



## COUNTY OF SAN BENITO BOARD OF SUPERVISORS

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August 9, 2016

Senator Barbara Boxer  
United States Senate  
112 Hart Senate Office Building  
Washington, D.C. 20510

Re: Letter of Support of H.R. 1838

Dear Senator Boxer:

The San Benito County Board of Supervisors would like to express its support of proposed legislation H.R. 1838. H.R. 1838 was introduced on April 16, 2015, and passed a vote of the house on July 5, 2016.

As background, the Serpentine Area of Critical Environmental Concern (ACEC) of the Clear Creek Management Area (CCMA) was closed in 2008 based on a study by the EPA which concluded that naturally occurring asbestos (NOA) posed a public health risk. However, in 2010, the Off Highway Motor Vehicle Recreation (OHMVR) Division of the State of California Department of Parks and Recreation commissioned an independent OHV-specific risk assessment of NOA exposure within the Serpentine ACEC of the CCMA. This report, completed by the International Environmental Research Foundation (IERF), concluded that management and operational strategies could be employed to allow for off-highway vehicle (OHV) recreation in the CCMA without exposing the public to higher than acceptable levels of NOA and without presenting a serious risk to human health. Specifically, the risk of OHV usage five days per year, for eight hours on each of those days, was equated to being similar to the lifetime risk of smoking less than one cigarette over the same one year period, and the report noted that other recreational activities, such as swimming, hiking and snow skiing, are over a 100-fold more dangerous.

In light of this report which directly contradicts the conclusions of the EPA study and undermines the necessity of BLM actions taken since 2008 in reliance of that study, it would appear that closure of the ACEC is not scientifically warranted, and especially not during winter months when dust from OHV activity is greatly reduced. Therefore, the County supports opening the area of OHV users once again and allowing the public access to this natural area which is easily accessible to the urban residents the San Jose/San Francisco metropolitan areas. H.R. 1838, which would establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, is essential to enhancing public access to natural and scenic areas within our State.

The lack of evidence of a serious health risk is reinforced by the fact that there is the lack of any documented case of any person, whether recreational visitor or governmental employee, injured by NOA within the ACEC despite the use of the area for decades. Therefore, the activities taken to close the area are especially troubling considering the effect of the closure on the public generally, as well as the local economy.

Access to recreational areas within San Benito County, including the CCMA, provide a necessary and substantial component to the local economy which has been drastically affected by the economic climate of the last decade, and which has experienced an unemployment rate exceeding twenty (20) percent during portions of 2011, and which is still currently greater than the California average. The BLM's past decision to close the Clear Creek area has already seriously affected San Benito County's economic vitality. The County could understand such action if there was truly a serious health risk presented by use of the CCMA, but there is no generally accepted scientific evidence, especially during wetter winter months.

The Clear Creek Management Area was among the five most popular areas cited by California off-highway-vehicle (OHV) users in a 1990 study conducted by the California Department of Parks and Recreation. Many of these users were residents of the San Jose and San Francisco Bay. In 2003 and 2004, there were an estimated 50,000 visitors to the CCMA, largely attributable to allowed OHV usage.

In conclusion, the Board of Supervisors supports the proposed legislation, as well as designation of the Clear Creek Management Area as a National Recreation Area, designation of OHV recreation as a "prescribed use" within the National Recreation Area, and providing that the management plan of the Clear Creek National Recreation Area, includes OHV routes, open areas, number of permitted OHV events and other recreational activities.

Thank you for your consideration of this letter.

Sincerely,

Robert Rivas, Chair  
San Benito County Board of Supervisors