

DATE: 06/05/2008 at 04:30:00 PM

BRIEFING FOR: THE SECRETARY

PREPARED BY: Rick Cooper

Area Manager

831 630-5010

FROM: Mike Pool

SUBJECT: IMMEDIATE TEMPORARY CLOSURE 31,000 ACRE SERPENTINE ACEC TO ALL FORMS OF PUBLIC USE

PURPOSE OF THE BRIEFING DOCUMENT:

Purpose and Intent of the Immediate Temporary Closure

ISSUES:

Increased controversy surrounding the ongoing Clear Creek Management Area RMP/EIS process. OHV community disputes the Environmental Protection Agency's Asbestos Exposure and Human Health Risk Assessment

MAIN DECISION OR MESSAGE:

Effective May 1, 2008, the Hollister Field Manager issued a temporary closure on 31,000 acres of public lands within the Clear Creek Management (CCMA), referred to as the Serpentine Area of Critical Environmental Concern (ACEC) located in San Benito and Fresno counties. The temporary closure order was issued simultaneously with the Environmental Protection Agency's (EPA) release of the final CCMA Asbestos Exposure and Human Health Risk Assessment. The findings of the assessment indicate that human exposures to asbestos for many of the recreation activities authorized by BLM pose excess lifetime cancer risks above EPA's acceptable risk range.

The activity based sampling conducted by EPA indicates high concentrations of asbestos are being inhaled by recreation users, children are of a special concern and asbestos exposures occurs year round. Based upon the report's findings, BLM determined the temporary closure is appropriate to protect public health and safety. The temporary closure prevents recurring exposure and risk to the public while the BLM completes the resource management plan and environmental impact statement process where alternatives can be analyzed to determine acceptable levels of public use in the area.

The 31,000 acre area contains all the available designated routes and trails for OHV use in the management area. It is an extremely popular OHV destination point and has been rated in the top 10 nationwide by the OHV publications. The OHV community is extremely frustrated with the immediate temporary closure. The OHV community promotes the asbestos industry contention that the asbestos form in CCMA is harmless and that no one has died from working or recreating in the area, and therefore, question why BLM has reacted with the closure.

BUREAU PERSPECTIVE:

The BLM is relying on EPA as it's technical expert on acceptable levels of human exposure to asbestos. BLM is also relying the current consensus among the medical and scientific community regarding the adverse health affects of all substances in the asbestos category. In light of the findings and until BLM can complete the environmental impact statement, continued authorization of the current levels and types of public use is not in the best interest of the public or the agency.

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