

Substantive Comment

2

Subject: Erroneous Statement

Referring to the Following Statement

The term "Clear Creek Management Area" is used and found throughout the document released by U.S. Department of the Interior, Bureau of Land Management, Hollister Field Office on November 2009, and announced in the Federal Register (74 FR 63752, 63764). This reference document is variously title as illustrated in Substantive Comment #2 on page 2.

Discussion

Usage of the term "Clear Creek Management Area" is erroneous and confusing because the term lacks legal definition or meaning. The first published inclusion of the term seems to occur in the BLM's 1986 *Clear Creek Management Plan and Decision Record*. However, that document, and each subsequent document, fails to describe a definitive location, boundaries, or description for the "Clear Creek Management Area." In general terms, the recreation area associated with Clear Creek, located in San Benito County, California was, previous to 1985, referred to as the "Clear Creek Recreation Area" (47 FR 6381, 47 FR 841, 48 FR 44922, 50 FR 5758). However, no published document shows a legal transition from "Clear Creek Recreation Area" to Clear Creek Management Area." Some BLM maps attempt to exhibit arbitrary boundaries enclosing an alleged "Clear Creek Management Area," but fail to cite official source documentation, and always include large portions of private property that are clearly not subject to federal jurisdiction. Without defining documentation, it is impossible to show on a map, or mark on the soil any specific point where with a single human step a person might enter or exit the "Clear Creek Management Area." The term "Clear Creek Management Area" is mute and without legal merit in the absence of descriptive documentation that describes the property or delineates its boundary. Therefore, the "Clear Creek Management Area" is a non-existent fictional place, and any documents referring to such fictional place are without merit and mute.

Recommendation

The Agency must produce a published descriptive documentation that describes the "Clear Creek Management Area" and clearly delineates its boundaries. In the absence of such documentation, the Agency must discontinue reference to fictional places and reassess all documentation and actions since they began usage of the fictitious term "Clear Creek Management Area." Additionally, because reference to "Clear Creek Management Area" is without legal merit, the Department of the Interior must redact every document that includes such reference, including the *Clear Creek Management Area Draft Resource Management Plan & Draft Environmental Impact Statement* published November 2009. This issue must be resolved before this term is used in any future documents.

Substantive Comment - # 2: Subject: Erroneous Statement