

## LETTER TO THE OHV COMMUNITY - CLEAR CREEK MANAGEMENT AREA

From Don Amador  
Western Representative  
BlueRibbon Coalition, Inc.  
Date: December 15, 2008



Most of you know that reopening some type of riding at the Clear Creek Management Area (CCMA) has been a top priority for BlueRibbon since the emergency closure there was announced last summer. We receive a lot of inquiries about the status of our efforts. I know it is frustrating and doubly so when the fruits of our labor (and your donations) are not apparent. As we reflect on our accomplishments of the past year and our goals for the future I wanted to take this opportunity to update you and assure you CCMA riding continues as a top priority.

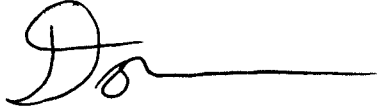
I will not reveal attorney-client privileged material in this letter, or inappropriately reveal all aspects of our strategy. Suffice it to say that we have ruled out adopting a guns blazing, frontal assault through the courts at this time. We have done so after detailed analysis of the law, based on our years of experience in the public lands and recreation law trenches. This review has included analysis of cases brought by commercial interests challenging "naturally occurring asbestos" restrictions at similar sites. These cases, while compelling on numerous levels, have not succeeded in reversing any of the government-imposed restrictions.

BRC's strategy at this time therefore primarily involves detailed formal and informal involvement in ongoing planning at CCMA. There are tangible results of this effort, including comments to the Resource Management Plan scoping notice. BRC also commissioned an independent geologic survey of the site, to support/disprove the hypothesis that the amphibole findings of the EPA report stem from discrete "hot spots" reflecting introduction of amphibole materials (eg commercial asbestos) during historic mining and construction activity. Actions like these involve highly technical subject matter, and BRC has spent unprecedented amounts on expert analysis of the EPA and other reports and in otherwise attempting the difficult task of getting BLM to reconsider some its preliminary positions on technical issues.

It will take time for these efforts to bear fruit. I wish it could be different. There is a downside to a poorly-conceived litigation strategy - legitimizing the current closure and creating bad precedent in all future recreation cases, for starters. Now is not the time to change course or to make rash moves.

Hopefully I have answered at least a few of your questions. We greatly appreciate your past and continued support, and look forward to ongoing progress in 2009 toward re-establishing some form of riding opportunity at Clear Creek.

Sincerely,

A handwritten signature in black ink, starting with a large, stylized 'D' and ending with a long horizontal flourish.

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