

MINUTE ITEM

This Calendar Item No. 37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

37

A 61

S 16

03/27/90

W 40587 PRC 7385

Kruger

**APPROVAL OF A PROSPECTING PERMIT
FOR MINERALS OTHER THAN
OIL AND GAS, GEOTHERMAL RESOURCES OR SAND AND GRAVEL
SAN BERNARDINO COUNTY**

APPLICANT: United States Borax & Chemical Corporation
3075 Wilshire Boulevard
Los Angeles, California 90010

AGENT: Michael H. Rauschkolb
United States Borax & Chemical Corporation
1802 West Grant Road, Suite 108
Tucson, Arizona

PROPOSED AUTHORIZATION:

Approval of a mineral prospecting permit for two years to conduct an exploration program for borates and valuable minerals other than oil and gas, geothermal resources or sand and gravel on 640 acres of patented State school land located in San Bernardino County.

PROPOSED PROJECT:

The applicant proposes to conduct mineral prospecting for borates and other valuable minerals by drilling a maximum of five exploratory holes from five various surface locations. The holes will be six inches in diameter and drilled to a proposed total depth of 2,000 feet from a truck mounted drillrig. Subsurface samples will be taken at regular intervals and assayed offsite.

There will be no new surface disturbance. The drillsites will be located along existing dirt roads and jeep trails. Preparation of a drillsite will not include levelling the area. Each of these sites will have a work area of about one-tenth of an acre.

CALENDAR ITEM NO. 37 (CONT'D)

Drillholes will be abandoned by backfilling the holes up to the surface with drill hole cuttings. The drillsites will be properly reclaimed and left in such a way as to minimize evidence of prospecting work.

Additional activities are not authorized under this permit. Any other proposed activities will not proceed without the prior approval of a project amendment. If commercial mining operations are proposed, an appropriate environmental document will be prepared and circulated for comment prior to consideration by the Commission of issuance of a mineral extraction lease.

AREA, TYPE LAND, AND LOCATION:

The proposed permit lands were acquired by the State as school lands and subsequently patented with a 100 percent (100%) mineral reservation, and further described as follows - Section 36, Township 9 North, Range 1 West, San Bernardino Meridian, west-central San Bernardino County, approximately five miles southeast of Barstow, California.

TERMS OF PERMIT:

Initial period: The primary term of a mineral prospecting permit is two years.

Renewal options: In its discretion, the Commission may extend the term for one additional year.

Royalty: Royalty payable under the permit is 20 percent of the gross value of minerals secured from the permit area and sold or otherwise disposed of, or held for sale or other disposition.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

1. Filing fee, processing fee, and acreage deposit have been received.
2. The subject parcel is not known to contain commercially valuable mineral deposits.

CALENDAR ITEM NO. 37 (CONT'D)

3. Royalty payable under any preferential lease will not be less than ten percent of the gross value of all mineral production from the leased lands, less any charges approved by the Commission incurred while transporting and processing the State's royalty share of production.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Sec. 6891.
- B. Cal Code Regs. Title 2, Sec. 2000.

AB 884: 04/20/90.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal Code Regs. 15025), the staff has prepared a proposed Negative Declaration identified as EIR ND 496, State Clearinghouse No. 89073121, such proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA. A copy of this document is attached as Exhibit "C".

In addition, attached as Exhibit "D" is a copy of the State Department of Fish and Game findings (Biological Opinion) following consultation pursuant to the California Endangered Species Act. The Department determined that the project would not jeopardize the continued existence of the desert tortoise if specific mitigation measures are included in the permit and are implemented by the Applicant. The mitigation measures will be included and made a part of the proposed prospecting permit. The project area (drill sites and access roads) was surveyed by a qualified biologist on March 7, 1990. No desert tortoise or tortoise burrows were observed in the project area.

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Based upon the Initial Study, the proposed Negative Declaration and the comments received in response thereto, there is no substantial evidence that this project will have a significant effect on the environment (14 Cal Code Regs. 15074[b]).

2. Pursuant to P.R.C. Section 6895, upon establishing to the satisfaction of the Commission that commercially valuable mineral deposits have been discovered within the limits of the permit, the applicant would have a preferential right to a lease for a maximum of 640 acres embraced within the permit. Said right will be subject to all necessary environmental considerations.
3. The mineral prospecting permit will provide for a performance bond or other security device of \$5,000.00 in favor of the State.
4. The subject parcel is not within current S-11 boundaries and is not within a BLM Wilderness Study Area.

APPROVAL OBTAINED:
Office of the Attorney General.

EXHIBITS:
A. Land Descriptions.
B. Site Map.
C. Negative Declaration.
D. California Endangered Species Act Biological Opinion.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT THE NEGATIVE DECLARATION EIR ND 496, STATE CLEARINGHOUSE NO. 89073121, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. THE PROJECT SHALL INCLUDE THIS PROSPECTING PERMIT AND ANY EXTENSION THE COMMISSION MAY GRANT IN ITS DISCRETION FOR THE SAME PROJECT DESCRIBED IN THE PERMIT. ANY EXTENSION SHALL NOT EXCEED ONE YEAR.
2. DETERMINE THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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CALENDAR ITEM NO. 37 (CONT'D)

3. DETERMINE THAT THE LANDS DESCRIBED IN THE PERMIT ARE NOT PRESENTLY KNOWN TO CONTAIN COMMERCIALY VALUABLE DEPOSITS OF MINERALS.

4. AUTHORIZE THE ISSUANCE OF A MINERAL PROSPECTING PERMIT TO UNITED STATES BORAX & CHEMICAL CORPORATION FOR A TERM OF TWO YEARS, FOR ALL MINERALS OTHER THAN OIL AND GAS, GEOTHERMAL RESOURCES OR SAND AND GRAVEL ON SECTION 36, T9N, R1W, SBM, SAN BERNARDINO COUNTY, CONTAINING 640 ACRES; IN ACCORDANCE WITH THE STANDARD FORM OF PERMIT. ROYALTY PAYABLE UNDER THE PERMIT SHALL BE TWENTY PERCENT. ROYALTY PAYABLE UNDER ANY PREFERENTIAL LEASE ISSUED UPON THE DISCOVERY OF COMMERCIALY VALUABLE MINERAL DEPOSITS SHALL NOT BE LESS THAN TEN PERCENT OF THE GROSS VALUE OF ALL MINERAL PRODUCTION FROM THE LEASED LANDS, LESS ANY CHARGES APPROVED BY THE COMMISSION MADE OR INCURRED WITH RESPECT TO TRANSPORTING OR PROCESSING THE STATE'S ROYALTY SHARE OF PRODUCTION. THE DETERMINATION OF SAID ROYALTY AND CHARGES WILL BE AT THE DISCRETION OF THE COMMISSION.

EXHIBIT "A"

W 40587

LAND DESCRIPTION

A parcel of California State school lands in san Bernardino County, California, said parcel
being section 30, 17th, 14th, 30th.

END OF DESCRIPTION

PREPARED AUGUST 22, 1989 BY BIU 1.

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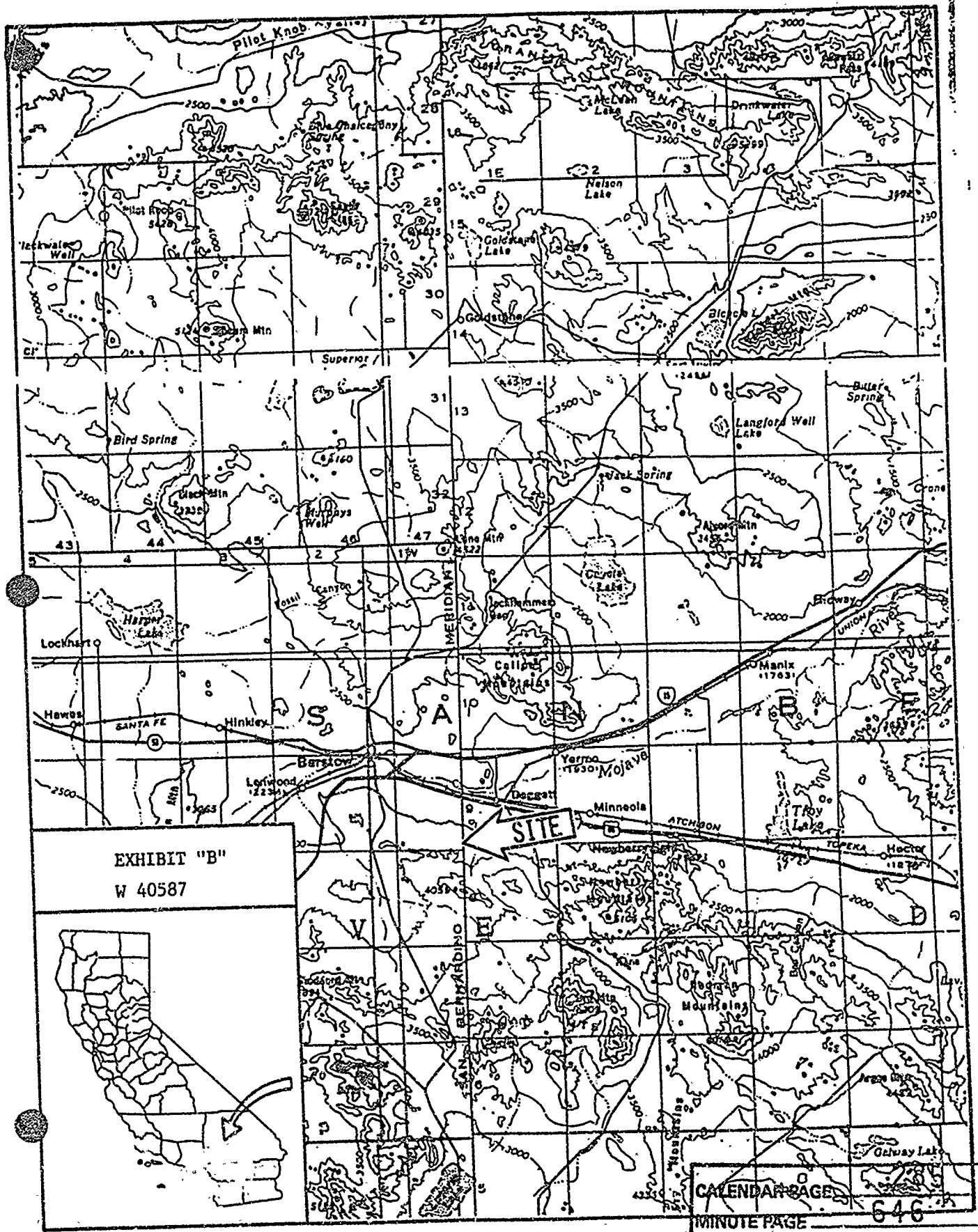


EXHIBIT "B"
W 40587



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STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 496

File Ref.: W 40587

SCH#: 8907 3121

Project Title: NEWBERRY SPRINGS PROJECT
Project Proponent: United States Borax and Chemical Corporation
Project Location: Section 36, T.9 N., R.1 W., S.B.M., approximately 5 miles south-east of Barstow, San Bernardino County.

Project Description:

The proposed project calls for drilling a maximum of five exploratory holes from five various surface locations in the south half of the section. The exploratory holes will be drilled to a proposed total depth of 2,000 feet. Subsurface samples of 2-5 pounds each will be taken at regular intervals and assayed at an offsite location. U.S. Borax is prospecting for borates and valuable minerals other than oil and gas, geothermal resources or sand and gravel. The proposed drillsites will be located along existing dirt roads and jeep trails. Each drillsite will require about one-tenth of an acre of land use. There will be no new surface disturbance from the proposed prospecting activity.

Contact Person: TED T. FUKUSHIMA Telephone: (916)322-7813

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations),

Based upon the attached Initial Study, it has been found that:

the project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

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MONITORING/REPORTING PROGRAM

In conformance with the requirements of Public Resources Code Section 21081.6, the State Lands Commission's staff shall perform periodic inspections to assure compliance with the proposed mitigation measures.

There shall be a minimum of two inspections per year. A monitoring report shall be prepared and placed in the file after each inspection.



COMMENTS
 United States Department of the Interior

BUREAU OF MINES

WESTERN FIELD OPERATIONS CENTER
 EAST 129 3RD AVENUE
 SPOKANE, WASHINGTON 99201



RESPONSES

OCT 27 1989

ND
JE
PVJ
PBM
WEP
CEP
BJR
WMT
JWW
ADW
ELV
FILE

October 26, 1989

Mr. Eric Kruger
 State Lands Commission
 245 West Broadway, Room 425
 Long Beach, California 90801

Dear Mr. Kruger:

SUBJECT: CONSULTATION PURSUANT TO SECTION 21080.3 OF THE PUBLIC RESOURCES
 CODE; U.S. BORAX'S NEWBERRY SPRINGS PROJECT, SAN BERNARDINO COUNTY

Thank you for the opportunity to review this project proposal. The Bureau of Mines would concur with a Negative Declaration (ND) for this proposed project. An Environmental Impact Report (EIR) is not warranted at this time. We recommend the site be examined for its mineral potential. If, as a result of this examination, the applicant defines sufficient resources to justify development, an EIR should be prepared.

1.

If we can be of further technical assistance to your agency, please contact us.

Sincerely,

Paul A. Pierce, Physical Scientist
 Branch of Resource Evaluation

1. Comment noted concur with a Negative Declaration (ND) for this proposed project.

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COMMENTS

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
BARSTOW RESOURCE AREA
150 COOLWATER LANE
BARSTOW, CALIFORNIA 92311-3221

(619) 258-3531



IN REPLY REFER TO

1120
(CA-068.25)

RESPONSES

OCT 17 1989

State Lands Commission
Attn: Eric Kruger
245 W. Broadway, Room 425
Long Beach, CA 90802

Dear Mr. Kruger:

This is in reply to your notice (file reference W 405 87, SCH #89073121) of September 5, 1989, regarding a proposal by U.S. Scrox to drill five exploration holes southeast of Barstow in T. 9N., R. 1W., Section 36. This section is surrounded by public lands under multiple use class M (moderate).

1. Our office considers a Negative Declaration to be adequate for this project. We are unable to offer comments on impacts from reblading access roads since the proposed access route is not indicated on your map.

1. Comment noted on Negative Declaration to be adequate for this project.

Should you have any questions, please feel free to contact Ken Schulte of this office.

Sincerely,

Aiden Sievers
Area Manager

ACTIV

OCT 18 1989

VKD
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CEP
BJR
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JWW
ADW
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COMMENTS

RESPONSES

State of California

Business, Transportation and Housing Agency

Memorandum

To: State Lands Commission
245 W. Broadway, Room 425
Long Beach, CA 90802
Attn: Mr. Eric Kruger

Date: October 13, 1989

File: 223.1

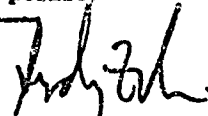
From: DEPARTMENT OF TRANSPORTATION
DIVISION OF STRUCTURES
OFFICE OF STRUCTURE DESIGN

Subject: Mineral Prospecting Permit
SCH# 89073121

The United State Borax and Chemical Corporation has applied for a mining permit on 640 acres of privately owned land in San Bernardino County. They plan to drill a maximum of five exploratory holes to obtain subsurface samples. The permit is for two years and may be extended for a maximum of one additional year. The notice to Caltrans is per California Environmental Quality Act.

Thank you for the copy of the proposed permit, however the proposed mining is not within the immediate proximity of any of our structures.

1. At this stage, we have no objections to the issuance of this permit.



S.Z. Chai
Hydraulics Section
(916)327-3218

Mr. C. D. Harris, Supervisor
Division of Structures, Hydraulics Section

1. Comment noted that Caltrans has no objections to the issuance of this permit.

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COMMENTS

STATE OF CALIFORNIA STATE LANDS COMMISSION

GEORGE DEUKMEZIAN

STATE LANDS COMMISSION
245 WEST BROADWAY, SUITE 425
LONG BEACH, CALIFORNIA 90802
TELEPHONE: (213) 590-5201



File Ref.: W 40587

SCH# 89073121

September 5, 1989

Donald Carlisle
Department of Earth Sciences
UCLA
Los Angeles, CA 90024

SUBJECT: Consultation Pursuant to Section 21080.3
of the Public Resources Code

The STATE LANDS COMMISSION is the lead agency for the proposed project described in the attached material for the purpose of the California Environmental Quality Act and by this letter requests, pursuant to Public Resources Code Section 21080.3, the position of your Agency as to whether an Environmental Impact Report (EIR) or a Negative Declaration (ND) should be required for this project. Please be specific as to whether you believe the document is: (1) an ND, or (2) an EIR.

We would appreciate receiving your comments on this project within 15 days from receipt of this letter. Please send your comments to the contact person at the Commission Office indicated below. Thank you for your cooperation in this regard.

D. J. EVERITTS, Assistant Chief,
Extractive Development Program

Attachment: Initial Study

STATE LANDS COMMISSION
245 W. Broadway, Room 425
Long Beach, CA 90802
Attention: Eric Kruger

Oct 9, 1989

review of the documentation which was attached to letter (Initial Study) and from my own knowledge in the area. I conclude that a Negative Declaration should be required for this project.

Donald Carlisle Oct 9, 1989

RESPONSES

1. Comment that a Negative Declaration should be required for this project noted.

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INITIAL STUDY INTRODUCTION

Newberry Springs Project

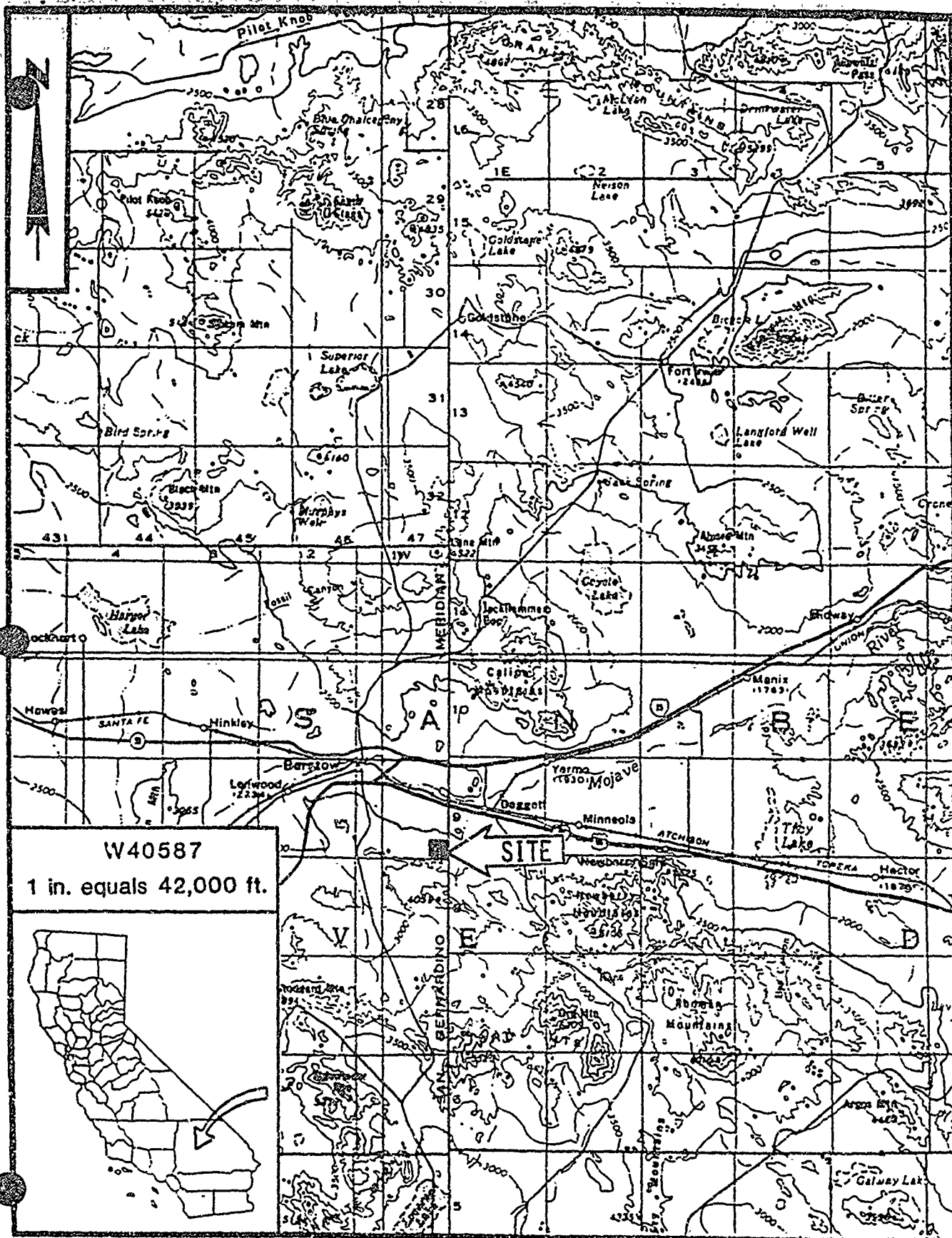
The United States Borax & Chemical Corporation has applied to the State Lands Commission for a mineral prospecting permit on 640 acres of land in Section 36, T9N, R1W, SBM, San Bernardino County. The surface of this section is owned privately by a total of nine parties and the subsurface is reserved to the State for 100% mineral interest. The project area is at the north end of Daggett Ridge on the west side of the Newberry Mountains and about five miles southeast of Barstow, California. This section is not in the current S-11 boundaries.

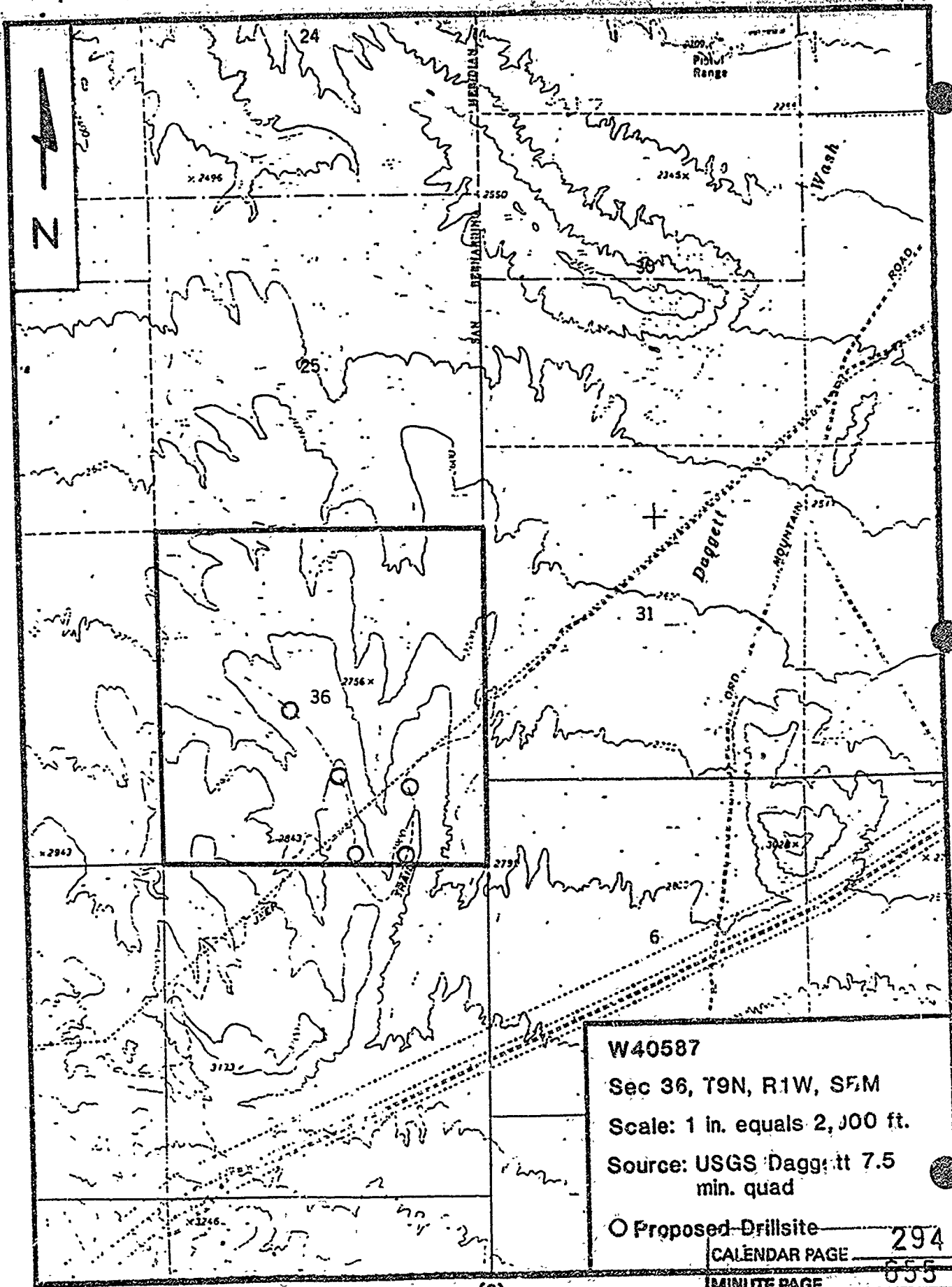
The proposed project calls for drilling a maximum of five exploratory holes from five surface locations in the south half of the section. The exploratory holes will be drilled to a proposed total depth of 2,000 feet. Subsurface samples of 2-5 pounds will be taken at regular intervals and assayed at an offsite location. United States Borax is prospecting for borates and valuable minerals other than oil and gas, geothermal resources or sand and gravel.

When issued, the mineral prospecting permit will be for a two year period and may be extended for a maximum of one year. The proposed project is specifically for mineral prospecting only. Any change in the activity will require preparation of an appropriate CEQA document.

This Initial Study consists of the following material:

<u>Item</u>	<u>Page No.</u>
Introduction.....	1
Small scale map (1"=42,000') showing the general vicinity of the project area.....	2
Large scale map (1"=2,000') showing part of the immediate vicinity of the project area (Source: USGS Daggett 7.5' Quadrangle).....	3
Detailed Project Description.....	4, 5
Environmental Setting.....	6, 7
Applicant's assessment of environmental impacts, discussion, mitigating measures and certification.....	8-10
State Lands Commission's assessment of environmental impacts, discussion and additional mitigating measures.....	11-14
Mailing List.....	15-17





W40587

Sec 36, T9N, R1W, SFM

Scale: 1 in. equals 2,000 ft.

Source: USGS Daggett 7.5 min. quad

○ Proposed Drillsite _____ 294

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COMMENTS

U.S. BORAX

RESPONSES

October 10, 1989

State Lands Commission
245 West Broadway, Suite 425
Long Beach, CA 90802

File Ref.: W 40587
SCH # 89073121

OCT 11 1989

JKD	
DJE	✓
PVJ	
PBM	
WEP	
CEP	
BJR	
WMT	
JWW	
ADW	✓
AGG	✓
EA	✓
FILE	

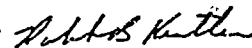
To whom it may concern:

1. A negative declaration should be required for the above mentioned small, exploration drilling project.

The State Lands Commission study on U.S. Borax's proposed action in Section 36, P.9N., R.1W., SBBSM agrees that no adverse impacts are anticipated by this proposed action.

Thank you for the opportunity to comment on this project.

Sincerely,



ROBERT E. KISTLER
Chief Geologist

1. Comment noted that a negative declaration should be required for this project.

S.S. Your letter, dated September 5th, was received by me on October 9th.

ejl

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DETAILED PROJECT DESCRIPTION

United States Borax & Chemical Corporation proposes to conduct a mineral prospecting program in the project area by drilling up to a maximum of five exploratory holes to be located in the south half of Section 36. The holes will be six inches in diameter and drilled to a proposed total depth of 2,000 feet. Subsurface samples will be collected from the drillholes at regular intervals. The 2-5 pound samples will be assayed at an offsite location for borates and other valuable minerals.

Each hole amounts to the removal of 15 cubic yards of material, and the maximum excavated volume for a total of five drillholes will be 75 cubic yards. If an exploratory drillhole penetrates a water bearing strata, it will be abandoned and plugged with cement above the water zone and the remainder of the hole will be backfilled with drill cuttings. The exploratory drillholes will be properly abandoned upon completion of drilling activities.

Existing dirt roads needed for access will be cleared and made smooth with a grader, but not widened. Repair of existing dirt roads will include only minor work on washed out sections which total about 500 feet to insure safe access for the personnel and equipment.

There will be no new surface disturbance. All of the proposed drillsites will be located along existing dirt roads and jeep trails within the project area. No drillsites will be located on desert pavement. The preparation of a drillsite will not include levelling the area. Each of the proposed sites has a work area of 60 feet by 75 feet equalling 4,500 square feet/site. The total amount of work area required for the proposed activity will cover about half an acre. Drillsites will be properly reclaimed and recontoured with hand tools if necessary. No trash or debris will be left in the project area.

Due to the variety of geologic conditions, two different types of drilling equipment systems may have to be used. A drilling mud fluid/air rotary system will include a Gardner Denver 1500 truck mounted rotary drillrig or its equivalent. The accessory equipment would include a water tank truck and a utility pickup truck. If this system is utilized, a backhoe will have to dig a mud pit

measuring approximately 4 feet wide by 10 feet long by 8 feet deep to contain the drilling mud fluids. Each pit amounts to the removal of about 12 cubic yards of excavated material. The total volume for a maximum of five mud pits is 60 cubic yards of excavated material. Each mud pit will also have dirt berms in order to restrict wildlife entry. The other type of drilling equipment system is air/reverse circulation. This system will utilize a similar type of drillrig and accessory equipment in addition to a truck mounted air compressor unit. The mud pits are not required while drilling with the air/reverse circulation system.

If used, the drilling mud will consist primarily of naturally occurring, Wyoming bentonite clays sold under various brand names. Also used in the drilling are non-toxic polymer based muds that condition the bentonite. These fluids will be contained in the mud pits and allowed to dry thoroughly prior to burial when the pits are backfilled at the completion of drilling activities. If removal of the drill mud is necessary, it will be pumped into a proper receptacle and transported to a landfill disposal site.

The total volume of excavated material for the proposed project will be about 135 cubic yards. This total is the sum of excavated volumes for five exploratory drillholes (75 cubic yards) and five mud pits (60 cubic yards).

ENVIRONMENTAL SETTING

Section 36 is situated on the north slope of Daggett Ridge in the west-central part of San Bernardino County. The section is in a vacant, uninhabited area 2-3 miles south of Interstate 40 by the Nebo Area Marine Corps Supply Center. The project area is about three miles north of Stoddard Valley, about two miles northwest of the Newberry Mountains and about a mile west of Mojave Valley. The project area is not within current S-11 boundaries and is not within BLM's Wilderness Study Area system, but it is within the central part of the California Desert Conservation Area (CDCA).

The project area is typical of the arid, high desert terrane that is found in the western Mojave Desert. The topography of this parcel ranges from low elevations of about 2,600 feet in the northern part to a height of about 2,950 feet along the southern boundary. The site is a dissected pediment cut by several drainage systems that empty into Daggett Wash about a half mile east.

There are no exposed rocks on the surface of the project area. According to the State Geologic Atlas' San Bernardino Sheet, the surface of the area is covered by Pleistocene nonmarine sedimentary deposits (Qc) consisting of dissected, undeformed or slightly deformed alluvial fan material locally cemented by caliche. These deposits are composed of fine to coarse sands and gravels and angular volcanic cobbles and boulders of various sizes, and are distributed throughout the parcel in loose, unconsolidated areas interspersed with smaller areas of consolidated desert pavement.

Other rock types are located 2-3 miles south of the project area and consist of undivided Miocene nonmarine sediments (Mc), Miocene volcanic pyroclastic rocks (Mvp) and Jura-Trias metavolcanic rocks (JTrv). There are no apparent lineaments, although the Geologic Atlas shows Section 36 situated between the northern extensions of the Camp Rock and Lenwood Fault Zones. Mining activity in the immediate area of the project is currently limited to gravel pits along I-40, a crushed stone operation near Newberry Springs and scattered gold-copper prospects along Daggett Ridge and the west flank of Newberry Mountains.

During a recent inspection of the project area on July 26, 1989

by staff of the State Lands Commission, the vegetation observed was primarily scattered creosote rings and the occasional Mojave yucca plant. There were also a few beavertail, cholla and small barrel cactus on the site. According to the vegetation element in the CDCA Plan of 1980, there are no threatened or endangered plant species or any unusual plant assemblages in the immediate area of the project site.

Wildlife observed on the site during the inspection consisted of small lizards and a jackrabbit. Sparrows were the only birds observed on the site. According to the wildlife element in the CDCA Plan of 1980, the project area is adjacent to potential foraging range for the Golden Eagle and Prairie Falcon. The project site is also adjacent to the Category 2 Desert Tortoise habitat area on the west side of the Newberry Mountains and Mojave Valley according to BLM's Desert Tortoise Habitat Map of January 1988. Category 2 areas are those habitat areas where most use conflicts are resolvable. Additional mitigating measures in the State's EIA Checklist should adequately protect the desert tortoise during the period of the proposed prospecting activities.

According to the Cultural Resources element map on page 58 of the CDCA Plan Alternatives and EIS draft of 1980, the immediate area of Section 36 has not been identified as possessing significant cultural or historic resources.

There are no buildings on the site and no standing water. The predominant geographic feature is the Calico Mountains area about five miles north. Evidence of surface use includes several dirt roads throughout the project area and a power line corridor traversing the southeast quarter of the section. The surrounding lands are similar in setting to the project area. Ownership of the surrounding lands is both private and public. The surface owners on these adjacent lands are included in the mailing list on pages 16 and 17 of this Initial Study.

ENVIRONMENTAL IMPACT ASSESSMENT FORM - Part I

(To be completed by applicant)

FORM 69.3(11/82)

A. GENERAL INFORMATION

1. Name, address, and telephone number:

a. Applicant

U. S. Borax & Chemical Corporation
3075 Wilshire Blvd.
Los Angeles, CA 90010
213 1 381-5311

b. Contact person if other than applicant:

Michael H. Ruaschkolb, Land Agent
U. S. Borax & Chemical Corporation
1902 W. Grant Rd., Suite 108
Tucson, AZ 85745
602 1 884-8983

2. a. Project location: (Please reference to nearest town or community and include county)

Section 36, T9N, R1W, SEM
San Bernardino County
5 miles southeast of Barstow, CA

b. Assessor's parcel number: 0417-031-10 through 0417-031-22.

3. Existing zoning of project site: Rural Conservation

4. Existing land use of project site: Currently vacant, no existing land use.

5. Proposed use of site: Mineral prospecting - drill a maximum of five exploratory holes to a proposed total depth of 2,000 feet and assay the subsurface samples at an off-site location; all drillsites are along existing roads.

6. Other permits required: none.

STATEMENT OF PROPOSED WASTE DISPOSAL METHODS

Liquid Waste Disposal

If a water-bearing strata is encountered during exploratory drilling, a cement plug will be placed above the water-bearing zone, and the remainder of the hole backfilled with drill cuttings.

Solid Waste Disposal

Drill cuttings and drilling mud will be retained in mud pits on site and be allowed to dry before burial. Upon the completion of drilling, the mud pits will be backfilled and the area returned to its original contour. If removal of the drill mud is necessary, it will be pumped into a proper receptacle and transported to a landfill disposal site. Rubbish containers will be used during the drilling activity and the work sites be cleaned of all trash and debris.

Gaseous Waste Disposal

No gaseous wastes will be generated by the proposed project.

APPLICANT'S ASSESSMENT OF ENVIRONMENTAL IMPACTS

The mineral prospecting activities as proposed will have a slight adverse effect on the environment of the project area, wherein some dust, fumes and noise will be present in the immediate vicinity of the drilling equipment during operations. The drillsites will require a total work area of about a half acre of land use. These sites will be reclaimed in a way that minimizes the evidence of prospecting activity.

Proposed Mitigation Measures

1. Existing roads and jeep trails will used for access to sites.
2. Drillsites are located along existing roads and jeep trails. No sites are located on desert pavement.
3. Vehicle traffic will be kept to a minimum and vehicle speeds will be limited to 15-miles-per hour.
4. Mud pits, if needed for drilling, will have dirt berms to restrict wildlife entry and will be backfilled after drilling.
5. Upon abandonment, all casing pipe needed for drilling will be removed if possible. If casing cannot be removed, the pipe will be cut 5' below ground level and a plug of impervious material will be placed at the top of the hole.
6. The permittee will perform all work activities to minimize impacts on vegetation. No vegetation will be removed.

All phases of a project, such as planning, acquisition, development and operation, shall be considered when evaluating its impact on the environment. Please answer the following questions by placing a check in the appropriate box. Discuss all items checked "yes" or "maybe" on additional sheet(s).

Will the project involve:

	YES	MAYBE	NO
1. A change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours?	[]	[]	[X]
2. A change in scenic views from existing residential areas or public lands or roads? ...	[]	[]	[X]
3. A change in pattern, scale or character of the general area of the project?	[]	[]	[X]
4. Significant effect on plant or animal life?	[]	[]	[X]
5. Significant amounts of solid waste or litter?	[]	[]	[X]
6. A change in dust, ash, smoke, fumes or odors in the vicinity?	[]	[X]	[]
7. A change in ocean, bay, lake, stream or ground water quality or quantity, or an altering of existing drainage patterns?	[]	[]	[X]
8. A change in existing noise or vibration levels in the vicinity?	[]	[X]	[]
9. Construction on filled land or on a slope of 10 percent or more?	[]	[]	[X]
10. Use or disposal of potentially hazardous materials such as toxic or radioactive substances, flammables or explosives?	[]	[]	[X]
11. A change in demand for municipal services (e.g., police, fire, water, sewage)?	[]	[]	[X]
12. Increase in fossil fuel consumption (e.g., electricity, oil, natural gas)?	[]	[]	[X]
13. A larger project or a series of projects?	[]	[X]	[]

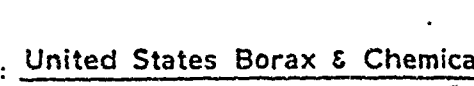
6, 8: some dust and noise will be present around the drilling.
13: a larger project may be developed at this site.

Certification

I certify that all information and materials furnished in this application are true and complete to the best of my knowledge and belief. I recognize that this application and the project it addresses are subject to all laws of the State of California, and the regulations and discretionary policies of the State Lands Commission.

Applicant: United States Borax & Chemical Corporation Date: May 17, 1989

Title: _____

Agent:  Date: May 17, 1989

Michael H. Rauschkoib
Land Agent, Land Department

Title: _____

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

W40587

File Ref.: SCH# 89073121

I. BACKGROUND INFORMATION

A. Applicant: United States Borax & Chemical Corporation
1802 W. Grant Road, Suite 108
Tucson, AZ 85745
Attention: Michael Rauschkolb

B. Checklist Date: Sep. / 12 / 1989

C. Contact Person: Eric Kruger
Telephone: (213) 590-5201

D. Purpose: Prospecting for borates and valuable minerals other than
oil and gas, geothermal resources or sand and gravel.

E. Location: Section 36, T9N, R1W, SBM, San Bernardino County,
5-6 southeast of Barstow, Ca

F. Description: Drill a maximum of five exploratory holes from various sites along
existing dirt roads and jeep trails. The holes will be drilled to
a proposed total depth of 2,000 feet.

G. Persons Contacted: See attached mailing list.

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

- A. EARTH. Will the proposal result in:
1. Unstable earth conditions or changes in geologic substructures?
2. Disruptions, displacements, compaction, or overcovering of the soil?
3. Change in topography or ground surface relief features?
4. The destruction, covering, or modification of any unique geologic or physical features?
5. Any increase in wind or water erosion of soils, either on or off the site?
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

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B. Air. Will the proposal result in:

- | | Yes | Maybe | No |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Substantial air emissions or deterioration of ambient air quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The creation of objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

C. Water. Will the proposal result in:

- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Alterations to the course or flow of flood waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Change in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Alteration of the direction or rate of flow of ground waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Substantial reduction in the amount of water otherwise available for public water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Exposure of people or property to water-related hazards such as flooding or tidal waves? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Significant changes in the temperature, flow or chemical content of surface thermal springs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

D. Plant Life. Will the proposal result in:

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Reduction of the numbers of any unique, rare or endangered species of plants? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Reduction in acreage of any agricultural crop? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

E. Animal Life. Will the proposal result in:

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Reduction of the numbers of any unique, rare or endangered species of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Deterioration to existing fish or wildlife habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

F. Noise. Will the proposal result in:

- | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 1. Increase in existing noise levels? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

G. Light and Glare. Will the proposal result in:

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. The production of new light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|

H. Land Use. Will the proposal result in:

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. A substantial alteration of the present or planned land use of an area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|

I. Natural Resources. Will the proposal result in:

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Increase in the rate of use of any natural resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial depletion of any nonrenewable resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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J. Risk of Upset. Does the proposal result in:

Yes Maybe No

- 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?
- 2. Possible interference with emergency response plan or an emergency evacuation plan?

K. Population. Will the proposal result in:

- 1. The alteration, distribution, density, or growth rate of the human population of the area?

L. Housing. Will the proposal result in:

- 1. Affecting existing housing, or create a demand for additional housing?

M. Transportation/Circulation. Will the proposal result in:

- 1. Generation of substantial additional vehicular movement?
- 2. Affecting existing parking facilities, or create a demand for new parking?
- 3. Substantial impact upon existing transportation systems?
- 4. Alterations to present patterns of circulation or movement of people and/or goods?
- 5. Alterations to waterborne, rail, or air traffic?
- 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

N. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- 1. Fire protection?
- 2. Police protection?
- 3. Schools?
- 4. Parks and other recreational facilities?
- 5. Maintenance of public facilities, including roads?
- 6. Other governmental services?

O. Energy. Will the proposal result in:

- 1. Use of substantial amounts of fuel or energy?
- 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?

P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities.

- 1. Power or natural gas?
- 2. Communication systems?
- 3. Water?
- 4. Sewer or septic tanks?
- 5. Storm water drainage?
- 6. Solid waste and disposal?

Q. Human Health. Will the proposal result in:

- 1. Creation of any health hazard or potential health hazard (excluding mental health)?
- 2. Exposure of people to potential health hazards?

R. Aesthetics. Will the proposal result in:

- 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

S. Recreation. Will the proposal result in:

- 1. An impact upon the quality or quantity of existing recreational opportunities?

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T. Cultural Resources.

- | | Yes | Maybe | No |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

U. Mandatory Findings of Significance.

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the project have impacts which are individually limited, but cumulatively considerable? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

- A2. Some displacement and compaction of surface material may result while ensuring safe access for personnel and equipment.
- A5. Some increase may take place in wind and water erosion of disrupted surface material in the areas used for access and drillsites.
- F1. Operation of the drillrig and related activities will temporarily increase existing noise levels.

Additional mitigating measures:

1. The permittee will notify the staff of the State Lands Commission one week prior to commencing operations. To ensure conformance to the terms, conditions and mitigation measures of the permit the staff of the State Lands Commission will perform inspections of the project area periodically.
2. While travelling through the project area, the permittee should watch for and avoid desert tortoise on the roads. If a tortoise is observed on the road, it should be carried across the road and placed 100 yards from the roadside.
3. Prior to operation, the permittee should check around their equipment to avoid injuring wildlife, especially the desert tortoise, a State protected species.

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: Nov 1 1979

E. Kuzner
 For the State Lands Commission CALENDAR PAGE 306
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Additional Mitigating Measures

(continued)

4. Tortoise burrows within areas to be disturbed should be hand excavated and tortoises found should be removed and placed in the vicinity of the disturbed burrow.
5. Workers should be instructed concerning the protected status of the desert tortoise at the state and federal level and that it is illegal to collect, harass, or harm desert tortoise.
6. Dogs and the use of firearms should be prohibited or discouraged in project areas to reduce the possibility of injury or death of desert tortoise.

14(a)

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Mailing List W40587

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Sacramento, CA 95814

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Arlene Chance
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Sacramento, CA 95814

William Johnson
Native American Heritage Commission
915 Capitol Mall, Room 288
Sacramento, CA 95814

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Box 942896
Sacramento, CA 94296

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Regional Water Quality Control Board
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San Bernardino, CA 92401

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1695 Spruce Avenue
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Grég Oullette
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Property Tax Department
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Senator Don Rogers
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Bakersfield, CA 93301
Attn: Vivian Ferguson

Assemblyman Paul Woodruff
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Redlands, CA 92373
Attn: Tim Johnson

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Box 424
Beverly Hills, CA 90213

William and Betty Tan
Box 15364
Los Angeles, CA 90015

Thomas Horning
4024 E. Glade Circle
Mesa, AZ 85206

Memorandum

To : Mr. Dwight E. Sanders
 State Lands Commission
 1807 13th Street
 Sacramento, California 95814

Date : February 23, 1990

From : Department of Fish and Game

Subject : California Endangered Species Act Consultation for the Newberry Springs Project, United States Borax and Chemical Corporation, San Bernardino County

Pursuant to sections 2090 through 2092 of the California Endangered Species Act, the California Department of Fish and Game is providing the California State Lands Commission (CSLC) our written finding (Biological Opinion) as to whether the proposed subject project would jeopardize any threatened, endangered, or State candidate species or result in destruction or adverse modification of habitat essential to the continued existence of such species. The project has the potential to adversely affect the desert tortoise, a State-designated threatened species. The desert tortoise is also a Federally-listed endangered species.

We have determined that if the conditions identified in the Biological Opinion (attached) are included in the CSLC decision for this project and if the measures are fully implemented, then the project is not likely to jeopardize the desert tortoise.

Please note that anyone handling desert tortoises must have a Memorandum of Understanding with the Department authorizing that activity. Because the tortoise is also a Federally-listed species, they may be required to have similar documentation from the U.S. Fish and Wildlife Service.

We appreciate the cooperation and assistance of the CSLC staff during the preparation of this Biological Opinion. If you have any questions, please contact Mr. Fred Worthley, Regional Manager of Region 5, at 330 Golden Shore, Suite 50, Long Beach, CA 90802 or by telephone at (213) 590-5113.

COPY Original Signed by
 A. E. Naylor
 FCR

Pete Bontadelli
 Director

Attachment

- bc: Mr. L. Eng-ESD
- Mr. J. Brode-IFD
- Ms. S. Cochrane-NHD
- Mr. J. Gustafson-WMD
- Mr. J. Vincenty-ESD

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FILE	

California Endangered Species Act (CESA)
Biological Opinion

United States Borax and Chemical Corporation
Newberry Springs Exploratory Mining Project
San Bernardino County

SUMMARY

The CSLC requested a determination from the Department as to whether the Newberry Springs exploratory mining project, located in Section 36, T.9N, R.1W, S.B.M., approximately five miles southeast of Barstow, would jeopardize the continued existence of any State candidate, threatened, or endangered species. The project includes drilling a maximum of five exploratory holes in various locations. The holes would be six inches in diameter and drilled to a depth of 2,000 feet. Subsurface samples would be taken at regular intervals and assayed off site for precious metals and valuable minerals other than oil and gas, geothermal resources, or sand and gravel. The proposed drill sites would be located along existing roads and jeep trails. Each drill site would require about 1/10 of an acre of land use (approximately 4,500 square feet per site) and an unknown acreage that may be temporarily disturbed due to storage of drill spoil and related project uses. Each drill site will be reclaimed and recontoured to its natural condition. There will be no new surface disturbance from the proposed prospecting activity. Pursuant to sections 2090 through 2092 of the CESA, the Department has determined that if conditions contained in this Biological Opinion are included in the CSLC decision for the project and if these measures are fully implemented, then the project is not likely to jeopardize the State-listed, threatened desert tortoise (Gopherus agassizii).

LISTED SPECIES

The proposed project would affect the State-designated threatened desert tortoise.

Desert Tortoise

The desert tortoise is a State-listed, threatened species and a Federally-listed, endangered species. This reptile is endemic to the desert area of the southwestern United States. In California it occurs in northeastern Los Angeles, eastern Kern, and southeastern Inyo counties and in portions of Riverside, San Bernardino, and Imperial counties. Once common and widely distributed, tortoise populations have become severely depleted.

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Causes for this decline include habitat loss resulting from urbanization, poor land management practices, and other factors related to increasing human activities. The desert tortoise is particularly vulnerable to injury and mortality caused by motor vehicles, vandalism, capture for use as pets, disease, and especially, raven predation on young tortoises.

SOURCES OF INFORMATION

Department personnel have reviewed the proposed negative declaration for the project, ND 496, and have discussed the project with CSLC personnel.

PROJECT EFFECTS ON LISTED SPECIES

Potential project effects would include the temporary removal of approximately one-half acre of desert tortoise habitat for drill site operations.

INCIDENTAL TAKE

Pursuant to Section 2090 of CESA, the Department determines that the potential exists to take desert tortoise incidental to the project. Loss of individuals may occur as a result of the project operation and/or equipment operation.

PROJECT CONDITIONS

The Department has determined that the project would not jeopardize the continued existence of the desert tortoise if the following mitigation measures are included as permit conditions and are implemented by the project sponsor.

1. United States Borax and Chemical Corporation shall not begin site preparation until a qualified biologist has surveyed the project area for the presence of desert tortoises and tortoise burrows.
2. Tortoise burrows within areas to be disturbed should be hand excavated and tortoises found shall be removed and placed in artificially constructed burrows located in the near vicinity of the disturbed burrow. Such removal and related activities shall be undertaken by a qualified biologist who shall possess a Memorandum of Understanding with the Department authorizing such activities.
3. Workers shall be instructed concerning the protected status of the desert tortoise at the State and Federal level and that it is illegal to collect, harass, or harm desert tortoises. Workers should check around equipment prior to construction activities to avoid injury to tortoises.

4. Dogs and the use of firearms shall be prohibited in project areas to reduce the possibility of injury or death of desert tortoises.
5. Only existing roads and jeep trails will be used for access to sites.
6. Drill sites shall be located along existing roads and jeep trails. No sites are to be located on desert pavement.
7. Vehicle traffic shall be kept to a minimum and vehicle speeds will be limited to 15 miles per hour.
8. Mud pits, if needed for drilling, shall be fenced to prevent wildlife entry, particularly desert tortoise. Such pits shall be backfilled and recontoured to previous natural conditions.
9. Upon abandonment, all casing pipe needed for drilling shall be removed, if possible. If the casing cannot be removed, the pipe shall be cut five feet below ground level and a plug of impervious material placed at the top of the hole.
10. The permittee shall perform all work activities in a manner to minimize impacts on vegetation. No vegetation will be removed.
11. The project sponsor shall provide a strict trash and litter control program. Trash and litter disposal shall be in covered or buried dumpsters to avoid attracting ravens and avoiding predation on young tortoises.

DETERMINATION

Pursuant to sections 2090 through 2092 of CESA, the Department has determined that if Conditions 1 through 11, as identified in this CESA Biological Opinion, are included in the CSLC Decision for the project and if they are fully implemented and adhered to for protection of the desert tortoise, the project proposed by the United States Borax and Chemical Corporation is not likely to jeopardize the continued existence of this species.

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