

## **APPENDIX J**

### **Clear Creek Management Area – Chronology**

**1942:** Transfer land from U.S. Forest Service to BLM

**1962:** Hernandez Reservoir built for flood control and ground water recharge

**1967-1979:** Asbestos mining continuing in the CCMA. BLM contracts for Cal Berkeley air monitoring data. Major recommendation was to include enact dry season restrictions through the planning process. (OSHA standards for asbestos fibers go from 2 fibers/cc in 1971 to 2 fibers/cc.

**circa 1969-1970:** Panoche Hills closed to OHV use and OHV use directed to Clear Creek

**1978:** Fresno MFP completed, with major decisions for Clear Creek, including:

a) Clear Creek Canyon to be managed for intensive recreational use, including development of primitive camping, and development of an administrative site, with use of OHVs to be restricted to designated areas, roads and trails to reduce sedimentation. Significant archeological sites and rare, threatened and endangered species to be fully protected but with methods that require least amount of closure;

b) Asbestos hazard to be studied;

c) Natural Area designation to be maintained, pending review for potential wilderness and OHV use to be prohibited in the Natural Area with exception of Ridge Road (R002) and the County Roads (Clear Creek Canyon, Natural Area and Sawmill Creek Roads)

d) Minimal camping facilities to be developed along Sawmill Creek and Spanish Lake, exploration for minerals to be encouraged around Santa Rita Peak area with emphasis on minimal environmental damage, and stands of conifers to be managed for commercial wood products.

**1979:** Atlas Mine owners declare bankruptcy. BLM develops handout for public safety awareness and installs asbestos warning signs. CERCLA (Superfund) becomes law.

- 1980:** Asbestos discovered in the California aqueduct. EPA and State agencies inspect the Atlas Mine.
- 1981:** San Benito County Water Flood Control goes on record stating that OHV use in the CCMA results in fish kill and acceleration of sedimentation of the holding ponds.
- 1982:** BLM closes Atlas to the public because of OHV use in the mining areas. BLM completes the initial OHV designations using the NEPA process.
- 1983:** Bureau of Reclamation and Central Valley Regional Water Quality Control Board collect water samples.
- 1982-1983:** Erosion study proposed and partially completed by Hollister Soil Scientist, John Key. Efforts were thwarted somewhat because it was a flood year, with an estimated 37-38 inches of rain fall. Three sites studied, with conclusions being that roads were the greatest contributor of erosion, and that OHV use should be restricted by use of barriers and signs. Installation of gauging station at mouth of Clear Creek was recommended.
- 1984:** EPA lists Atlas as a Superfund site. BLM completes Hollister RMP and creates the Serpentine ACEC within the Clear Creek Management Area because of the unique serpentine vegetation and because of the concern over human health risks from the asbestos-laden soils in the serpentine formation.
- 1985:** The San Benito evening primrose (*Camissonia benitensis*) was listed as a federally threatened species
- 1986:** Clear Creek Management Plan completed. Hollister FO receives their first green sticker grant for \$33,000. BLM constructs vehicle barriers and stream crossings. Park Rangers hired for public contact and resource protection. BLM begins scouting for contract to study for the San Benito evening primrose. OSHA revises asbestos exposure limit to .2 fibers/cc.
- 1987-1988:** EPA completes Superfund report. BLM continues to implement 1986 CCMA plan and begins air monitoring in the CCMA.
- 1988:** A new Bureau Administrative Site was built to increase field presence and management efficiency. Oak Flat Campground was constructed to direct people away from the asbestos.

- 1989:** BLM constructs fence, barriers, signing to redirect public access. Construction of Administrative Site begins. BLM prepares a first draft of the Employee Asbestos Health & Safety Plan. BLM presents Reasonable Reclamation Plan for Atlas to the EPA. BLM District Manager and Area Managers meet with State Director on options for continued OHV use in the CCMA. SD requests a NEPA document.
- 1990:** EPA completes a Regional Report of Mining Disturbances in the CCMA. Additional mines recommended for further action.
- 1991:** EPA issues ROD for Atlas Superfund Site, BLM continues implementing 1986 Plan, administrative site, ranger patrols and air monitoring. BLM sued as Potentially Responsible Party for the Atlas Mine Superfund Cleanup. BLM begins EIS for Clear Creek and contracts for erosion study and human health risk study for OHV use. April 30, 1991, FR issued for Notice of Intent (NOI) to prepare an EIS. Public Technical Review Team is formed.
- 1993:** Draft EIS is finalized and released, with public comment period opening on November 19, 1993 and closing on February 19, 1994. November 4, 1993, BLM staff Tim Moore, Jack Mills and Bob Beehler brief EPA in San Francisco. During November and December, BLM held three public meetings, in Hollister, Clovis and San Jose, respectively. EPA attends San Jose Meeting. EPA approves project design for Atlas re-vegetation. BLM meets with USFWS to discuss San Benito evening primrose recovery, USFWS comments.
- A full-time, permanent law enforcement officer is assigned to the Bureau's CCMA Administrative Site.
  - A watershed model was developed by PTI Environmental Services
- 1994:** February 19, comment period closes. BLM receives over 600 comment letters, about 2/3 of which are form letters. February - August, BLM reviews comments, re-analyzes impacts and completes revisions. March 9, 1994, BLM meets with EPA to discuss EPA's comments to the draft. Text is essentially complete by August of 1994. Final Map sent to the State Office for revision.
- BLM contracts and completes route inventory of 109 miles in the CCMA for erosion features. Field trip was held with OHV enthusiasts and environmentalists providing an opportunity to review potential play areas. Text of EIS in the SO, as BLM Hollister works with BLM SO to make map revisions. Spring, 1995, San Benito Mountain Natural Area "re-discovered" as an IA, necessitating an EA addressing IMP violations relating to road work in that area. BLM meets with USFWS to discuss plan and revisions.

**1995:** A road inventory conducted by Pacific Watershed Associates on 110 miles of most used routes with prescriptions to reduce road related erosion and sediment delivery.

- Initial recreation trail map completed in early summer.
- Formal Section 7 consultation package sent to USFWS

**1996:** March, EIS sent to the printer. Hollister BLM briefs State Parks in Sacramento on changes in EIS from draft to final. BLM Hollister holds TRT meeting, mid-March. EIS hits the streets in April. BLM sends copies of EIS to EPA in Washington D.C. EPA issues FR NOA on May 3, 1996. BLM holds multi-disciplinary, multi-user group and multi-agency field trip to the CCMA on May 10, 1996 to discuss the changes from the draft to the final, and address implementation issues. Three staffers from EPA were in attendance, several more were invited. BLM receives draft Opinion from USFWS. BLM meets with USFWS on May 8, USFWS says it will not issue Jeopardy if BLM prepares more detailed implementation strategy relative to protection and recovery of San Benito evening primrose and the vernal pool fairy shrimp.

- Protest period closes on June 3, 1996.
- A crew was hired to build protective fences that had been recommended for potential habitat polygons and riparian zones, 1996-1998. Fences were also built and maintained on occupied terraces.
- Compliance monitoring started on a monthly basis from October to May and bimonthly from June to September, allowing timely reporting of problems to fence crew and law enforcement officer to quickly change non-compliant use patterns. [The monitoring has documented a large reduction of non-compliant OHV use and intensity of disturbance as a result of protective measures. [Update](#)]
- All terraces identified by Taylor (1990) as potential CAGE habitat are being included in the more inclusive potential habitat polygons [(39 of 53 terraces have not yet been synonymized with the new nomenclature).]

**1997:** Consultation with U.S. Fish & Wildlife Service wherein a Biological Opinion on the 1996 CCMA Plan was issued.

**1999:** Record of Decision for the CCMA Management Plan and Final EIS signed by BLM State Director, Ed Hastey.

Designations:

- The San Benito Mountain Outstanding Natural Area is officially designated to the San Benito Mountain Research Natural Area
  - The boundaries of the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC) officially expanded per Federal Register Notice of 1996, are re-affirmed.
  - The policy of managing the San Benito Mountain Wilderness Study Area per interim management guidelines until Congress makes a suitability determination is re-affirmed.
  - The decision to expand the RNA to as much as 4,082 acres is approved—final boundary designation to be determined coincident with the route/trail and barren designation
  - The CCMA OHV designation is changed to **Limited Use**.
- 2003:** April 29 Federal Register published notifying public of CCMA Route, Barren and San Benito Mountain RNA boundary Designation Environmental Assessment/Plan Amendment scoping.
- KCAC Mine closed