

BRIEFING FOR THE DIRECTOR

DATE: 22 December 2005

PREPARED BY: George Hill, Hollister Field Office Manager, 831 630-5036

FROM: Mike Pool, California State Director, 916-978-4600

SUBJECT: Record of Decision (ROD) for the Clear Creek Management Area (CCMA) Resource Management Plan (RMP) Amendment and Route Designations.

PURPOSE OF BRIEFING DOCUMENT: To support approval by the Director and the Office of the Secretary for the NOA. Publication in the Federal Register will finalize public notice of the Record of Decision for the Clear Creek Management Area (CCMA) Resource Management Plan (RMP) Amendment and Route Designations. Publication of the NOA will also begin the 30-day appeal period on the route designation decisions.

BACKGROUND: The Clear Creek Management Area (CCMA) is located in the southern portion of San Benito County and western Fresno County in the Central Coast region of California, and offers outstanding OHV recreational opportunities. CCMA is a popular area for OHV use. The area is also habitat for federally-listed plant species, most notably the San Benito evening primrose. In 1999, BLM committed to reducing the miles of routes in the area to a maximum of 270 miles and a maximum of 937 acres of barren areas for OHV use. The 2006 ROD designates 242 miles of routes and 478 acres of barren areas for OHV use in the area. In addition, this ROD approves expansion of the San Benito Mountain Research Natural Area to 4147 acres.

The BLM has consulted with a number of interested parties throughout the process. These include OHV clubs and organizations (including Salinas Ramblers, Blue Ribbon Coalition, American Motorcycle Association), environmental organizations (including California Native Plant Society, Sierra Club), US Fish and Wildlife Service, EPA, California Department of Parks and Recreation, and others. BLM made changes throughout the process as a result of the public input. Changes as a result of protests included removing the “stopping and parking” rule and clarifying BLM’s commitment to restore at least 50 miles of closed routes in the next five years. BLM also committed to EPA to initiate a NEPA process to consider ways to protect human health upon completion of the asbestos exposure study EPA is currently undertaking. This study is expected to be completed in the Summer of 2006.

BLM used the best available information in analyzing, considering, and arriving at the decisions contained in the ROD, including data on social and economic impacts.

ISSUES: The issues addressed in the ROD include:

1) providing for recreational OHV use with minimal impacts to sensitive resources; 2) affect of route and area designations on listed and/or sensitive species and watershed resources; 3) expansion of the Research Natural Area best to protect the values for which established; 4) the

designation of routes and areas to contribute providing a spectrum of OHV opportunities; 5) the affect of the designation of routes on other casual uses, including hunting, mining, and access to private land; 6) implementation of the designation as a Limited Use area and signing strategies to allow users to clearly understand the appropriate type of use for each area.

POSITIONS OF CONSTITUENCIES:

Environmental and Conservation Groups: Concerns of environmental and conservation groups are based upon the negative impact to the ecosystem due to OHV use. Their concerns include the protection of threatened, endangered, and sensitive species and their habitats within the CCMA, and protection and viability of the unique forest and vegetation communities within the San Benito Mountain RNA.

Off-Highway Vehicle Community: The off-highway vehicle community has used the CCMA for approximately 40 years. They believe they have been negatively impacted by the cumulative closures occurring over the past 20 years. This group would like to maintain the status quo of the route of travel system on existing routes and areas and to provide a greater number of miles of trails than the 242 miles specified in the Approved Resource Management Plan (RMP) Amendment.

EPA: EPA is concerned about the exposure of OHV users to naturally occurring asbestos. EPA is currently conducting a study on these risks and anticipates issuing its final study in Summer 2006. BLM will consider the findings and take appropriate action at that time, which may include the initiation of a NEPA process to consider the new information and any necessary management changes to protect human health.

BUREAU PERSPECTIVE: This ROD provides for OHV use on 242 miles of routes and 478 acres of barren areas while protecting threatened and endangered species. Most users will not notice any change in management, as the routes being closed are only used by a very small percentage of users. Protection of sensitive species has been assured by selecting routes and providing protective actions in consultation with the Fish and Wildlife Service. Measures to protect human health are continuing to be implemented and developed with EPA and the public.

ADMINISTRATION POLICY OR PRIORITY, OR A CONTROVERSIAL ISSUE:

The ROD relates to controversial issues as described above: limitations on motorized-vehicle access in areas traditionally used for off-highway vehicle activities; impacts of motorized-vehicle activities on threatened, endangered, and sensitive species and habitat; and, whether limitations on vehicular access will help restore these sensitive species populations and habitat, and better protect natural and cultural resources.

Management of the Clear Creek Management Area RMP is controversial. BLM management is the subject of current litigation and is likely to be the subject of future litigation. It is critical that the administrative process proceed quickly. On 21 March, 2004 the BLM received a Notice of Intent to File Suit from the California Native Plant Society and Center for Biological Diversity,

for violating the Endangered Species Act by not adequately protecting the federally threatened San Benito evening-primrose. BLM's approval of this ROD and publishing its NOA is important to resolving this issue before the court.

Coordination with State/Tribal/Local Government: BLM has engaged and worked with the following entities: Santa Rosa Valley Tachi-Yokut Tribe, San Benito and Fresno Counties, California Departments of Fish and Game, Fire, and Parks and Recreation, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, the Central California Resource Advisory Council, and numerous non-governmental organizations. BLM had no formal cooperating agency agreements.

Planning History: The Hollister Resource Management Plan (RMP), adopted in 1984, provides management guidance for the Clear Creek Management Area. The RMP outlined management goals and resource management decisions, and established a 31,000 acre Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) and expanded the San Benito Mountain Natural Area to about 1880 acres. This RMP incorporated the existing OHV designations, which were originally adopted in 1982. In 1986, a more detailed activity plan was prepared for the CCMA. In 1993, a draft Environmental Impact Statement was issued for the Clear Creek Management Area, to better manage OHV use and protect sensitive species. The BLM issued a final EIS in 1995 with a substantially modified proposed action and adopted a further modified action in 1999 (1999 ROD).

CONTACT: Mike Pool, California State Director, 916-978-4600