

MINUTE ITEM

This Calendar Item No. 29  
was approved as Minute Item  
No. 27 by the State Lands  
Commission by a vote of 3  
to 0 at its 2/28/83  
meeting.

CALENDAR ITEM

29

2/24/83  
W 23038  
Hart

DENIAL OF APPLICATION TO PROSPECT FOR MINERALS  
OTHER THAN OIL AND GAS AND GEOTHERMAL RESOURCES,  
ON STATE SOVEREIGN LAND,  
COLORADO RIVER, SAN BERNARDINO COUNTY

APPLICANT: Earnest Z. Coker  
1525 S.W. 23rd Street  
Oklahoma City, Oklahoma 73108

AREA, TYPE LAND AND LOCATION:  
Approximately 160 acres of State sovereign  
land, a 13 mile long portion of the west  
half of the natural bed of the Colorado  
River, Topock Gorge to Castle Rock, San  
Bernardino County.

BACKGROUND: On June 25, 1982, Sacramento staff received  
an unsigned application for a dredging  
permit to explore for gold on the subject  
State sovereign land. Staff informed Mr. Coker  
that prospecting for gold by vacuum or  
suction dredging is subject to a mineral  
prospecting permit. On September 13, 1982,  
staff received a mineral prospecting permit  
application from the applicant.

Mr. Coker applied to the U.S. Army Corps  
of Engineers for a permit on the subject  
waterway pursuant to 33 U.S.C. 403 and  
33 U.S.C. 1344. The Resources Agency's  
comment on the Corps' Public Notice 82-174  
(Coker) recommended denial of Coker's appli-  
cation pursuant to the authority granted  
in Fish and Game Code Section 5653. The  
U.S. Army Corps of Engineers has denied  
Coker's application since the cumulative  
impacts of his proposed activity are not  
in the public interest.

A 34

S 25

SEARCHED	INDEXED	161
SERIALIZED	FILED	175

Staff requested from the Department of Fish and Game the nature of the Colorado River closure and their position regarding the subject prospecting. The Department recommends denial of the permit. (See Exhibit "A")

OTHER PERTINENT INFORMATION:

CEQA does not apply to projects denied by the Lead Agency. (PRC 21080(b)(5). Additionally, projects that are denied require no evaluation as to consistency with identified environmental values pursuant to P.R.C. 6370 et seq.

STATUTORY REFERENCES:

Fish and Game Code Section 5653; P.R.C. Sections 6370 and 21000, et seq.

AB 884: 7/25/83.

EXHIBIT: A. Department of Fish and Game memo.  
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT PROJECT DENIAL REQUIRES NO ENVIRONMENTAL ANALYSIS PURSUANT TO P.R.C. 6370 ET SEQ. AND P.R.C. 21000 ET SEQ.
2. DENY THE APPLICATION OF EARNEST Z. COKER FOR A PERMIT TO PROSPECT WITH A VACUUM OR SUCTION DREDGE FOR MINERALS OTHER THAN OIL AND GAS AND GEOTHERMAL RESOURCES IN THE WEST HALF OF THE NATURAL BED OF THE COLORADO RIVER BECAUSE THE DEPARTMENT OF FISH AND GAME HAS CLOSED THE RIVER TO VACUUM OR SUCTION DREDGING PURSUANT TO FISH AND GAME CODE SECTION 5653 AND WILL NOT ISSUE ITS OWN PERMIT.

## Memorandum

To : James B. Hart  
Associate Mineral Resources Engineer  
State Lands Commission  
100 Oceangate, Suite 300  
Long Beach, CA 90802

DATE	OCT 14 1982
4. DJE	EEK
CFE	
3. ADW	Date: October 13, 1982
RGP	
1. JBH	JRK
2. AEG	MS
Enc.	
FILE:	W 23038

From : Department of Fish and Game

Subject: Mineral Prospecting Permit Application for State Lands Located in the Colorado River, Topock Gorge to Castle Rock, San Bernardino County

Your memo of October 8, 1982 asked the exact nature of the closure of the Colorado River to suction dredging. You also wanted the Department's position regarding Mr. Coker's application for prospecting.

The Colorado River was closed to suction dredging pursuant to the authority provided the Department of Fish and Game in Fish and Game Code Section 5653 in order to protect fish life. We intend to maintain that closure and recommend that you not issue any mineral prospecting permits for California's portion of the Colorado River when the application or other information indicates intent to use vacuum or suction dredges. We won't issue the necessary permit.

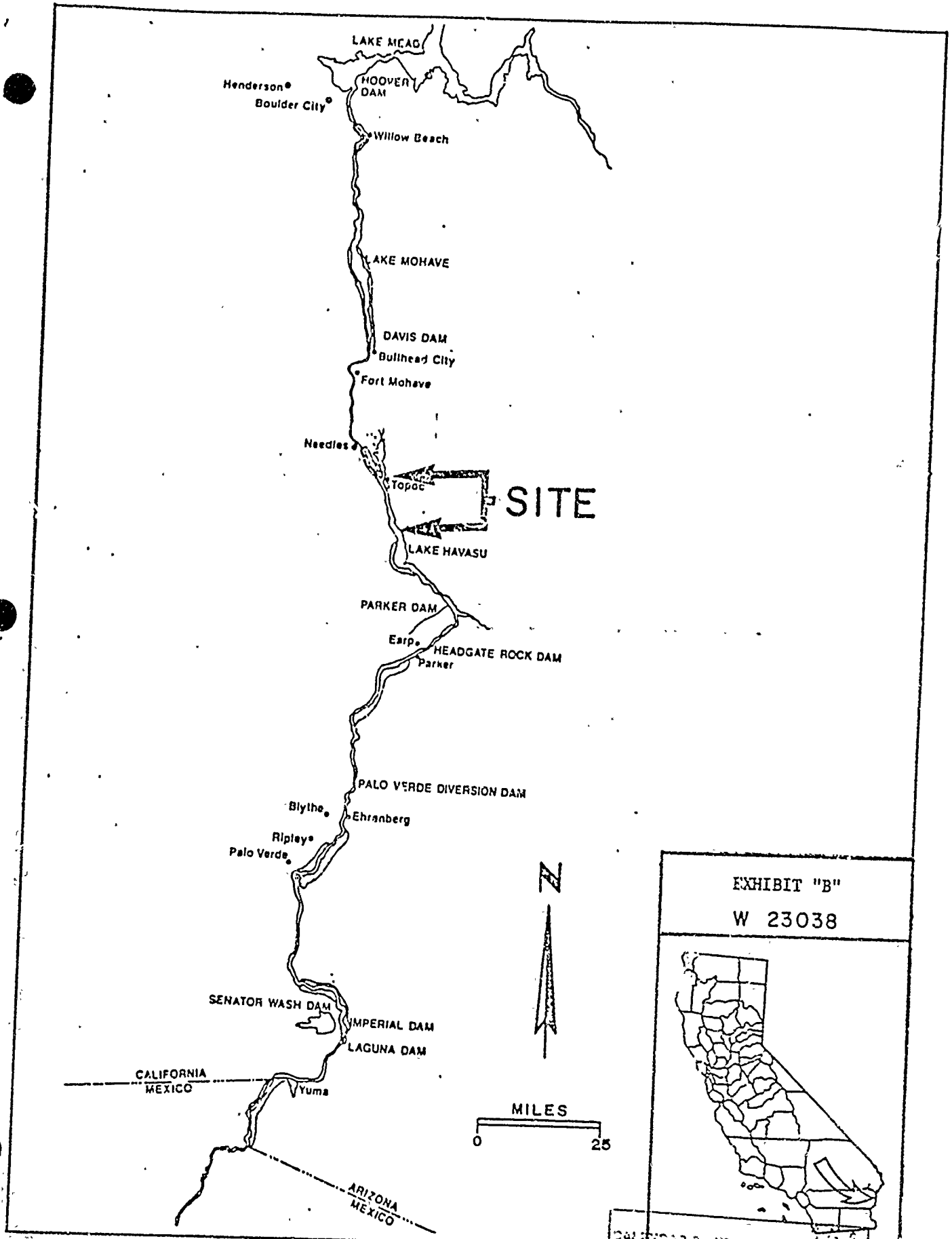
If you have any further questions, please call me at (213) 590-5113.

*Bruce E. Elin for*

Fred A. Worthley Jr.  
Regional Manager  
Region 5

cc: ESB  
Patrol Inspector  
FMS  
Ron Powell

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SITE

EXHIBIT "B"  
 W 23038



CALIFORNIA PLATE 119-5  
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