
02/19/2008 08:38 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM
cc
Subject CCMA Scenario EIS Alternatives

Rick,

As a toxicologist, I am concerned about the asbestos risk and complete closure to ORVs should be an alternative. BLM should also be concerned about a class action tort claim for past use and possibly for future use as described below:

I have analyzed EPA's risk numbers, and another EIS alternative could meet EPA's 10-4 risk level and allow up to about 5 weekends/year if BLM:

1. installs a decon station
2. establishes a permit system to track users to ensure they don't come more than 5 times (10 days/yr). Maybe institute fee to cover permits and other management
3. restricts camping to the campground
4. considers oiling/mag chloride/paving road to staging area? Outside funds needed.
OR, establishes traffic rule of vehicle following distance >200 feet unless paved
AND establishes or enforces speed limit on county road of 15 mph unless paved. Some additional sampling may be needed to verify these measures effectiveness.
5. opens and closes the riding season based on either wireless soil moisture monitoring or several RAWS stations. This is possible but costly \$100,000-\$500,000 for a satellite telemetry system for 10-100 monitors. Another approach would be to put in a couple more RAWS and have them do soil moisture, which combined with temp, wind speed and humidity may provide a predictive tool. Another tool is video exposure monitoring with real time still camera or video feed and dust meters along road. With either or both systems, these tools could connect with a website real time for users to look and see if the CCMA is open or closed, like looking up stream gaging flows or road condition reports.
6. closes high asbestos areas and dustiest trails to ORVs.
7. excludes children <16 on ORVs.
8. initiates liability waivers as part of permit system and include education (maybe show video on hazards)

like NPS uses for camping in bear country).

If I can be of assistance, please let me know.

Karl Ford, Ph.D. Toxicologist
BLM National Operations Center
Bldg. 50, Denver Federal Center
Denver, CO 80225-0047

(I will be on travel this pm and Weds, back Thursday)

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Karl Ford/NOC/BLM/DOI

02/15/2008 02:06 PM

To: Tim Radtke/PHS/OS/DOI@DOI

cc: Rick Cooper/CASO/CA/BLM/DOI@BLM

bcc:

Subject: Your upcoming sampling

Tim,

Please consider running a sample via TEM at the campground. Part of EPA's risk derives from camping and sleeping in the asbestos hazard area. BLM established a campground, but EPA did not sample there. If we considered closing the asbestos area to camping, we could eliminate 20-40% of the risk by doing this, See Table 3 of Appendix E.

Paving the road would remove 10% of the risk.

I want to know what the concentrations are at the campground to confirm this.



Thanks, CCMA Rider Risks.xls

karl

Re: Risk assessments for Clear Creek Management Area

Thursday, February 25, 2010 9:08 AM

From: "Stralka.Daniel@epamail.epa.gov" <Stralka.Daniel@epamail.epa.gov>

To: "Edward Tobin" <edtobin@sbcglobal.net>

Cc: Johnson.Jere@epamail.epa.gov

Ed.

Sorry for the late response. The riders with the full face helmets used N95 filter masks. They are not certified for asbestos use under OSHA but because of the safety concerns about the physical hazards and the 95 % efficiency for particulate removal, the safety and health officer considered these an appropriate combination. This was only for the motorcyclist, all other activities used asbestos certified respirators.

Dan