

MINUTE ITEM

This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 2
to 0 at its 1130677 CALENDAR ITEM
meeting.

11/77
PRC 2900.2
Smith

C13.

QUITCLAIM OF MINERAL EXTRACTION
LEASE PRC 2900.2

LOCATION: NW $\frac{1}{4}$ Section 16, T 2 S, R 5 E, S.B.B. &
M. (160 acres), Riverside County.

LESSEE: Mr. Al Robert Brooks
483 Azul Circle
Palm Springs, California 92262

TYPE OF LAND: Patented School Lands with 100% of minerals
reserved to the State.

SURFACE OWNER: Mr. Al Robert Brooks (Lessee)

MINERAL: Dolomite

LEASE DATE: June 28, 1962, term of 10 years, renewed
for 10 years from June 28, 1972.

REASON FOR QUITCLAIM:
Mr. Brooks was never able to effectively
compete with the local market, and has
therefore requested relinquishment of the
lease.

OTHER PERTINENT DATA:
1. Lease has produced only the minimum
royalty since its inception.
2. Lessee filed the required Quitclaim
Deed to be effective June 6, 1977.
3. All performance requirements of the
lease have been met and all required
payments have been received.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE TERMINATION
OF MINERAL EXTRACTION LEASE PRC 2900.2, RIVERSIDE COUNTY;
BY ACCEPTANCE OF LEASE QUITCLAIM DEED TO THE STATE OF CALIFOR-
NIA, EFFECTIVE JUNE 6, 1977, AS REQUESTED BY MR. AL ROBERT
BROOKS, LESSEE AND SURFACE OWNER, IN ACCORDANCE WITH SECTION
6804.1 OF THE PUBLIC RESOURCES CODE, AND THE TERMS AND
CONDITIONS OF THE LEASE.

EXHIBIT "1"

STATEMENT RE BOGGS MT.

AT THE SEPTEMBER MEETING, THE COMMISSION CONSIDERED THE REQUEST OF GEOTHERMAL KINETICS, INC. FOR PERMITS TO PROSPECT FOR GEOTHERMAL RESOURCES ON BOGGS MOUNTAIN STATE FOREST IN LAKE COUNTY. BECAUSE OF QUESTIONS RAISED ABOUT POSSIBLE IMPACTS TO CULTURAL OR HISTORICAL RESOURCES AND ALSO ABOUT THE SIZE OF THE AREA TO BE COVERED BY THE PROPOSED PERMITS, THE CHAIRMAN DIRECTED THAT STAFF MEET WITH THE PARTIES INVOLVED IN AN ATTEMPT TO RESOLVE THE ISSUES RAISED AT THAT MEETING.

ON OCTOBER 12 MR. NORTHROP, ALONG WITH MEMBERS OF STAFF, MET WITH MR. CLYDE KUHN WHO HAD RAISED QUESTIONS ABOUT THE NEED FOR ADDITIONAL ARCHAEOLOGICAL STUDIES OF THE SITE. ALSO PRESENT WAS MR. WILLIAM C. SEIDEL, ARCHAEOLOGIST WITH THE OFFICE OF HISTORIC PRESERVATION OF THE DEPARTMENT OF PARKS AND RECREATION.

MR. KUHN RENEWED HIS REQUEST THAT A CULTURAL RESOURCE STUDY BE DONE OF THE ENTIRE FOREST SO THAT PROPER INTERPRETATION COULD BE MADE OF ANY RESOURCES FOUND AT DRILLSITES. HE ALSO STRESSED THE NEED FOR CONSULTATION WITH THE NATIVE AMERICAN HERITAGE COMMISSION. HE RESTATED HIS POSITION THAT DAMAGE TO CULTURAL RESOURCES COULD OCCUR FROM PRE-DRILLING GEOPHYSICAL SURFICIAL EXPLORATION.

STAFF POINTED OUT THAT BECAUSE OF QUESTIONS RAISED BY THE COMMISSION AS TO THE SIZE OF THE PROPOSED PERMIT, ANY PERMIT ISSUED WOULD PROBABLY BE REDUCED IN SIZE, THEREFORE REDUCING POTENTIAL IMPACTS. BASED ON THE DIVISION'S STUDY, IT HAS BEEN DETERMINED THAT:

1. TWO OF THE FOUR PROPOSED DRILLSITES HAVE NO ARCHAEOLOGICAL OR CULTURAL VALUES.

2. THE EXACT TYPES OF GEOPHYSICAL EXPLORATION TO BE UTILIZED WERE UNKNOWN AT THE TIME. HOWEVER, ALL ACTIVITIES WOULD BE RESTRICTED TO EXISTING ROADS AND IF THERE WAS A POSSIBILITY OF DAMAGE, AN ARCHAEOLOGIST WOULD MONITOR THESE ACTIVITIES.
3. THE CULTURAL RESOURCE OVERVIEW TO ESTABLISH THE RELATIONSHIP OF ANY CULTURAL RESOURCES WHICH MIGHT BE DISCOVERED COULD PROBABLY BE ACCOMPLISHED BY A LITERATURE REVIEW.
4. NO DECISIONS ON SPECIFIC IMPACTS ON SPECIFIC SITES CAN BE MADE UNTIL THE APPLICANT DOES HIS SURFICIAL GEOPHYSICAL EXPLORATION, AND THE APPLICANT CANNOT DO ANYTHING UNTIL HE HAS RECEIVED A PROSPECTING PERMIT FROM THE COMMISSION.

IT WAS AGREED THAT MOST OF THE ARCHAEOLOGICAL CONCERNS COULD BE SATISFIED WITH PROPER MONITORING AFTER THE PERMIT HAD BEEN ISSUED. THE OFFICE OF HISTORIC PRESERVATION OFFERED TO PROVIDE A PLAN FOR CULTURAL RESOURCE MANAGEMENT TO BE UTILIZED IF A DISCOVERY IS MADE AND THE APPLICANT APPLIES FOR A LEASE FOR FULL FIELD DEVELOPMENT. COST FIGURES FOR ARCHAEOLOGICAL STUDIES WILL ALSO BE PROVIDED.

ON OCTOBER 14 STAFF MET WITH REPRESENTATIVES OF THE APPLICANT, GEOTHERMAL KINETICS, INC. IN THE DIVISION OFFICE IN LONG BEACH. THEY INDICATED THEY DID NOT INTEND TO DRILL TEMPERATURE HOLES AS PART OF THEIR INITIAL EXPLORATION, A PROCEDURE WHICH HAS THE POTENTIAL FOR DAMAGE TO CULTURAL RESOURCES. IF THE APPLICANT FINDS HE IS UNABLE TO OBTAIN SUFFICIENT DATA TO

TARGET DRILLSITES WITHOUT UTILIZATION OF "OFF THE ROAD" TEMPERATURE HOLES, IT WILL BE A REQUIREMENT OF THE PERMIT THAT AN ARCHAEOLOGIST MONITOR ANY SUCH ACTIVITY.

AFTER FURTHER REVIEW OF THE WORK ALREADY DONE, STAFF HAS CONCLUDED THAT THERE IS SUFFICIENT INFORMATION AND RESOURCE DATA IN THE ARCHAEOLOGICAL STUDY ALREADY PERFORMED TO PROVIDE TOOLS TO INTERPRET ANY FINDS OF CULTURAL OR HISTORICAL VALUES DURING THIS PRELIMINARY EXPLORATORY PROJECT. IF EITHER ONE OF THE TWO SITES IDENTIFIED AS HAVING POTENTIAL VALUES ARE CHOSEN FOR EXPLORATION, THE APPLICANT HAS AGREED TO PARTICIPATE IN A LIMITED CONTROLLED ARCHAEOLOGICAL SURVEY OF THE SITES IN A 100 YARD RADIUS FROM THE CENTER OF THE DRILLSITE. SUCH A SURVEY WILL BE PERFORMED BY A QUALIFIED ARCHAEOLOGIST.

ADDITIONALLY, MR. NORTHROP HAS REVIEWED THE TESTIMONY OF MR. KUHN FROM THE SEPTEMBER MEETING WHERE HE QUOTED MR. NORTHROP AS SAYING THAT HIS COMMENTS TO THE DRAFT AND FINAL EIR'S WERE "NOT IN KEEPING WITH LAW". MR. NORTHROP'S STATEMENTS WERE TAKEN SOMEWHAT OUT OF CONTEXT BY MR. KUHN FROM A LETTER WHICH HE WROTE MR. KUHN RESPONDING TO HIS COMMENTS TO THE EIR'S. MR. NORTHROP'S COMMENTS WERE CONCERNING A REQUEST BY MR. KUHN THAT THE ENVIRONMENTAL DOCUMENTATION SHOULD CONSIDER NOT ONLY THE PROSPECTING ASPECT OF THIS PROJECT BUT ALSO FULL FIELD DEVELOPMENT. MR. NORTHROP'S SPECIFIC REFERENCE WAS TO RECENT CALIFORNIA APPELLATE COURT DECISIONS WHICH HAVE STATED THAT WHEN A LEAD AGENCY IS CONSIDERING THE ISSUANCE OF A PERMIT FOR A GEOTHERMAL EXPLORATION, THAT ONLY THE IMPACTS OF THE EXPLORATORY ASPECTS OF THE PROJECT NEED BE DISCUSSED, AND NOT THOSE POTENTIAL IMPACTS ASSOCIATED WITH FULL FIELD

DEVELOPMENT. AS SUCH, MR. KUHNS QUOTATION OF MR. NORTHROP'S STATEMENT WAS TAKEN OUT OF CONTEXT AND IS THEREFORE A MISQUOTATION OF WHAT WAS INTENDED TO BE CONVEYED. IT IS STAFF'S BELIEF THAT THE RECORD SHOULD BE SO CLARIFIED.

LASTLY, AS A RESULT OF SEVERAL MEETINGS THE APPLICANT HAS AGREED TO REDUCE THE APPLICATION FOR TWO PROSPECTING PERMITS FOR THE ENTIRE 3460 ACRES OF THE FOREST TO ONE APPLICATION FOR APPROXIMATELY 1/2 OF THE FOREST ENCOMPASSING APPROXIMATELY 1784 ACRES.

ON NOVEMBER 3 STAFF MET WITH MR. STEPHEN RIOS, EXECUTIVE SECRETARY OF THE NATIVE AMERICAN HERITAGE COMMISSION, TO DISCUSS THE COMMISSION'S CONCERNS OVER POSSIBLE PROJECT IMPACT ON NATIVE AMERICAN RESOURCES. MR. RIOS INDICATED THAT HE HAD BEEN CONTACTED BY A MEMBER OF HIS COMMISSION, AS WELL AS A MEMBER OF THE STAFF OF SONOMA STATE COLLEGE, SUGGESTING THAT RELIGIOUS OR CEREMONIAL SITES OF IMPORTANCE TO THE NATIVE AMERICAN COMMUNITY MAY BE PRESENT IN THE PROJECT AREA. HE SAID HE WAS CHECKING THESE STATEMENTS AND ASKED FOR ANOTHER TEN DAYS TO CONFIRM THE SITES. ON NOVEMBER 14 MR. NORTHROP RECEIVED A LETTER FROM MR. RIOS INDICATING THAT DUE TO HIS SMALL STAFF AND TREMENDOUS WORKLOAD, HE WOULD NOT BE ABLE TO FOLLOW UP THIS MATTER IN A TIMELY FASHION AND REQUESTED THAT STAFF MEMBERS OR CONSULTANTS PURSUE THIS ISSUE.

YESTERDAY, STAFF MET WITH MS. MABEL MCKAY, A MEMBER OF THE NATIVE AMERICAN HERITAGE COMMISSION, NOTED INDIAN MEDICINE WOMAN, AND EXPERT IN LOCAL INDIAN HISTORY. THE PURPOSE OF THIS MEETING WAS TO TAKE MS. MCKAY TO THE PROJECT AREA AND TO ATTEMPT TO ASCERTAIN

THE EXISTENCE AND SIGNIFICANCE, IF ANY, OF ANY NATIVE AMERICAN RELIGIOUS, CULTURAL AND CEREMONIAL SITES WITHIN THE PROJECT AREA. STAFF HAS BEEN ADVISED BY MS. MCKAY THAT ALTHOUGH THE GENERAL AREA HAS BEEN USED BY VARIOUS INDIAN GROUPS IN THE PAST, THAT THIS AREA IS NOW A "DEAD" AREA WITHOUT SIGNIFICANCE AS AN INDIAN RELIGIOUS, CULTURAL OR CEREMONIAL SITE. SHE STATED THAT THE PROJECT WOULD NOT, THEREFORE, HAVE ANY IMPACT ON THE CULTURAL RESOURCES. FOLLOWING THIS MEETING, STAFF CONSULTED WITH MR. RIOS REGARDING THE FINDINGS OF MS. MCKAY. BASED UPON THAT DISCUSSION, HE ADVISED THAT HE IS REMOVING HIS PREVIOUS OBJECTION TO THE EIR.

ALSO CONTACTED WAS DR. DAVID A. FREDERICKSON OF CALIFORNIA STATE COLLEGE, SONOMA, AN EXPERT IN LOCAL ARCHAEOLOGY. HE ADVISED THE STAFF THAT ALTHOUGH HE HAD EXPRESSED SOME CONCERNS TO MR. RIOS, HE WAS SATISFIED THAT THE PROJECT, AS PROPOSED, WITH ITS NUMEROUS SAFEGUARDS, WOULD ADEQUATELY PROTECT THE EXISTING ARCHAEOLOGICAL RESOURCES.

ADDITIONALLY, MR. NORTHPROP RECEIVED A LETTER NOVEMBER 4 FROM THE OFFICE OF HISTORIC PRESERVATION AS A RESULT OF STAFF'S EARLIER MEETING WITH MR. WILLIAM SEIDEL OF THAT OFFICE. IT HAD BEEN STAFF'S UNDERSTANDING THAT HISTORIC PRESERVATION WOULD PROVIDE US WITH A FORMAT FOR A CULTURAL RESOURCE MANAGEMENT PLAN TO BE ENACTED IF A DISCOVERY WAS MADE AND THE APPLICANT REQUESTED A LEASE. THE MATERIAL RECEIVED THUS FAR CALLS FOR LARGE SCALE EXPENDITURES OF MONEY, BUT IS SOMEWHAT TOO GENERAL TO BE OF GREAT USE AT THIS POINT. STAFF PLANS TO ASK HISTORIC PRESERVATION FOR ADDITIONAL ASSISTANCE AND INFORMATION.

IN ANY CASE, THE PROJECT BEFORE YOU IS OF AN EXPLORATORY NATURE AND THE PROPOSAL MADE BY HISTORIC PRESERVATION IS ONE FOR FULL FIELD DEVELOPMENT AT SOME TIME IN THE FUTURE IF A COMMERCIAL DISCOVERY IS MADE.

IT IS STAFF'S BELIEF THAT THROUGH THESE MEETINGS AND CONSULTATIONS, MOST OF THE CONCERNS VOICED BY THE PUBLIC AND BY MEMBERS OF THE COMMISSION HAVE NOW BEEN RESOLVED AND STAFF RECOMMENDS APPROVAL OF THIS MODIFIED APPLICATION.