

Table of Contents

Executive Summary.....	2
1.0 Decision	6
1.1 Designation of Routes and Barrens	6
1.2 Designation Criteria.....	6
1.2.1 Route Designation Criteria	7
1.2.2 Barren Designation Criteria	7
1.3 Expansion of the San Benito Mountain Research Natural Area (SBMRNA).....	7
1.4 Human Health Risks and Naturally Occurring Asbestos	7
2.0 Alternatives.....	8
2.1 Guidance Common to All Alternatives	9
2.2 Comparison of Alternatives in the CCMA Draft Plan Amendment.....	10
2.3 The Environmentally Preferable Alternative	12
3.0 Management Considerations and Decision Rationale.....	13
3.1 Protests.....	14
3.2 Changes to Proposed Plan Amendment	14
4.0 Mitigation and Monitoring.....	15
4.1 Areawide Mitigation Measures (includes SBMRNA)	15
4.1.1 Mitigation Measures Specific to San Benito Mountain Research Natural Area (SBMRNA).....	17
4.2 Plan Monitoring	17
4.2.1 Protocols for Monitoring Soils, Vegetation, and Species of Concern.....	18
5.0 Agency and Public Participation.....	19
5.1 Public Involvement.....	19
5.2 Endangered Species Act Consultation.....	19
5.3 State of California Consistency Requirements	20
5.3.1 Governor’s Consistency Review	20
5.3.2 National Historic Preservation Act	21
5.3.3 Air Quality Conformity Determination	21
5.4 Native American Consultation	22
5.5 Other Consultation.....	22

RECORD OF DECISION

Executive Summary

Decision

It is the decision of the Bureau of Land Management (BLM) to approve the proposed action in the 2005 Clear Creek Management Area (CCMA) Proposed Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS), with the exception of “Changes to the Proposed Plan Amendment”, as identified in Section 3.2 of this Record of Decision. Specific management decisions that are approved in this Record of Decision include: 240 miles of ‘open’ routes and trails, and 478 acres of ‘open’ barrens available for recreational OHV use; route and barren designation criteria; expansion of the San Benito Mountain Research Natural Area to approximately 4147 acres; and a commitment from BLM to work with the Environmental Protection Agency and the public to appropriately respond to an asbestos exposure evaluation study in the Clear Creek Management Area that will provide further information on the exposure levels from various types of activities in the CCMA.

Alternatives

The CCMA Draft RMP Amendment and Draft EIS analyzed four alternatives. BLM developed these alternatives on the basis of, and in response to substantive public input on the existing environment, existing uses, desired future uses, and desired environmental conditions of the CCMA. Alternative A was the preferred alternative, which proposed to balance recreational OHV use and resource protection. Alternative B emphasized protecting resources, and Alternative C focused on enhancing motorized recreational opportunities. Alternative D (No Action) corresponds to current management as established by existing laws, regulations, and the CCMA management plan, as amended in 1999, which designated CCMA a ‘Limited Use Area’.

Within the CCMA, the ‘Limited Use Area’ is defined as restricting OHV use to designated roads and trails. Therefore, under all the action alternatives, BLM would designate specific routes (roads, ways, trails) within the CCMA as open, limited, or closed, and designate barrens as areas that are open, limited, or closed. All routes and barrens not designated as open or limited are designated closed. The designation of routes, trails, and areas for use within the CCMA will enhance protection of the sensitive habitat and species that occur throughout the CCMA, by reducing unregulated vehicle use, erosion, sediment yield, and impacts to watershed resources,

Alternative C, Enhanced Resource Protection, is the environmentally preferable alternative due to its focus on protection of natural and cultural resource values. In the Draft EIS (Chapter 4, “Environmental Consequences”), Alternative C reported the

greatest number of moderate or major beneficial effects among the three action alternatives.

Management Considerations and Decision Rationale

The Approved RMP Amendment consists of existing management decisions from the 1995 CCMA Plan Amendment, guidance common to all alternatives considered in the Draft Management Plan/DEIS, and the Proposed Action identified in the CCMA Proposed Plan and Final EIS. BLM made some revisions to the Approved RMP Amendment based on comments received on the Proposed RMP/FEIS. Changes to the Proposed Action are identified in Section 3.2 of this Record of Decision.

BLM has determined that the Proposed Action, as described in the Approved RMP Amendment and outlined in this ROD, best meets the purpose and need for the project. The decisions now being adopted balance public needs with environmental protection. The decisions provide protection for natural resources, and support research, education, and recreation initiatives. Throughout the planning process, BLM received input from governmental agencies, organizations, and individuals. BLM has considered all this input and is adopting a plan that best addresses the range of comments received. The RMP serves as a good example of BLM's collaborative, community-based planning process, and has the support of planning partners.

Eleven protest letters were received and responded to by the BLM Director. Any person who participated in the planning process and had an interest that may be adversely affected may protest. The primary concern expressed by the public through the planning process was that the CCMA RMP Amendment be consistent with the 1999 CCMA Record of Decision (ROD). The 1999 ROD emphasizes the importance of managing special status species in accordance with Section 7 of the Endangered Species Act, while continuing to allow off-highway vehicles (OHVs) on routes and trails in the CCMA. The Approved RMP Amendment focuses on meeting this central theme, while accommodating a variety of issues and concerns for area resources. After considering all of the comments submitted on the Draft RMP/DEIS and protests on the Proposed RMP/FEIS, the BLM determined that the Proposed Action in the Proposed RMP/FEIS is still appropriate with the following exceptions:

- The 'Stopping and Parking' provision, as described in Section 2.4.1 of the Proposed RMP and FEIS will not be included in the CCMA Approved RMP Amendment. BLM will develop provisions for stopping and parking of OHV's in CCMA in accordance with 43 CFR 8365.1-6; Supplementary Rules.
- 'Sensitive Resource Screening' outlined on page 2-13 of the CCMA Proposed Plan Amendment and FEIS states, "Work on routes will not take place until a screen for sensitive resources (TE plants, animals, cultural resources, mine sites, riparian corridors, stream crossing and vernal pools, etc.) by appropriate staff is completed." BLM will clarify in the CCMA Approved RMP Amendment that "sensitive resources" includes special status species

- Mitigation measures identified on page 4-17 of the Final EIS will be revised to clarify that monitoring would be for all unprotected populations of special status plant species for possible adverse impacts from vehicles and other uses and implement protective actions as warranted.
- BLM will clarify in the Approved RMP Amendment Appendix C “Implementation”, that BLM will restore at least 50 miles of closed routes within 5 years of issuing the ROD.
- Page 4-26 of the Final EIS states “R010, T154, and T155 would be closed to OHV recreation use resulting in significant reductions in off-route and cross country travel in these areas, thus affording greater protection to the plant communities within the SBMRNA.” This will be clarified to indicate that it is R010C that is being closed, and that R010A and R010B will remain open, as outlined in Appendix A and on Map 1-1.

Mitigation and Monitoring

Approved mitigation measures represent all practicable means to avoid or minimize environmental harm from the CCMA Proposed Plan Amendment. Section 4.0 of this ROD identifies mitigation measures from Chapter 4 and Appendix A of the CCMA Proposed Plan and Final EIS that are being adopted in the CCMA Approved RMP Amendment. Section 4.0 also identifies mitigation measures specific to San Benito Mountain Research Natural Area that are being adopted in the CCMA Approved RMP Amendment.

Monitoring is an essential component of natural resource management because it provides information on changes in resource use, condition, processes, and trends. Monitoring also provides information on the effectiveness of management activities and strategies. Implementation of the decision contained in the CCMA Approved RMP Amendment will be monitored to ensure that management actions follow prescribed management direction (implementation monitoring), meet desired objectives (effectiveness monitoring), and are based on accurate assumptions (validation monitoring).

Monitoring protocol meets or exceeds the requirements mandated by the California Department of Parks and Recreation, OHMVR Division. The protocols require monitoring all designated OHV trails on BLM lands in California that benefit from Green Sticker Funds granted to the BLM by the OHMVR Commissioners. Yearly monitoring of designated routes will be conducted in accordance with this protocol, which can be viewed at the Hollister Field Office.

Agency and Public Participation

The Council on Environmental Quality regulations (40 CFR 1501.7) and BLM planning regulations (43 CFR 1610) require an early and open process for development of an RMP. BLM initiated the planning process for this project with a Notice of Intent in the Federal Register on April 29, 2003. During the 30 day comment period for scoping, BLM received approximately 179 letters from various members of the public and other agencies. In response to these comments, BLM determined that it would develop an environmental impact statement for the decisions being considered.

The Draft RMP Amendment and Draft EIS was released to the public for a 120-day comment period on July 19, 2004. During this review period, BLM conducted three public meetings to receive comments on the draft documents. Approximately 275 persons attended the public meetings. In addition to the comments gathered during the public meetings, BLM received approximately 848 written comments and electronic mail (e-mail) letters from agencies, individuals, and organizations.

Formal Consultation the U.S. Fish and Wildlife Service (USFWS) was conducted on the 1995 amendment to the Hollister RMP for Clear Creek with a Biological Opinion issued in 1997. Subsequent coordination with the USFWS has been ongoing throughout the planning process with frequent communications (phone, email, submission of reports), meetings, and onsite visits to the CCMA. BLM prepared a Biological Assessment for the Proposed Action in January 2005, which included a complete description of the proposed action and its effects on special status species. Based on findings in the Biological Assessment, BLM determined that the RMP is not likely to adversely affect any special status species. On September 2, 2005 USFWS issued a Biological Opinion for the CCMA Proposed Plan Amendment and Final EIS. The Biological Opinion concluded that implementation of the Proposed RMP Amendment would not jeopardize the continued existence of any special status species.

In accordance with the Federal Land Policy and Management Act (FLPMA) and BLM planning regulations (43 CFR 1610.3-2), BLM RMPs must be consistent with officially approved or adopted resource related plans of State and local governments and must identify any known inconsistencies with state or local plans, policies, or programs. BLM also must provide the Governor with up to 60 days in which to identify any inconsistencies and submit recommendations. The Governor of the State of California in his letter dated November 28, 2005 stated, "Pursuant to 43 CFR 1603-2, and after consulting with affected State and Local agencies, the Governor's Office of Planning and Research (OPR) has determined that the BLM's Proposed Amendments to the Clear Creek Management Plan are not inconsistent with any state or local plans, policies, or programs."

Native American Consultation

Consultation with Native American interests began in September 2004. Government-to-government consultation occurred with the Tachi Yokuts in November 2004; no specific concerns were raised in the course of consultation with this tribe. In December 2004, individuals from the Ohlone Bear Clan (non-Federally recognized) approached the Hollister Field Office seeking to conduct Native American/California Indian ceremonies in the CCMA. Specific issues focused around the ability to maintain access to areas in the CCMA for traditional Native uses. No comments were received specific to the plan. Currently the Hollister Field Office continues to consult and coordinate with Native American tribes and individuals for traditional use needs in the CCMA as they arise.

Other Consultation

Coordination with other agencies was accomplished through frequent communications, meetings, and cooperative efforts between the BLM interdisciplinary team and involved federal, state, and local agencies and organizations. This included interaction and meetings with the Environmental Protection Agency, Regional Water Quality Control Board, Monterey Bay Unified Air Pollution Control District, and California State Parks Off-Highway Motor Vehicle Recreation Division. BLM also notified elected officials in regard to CCMA route designation and SBMRNA expansion through personal briefings, phone calls, and letters describing the management situation.

1.0 Decision

It is the decision of the Bureau of Land Management (BLM) to approve the Proposed Action in the 2005 Clear Creek Management Area (CCMA) Proposed Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS), with the exception of “Changes to the Proposed Plan Amendment”, as identified in Section 3.2 of this Record of Decision. This Record of Decision (ROD) considers public comments; best available scientific and technical information; and results of consultations with federal and state agencies, local governments, Native American tribal governments, a variety of non-governmental organizations, and numerous individuals. Specific management decisions contained in the Proposed Plan Amendment for BLM public lands in Clear Creek Management Area are.

- Designation of routes, trails, and open play areas (a.k.a.”barrens”) as Open, Closed, or Limited to off-highway vehicle (OHV) use.
- Adoption of the criteria for future route and barren designations for OHV use.
- Expansion of the San Benito Mountain Research Natural Area boundaries.
- Human Health Risks and Naturally Occurring Asbestos

1.1 Designation of Routes and Barrens

The CCMA Approved RMP Amendment identifies 240 miles of routes and trails, and 478 acres of barrens available for recreational OHV use. Appendix A and Appendix B of the CCMA Approved RMP Amendment identify the specific designation for each route, trail, and open play area in CCMA as “Open, Closed, or Limited” to recreational OHV use. Map 1 of the Approved RMP Amendment identifies the routes, trails, and barrens that are open for OHV use.

1.2 Designation Criteria

Appendix A and Appendix B of the Approved RMP Amendment present route and barren designation criteria, as well as a data element dictionary that describes the allowed responses for each criterion. These criteria represent the data on which decisions about the authorized OHV recreation use is based. Information on each route and barren is

entered into an electronic database for analysis and query during the designation process to identify potential resource issues and concerns.

1.2.1 Route Designation Criteria

Route designation criteria are combined into four tiers, roughly corresponding to the criteria's likelihood of requiring route closure. Tier One factors can individually result in a decision to close a given route. Tier Two criteria could also result in closure of a route. However, given sufficient recreation interest and available funds, actions can be taken to ameliorate most potential negative effects. Tier Three criteria describe the level of recreation interest for a given route, and the contribution of the route to the range of opportunities and the diversity of recreation experiences throughout the CCMA. Finally, Tier Four criteria focus on basic issues of route management, including maintenance, conflicting uses, official and administrative use, existing rights-of-way, and connectivity to the overall route network. Appendix A of the CCMA Approved RMP Amendment provides more information about the route designation criteria.

1.2.2 Barren Designation Criteria

Barren designation criteria were developed through public involvement, staff meetings, and interviews with professionals working in other areas with OHV use. A report titled, "The Geomorphic Field Evaluation of Serpentine Soil Barrens, CCMA" (Dynamac Corp. 1998), contains useful data that was considered when developing barren designation criteria. Key information from this study includes; stream orders present, hydrographic position, vegetation cover, vegetation boundaries and buffers, amount of gullying, slope, armoring present, sediment trapping features, and contribution of sediment to sub-watersheds with high erosion rates. For the purposes of this document "barrens" are defined as a general term applied to openings in serpentine hillslopes larger than 10 acres which support almost no herbaceous or woody vegetation. Appendix B of the CCMA Approved RMP Amendment provides more information about the barren designation criteria.

1.3 Expansion of the San Benito Mountain Research Natural Area (SBMRNA)

The CCMA Approved RMP Amendment will expand the San Benito Mountain Research Natural Area to approximately 4147 acres in the Clear Creek Management Area. Map 1 of the CCMA Approved RMP Amendment depicts the new boundary for the SBMRNA.

1.4 Human Health Risks and Naturally Occurring Asbestos

The CCMA Proposed RMP Amendment and Final EIS for this project (2005) acknowledge that the U.S. Environmental Protection Agency intends to complete an asbestos exposure evaluation study in the Clear Creek Management Area in 2006. This study will provide further information on the exposure levels from various types of activities in the CCMA. Currently available results from recent sampling events are included in Appendix I. Initial results from the EPA study indicate that an environmental impact statement will be necessary to consider the new information and a range of

management options for the CCMA. These initial results show some higher exposure values than the previous 1992 risk assessment. For example, the EPA data, sampled in September 2004, indicate that the tail rider in a line of three motorcycles was exposed to 0.955 fibers/cubic centimeter (f/cc), which is higher than concentrations reported for a tail motorcycle rider in the 1992 risk assessment.

Upon completion of this study, BLM will work with EPA and the public to appropriately respond to the new information. If the information is significantly different than the 1992 risk assessment, BLM will expeditiously initiate a NEPA process to consider the new information and potential management responses at the CCMA in light of any new findings. This subsequent NEPA process would address general public access and recreation at the CCMA and analyze a full range of alternatives.

2.0 Alternatives

The CCMA Draft RMP Amendment and Draft EIS analyzed four alternatives. BLM developed these alternatives on the basis of, and in response to substantive public input on the existing environment, existing uses, desired future uses, and desired environmental conditions of the CCMA. Alternative A was the preferred alternative, which proposed to balance recreational OHV use and resource protection. Alternative B emphasized protecting resources, and Alternative C focused on enhancing motorized recreational opportunities. Alternative D (No Action) corresponds to current management as established by existing laws, regulations, and the CCMA management plan, as amended in 1999. These alternatives are summarized below.

Alternative A (Proposed Action)

Alternative A, identified as the preferred alternative, proposes to achieve the BLM's resource management goals by balancing resource protection and recreation opportunities in Clear Creek Management Area. Alternative A would:

- Balance resource protection and OHV recreation in CCMA.
- Designate 218 miles of roads and trails "Open" or "Limited" for OHV use, and designate 466 acres of open play areas (a.k.a. barrens) for OHV use.
- Expand the boundaries of the San Benito Mountain Research Natural Area up to 3991 acres.
- Incorporate lands acquired from previous land tenure adjustments in the CCMA.

Alternative B (Enhanced Recreation Opportunities)

Alternative B proposes to achieve the BLM's resource management goals with an emphasis on enhancing recreation opportunities in Clear Creek Management Area. Alternative B would:

- Emphasize OHV recreation opportunities.
- Designate 245 miles of roads and trails “Open” or “Limited” for OHV use, and designate 813 acres of open play areas (a.k.a. barrens) for OHV use.
- Expand the boundaries of the San Benito Mountain Research Natural Area up to 3522 acres.
- Incorporate lands acquired from previous land tenure adjustments in the CCMA.

Alternative C (Enhanced Resource Protection)

Under Alternative C, BLM would emphasize natural and cultural resource protection in CCMA. To achieve this goal, BLM would use stringent mitigation measures to minimize or eliminate adverse impacts to resources. Alternative C would:

- Emphasize protection of special status species.
- Designate 203 miles of roads and trails “Open” or “Limited” for OHV use, and designate 466 acres of open play areas (a.k.a. barrens) for OHV use.
- Expand the boundaries of the San Benito Mountain Research Natural Area up to 4580 acres.
- Incorporate lands acquired from previous land tenure adjustments in the CCMA.

Alternative D (No Action)

The No Action alternative corresponds to current management as established by existing laws, regulations, and the CCMA management plan, as amended in 1999. Resources would receive management emphasis at present levels (maintaining existing conditions). CCMA would remain a “Limited Use Area” where vehicle use would be limited to “existing routes”. These “existing routes” would be comprised of 440 miles of routes in the BLM’s CCMA route inventory database, in accordance with the 1999 Amendment. Alternative D would:

- Emphasize protection of special status species.
- Allow OHV use on 398 miles of roads and trails, and 2800 acres of open play areas (a.k.a. barrens) in CCMA.
- Maintain the existing boundary of the SBMRNA.
- Incorporate lands acquired from previous land tenure adjustments in the CCMA.

2.1 Guidance Common to All Alternatives

The CCMA was designated a ‘Limited Use Area’ under the CCMA RMP Amendment (1995) and its’ associated Record of Decision (1999). Within the CCMA, the ‘Limited

Use Area' is defined as restricting OHV use to designated roads and trails. Therefore, under all the action alternatives, BLM would designate specific routes (roads, ways, trails) within the CCMA as open, limited, or closed, and designate barrens as areas that are open, limited, or closed. All routes and barrens not designated as open or limited are designated closed. The designation of routes, trails, and areas for use within the CCMA will enhance protection of the sensitive habitat and species that occur throughout the CCMA, by reducing unregulated vehicle use, erosion, sediment yield, and impacts to watershed resources, as described below. Routes within the CCMA were screened through the criteria in Appendix A of the CCMA Proposed Plan, and designated as open, limited, or closed. Barrens within the CCMA were also screened through criteria in Appendix B of the CCMA Proposed Plan, and designated as open or closed. All barrens less than 10 acres in size would be closed as per the ROD (1999) and would remain so unless specifically designated as open through a subsequent CCMA Plan Amendment. Under Alternatives A, B, and C all vehicle use within the CCMA would be limited to designated routes, and there would be a net positive effect to all plant and animal species that occur or have the potential to occur within the CCMA when compared to Alternative D, the No Action Alternative.

2.2 Comparison of Alternatives in the CCMA Draft Plan Amendment

The number of miles of roads and trails designated open for OHV use varied among alternatives A, B, and C with the highest number of available roads and trails being 245 and the lowest number being 199 miles. Therefore, all the action alternatives represent a reduction of roads and trails open for OHV use when compared to the No Action Alternative, which allows OHV use on approximately 440 miles of roads and trails.

Alternatives A and C proposed 466 acres in barren areas as open for use. Although this represents an 81% reduction from the 2800 acres available under the No Action Alternative, many of these barrens in the inventory are already closed (SBMRNA, mine areas) or on private or State land. Under Alternative A and C, only the Clear Creek watershed will have designated barren play areas. In the other watersheds, all barrens will be closed to OHV use. Barrens within the three Clear Creek sub-watersheds with the highest erosion will be closed, contributing to a reduction in sediment yield. Alternative B proposes designating 813 acres of serpentine barrens as open and only exceeds the Alternatives A and C by 347 acres. However, under Alternative B, the additional 347 open acres would include a serpentine barren/Jeffrey pine habitat mosaic area known as "The Bowl". Continued OHV recreation use in "The Bowl" would increase Jeffrey pines root exposure, Jeffrey pine seedling and sapling damage by vehicles, as well as soil compaction and soil loss that would inhibit germination. Erosion and sediment transport related to OHV use from this barren would also impact this unique forest community and watershed resources in Cantua Creek.

The reduction of open routes and barrens, and the elimination of cross-country use will diminish habitat fragmentation, auditory disturbance, and the probability of being crushed by vehicles will be lessened through all action alternatives in upland and riparian wildlife habitats. The elimination of all barrens of low hydrographic position will reduce the

sediment flow into watersheds within the CCMA increasing the protection and decreasing the negative impacts to the sensitive riparian areas and animal species.

Under Alternatives A, B, and C the establishment of a designated route system throughout the CCMA would have both positive and negative impacts to recreation resources. Maps, signage, and trail maintenance will increase safety and security for people riding in the back country; yet protective measures such as fencing, routine maintenance, and the designated route system will create a much more regulated environment. However, implementation of Alternatives A, B, or C is not expected to result in any changes in the number or type of recreation user, and visitation trends are expected to remain fairly constant with moderate yearly increases.

Compared to existing conditions, Alternatives A, B, and C, reduced adverse impacts to resources in varying degrees. Accordingly, air quality, amount of OHV use, and particulate emissions will remain unchanged as a result of the proposed action in all the alternatives except D. Though the particulate emissions varied among Alternatives A, B, and C, the differences were nominal. All of the alternatives except the No Action Alternative reduced the number of miles of unpaved roads measurably reducing soil disturbing activities therefore reducing the transportation of heavy metals and asbestos in watersheds where the highest levels of background concentrations of hazardous metals are present.

Impacts to four BLM sensitive species, foothill yellow-legged frog, two-striped garter snake, and the western pond turtles, known to populate riparian areas within the CCMA will be decreased through all action alternatives.

Route and barren designation will decrease impacts in adjacent upland habitats, decrease potential erosion, and sediment yield, contributing to reductions in habitat degradation in riparian areas. This will be accomplished by reducing the number of stream crossings and miles of routes in riparian areas by approximately 50 percent, and reducing soil disturbing activities by reducing the number of miles of unpaved roads by up to 49 percent and reducing the acres of barren play areas by up to 83 percent. Considering estimates that nearly half the sediment delivered to streams within the CCMA come from stream and swale crossings, this reduction in the number of crossings should result in substantial reductions in sediment delivery and associated impacts to riparian and sensitive species habitat.

Under Alternatives A, B, and C, the boundaries of the San Benito Mountain Research Natural Area (RNA) would be expanded to protect three known San Benito evening primrose populations, and to protect an additional thirteen acres of San Benito evening primrose habitat. Alternative A would expand the RNA boundary to 4,147 acres. Under this alternative, three additional miles of streambank primrose habitat along upper Clear Creek will be incorporated into the RNA, furthering the long-term protection of this species. Alternative B offered less protection of pine forests and woodland areas requiring more fencing and law enforcement; while Alternative C expanded the

boundaries of the RNA to 4,580 acres to include one of two known populations of the Mt Diablo phacelia.

Alternatives A, B, and C will result in a decrease in the routes and areas available for OHV recreation. However, BLM does not anticipate that this will result in a curtailment of OHV recreation related activities.

Social and economic impacts relate to the effects of alternatives on social and economic well being. The types of impacts that could affect social and economic well being include the types and quantities of the recreation experience that is available. Additional social and economic impacts include conflicts concerning resource use and any potential effects to the economics or demographics of the region surrounding CCMA. However, BLM does not expect that any of the alternatives for CCMA would adversely impact social and economic resources in the area.

The BLM has analyzed the effect of its actions related to the environment and has found no ecological, cultural, human health, and economic or social impact. BLM has also determined that none of the alternatives have disproportionately adverse impacts on minority or low-income populations.

2.3 The Environmentally Preferable Alternative

Federal environmental quality regulations (40 Code of Federal Regulations [CFR] 1505.2 [b]) require that an agency identify the “environmentally preferable” alternative or alternatives in the ROD. Environmental preferability is judged using the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which is guided by the Council on Environmental Quality (CEQ). The CEQ has stated that "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Generally this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." (Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (40 CFR 1500-1598), Federal Register Vol. 46, No. 55, 18026-18038, March 23, 1981: Question 6a.)

NEPA's Section 101 establishes the following goals:

- Fulfills the responsibility of this generation as trustee of the environment for succeeding generations (NEPA §101(b)(1)),
- Assures for all Americans productive and aesthetically and culturally pleasing surroundings (NEPA §101(b)(2)),
- Attains the widest range of beneficial uses of the environment without degradation or other undesirable and unintended consequences (NEPA §101(b)(3)),

- Preserves important natural aspects of our national heritage and maintains an environment which supports diversity and variety of individual choice (NEPA §101(b)(4)),
- Achieves a balance between population and resource use, which permits high standards of living and a wide sharing of life's amenities (NEPA §101(b)(5)), and
- Enhances the quality of renewable resources and approach the maximum attainable recycling of depletable resources (NEPA §101(b)(6)).

Alternative C, Enhanced Resource Protection, is the environmentally preferable alternative due to its focus on protection of natural and cultural resource values. In the Draft EIS (Chapter 4, "Environmental Consequences"), Alternative C reported the greatest number of moderate or major beneficial effects among the three action alternatives.

3.0 Management Considerations and Decision Rationale

The alternatives described in the CCMA Draft RMP Amendment and Draft EIS were considered in preparing the CCMA Proposed RMP Amendment, along with public comments and agency input provided throughout this planning process. The Approved RMP Amendment consists of existing management decisions from the 1995 CCMA Plan Amendment, guidance common to all alternatives considered in the Draft Management Plan/DEIS, and the Proposed Action identified in the CCMA Proposed Plan and Final EIS. BLM made some revisions to the Approved RMP Amendment based on comments received on the Proposed RMP/FEIS. Changes to the Proposed Action are identified in Section 3.2 of this Record of Decision.

BLM chose this approach to managing the CCMA because: (a) it is consistent with the 1999 CCMA Record of Decision, which required BLM to designate routes for OHV use in CCMA and define boundaries for the San Benito Mountain Research Natural Area expansion (b) it best addresses the diverse community and stakeholder concerns in a fair and equitable manner, (c) it incorporates public input provided by Tribal, State and local governments, and (d) it provides a reasonable framework for future management of the planning area. Among the attributes leading to this determination are: provisions for protecting the unique forest assemblage and Wilderness Study Area values of the San Benito Mountain Research Natural Area; enhanced protection and monitoring for Federally-listed and State-listed special status species; establishment of an adaptive management program that will define and protect resources as knowledge increases and circumstances change; and provisions for visitor use in a manner consistent with protection for cultural and natural resources in Clear Creek Management Area.

BLM has determined that the Proposed Action, as described in the Approved RMP Amendment and outlined in this ROD, best meets the purpose and need for the project. The decisions now being adopted balance public needs with environmental protection. The decisions provide protection for natural resources, and support research, education,

and recreation initiatives. Throughout the planning process, BLM received input from governmental agencies, organizations, and individuals. BLM has considered all this input and is adopting a plan that best addresses the range of comments received. The RMP serves as a good example of BLM's collaborative, community-based planning process, and has the support of planning partners. The Approved Plan is very similar to the Proposed Plan with minor revisions and clarifications stemming from eleven protest letters received by BLM.

3.1 Protests

Eleven protest letters were received and responded to by the BLM Director. Any person who participated in the planning process and had an interest that may be adversely affected may protest. A protest may only raise those issues that were submitted for the record during the planning process. The protest had to be filed within 30 days from the date the BLM published the notice of availability for the CCMA Proposed RMP Amendment and Final EIS in the Federal Register. Letters from protestors whom BLM determined to have standing were reviewed, and protest issues and comments were identified. Each protest issue was responded to, and those responses were included in return letters to each protestor.

3.2 Changes to Proposed Plan Amendment

The primary concern expressed by the public through the planning process was that the CCMA RMP Amendment be consistent with the 1999 CCMA Record of Decision (ROD). The 1999 ROD emphasizes the importance of managing special status species in accordance with Section 7 of the Endangered Species Act, while continuing to allow off-highway vehicles (OHVs) on routes and trails in the CCMA. The Approved RMP Amendment focuses on meeting this central theme, while accommodating a variety of issues and concerns for area resources. After considering all of the comments submitted on the Draft RMP/DEIS and protests on the Proposed RMP/FEIS, the BLM determined that the Proposed Action in the Proposed RMP/FEIS is still appropriate with the following exceptions:

- The 'Stopping and Parking' provision, as described in Section 2.4.1 of the Proposed RMP and FEIS will not be included in the CCMA Approved RMP Amendment. BLM will develop provisions for stopping and parking of OHV's in CCMA in accordance with 43 CFR 8365.1-6; Supplementary Rules.
- 'Sensitive Resource Screening' outlined on page 2-13 of the CCMA Proposed Plan Amendment and FEIS states, "Work on routes will not take place until a screen for sensitive resources (TE plants, animals, cultural resources, mine sites, riparian corridors, stream crossing and vernal pools, etc.) by appropriate staff is completed." BLM will clarify in the CCMA Approved RMP Amendment that "sensitive resources" includes special status species

- Mitigation measures identified on page 4-17 of the Final EIS will be revised to clarify that monitoring would be for all unprotected populations of special status plant species for possible adverse impacts from vehicles and other uses and implement protective actions as warranted.
- BLM will clarify in the Approved RMP Amendment Appendix C “Implementation”, that BLM will restore at least 50 miles of closed routes within 5 years of issuing the ROD.
- Page 4-26 of the Final EIS states “R010, T154, and T155 would be closed to OHV recreation use resulting in significant reductions in off-route and cross country travel in these areas, thus affording greater protection to the plant communities within the SBMRNA.” This will be clarified to indicate that it is R010C that is being closed, and that R010A and R010B will remain open, as outlined in Appendix A and on Map 1-1.

4.0 Mitigation and Monitoring

4.1 Areawide Mitigation Measures (includes SBMRNA)

Approved mitigation measures represent all practicable means to avoid or minimize environmental harm from the CCMA Proposed Plan Amendment. The following mitigation measures from Chapter 4 and Appendix A of the Final EIS are being adopted:

- Designated Closed routes would be selected and prioritized for restoration and reclamation. This would allow a return to natural state to reduce vehicle and wind generated emissions and minimize impacts to vegetation communities, sensitive species and sensitive species habitats.
- California State Soils Loss Standards and Monitoring would be implemented on all designated open routes and surveys completed on an annual basis. Routes may be temporarily closed until corrective maintenance repairs can be completed if necessary.
- BLM will comply with all provisions of the Monterey Bay Unified Air Pollution Control District’s ATCM regulation for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.
- Seasonal access closures and restrictions would be enforced to limit vehicle use during periods of extreme wet and muddy conditions and during periods of extreme dusty conditions. The existing public asbestos hazard information program would be augmented through improved signing, handouts, advisories, monitoring, public contact, and education programs. Any new risk assessments completed by EPA would be incorporated into the educational materials.
- BLM would continue to monitor water quality, soil erosion, and sediment conditions within the watersheds of the CCMA. The BLM would implement Best Management Practices (BMP) to reduce impacts to watershed resources, and would continue to evaluate and update these measures as needed to minimize impacts to water quality, control erosion and sediment production. These site treatments are incorporated into BLM’s annual corrective route maintenance plan.
- Implement barren area protection plan to minimize off-site sediment transport through repair of erosion scars, construction of drainage improvements, sediment control and

- trapping treatments, and re-vegetation of vegetative buffers. Designated Closed barrens and all barrens within the RNA would be selected and prioritized for restoration and reclamation employing these same techniques.
- Construct fence and barriers to preclude access to riparian areas, closed barrens and to protect boundaries and preclude unauthorized motorized access and trespass. Construction would also prevent vehicle disturbance and off-site transport of metals and sediments. Complete corridor fencing of Spanish Lake Road (R011) through RNA.
 - All remaining mine areas would be closed to OHV use through route closure or construction of fencing and physical barriers.
 - Use of the designated route network may be limited or restricted to protect human health, as new information becomes available. BLM will continue working with EPA, consulting at least annually, to evaluate new data and ensure visitor safety.
 - Construction of a public vehicle wash facility will begin in 2006, to reduce transport of asbestos dust and indirect impacts related to off-site contamination and secondary exposure.
 - Install signs identifying the CCMA as a Limited Use Area with all vehicle travel restricted to designated open routes. Clearly mark and identify the designated route network.
 - Develop monitoring and inventory studies to determine status of animal species with the potential to occur within the boundaries of the CCMA. Modify management actions and strategies as new data warrants.
 - Continue current monitoring program, and modify management actions and strategies as new data warrants.
 - Produce and distribute a new user map to allow recreation users to understand the appropriate type of use and clearly identify where OHV use is permitted.
 - Develop a recreation user education and awareness program to inform the public of the concepts of designated use, encourage safe and environmentally responsible behavior, and an understanding of multiple-use management.
 - Implement invasive weed management program.
 - A difficulty rating system would be implemented for all designated open and limited routes. Ratings would be identified on route markers.
 - Increase Law Enforcement patrols and use of Law Enforcement response teams to monitor and enforce compliance with designations.

4.1.1 Mitigation Measures Specific to San Benito Mountain Research Natural Area (SBMRNA)

- Portions of Clear Creek, Sawmill Creek and San Carlos Creek would be managed for introducing the San Benito evening-primrose into suitable habitat.
- All populations of the San Benito evening-primrose and protection measures in place would be monitored for compliance relating to OHV trespass and adaptive management would determine additional management actions to protect this species.
- Monitor all unprotected populations of rayless layia, Mount Diablo phacelia, and talus fritillary for possible adverse impacts from vehicles and other uses and implement protective actions as warranted.
- Inventory suitable habitat for all sensitive plant species
- Monitor any new populations of these species documented during future inventories for adverse impacts and implement protective actions as warranted.
- Implement long-term studies to determine how disturbances such as human use, environmental conditions, and erosion, impact the viability of the above species. Employ adaptive management in the CCMA to help improve conditions for these species.

4.2 Plan Monitoring

This ROD incorporates a comprehensive monitoring program to ensure that implementation of the CCMA Plan Amendment achieves BLM goals and objectives for natural and cultural resources on public lands. Monitoring is an essential component of natural resource management because it provides information on changes in resource use, condition, processes, and trends. Monitoring also provides information on the effectiveness of management activities and strategies. Implementation of the decision contained herein will be monitored to ensure that management actions follow prescribed management direction (implementation monitoring), meet desired objectives (effectiveness monitoring), and are based on accurate assumptions (validation monitoring).

BLM's compliance monitoring plan, as described in Chapter 2 and Appendix E of the CCMA Approved RMP Amendment, is consistent with the January 2005 FWS BO. Working together, BLM and FWS will address results of monitoring and adaptively manage the program to ensure the goals and objectives of the CCMA Plan Amendment are accomplished. The monitoring program for biological resources is a dynamic program. Based on periodic reviews of the quality of the data collected and the usefulness of the data, it will be amended as necessary.

The implementation schedule below identifies actions specific to monitoring from Appendix C of the CCMA Proposed Plan and Final EIS, many of which will continue throughout the life of the CCMA Plan Amendment:

Immediate (0 to 2 years)

1. Implement protocol for monitoring soils, vegetation, and species of concern.
2. Monitor soil erosion and sediment yield to streams through Clear Creek gauging station. Implement soil erosion control measures, silt fences, and sediment trapping features.
3. Monitor closed routes for violations and rehabilitation needs according to BMP's. Monitor effectiveness of protection measures and law enforcement techniques.
4. Purchase, rotate, and monitor traffic counters. Log time of use, and monitor use patterns to include remote portions of the project area.

Midterm Actions (Target 3 – 4 years)

1. Monitor the success of rehabilitation efforts.
2. Maintain protocol for monitoring soils, vegetation, and species of concern.

Long-term Actions (Target 5+ Years)

1. Monitor soil loss, compliance, protection measures, and restoration data on routes of travel in the project area.

4.2.1 Protocols for Monitoring Soils, Vegetation, and Species of Concern

Monitoring protocol meets or exceeds the requirements mandated by the California Department of Parks and Recreation, OHMVR Division. These protocols can be viewed at the BLM Hollister Field Office. The protocols require monitoring all designated OHV trails on BLM lands in California that benefit from Green Sticker Funds granted to the BLM by the OHMVR Commissioners.

Yearly monitoring of designated routes will be conducted in accordance with this protocol. Using GPS technology, the OHV Trail Monitoring Team will survey routes and input data concerning designated OHV trails into an Access database.

- Compliance monitoring will be conducted for the protection of San Benito evening-primrose (CABE) to document the condition of the species, habitat, and the protective measures in place. Monitoring will record direct disturbance to CABE, CABE habitat, and CABE potential habitat by off-highway vehicle use, including but not limited to tire tracks, trampling of plants, soil compaction, soil displacement, seed displacement, and soil erosion and sedimentation.
- BLM will continue to monitor water quality, soil erosion, and sediment conditions within the watersheds of the CCMA. The BLM will implement Best Management Practices (BMPs) to reduce impacts to watershed resources, and will continue to evaluate and update these measures as needed to minimize impacts to water quality, control erosion and sediment production, and protect sensitive resources. The BMPs will incorporate the soil loss standards for OHV areas, developed jointly by BLM and California Department of Parks and Recreation

Off-Highway Motor Vehicle Recreation Division. These measures are contained in Appendix D.

- California State Soils Loss Standards and Monitoring will be implemented on all designated open routes and surveys completed on an annual basis. Routes may be temporarily closed until corrective maintenance repairs can be completed if necessary.

5.0 Agency and Public Participation

5.1 Public Involvement

The Council on Environmental Quality regulations (40 CFR 1501.7) and BLM planning regulations (43 CFR 1610) require an early and open process for development of an RMP. Extensive efforts were made to make the public and agencies aware of the planning process and of opportunities for involvement.

Public Scoping

BLM initiated the planning process for this project with a Notice of Intent in the Federal Register on April 29, 2003. During the 30 day comment period for scoping, BLM received approximately 179 letters from various members of the public and other agencies. In response to these comments, BLM determined that it would develop an environmental impact statement for the decisions being considered.

Public Review of the Draft RMP Amendment and Draft EIS

The Draft RMP Amendment and Draft EIS was released to the public for a 120-day comment period on July 19, 2004. During this review period, BLM conducted three public meetings to receive comments on the draft documents. Numerous verbal comments were recorded from the public meetings. Approximately 275 persons attended the public meetings. In addition to the comments gathered during the public meetings, BLM received approximately 848 written comments and electronic mail (e-mail) letters from agencies, individuals, and organizations. BLM developed written responses that were included in Appendix J and Appendix K of the Proposed RMP Amendment and Final EIS.

5.2 Endangered Species Act Consultation

Federal regulations (50 CFR 402) implementing the provisions of Section 7 of the Endangered Species Act (ESA), require BLM and other federal agencies to consult with the U.S. Fish and Wildlife Service (FWS) for terrestrial and freshwater species and the National Marine Fisheries Service (NMFS) for marine species on projects, plans, and actions that may negatively affect a threatened or endangered species.

Formal Consultation the U.S. Fish and Wildlife Service (USFWS) was conducted on the 1995 amendment to the Hollister RMP for Clear Creek with a Biological Opinion issued in 1997. Subsequent coordination with the USFWS has been ongoing throughout the planning process with frequent communications (phone, email, submission of reports), meetings, and onsite visits to the CCMA. On January 12, 2005 an initial Request for Initiation of Formal Section 7 Consultation on the Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area was sent to the USFWS. BLM prepared a Biological Assessment for the Proposed Action in January 2005, which included a complete description of the proposed action and its effects on special status species. Based on findings in the Biological Assessment, BLM determined that the RMP is not likely to adversely affect any special status species. A subsequent memorandum dated April 14, 2005, transmitted the Biological Assessment and supporting documentation in relation to the Request for Initiation of Formal Section 7 Consultation. On September 2, 2005 USFWS issued a Biological Opinion for the CCMA Proposed Plan Amendment and Final EIS. The Biological Opinion concluded that implementation of the Proposed RMP Amendment would not jeopardize the continued existence of any special status species.

5.3 State of California Consistency Requirements

5.3.1 Governor's Consistency Review

BLM submitted the CCMA Draft RMP/Draft EIS to the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (SCH # 2004014002) on September 16, 2004. No state agencies commented on the Draft RMP/Draft EIS to the Clearinghouse. In accordance with the Federal Land Policy and Management Act (FLPMA) and BLM planning regulations (43 CFR 1610.3-2), BLM RMPs must be consistent with officially approved or adopted resource related plans of State and local governments and must identify any known inconsistencies with state or local plans, policies, or programs. BLM also must provide the Governor with up to 60 days in which to identify any inconsistencies and submit recommendations. On June 8, 2005, BLM submitted the Proposed RMP/Final EIS to the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit for review.

The Governor of the State of California in his letter dated November 28, 2005 stated, "Pursuant to 43 CFR 1603-2, and after consulting with affected State and Local agencies, the Governor's Office of Planning and Research (OPR) has determined that the BLM's Proposed Amendments to the Clear Creek Management Plan are not inconsistent with any state or local plans, policies, or programs." Therefore, the CCMA Proposed Plan Amendment is consistent with plans and policies of the Department of the Interior and Bureau of Land Management, other federal agencies, Tribal governments, State government, and local governments to the extent that the guidance and local plans are also consistent with the purposes, policies, and programs of federal law and regulation applicable to public lands.

The US Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC) have voiced concerns regarding possible impacts to public health and safety from naturally-occurring asbestos within the CCMA. BLM has agreed to work with the EPA to address the human health risk associated with naturally occurring asbestos, and the Hollister Field Office will continue to consult with DTSC, the State Air Resources Board, the State Water Resources Board, and the Monterey and San Joaquin Air Pollution Control Districts regarding concerns for public health and safety.

5.3.2 National Historic Preservation Act

The California BLM and the California State Historic Preservation Officer (SHPO) operate under a statewide Programmatic Agreement (PA) that fulfills the requirements set forth in the National Historic Preservation Act (NHPA). This PA prescribes the manner in which the BLM and the SHPO shall cooperatively implement the National Programmatic Agreement in California developed among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. The PA is “intended to ensure that the BLM organizes its programs to operate efficiently and effectively in accordance with the intent and requirements of the NHPA and that the BLM integrates its historic preservation planning and management decisions with other policy and program requirements” (Protocol Agreement, Preamble, p.2-3).

As part of the PA, it is directed that at “the earliest stage of the planning process, each Field Office responsible for preparing a land use plan or significant amendments or revisions at the regional or local level shall ensure invitation of the SHPO to participate in the planning effort, including commenting on proposed resource use allocations...All draft and final land use plans and cultural resource preservation project plans shall be submitted to the SHPO for review and comment” (Protocol Agreement; Part II. Procedures, subpart D. SHPO Involvement in the BLM Cultural Resource Program, (1) Planning Efforts, p.6).

In accordance with these provisions of the PA, consultation between BLM and SHPO was initiated in 2004 with the release and distribution of the Draft RMP Amendment/Draft EIS. BLM also submitted a copy of the Proposed RMP/Final EIS to SHPO in September 2005. No concerns were expressed during either comment period. During activity-level planning efforts subsequent to the approval of the Proposed RMP/Final EIS, SHPO will be afforded an opportunity to review and comment.

5.3.3 Air Quality Conformity Determination

On December 6, 2005, the BLM National Science and Technology Center completed a Conformity Analysis Certification for the CCMA Proposed RMP Amendment that states, “This project has been determined to conform with all applicable local, state, and federal air quality laws, regulations, and statutes as defined in the San Joaquin Valley, CA

(Fresno County) Planning Area Implementation Plan(s).” This Conformity Analysis Certification is included as an attachment to Appendix G (Air Quality) of the CCMA Approved RMP Amendment.

5.4 Native American Consultation

BLM recognizes the importance of the continuing government-to-government relationship with tribal entities. BLM shall follow 36CFR800.2(c)(2) and the protocols and guidelines established in the BLM Cultural Resources Program in order to conduct consultation with the American Indian community. Non-Federally recognized Indian communities and individual members shall be encouraged to raise issues, express concerns, provide information and identify resources and places they would like the BLM to consider in decision making. The BLM will solicit such input through the public participation opportunities afforded by BLM’s land use planning and environmental review processes, government-to-government consultation and the development of Agency/Tribe protocol agreements. BLM shall take into account any confidentiality concerns raised by Indian tribes during the identification process (Protocol Agreement; Part IV. American Indian Participation, p.12).

Consultation with Native American interests began in September 2004, with letters and copies of the DEIS sent to the Federally-recognized Santa Rosa Rancheria Tachi Yokuts Tribe and to the non-Federally recognized Indian Canyon Ohlone/Costanoan group. Additional government-to-government consultation occurred with the Tachi Yokuts in November 2004; no specific concerns were raised in the course of consultation with this tribe. In December 2004, individuals from the Ohlone Bear Clan (non-Federally recognized) approached the Hollister Field Office seeking to conduct Native American/California Indian ceremonies in the CCMA. At that time government-to-government meetings were initiated to discuss their concerns, a copy of the DEIS was provided to them, and coordination began. Specific issues focused around the ability to maintain access to areas in the CCMA for traditional Native uses. In September 2005, the tribal entities discussed above received copies of the FEIS and follow-up calls from the Field Office. No comments were received specific to the plan. Currently the Hollister Field Office continues to consult and coordinate with Native American tribes and individuals for traditional use needs in the CCMA as they arise.

5.5 Other Consultation

Coordination with other agencies and consistency with other plans for the Proposed CCMA RMP Amendment was accomplished through frequent communications, meetings, and cooperative efforts between the BLM interdisciplinary team and involved federal, state, and local agencies and organizations. This included interaction and meetings with the Regional Water Quality Control Board, Monterey Bay Unified Air Pollution Control District, California State Parks Off-Highway Motor Vehicle Recreation Division, and annual OHV grant workshops. BLM also notified elected officials in regard to CCMA route designation and SBMRNA expansion through personal briefings,

phone calls, and letters describing the management situation. These included US Senators Barbara Boxer and Diane Feinstein, US Congressman Sam Farr, and San Benito County officials.

Coordination with the U.S. Environmental Protection Agency (EPA) by phone, through various meetings, and coordination of studies and site management activities at the CCMA has occurred throughout the planning process. Topics discussed include comments on the Draft EIS, air and water quality, human health risks associated with exposure to naturally occurring asbestos, and general project updates.