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UNITED STATES DEPARTMENT OF INTERIOR  
 BOARD OF LAND APPEALS

SALINAS RAMBLERS MOTORCYCLE CLUB; AMERICAN MOTORCYCLIST ASSOCIATION DISTRICT 36;	)	
CALIFORNIA ASSOCIATION OF 4 WHEEL DRIVE CLUBS; CALIFORNIA OFF-ROAD VEHICLE ASSOCIATION; OFF-ROAD BUSINESS ASSOCIATION; and THE BLUERIBBON COALITION;	)	IBLA NO. 2005-217
	)	<b>ADDITIONAL STATEMENT OF REASONS AND SUPPORT FOR PETITION FOR STAY</b>
Appellants,	)	
	)	
vs.	)	
	)	
BUREAU OF LAND MANAGEMENT; MIKE POOL, State Director, BLM California; Bob Beehler, Hollister Field Office Field Manager;	)	
	)	
Respondents.	)	

Appellants Salinas Ramblers Motorcycle Club et al. hereby present additional “statements of reasons and written arguments or briefs within the 30-day period after the notice of appeal was filed” herein. 43 C.F.R. § 4.412(a). Appellants initially transmitted a Notice of

Appeal in this matter on June 28, 2005. Appellants then transmitted their Initial Statement of Reasons and Petition for Stay on July 14, 2005. As was indicated in that document, Appellants now present additional information regarding section C of the Initial Statement of Reasons. Specifically, Appellants submit herewith the Declaration of Dr. E.B. Ilgren.

Dr. Ilgren's Declaration establishes that there is virtually no rational justification for BLM's technical and scientific conclusions that the "asbestos" at the Clear Creek Management Area ("CCMA") can cause harm to human health. The standard of review is deferential, but BLM must still "examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made....". *Motor Vehicle Mfrs. Ass'n. v. State Farm Mutual Automobile Ins. Co.*, 463 U.S. 29, 43 (1983). Dr. Ilgren is eminently qualified to address the relevant issues, has extensively studied the available research, and has published and lectured extensively on the subject matter. Ilgren Declaration at ¶ 2. Dr. Ilgren has further reviewed the small collection of documents that BLM has identified as supporting the challenged Decision. *Id.* at ¶ 3. Put as simply as possible, the only possible risk to human health from Coalinga chrysotile is mesothelioma, and "no amount of Coalinga chrysotile will induce mesothelioma." *Id.* at p. 12. Dr. Ilgren reaches this conclusion based on his qualifications, experience, and research which allow him to conclude that "Coalinga chrysotile's length, width, purity, and solubility characteristics account for its inability to produce disease." *Id.* at p. 13. Put colloquially, the fiber's particular attributes either render it non-respirable by humans or allow it to be easily metabolized or passed through the human body.

BLM's apparent justification for its new analysis of the effects of Coalinga chrysotile is that preliminary study shows higher than previously estimated levels of fiber dispersal associated

with recreational use of the CCMA. However, as indicated above and in detail in his Declaration, Dr. Ilgren explains that the amount of the fiber dispersed in the air or ingested by humans is irrelevant to the potential for health risk. Ilgren Declaration at pp. 12-13. Dr. Ilgren therefore concludes “[t]here is thus no rational justification for closure of the CCMA.” *Id.* at p. 6. Appellants recognize the “arbitrary and capricious” standard of review is not easy to surmount, but Dr. Ilgren’s Declaration specifically addresses that challenge and leaves little doubt that BLM has not acted with sufficient justification for its technical conclusions here.

### CONCLUSION

For the reasons stated above, in Dr. Ilgren’s Declaration, and in the previously submitted Initial Statement of Reasons and accompanying documents, the Board should declare unlawful and set aside the Decision. The Board should further immediately stay implementation of the Decision as previously requested by Appellants.

Dated this \_\_\_\_\_ of July, 2005.

MOORE SMITH BUXTON & TURCKE,  
CHARTERED

\_\_\_\_\_  
Paul A. Turcke  
Attorneys for Appellants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Additional Statement of Reasons and Support for Petition for Stay and the herein-referenced Declaration of Dr. E.B. Ilgren were delivered on July \_\_\_\_, 2005, by placing the same in the U.S. Mail, certified delivery, return receipt requested, addressed to the following:

Bob Beehler  
Hollister Field Office Manager  
Hollister Field Office  
US DOI-BLM  
20 Hamilton Court  
Hollister, CA 95023

Mike Pool  
California State Director  
US DOI – BLM  
2800 Cottage Way, Suite W-1834  
Sacramento, CA 95825-1886

and by causing the same to be delivered on July \_\_\_\_, 2005, by overnight courier service addressed to the following:

Board of Land Appeals  
Office of Hearings and Appeals  
801 North Quincy Street  
Arlington, VA 22203

Regional Solicitor, Pacific Southwest Region  
U.S. DOI  
2800 Cottage Way  
Room E-2753  
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