

MINUTE ITEM

This Calendar Item No. C63
was approved as Minute Item
No. 63 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

CALENDAR ITEM

C 6 3

A 3

S 1

09/23/92
PRC 7417
Kruger

APPROVE EXTENSION OF A PROSPECTING PERMIT
FOR VALUABLE MINERALS OTHER THAN OIL, GAS
GEOTHERMAL RESOURCES, SAND AND GRAVEL ON
1,760 ACRES OF STATE PROPRIETARY LANDS,
SIERRA COUNTY

APPLICANT:

Tenneco Minerals Company - California
P. O. Box 281300
12136 W. Bayaud Avenue
Lakewood, Colorado 80228

AGENT:

Mr. Robert L. Brock
Tenneco Minerals Company - California
P. O. Box 281300
12136 W. Bayaud Avenue
Lakewood, Colorado 80228

AREA, TYPE LAND AND LOCATION:

State Department of Fish and Game (DFG) lands situated
within the Antelope Valley Wildlife Management Area (WMA) of
eastern Sierra County, about five miles southwest of
Loyalton, California, and further described as Parcel "A"
containing approximately 80 acres and Parcel "B" containing
approximately 1,680 acres for a total of 1,760 acres.

LAND USE:

These are proprietary lands administered by DFG. They are
used for natural wildlife habitat consisting of transition
range for migrating herds of mule deer. The lands are also
used for recreational activity consisting of deer hunting in
the late summer and early autumn every year.

CALENDAR ITEM NO. C 6 3 (CONT'D)

CONSIDERATION:

Statutory filing fee of \$25 has been paid. Staff costs for permit extension processing will be charged to R03689.

PROPOSED PROJECT:

Permittee has requested a one-year extension of the existing mineral prospecting permit. The authorization would extend an approved project. Tenneco is proposing to complete the remainder of permitted activities during the extension period. The term of the proposed extension would be from June 19, 1992 until June 18, 1993. Tenneco calls this permit the Golden Dome Project.

Mineral prospecting activities allowable under the permit include a drilling program that consists of a maximum of 52 exploratory holes at 13 sites (4 at each location) on lands designated Parcel "A" in portions of Sections 22 and 27 of T21N, R15E, MDM. Parcel "A" is situated about a half mile north of Antelope Mine owned by Tenneco. In 1990, Tenneco drilled 41 exploratory holes in Parcel "A". Environmentally sensitive, track mounted drilling equipment was utilized. Additional road construction and drill site preparation were not required. Drill holes were properly abandoned and sites returned to original condition. Drill cuttings were removed from each site and stored on private land at the Antelope Mine. Tenneco may drill the remaining 11 exploratory holes on Parcel "A" during the extension period. Similar drilling equipment would have to be utilized during the extension under the same stipulations in the permit. Access to the project area of Parcel "A" will be from an existing dirt road. Surface disturbance for all 13 drill sites is estimated to be approximately two-tenths (0.2) of an acre.

The permit also allows for a geological reconnaissance to be conducted on lands designated Parcel "B" in portions of Sections 22, 27, 28, 33, 34 and 35 of T21N, R15E, MDM. Activities on Parcel "B" include geologic mapping, geophysical surveys utilizing handheld equipment and surface sampling by hand. Sampling methods allowed under the permit consist of gathering 300 five-pound rock chip samples, 1,500 four-pound soil, and 100 one-pound samples from stream sediments. These will be gathered by hand, and the holes

CALENDAR ITEM NO. C 63 (CONT'D)

will be filled in immediately thereafter. Activities will be performed by a geologist walking through the permitted area. During the primary term of the permit, 124 rock chip samples and 66 soil samples were taken by Tenneco. No stream sediment samples were taken. Therefore, the Permittee will be allowed to take 176 rock chip samples, 1,434 soil samples, and 100 stream sediment samples during the extension period.

Prospecting must be conducted during the time when there will be no impact to recreational deer hunting activity or to the deer resource dependent on the WMA. No prospecting shall be conducted during archery season (8/15/92 - 9/6/92) and during rifle season (9/19/92 - 10/4/92). In addition, no exploration or reclamation activities shall take place after the first of October until the middle of May 1993. PRC 7417 was approved by the Commission and became effective on June 19, 1990. The primary term of the permit was two years which expired June 18, 1992.

An archaeological survey of the drilled area revealed no significant cultural resources. A biological survey of the same area revealed no significant plant or animal communities occurring within the project area. A biological report conducted during August 1987 in Antelope Valley notes that one special status plant species, Ivesia aperta, was found at scattered sites within and adjacent to the project. However, the report's status survey of the plant states that the species does not appear to be threatened with endangerment or extinction in the area of the project.

ENVIRONMENTAL INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines, Negative Declaration EIR ND 420 (SCH #87052507) was prepared and circulated for the project. Based upon this document, there was no substantial evidence that the project will have a significant effect on the environment. When the Commission approved the Golden Dome Project, it also certified that EIR ND 420 was prepared pursuant to CEQA and that the Commission had reviewed and considered the information contained therein prior to its adoption.

CALENDAR ITEM NO. C 6 3 (CONT'D)

TERMS OF ORIGINAL PERMIT:

Royalty payable under the permit shall be 20 percent of the minerals secured from the permit area and sold or otherwise disposed of or held for sale or other disposition. Royalty payable under any preferential lease that may be issued 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 or the equivalent Net Smelter Return (NSR). The determination of the royalty and charges shall be at the discretion of the Commission and set forth in the lease.

P.R.C. 6890.5 provides that the Commission when entering into a lease for the extraction of commercially valuable minerals from lands owned by another State agency may provide that the State agency receive land as payment for royalty due under the lease. Upon lease issuance and accrual of mineral royalties, DFG could acquire the 720-acre Overman Ranch currently optioned by Tenneco which is adjacent to the Antelope Valley WMA and believed by DFG to possess habitat equal to or greater than that of the Antelope Valley WMA. Upon acquisition of the Overman Ranch or additional lands or in-kind payments and at the end of each fiscal year, a sum equal to 50 percent of the revenue received by the State for this lease shall be available for appropriation by the Legislature for the support of and apportionment and transfer by the Controller to the DFG.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Section 6890, 6891.
- B. Cal. Code Regs.: Title 2, Section 2200.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to P.R.C. Section 6895, upon establishing to the satisfaction of the Commission that commercially valuable deposits of minerals have been discovered within the 80-acre portion (Parcel "A") of the permit

CALENDAR ITEM NO. C 6 3 (CONT'D)

area in which drilling occurs, the Applicant would have a preferential right for a lease to that 80-acre portion. The remaining 1,680 acres in which only geologic mapping and sampling would occur is not subject to a preferential lease. The right to a preferential lease will be subject to all necessary environmental approvals. The issuance of the permit will not affect the discretion of the Commission to deny such lease because of environmental considerations.

2. If an 80-acre preferential lease is issued, Tenneco would deed to the DFG an 80-acre parcel to be selected by the Department within the Overman Ranch, as consideration for the right to its lands. Such consideration is in addition to subsequent royalty payments in the form of land.
3. The permit provides for a Monitoring/Reporting Program. Periodic site inspections shall be performed to assure compliance with mitigation measures. Two site inspections of the project area have been conducted by staff thus far. Both were in connection with exploration drilling activity. The first inspection was on July 10 and 11, 1990. A monitoring report was prepared and placed in the permit file (PRC 7417), as required by the Monitoring Program. The inspection report concluded that Tenneco is performing exploratory work on State lands in an environmentally responsible fashion and in full compliance with the terms and conditions of the permit. Another site inspection was conducted on September 12, 1991. A monitoring report was prepared and placed in the permit file (PRC 7417). The report concluded that the Permittee carried out exploration activity on State lands in a responsible manner and in full compliance with the permit. Further inspections of the project area will be conducted to inspect exploration activity during the extension period and at the end of the extension to release the performance bond in the amount of \$15,000 provided for by the permit. In addition, the permit requires Tenneco to submit quarterly reports of operations. These have been submitted and are up to date.

CALENDAR ITEM NO. C 63 (CONT'D)

4. After reviewing Tenneco's permit extension request, staff believes there are no circumstances surrounding the project nor changes in the environment to indicate that the proposed activity will have a significant effect.

APPROVALS OBTAINED:

The DFG, as the administrator of the Antelope Valley Wildlife Management Area, has approved the work to be performed under the provisions of the permit and the specified conditions required to ensure that the work shall be performed in a manner which is consistent with the purposes for which the land is owned and which will not cause a net loss of wildlife habitat value.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Project Map
- D. Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT NEGATIVE DECLARATION EIR ND 420 (SCH #87052507) WAS ADOPTED FOR THE PROJECT BY THE COMMISSION ON JUNE 19, 1990 PURSUANT TO THE PROVISIONS OF CEQA, THAT A DETERMINATION WAS MADE THAT THE PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE ENVIRONMENTAL DOCUMENT AND DETERMINATION REMAIN VALID FOR THE PROPOSED ACTIVITY.
2. PURSUANT TO P.R.C. SECTION 6891, AUTHORIZE EXTENSION OF MINERAL PROSPECTING PERMIT PRC 7417 THROUGH JUNE 18, 1993 TO TENNECO MINERALS COMPANY - CALIFORNIA, TO CONTINUE PROSPECTING FOR VALUABLE MINERALS OTHER THAN OIL, GAS, GEOTHERMAL RESOURCES, SAND AND GRAVEL. ALL OTHER TERMS AND CONDITIONS OF THE PERMIT REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

EXHIBIT "A"
LAND DESCRIPTION

PRC 7417.0

Six Parcels of land in Sierra County, California, described as follows:

PARCEL 1

SE-1/4 of SW-1/4 and SW-1/4 of SW-1/4 of Section 22, T21N, R15E, MDM.

PARCEL 2

NE-1/4 of NW-1/4, E-1/2, E-1/2 of SW-1/4, SW-1/4 of SW-1/4, and NW-1/4 of NW-1/4 of Section 27, T21N, R15E, MDM.

PARCEL 3

NE-1/4 of NW-1/4, SW-1/4 of NE-1/4, NW-1/4 of SE-1/4, SE-1/4 of SW-1/4, and S-1/2 of SE-1/4 of Section 28, T21N, R15E, MDM.

PARCEL 4

N-1/2 of NE-1/4 and NE-1/4 of NW-1/4 of Section 33, T21N, R15E, MDM.

PARCEL 5

SW-1/4, S-1/2 of N-1/2, NE-1/4 of NE-1/4, NW-1/4 of NW-1/4, and W-1/2 of SE-1/4 of Section 34, T21N, R15E, MDM.

PARCEL 6

W-1/2 of Section 35, T21N, R15E, MDM.

END OF DESCRIPTION

PREPARED MAY 4, 1989 BY SAS.

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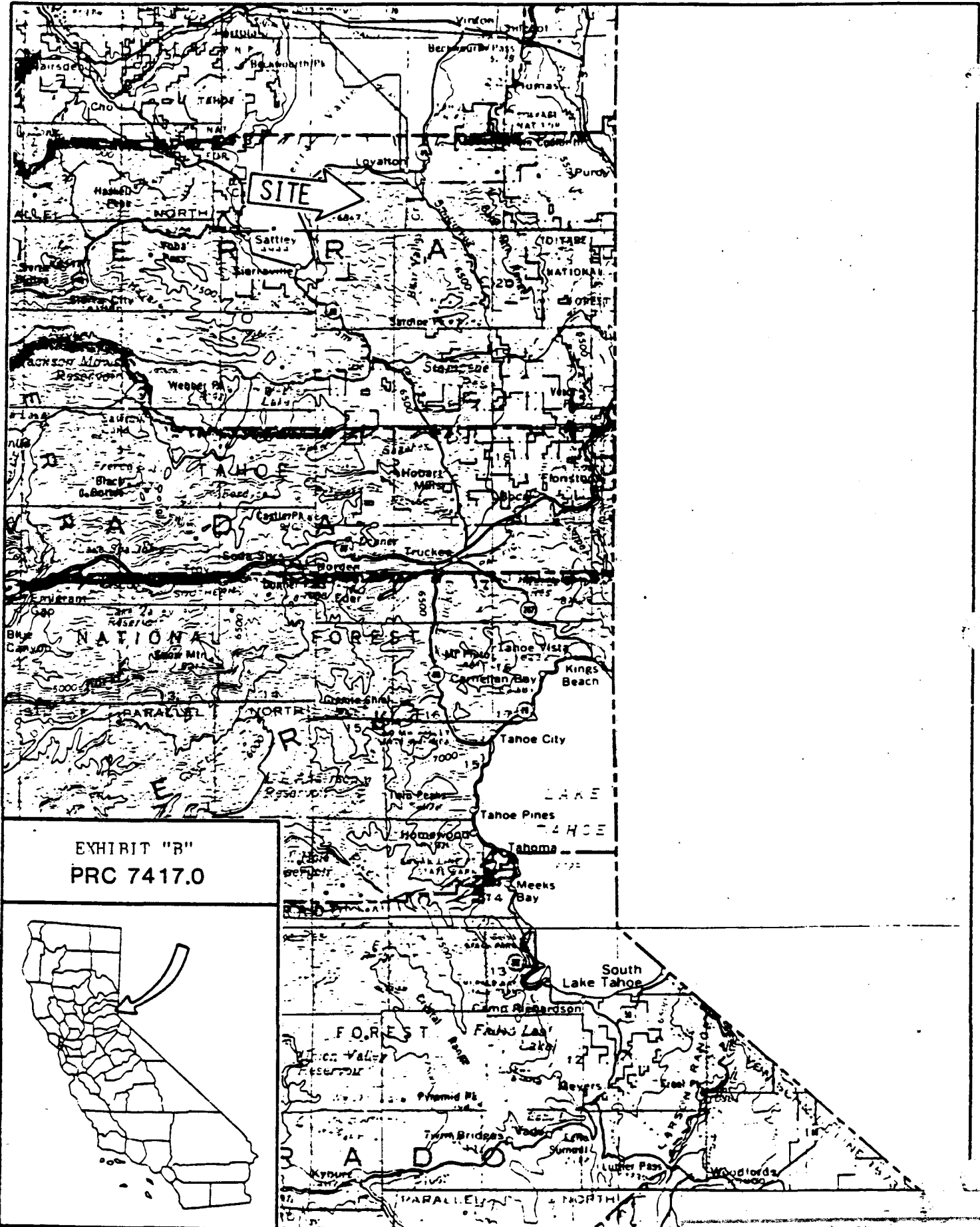
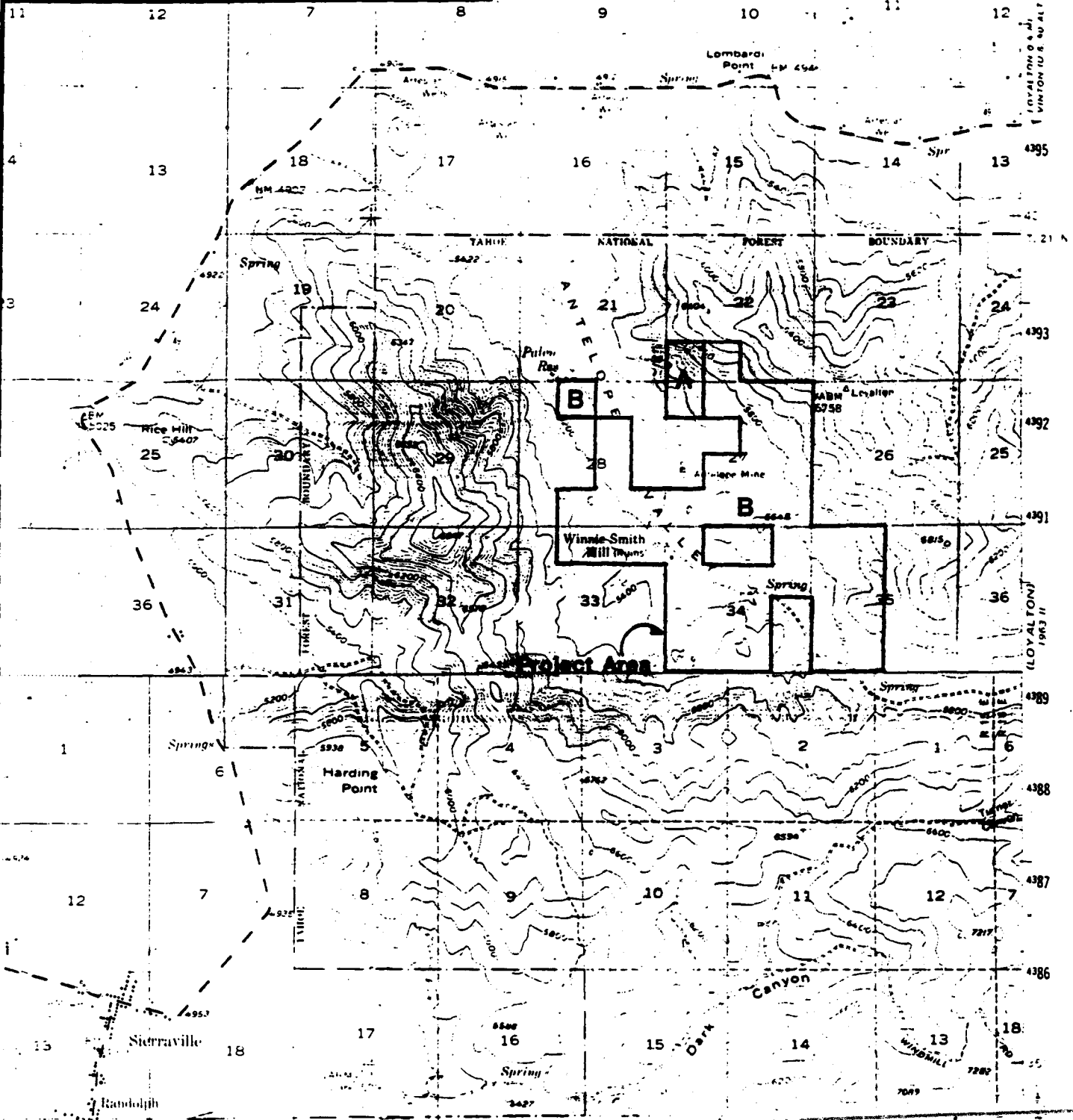


EXHIBIT "B"
 PRC 7417.0



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EXHIBIT "C"
PRC 7417.0
SIERRAVILLE, CALIF.
U. S. G. S.
15 MINUTE QUAD.
(1969)
SCALE: 1 IN. EQUALS 1 MI.



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STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



NOTICE OF DETERMINATION
(P.R.C. 21108)

Date: June 14, 1990

File Ref.: 44-811

EIR No.: 44-811

SCH No.: 44-811

Project Title: Mineral Prospecting Permit

Project Location: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 22 and the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 27, T.21 N., R.15 W.,
M.D.M., approximately 3 miles southwest of Lovatton, Sierra County

Project Description:

Prospecting for precious metals and other valuable minerals by drilling 52 holes (from 13 drill sites) with up to two track mounted reverse circulation drill rigs to drill up to two holes daily. Approximately 10 pounds of material will be saved from each hole for off-site assay.

This is to advise that on June 11, 1990, the STATE LANDS COMMISSION has approved the above described project. Such approval was based upon the determination that the project will will not have a significant effect on the environment; and that:

an Environmental Impact Report(EIR) was prepared and certified pursuant to the provisions of the California Environmental Quality Act(CEQA); and that:

- 1. mitigation measures were were not made a condition of the approval of the project;
- 2. findings were made pursuant to P.R.C. 21081 and C.C.R. 15091; and
- 3. a statement of Overriding Considerations was was not adopted for the project.

a Negative Declaration(ND) was prepared for the project pursuant to the provisions of CEQA.

The EIR/ND and the record of project approval may be examined at the above shown State Lands Commission office.

DATE RECEIVED FOR FILING AND POSTING
BY OFFICE OF PLANNING & RESEARCH

FILED AND POSTED BY

Charles Warren
CHARLES WARREN, Executive Officer

c.c. Planning Director
County/City of _____

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STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 420

File Ref.: W 40526

SCH#: 8705 2507

Project Title: Mineral Prospecting Permit - Antelope Valley Area

Project Proponent: Hecla Mining Company

Project Location: SW $\frac{1}{2}$ of SW $\frac{1}{2}$, Section 22, NW $\frac{1}{2}$ of NW $\frac{1}{2}$, Section 27, T.21 N., R.15 E.,
M.D.M., approximately 3 miles southwesterly of Loyalton, Sierra
County.

—Project Description: Prospecting for precious metals and other valuable minerals by
drilling 13 holes, 4-1/8 inches in diameter to a maximum depth
of 200 feet with a track mounted reverse air circulation rig.
Approximately $\frac{1}{2}$ cubic foot of drill cuttings will be retained
at five foot intervals for off-site assaying. Drill holes will
be properly abandoned. Drill sites will be scarified and seeded.

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 Administrative Code), and the State Lands Commission regulation (Section 2901 et seq., Title 2, California Administrative Code).

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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REVISED PROJECT AND PROPOSED NEGATIVE DECLARATION

In September 1987, a Proposed Negative Declaration (SCH No. 87052507), attached hereto, was proposed and circulated for a proposal by Hecla Mining Company to conduct mineral exploration activities in the Antelope Valley Wildlife Area of Sierra County which is owned and administered by the California Department of Fish and Game. Tennaco Minerals has acquired Hecla's interest in the project area and has filed a revised mineral prospecting proposal with the State Lands Commission. The revised project includes thirteen (13) drill sites in the same relative location as those proposed in the Hecla application (see Exhibit C of the Hecla Proposed Negative Declaration). The proposed drill sites may vary up to 200 feet from the original locations to account for environmental or locational constraints.

The revised project differs from the former primarily in that Tennaco proposes to drill four exploratory holes at various angles within each drill site instead of only one. This modification is designed to maximize the amount of geologic information obtained while minimizing the amount and number of surface disturbance, a total of .02 acre for all sites combined. The anticipated volume of material excavated for all 52 holes is approximately 50 cubic yards. Approximately 10 pounds of material for off-site assay will be saved from each five (5) foot interval.

Tennaco will use up to two track mounted reverse circulation drill rigs to drill up to two holes daily. Two pickup trucks per drill rig will carry a three man crew and a geologist to and from the project sites.

As a result of information and comments received relative to the originally proposed Negative Declaration, the measures listed in Exhibit 3, attached, are incorporated within the Tennaco proposal.

Reclamation

Upon completion of drilling, all holes will be properly abandoned in accordance with California Department of Water Resources Water Well Standards by use of impervious bentonite clay to protect any aquifers. The top five feet of each hole will be filled with drill cuttings to blend with existing soils. Unused drill cuttings will be removed from the project area.

Upon completion of drilling, all drill sites and tracks will be scarified and seeded with U.S. Forest Service prescribed seed mix or as prescribed by Fish and Game.

Geologic/Geophysical Activities

Tennaco also proposes to conduct geologic mapping and sampling on an additional 1,680 acres of the wildlife area. Geologic mapping would be performed by a geologist on foot walking the permit area recording rock types and other geologic features. Geochemical surveying would consist of rock chip sampling, soil and stream sediment sampling. Rock chip sampling would involve removal of approximately 300, five pound rock chip samples taken with a hand-held geologist's hammer. Soil sampling would involve digging an eight-inch hole with a small hand-held trowel, removing a four-pound sample and immediately backfilling the hole. Approximately 1,500 soil samples would be taken at 100 to 500 foot intervals. Stream sediment samples would consist of removing a one-pound sample from the surface of drainage beds with a small hand-held trowel. Approximately 100 stream sediment samples would be removed at 200 to 1000 foot intervals. All rock chip, soil and stream sediment samples will be removed for off-site assay.

Geophysical surveying would include very low frequency (VLF)/total field magnetics, and induced polarization (IP)/resistivity surveys. VLF and total field magnetics are performed by a geologist walking the permit area, recording measurements with a hand-held instrument. This information is useful in understanding local rock types and other geologic features. The IP/Resistivity survey is performed by inducing a small electrical current into a conduit electrode pushed into the ground and recording measurements on detection devices placed at various locations on the ground. Upon completion of the survey, all electrode and detection devices are removed. An IP/resistivity survey is useful in determining rock type characteristics and mineralization.

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.

In addition, the permit requires the Permittee to submit a quarterly report of operations detailing the amount and extent of work performed each three months.

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Proposed Finding

In consideration of the above discussion and the information contained in the attached material which consists of the comments on the 1987 Proposed Negative Declaration and responses thereto and the previous Proposed Negative Declaration (SCH. NO. 87052507), the staff of the Commission believes that there is no substantial evidence that the project, as revised, will have a significant effect on the environment.

(041890)

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EXHIBIT 1

ANTELOPE VALLEY & SIERRAVILLE

15' USGS QUADRANGLES



0 0.5 1 MILE



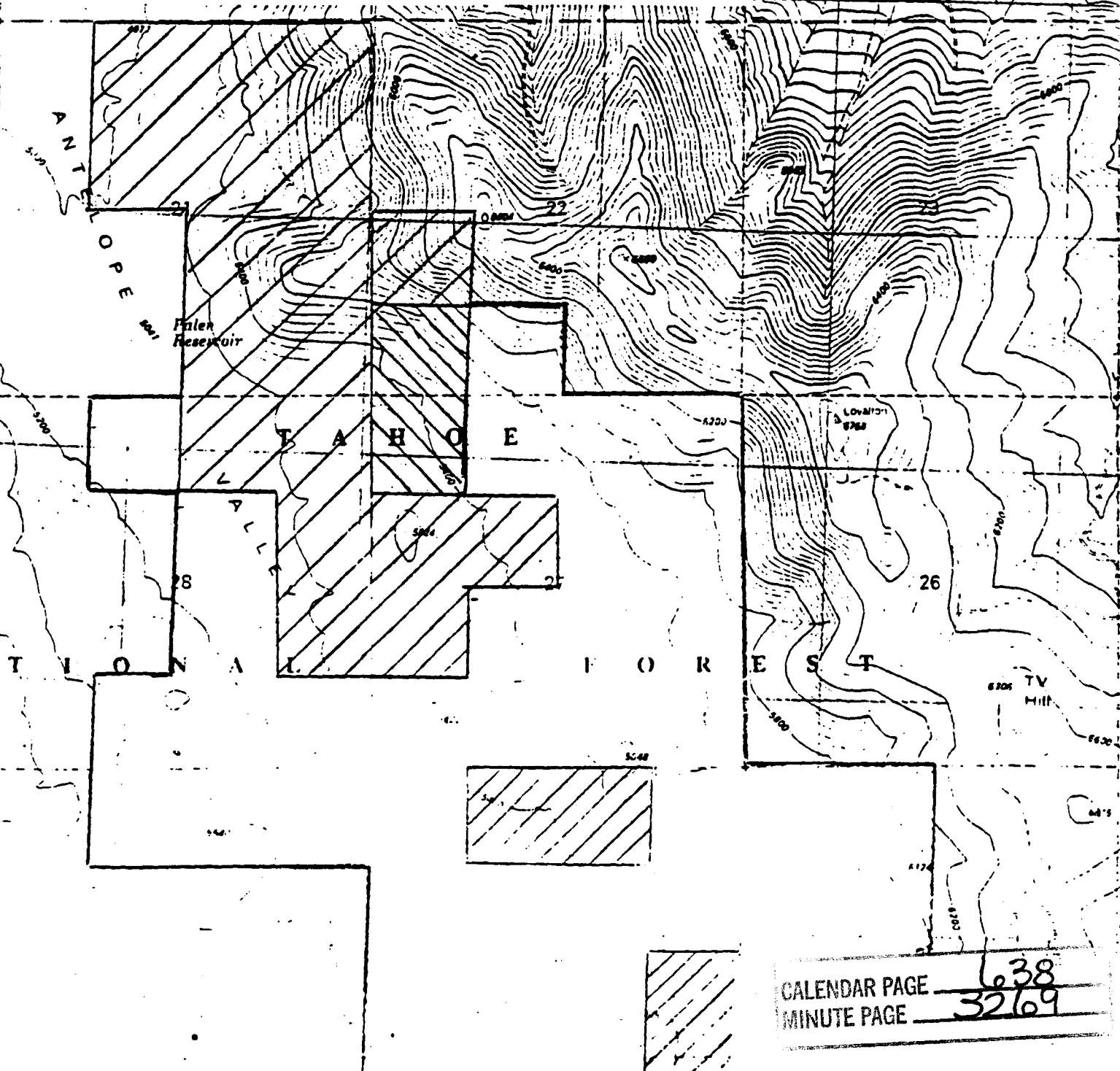
Fish & Game Land - 80 Acre Drilling Area



Fish & Game Land - 1680 Acre Mapping/Sampling Area



Federal and Private Lands Controlled by Tenneco Minerals



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EXHIBIT 2

File Ref.: W 40526

SCH# 87052507

Legal Description of lands applied for in Prospecting Permit
for mapping, sampling, and geophysics.

All in T 21 N, R 15 E, MDM.
Sierra County, California

Section 22: SE-1/4, SW-1/4

Section 27: NE-1/4 NW-1/4, W-1/2, E-1/2 SW-1/4,
SW-1/4 SW-1/4.

Section 28: NE-1/4 NW-1/4, SW-1/4 NE-1/4,
NW-1/4 SE-1/4, SE-1/4 SW-1/4,
S-1/2 SE-1/4.

Section 33: N-1/2 NE-1/4, NE-1/4 NW-1/4

Section 34: SW-1/4, S-1/2 N-1/2, NE-1/4 NE-1/4,
NW-1/4 NW-1/4, W-1/2 SE-1/4.

Section 35: W-1/2

Containing 1680 acres more or less.

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MITIGATION MEASURES

Proposed for Incorporation into the Project Description

1. Access to the thirteen drillsites shall be confined to existing dirt roads and trails to the maximum extent feasible. Off road travel is to be restrained to the minimum required. No new road construction is permitted.
2. To minimize the production of fugitive dust, all vehicle speed shall not exceed 20 mph.
3. Permittee shall perform all activities so as to minimize impact on vegetation. No trees may be removed.
4. Upon completion of prospecting activities, all equipment and refuse will be promptly removed from the site.
5. All drill pads or areas disturbed by drilling activities shall be scarified and seeded by hand-broadcasting. The seed mixture type may be either that provided by the U.S. Forest Service for use in the area or be in accordance with the "Erosion and Sediment Control Guidelines for Developing Areas of the Sierras".
6. Drillholes which do not encounter water shall be backfilled by replacement of drill cuttings into the hole. Drillholes which encounter water shall be abandoned in accordance with California Department of Water Resources Water Well Standards. Impervious sealing material is restricted to the use of bentonite clay only. Mixing of this bentonite clay is restricted to portable tanks or troughs only. No mud pits may be excavated. The top five feet of holes which are abandoned using bentonite clay shall be filled with drill cuttings so as to blend with the existing soil. Drill cuttings which are not utilized in backfilling operations shall be promptly removed from the State parcel.

7. Prospecting activities shall be restricted to the following time period:

A. May 15 through August 10.

B. October 5 until deer migration occurs as determined by the Department of Fish and Game.

These dates may vary depending on deer migration and are subject to change by the Department of Fish and Game.

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Tom Gregory
P.O. Box 823
Loyalton, CA
96118
916-993-4576

October 8, 1987
File Ref# 40526

RE: Hecla's Neg. Dec. for prospecting on State
lands; Reply to October 1 Response

Ted Fukushima
State Lands Commission
1807-13th Street
Sacramento, Ca 95814

Dear Mr. Fukushima,

Thank you for your response to my August 18th letter.

My reply here includes additional comments and clarification
of my original comments. I stand fast in opposition to the
adequacy of this Negative Declaration.

I've included a recent article regarding states' rights
to regulate mining, and new comments regarding the Public
Trust and Habitat Fragmentation.

BACKGROUND

It is evident that the environmental review practice
that assumes that prospecting-exploration does not involve
significant environmental impacts needs re-examination.
Whenever possible, why shouldn't potential environmental
impacts and any conflict with land use goals be considered
at the onset? Especially if the mineral(s) being mined are
not strategic minerals, as in the case with gold. When an
ysis can be made at the onset, doesn't the distinction
between prospecting and mining unduely bifurcate the
process? For example, if findings can be

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STATE LANDS COMMISSION
RECEIVED

STATE OF CALIFORNIA
STATE LANDS COMMISSION

LEO T. MCCARTHY, Lieutenant Governor
GRAY DAVIS, Controller
JESSE R. MUMF, Director of Finance

EXECUTIVE OFFICE
1807 13th Street
Sacramento, California 95814
CLAIRE T. DEDRICE
Executive Officer

File Ref.: W 40526

October 1987

Tom Gregory
P.O. Box 823
Loyalton, CA 96118

Dear Mr. Gregory:

Re: Response to Your Letter Dated October 8, 1987 - Negative Declaration -
Hecla Project

As before, the response included herewith correspond to the numbered
paragraphs of your letter.

1. I would like to know where you derived at "...the environmental review
practice that "assumes" (emphasis added) that prospecting-exploration does
not involve significant environmental impacts...."

We "assume" nothing. The determination of what, if any, document is
appropriate for a given project is derived from the physical activities
involved. Prospecting permits involving merely geologic mapping and/or
rock chip sampling by a geologist on foot has been exempted. Projects
which involve drilling, road construction, etc. requires the preparation
of an "Initial Study" to determine whether a Negative Declaration or an
EIR is appropriate.

The Hecla project was processed in this manner. Based upon the Initial
Study, it is our position that a Negative Declaration is the appropriate
document.

We concur that "if" findings can be made that mining would be in conflict
with the prescribed land uses the miner could assume the risk of not
having a viable project. However, it is our belief that such finding
should be made by the governmental agency which has the primary
responsibility of making such determination; which in this case is the
Sierra County Planning Commission.

2. We have no "...blind blanket acceptance of prospecting....". It is our
contention that, from past experience, consideration of the mining aspect
during the evaluation of prospecting permit process is highly speculative;
therefore, requires no further discussion (Cal. Adm. Code Section 15145).

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made that mining would be in conflict with the prescribed land uses, then the miner could assume the risk of not having a viable project at the onset of exploration and the significance of potential impacts and conflicts could be disclosed from the very beginning.

I recognize that this split-review process has evolved from a law over 100 years old. But since the ruling in the case of the California Coastal Commission v. Granite Rock Company more stringent environmental terms are mandated. One of those terms is to rid ourselves of this blind-blanket acceptance of prospecting, especially for withdrawn areas, conservation system units, split estates, military lands and other special areas.

No doubt, before miners can propose a development they must obtain some idea of where the gold-mineral is, and therefore separating the prospecting from the actual mining is the only feasible way to go. But if a preliminary analysis for a particular area of land indicates that there are obvious major conflicts no matter where the actual operation would occur, then couldn't prospecting and mining be treated as one? The sooner the State Lands Commission and other responsible agencies begin considering this possibility and exercising this discretion the sooner we will move from the vestiges of a disposal land practice to biological and environmental quality land practice.

FIC

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3. The fact that there "may" be land use conflicts does not necessarily mean that this particular project should be evaluated differently from other similar projects. The fact remains, this project involves the drilling of 13 holes. As mentioned above, the mining aspect is very speculative.
"If" the land use regulatory agency of the particular area where the project is located, clearly objected to the project as being inconsistent with the adopted plans and land uses, it would clearly indicate to the applicant that if local permits were required, it may be very difficult to obtain. In this particular case, no such objections were raised.
4. We concur that mining would cause a significant impact on the environment requiring the preparation of an EIR.
5. Based upon comments received from the Sierra County Planning Department, this proposed project is not inconsistent with the adopted plans and land uses.
6. Comment Noted.
7. We concur that "mining will fragment the habitat"; thus causing a significant impact on the environment requiring the preparation of an EIR.

SPECIFIC COMMENTS & COMMENTS

1. We do not deny that mining would have a significant impact on the environment.
2. If mineral prospecting is inconsistent with the adopted plans and land uses of the area, how is it that there is "permitted" prospecting activities currently taking place on adjacent lands? We fail to see your "fair argument" as to the conflicts with the adopted general plan.

The State Lands Commission does not quote your comments to support an argument that the Commission sees mining as an Agricultural use. Your comment was quoted to indicate that it is equally difficult for you to conclude that mining was not an allowable use.
3. The bulk of your original 14 pages of comment were written on the basis of assessing a "full" mining operation. This particular project is a mineral prospecting permit involving the drilling of 13 holes. As mentioned above, the mining aspect is very speculative therefore, we believe that a Negative Declaration is the appropriate document for the case at hand.

Thank you very much for your comments.

Ted T. Fukushima
Division of Research and Planning

06178

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A. Clarification: Mining is a land use inconsistent with the Sierra County General Plan. Nowhere in the General Plan is mining mentioned or considered to be a proper land use. The County's General Plan does not include mining within its land use classifications nor within its land use goals and objectives and therefore will result in a substantial alteration of the present or planned land uses of the area as well as conflict with adopted environmental plans and goals of the community. CEQA considers such an alteration and conflict a significant impact which either requires mitigation to a level of insignificance or an EIR must be done for the project.

The General Plan's land use classifications are (A) General Forest; (B) Intermediate Forest; (C) Agricultural; (D) Recreation; (E) Water Influence; (F) Travel Influence; (G) Urban; (H) Land Use Standards. No where is mining a part of the General Plan's land use goals. It is stated in CEQA Guidelines Section 15125 (b) that "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." Mining would be inconsistent with the Intermediate Forest zoning. Much of this project is in this zone. The Intermediate Forest zone is for water and wildlife.

B. PUBLIC TRUST DOCTRINE VIOLATED

Under the Public Trust Doctrine California's Department of Fish and Game has failed to exercise its reserved

jurisdiction by failing to protect wildlife in "the public interest" from this mining activity. As guardian of wildlife, F&C is obliged to further protect beneficial uses which expressly includes "enhancement of fish and wildlife resources." F&C must bear in mind its duty as trustee to consider the effect of such a project on the Public Trust [citation], "and to preserve so far as consistent with the public interest the uses protected by the trust." National Audubon Society v. Superior Court, supra, 33 Cal. 3d of pp. 446-447; 189 Cal. Rptr. 346, 658 p.2d 709.

C. EFFECT OF HABITAT FRAGMENTATION ON FORESTS IGNORED

Forests may depend on the minimum habitat sizes and degrees of insularity required for small mammal populations (Harris 1984). Most higher plants are entirely dependent upon mycorrhizal (root-associated) fungi, which in temperate forests may be in turn largely dependent upon small mammals for their dispersal (Haser et. al.1978). This and other empirical evidence (see Campbell and Clark 1981; Kerr 1982; Lovejoy et. al. 1984) suggests that such ripple effects ought to be given serious thought when the effects of habitat fragmentation are considered.

Given that today's continental landscape is becoming predominantly archipelago-like as the result of mankind's accelerating population growth and sprawling development, the application of fundamental principles of island biogeography to continental habitat islands may provide us

with a tool for mitigating the impacts of habitat fragmentation.

Mining will fragment the habitat. Habitat fragmentation is the most serious threat to biological diversity and is the primary cause of the present extinction crisis (The American Naturalist, Dec. 1984). Change in the diversity of species, or numbers of any species of animals is a significant impact as defined by CEQA law.

SPECIFIC TO OCTOBER RESPONSES

1. Yes the AVCRP plan recognizes that mining exploration is occurring but later states that mining would likely be a significant impact.

The resource management agencies have not indicated that the project is inconsistent with the AVCRP but the adjacent landowners that are a part of the AVCRP have indicated that it is. There may not be anything that can be done to mitigate this conflict but CEQA requires disclosure not denial.

2. This response ignores the second paragraph entirely regarding the point that the General Plan hasn't incorporated the SURFACE MINING AND RECLAMATION ACT as required by law. The analysis of cumulative impacts are dependent upon this information.

For the lead agency to make a finding that it is

difficult to conclude compatibility or noncompatibility does

not satisfy their legal responsibility especially when we have made a fair argument and presented facts as to the potential of a significant impact in that it conflicts with and alters the planned uses of the general plan. Where in the AVCRP is there sufficient criteria that guides this decision?

Does the Commission quote my comments from page 10 regarding agricultural uses, to support an argument that the State Lands Commission sees mining as an Agricultural use?

3. The bulk of my original 14 pages of comment submitted to the Commission includes substantial evidence that the project may have a significant effect on the environment due to substantial alteration of the present and planned land uses specified in the County's General Plan. Furthermore I've pointed out that the Plan is invalid due to its failure to comply with the State Planning and Zoning Laws. I've given evidence that as the General Plan exists the project conflicts with it. I've provided information demonstrating that the County's General Plan is invalid. The Commission has not addressed my comments at an equal level of specificity as required by CEQA.

Sincerely,


Tom Gregory

P.S. Please allot time for presentation
at Oct. 22 Commission meeting

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STATES GAIN GREATER RIGHTS TO REGULATE ACTIVITIES ON FEDERAL LANDS

By Eric T. Freyfolge

On March 24, 1987, the United States Supreme Court handed down an important federal lands ruling in the case of the California Coastal Commission v. Granite Rock Company. The ruling upheld the power of the California Coastal Commission to require a private mining company, before it began operations on federal lands, to obtain a permit from the Coastal Commission. According to the new ruling, the Commission has the power to grant a permit subject to reasonable environmental protection terms, including terms that are different or more restrictive than those imposed by the federal agency in charge of the lands involved (in this case, the Forest Service). By upholding the power of the Coastal Commission to require the private miner to obtain a permit, the new ruling gives to state and local governments across the country a much greater role in the management of federal lands.

For environmentalists, the new ruling represents a potentially major victory. Now, environmentalists dissatisfied with the environmental protection approaches of the federal land management agencies can take their case to the state and local government level in the hopes of persuading these governmental units to impose on private miners more stringent environmental terms. Moreover, the new ruling will likely apply beyond the context of mining and will give states and local governments a role in private oil and gas pumping, timber harvesting, and grazing on federal lands.

In this case, Granite Rock, a limestone mining company, claimed it was immune from California law since it was operating on federal lands. After obtaining approval of its mining plan from the Forest Service, Granite Rock began mining without seeking a permit from the Coastal Commission. The controversy wound up in the federal district court in northern California, where the judge agreed with the Coastal Commission. On appeal, however, the Ninth Circuit Court of Appeals in San Francisco reversed. The Ninth Circuit agreed that California had the right to impose reasonable regulations on the private miner, but it could not, the court concluded, use a permit process to enforce these regulations. By requiring a permit, California implicitly asserted the power to deny a requested permit and thereby bring the mining operation to a complete halt. In the court's view, California lacked this power: it could regulate the mining, but it could not prohibit the mining and could not impose regulatory limits that had the effect of prohibiting the mining. Thus, in the view of the Ninth Circuit, the state permit requirement went, too far, and therefore was preempted by federal law.

In a narrow, 5-4, decision the U.S. Supreme Court reversed the Ninth Circuit's ruling. In an opinion by Justice Sandra Day O'Connor, the Court ruled that California could exercise its regulatory power by requiring private miners to obtain permits. In arguments before the Court, California disclaimed any power to deny a permit or otherwise prohibit the mining. The Court accepted this disclaimer and assumed, for purposes of the appeal, that the

California Coastal Commission was obligated to grant the requested permit. The Court also assumed, although it did not decide, that the Commission could impose on Granite Rock only "reasonable" environmental terms.

Several aspects of this new ruling are worthy of attention. Firstly, the Supreme Court seemed to agree with several lower courts in concluding that states and local governments can regulate, but not prohibit, private mining on federal lands. The Court in its ruling did not explore the murky line between a regulation and a prohibition, so the issue lingers on for other rulings to deal with. Second, the Court suggested that a state might have no power to apply its "land use regulations" to federal lands, even though it can apply its "environmental regulations." The Court did not decide this issue because, in the Court's view, the California rules at issue were clearly environmental rules (which were lawful) rather than land use regulations (which may or may not be lawful). The four dissenting Justices, however, picked up on this distinction to criticize the majority. Two of the Justices believed that no meaningful distinction could be drawn between the two types of regulations - they concluded that both types of state rules should be unlawful. Two other Justices concluded that meaningful distinction could be drawn, but in their view the California Coastal Commission rules were land use regulations, not environmental protection rules. Land use regulations, these two Justices concluded, were preempted by federal law.

This internal debate suggests that the Court may soon reconsider this issue and decide whether states and local governments do in fact have the power to impose land use restrictions on federal lands. If they do not, states will need to exercise care in fashioning the rules they intend to extend to federal lands. They will need to be sure that their rules are in the form of environmental protection terms rather than zoning ordinances or other traditional land use planning rules.

A final unresolved issue that comes out of this case is whether the same rules as to the power of state and local governments will apply to disputes involving mineral leasing, timber harvesting, grazing, and even recreational activities on federal lands. Could a state, for instance, regulate off-road vehicle use on BLM lands in the name of protecting the environment? These other disputes, if and when they arise, will raise somewhat different issues and will require courts to examine different statutory schemes. But it seems likely that the courts will adopt at least similar positions and will preserve for states and local governments some role in regulating private activities in order to protect the natural environment.

Eric T. Freyfolge is Associate Professor of Law at the University of Illinois and a member of the Sierra Club.

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STATE LANDS COMMISSION

LEOT McCARTHY, Lieutenant Governor
 GRAY DAVIS, Controller
 JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE
 1807 13th Street
 Sacramento, California 95811
 CLAIRE T. DEDRICK
 Executive Officer



File Ref.: W 40526

P.O. Box 805,
 LOYALTON, Ca.
 96118

August 28, 1987

State Lands Commission,
 1807 13th Street,
 SACRAMENTO, Ca.
 95814

Attn: Ted T. Fukushima,

Gentlemen:-

Re:- File Ref. W 40526
 SCH No. 8705 2507
 Hecla Mining Co.

Thank you for the Negative Declaration regarding the above.

If I understand the situation correctly permission has been given for Hecla to drill 13 holes to determine the mineral content in the soil.

My concern is not with the drilling of the holes, even though they undoubtedly would have an effect on the wild life in that area, but with the prospect of Hecla using cyanide should the drilling of the holes be fruitful regarding minerals found.

It should be pointed out that the Sierra Brooks Sub Division is less than a mile and a half away from the drilling project and this Sub Division contains 105 homes at present with a full capacity of just under 400 homes.

Both of our wells which supply our drinking water are more or less at the base of the other side of the hill where Hecla intends to mine.

There have been ^{many} occurrences wherein pollution has occurred and contamination of drinking water from substances a lot less potent than cyanide. The Fairchild incident in South San Jose is one wherein the drinking water became contaminated from metals which were washed down with liquid ~~which~~ which was allowed to wash into the soil with disastrous results. Suits were filed and I think the settlements have gone into the billion.

With this in mind I believe the State Lands Commission, The County of Sierra, The Department of Forestry all would be acting in BAD FAITH should they allow Hecla to proceed with this project, as, it would be just a matter of time before our drinking water would be contaminated.

Who would like to add that while we, at Sierra Brooks, are rated as General Forest, paying E1 rates and it is my understanding that we will be rezoned E1 very shortly.

This whole project is just too close to a residential area, and should be turned down because that it would be too dangerous to the human element.

Sincerely Yours,

Ted T. Fukushima

October 1, 1987

Lionel and Ruth Brooks
 P.O. Box 885
 Loyalton, CA 96118

Gentlepersons:

SUBJECT: Response to Comments - Negative Declaration -
 Mineral Prospecting Permit - Antelope Valley
 Area - Hecla Mining Company - SCH. 87052507

The following responses correspond to the numbered comments or statements in your letter dated August 28, 1987.

1. Permission has not been given for Hecla Mining Company to drill 13 holes to determine the mineral content in the soil. The environmental document that was sent for your review was to elicit your comments for the State Lands Commission to consider. The project is scheduled for Commission consideration in October, 1987.
2. Should economic minerals be discovered, Hecla must then apply for a mineral extraction lease. Prior to the granting of such a lease, an environmental impact report will be prepared and circulated for review. Cyanide use will be evaluated.

In closing, the "project" that is currently under consideration is a mineral prospecting permit which will involve the drilling 13 holes; nothing more will be allowed.

Thank you very much for taking the time to review and comment on the environmental document. Should you have any further comments or questions, please do not hesitate to write me at the above address or call me at (916) 322-7813.

Sincerely,

TED T. FUKUSHIMA
 Division of Research
 and Planning

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SIERRA NEVADA GROUP

MOTHER LODE CHAPTER

SIERRA CLUB

G. B. Tucker
Conservation Chair
12225 Buckeye
Nevada City, CA
95959
705-6323

August 30, 1987

File Ref.: W 40526
SCH # 8705 2507

RE: Negative Declaration--
Mineral Prospecting Permit
In Antelope Valley of Sierra
County For Hecla Mining
Company; EIR required

Ted T. Fukushima
STATE LANDS COMMISSION
1807 13th Street
Sacramento, CA
95814
916-322-7813

Dear Ted Fukushima,

The California Environmental Quality Act requires an Environmental Impact Report to be done when a significant impact exists. In the CEQA Guidelines, Appendix I, under environmental impacts #8 Land Use, the question is asked: "Will the proposal result in a substantial alteration of the present or planned land use of an area?" Appendix G of the Guidelines states that a project will normally have a significant effect on the environment if it will: "(a) Conflict with adopted environmental plans and goals of the community where it is located."

The potential significant impact pertains to prospecting and mining being in conflict with the goals and concerns of the Antelope Valley Coordinated Resource Plan

P.O. Box 1042 • Nevada City, California 95959

STATE OF CALIFORNIA

STATE LANDS COMMISSION

LEO J. MCCARTHY, Lieutenant Governor
GRAY DAVIS, Controller
JESSE R. HUFF, Director of Finance

GENERAL INFORMATION

EXECUTIVE OFFICE
1807 13th Street
Sacramento, California 95814
CLAUDE T. DEDRICK
Executive Officer



October 1, 1987

Mr. G. B. Tucker
Conservation Chair
12225 Buckeye
Nevada City, CA 95959

Dear Mr. Tucker:

This letter contains responses by the staff of the State Lands Commission (SLC) to the specific comments that you submitted in your letter dated August 18, 1987 on the SLC's proposed Negative Declaration (ND) for a mineral prospecting permit to the Hecla Mining Company in Sierra County. The responses are numbered and correspond to relevant numbered paragraphs of your letter.

GENERAL

It appears that you have major concerns relative to the adequacy of the Sierra County's General Plan. Since you believe the plan to be inadequate, you further conclude that other governmental agencies have no basis for evaluating projects within the county. There is, in fact, other information that provides sufficient criteria in this regard; specifically, the Antelope Valley Coordinated Resource Plan. Additionally, we have coordinated with the County Planning Department and they have not indicated that the proposed project is inconsistent with zoning or land use designations included in the General Plan.

SPECIFIC

1. The staff of the SLC has reviewed the Antelope Valley Coordinated Resource Plan (AVCRP). It is our opinion that mineral prospecting is not in conflict with the goals and concerns of that plan. In point

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(see attachment). Findings need to be made as to the compatibility of mining with the conservation and wildlife goals of the Antelope Valley Coordinated Resource Plan. The Negative Declaration does not comply with CEQA law, an EIR is required.

Prospecting & mining are inconsistent with the existing Sierra County General Plan which identifies the land use appropriate for the Antelope Valley as agricultural, intermediate forest and open space. Prospecting and mining are unsuitable uses as indicated in the County's General Plan.

Furthermore the Sierra County General Plan has not incorporated THE SURFACE MINING AND RECLAMATION ACT. There is no section in the General Plan that deals with minerals. Public Resources Code Section 2763 requires the General Plan to incorporate policies and measures to protect mineral sites from incompatible development. It requires general plans to incorporate the mineral classification and designation information prepared by the State Geologist and approved by the State Board, in particular, the mineral classification maps and any maps of the boundaries of designated mineral areas. The text of the plan should also summarize the State Geologist's reports. It also states that the General Plan should include data and analysis, policy, and implementation measures to protect mineral resources.

of fact, the plan states that "There is active exploration work by a mining company in Antelope Valley". In addition, the resource management agencies who were part of AVCRP have not indicated to us that this project is inconsistent with the AVCRP.

2. You state on page 10 of your letter that:

"Unfortunately, the land use element's agricultural designation provides no standards for determining what uses, if any, are allowable in agricultural areas;"

As such, we find it difficult to conclude that the proposed temporary mineral prospecting activity is either incompatible or compatible with the present designation of land use as indicated in the County's General Plan.

3. You state that: "The Lands Commission has no criteria upon which to evaluate the project's impact on land uses within the County because the Sierra County General Plan is drastically out of compliance with State law". We do not believe it is the position or responsibility of the SLC to determine whether the General Plan is or is not in compliance with applicable law.

In the absence of information or a legal determination to the contrary, we must assume that the Sierra County General Plan is appropriate to use as guidance to the environmental processing of this project. Our coordination with the resource management agencies who were a part of the AVCRP, which included Sierra County, has not indicated to us that this project is inconsistent with the land uses within the project vicinity.

4. The ND indicates that the exploratory activity will have a very minor impact on the use of roads within the county.

5. The ND makes an independent determination that the exploratory activity will have a very minor impact on the use of roads within the county.

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These requirements achieve the goals of protecting mineral lands of statewide or of regional significance from preclusive and incompatible land uses; and to assure that adverse environmental effects are prevented.

The Lands Commission has no criteria upon which to evaluate the project's impact on land uses within the County because the Sierra County General Plan is drastically out of compliance with State law.

A. THE CIRCULATION ELEMENT OF THE GENERAL PLAN DOES NOT COMPLY WITH THE REQUIREMENTS OF GOVERNMENT CODE SECTION 65302 (b)

Government code section 65302(b) provides that a general plan must include a circulation element "consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes,...., all correlated with the land use element of the plan". The Sierra County circulation element describes existing and proposed transportation corridors but does not analyze or correlate those transportation corridors with the land use element. Accordingly, County's circulation element is inadequate in that it fails to comply with the mandatory requirements of state law. Twain Harte Homeowners Association v. County of Tuolumne, supra, 138 Cal. App. 3d 664, 700; Concerned Citizens of Calaveras County v. Board of Supervisors, supra, 166 Cal. App. 3d 90.

- 6. See first half of response (3). In addition, the ND indicates that the exploratory activity would be of very short term and will have minor temporary impacts on the open space values.
- 7. See first half of response (3). In addition, the ND indicates that the exploratory activity would be of very short term and will not have a "significant" effect on the noise levels.
- 8. As stated in the AVCRP, there is currently active mineral exploration work in this vicinity. Furthermore, the project before the Commission is exploration, not development. Any proposal for subsequent development will be subjected to a separate environmental analysis, specifically an EIR should the SLC be the CEQA Lead Agency.
- 9. We cannot concur with your statement. As evidenced by the active mineral exploration work currently being done within the project vicinity, we cannot conclude that prospecting for minerals is contrary to the intention of the open space element. Additionally, comments received from the County Planning Department on this proposed project do not indicate such an inconsistency.
- 10. See first half of response (3).

This "project" is a prospecting permit "ONLY". Should an economic mineral resource be discovered, the applicant must submit an additional proposal. As stated previously, the processing of such a proposal will require, in our opinion, the preparation of an environmental impact report.

Sincerely,

TED T. FUKUSHIMA
Division of Research
and Planning

TTF:maa
cc: G. Pelka
J. Frey

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In Ivins Harte, the court noted that the county circulation element did not expressly show any relationship between the county's transportation facilities and the land use element of the general plan, did not discuss changes in road use which may result from land use designations of the general plan, and did not analyze projected demographic changes, population centers, or user habits. Accordingly, the court held that the circulation element was inadequate as a matter of law.

Similarly, in Concerned Citizens, supra, the court held that Government Code section 65302(b) "requires that the circulation element of a general plan, including its major thoroughfares, be closely, systematically, and reciprocally related to the land use element of the plan." Concerned Citizens, supra, at page 100. Specifically, this requires the county to "discuss and set forth 'standards' and 'proposals' respecting any change in demands on the various roadways or transportation facilities of a county as a result of changes in uses of land contemplated by the plan". Concerned Citizens, supra, at page 100.

Respondent's circulation element utterly fails to correlate that element at all with the land use element. Accordingly, the circulation element fails to meet the mandatory requirements of state law.

The inadequacy of County's circulation element is directly relevant to this proceeding in that the proposed

4 prospecting will have an impact on the use of roads within the county. Moreover, the new traffic may create potential traffic control problems and increase significantly the noise and congestion along the routes taken by these vehicles.

5 From the general plan circulation element, there is no criteria from which to determine whether this additional traffic is consistent with the land use patterns contemplated by the general plan or to determine whether the noise created by this traffic unnecessarily will impinge upon residential uses established pursuant to the land use element. Because the Board has no criteria upon which to evaluate the project's impact on land uses within the County, it will abuse its discretion by approving the project.

B. THE OPEN SPACE ELEMENT OF THE GENERAL PLAN DOES NOT COMPLY WITH THE REQUIREMENTS OF GOVERNMENT CODE SECTION 65302(e)

Unfortunately, the open-space element provides insufficient criteria to govern the disposition of open-space land within the county.

Government Code section 65563 requires that a county prepare and adopt an "open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction". The plan must include an "action program consisting of specific programs which the

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legislative body intends to pursue implementing its open-space plan" (Gov't Code section 65304). Respondent's open space plan does not comply with these statutory requirements. It consists of little more than an expression of concern that open space is important and should be preserved. The open space plan, adopted in 1972, admits its own deficiencies, stating:

"This open space conservation element is a start and only a beginning in the process of study, evaluation and planning. This plan designed to be general outline of land use. Further study is needed to make a composite plan with a more specific suitability plan for compatible co-existence between man and his environment" (p. 2 of introduction).

Apparently the County has not proceeded beyond its 1972 beginnings. No further study has been done and the plan has not been supplemented.

Similarly, the open space plan's implementation section recites, namely, that "implementation will be accomplished through planning commission action, zoning, and continued study and evaluation". Thus, no "specific programs" whatsoever are proposed by the open space element. In short, Respondent's generalizations and statements of purpose do not fulfill the state law requirement that the open space element be a comprehensive plan including an action program. As a result, Respondent lacks the criteria to determine what actions, if any, it may take with respect to open space land within its jurisdiction. This failure of

6 the general plan prohibits the Commission from approving the permits under review in this proceeding.

C. THE NOISE ELEMENT OF THE GENERAL PLAN DOES NOT COMPLY WITH REQUIREMENTS OF GOVERNMENT CODE SECTION 65302(f)

The County has a duty to develop a noise element to the general plan which "shall analyze and quantify, to the extent practicable, ...current and projected noise levels" for, "inter alia," thoroughfares (Gov't Code section 65302(f)). Respondent is to prepare noise contours which are to be shown in the noise element and used as a guide for determining patterns of land use. Gov't Code section 65302(f).

Respondent's noise element contains none of these features. It specifies only that highways are a major source of noise. It does not contain any "noise contours" as required by state law; does not provide any criteria for establishing a land use pattern in the land use element "that minimizes the exposure of community residents to excessive noise"; and provides no basis for determining whether particular projects are sited with a view to minimizing noise impacts on the community. Accordingly, the noise element does not comply with the mandatory requirements of section 65302(f).

The inadequacies of the noise element of the general plan are particularly disturbing as they relate to this case in that the project is based on noise generating equipment and potentially a noise generating facility.

In light of these considerations it is imperative that a project such as this be approved only in conformity with a general plan which contains an adequate noise element and which provides a "guide for establishing patterns of land use so as to minimize the noise impacts of any proposed project on the community as a whole. Since no adequate noise element exists, this project cannot be approved in Sierra County at this time.

D. THE SAFETY ELEMENT OF THE GENERAL PLAN DOES NOT COMPLY WITH THE REQUIREMENTS OF GOVERNMENT CODE SECTION 65302(g)

The safety element of the Sierra County General Plan is comprised of two sections. There is a "Safety Element" and a "Seismic Safety Element." These sections are implicated in this proceeding because the Sierra Valley has a history of earthquake activity (G.P., Seismic Safety Element) and because the project is proposed for an area of extreme fire hazard. Pursuant to the Government Code, County's safety element must address problems associated with the wildfire and earthquake hazards by mapping known hazards, addressing requirements for evacuation routes, peak load water supplies, minimum road widths and clearances around

structures (Gov't. Code section 65302(f)). This information must be contained within the safety element of the general plan. Gov't. Code section 65302(g).

In this case the county's safety element does not satisfy any of these requirements. Thus, it provides no base line data and no guidance for determining whether any proposed project meets reasonable fire and seismic safety standards. This omission is particularly serious in this case. The "extreme fire hazard" rating for the property involved here is the highest of three ratings. The Commission's decision to approve development in this fire hazard area, which serves to aggravate the fire threat, is inconsistent with the admonition in the safety element:

"reducing the damage caused by natural hazards can largely be a function of land use planning through the implementation of policies and standards for new developments and new construction. Designated dangerous and otherwise unsuitable areas should remain undeveloped, and public or private investment in these areas should not be supported"

E. THE LAND USE ELEMENT OF THE GENERAL PLAN DOES NOT COMPLY WITH THE REQUIREMENTS OF GOVERNMENT CODE SECTION 65302(a).

Government Code section 65302 provides that the general plan must contain a land use element which:

"...designates the proposed general distribution and general location and extent of the uses of land for housing, business, industry, open-space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a

statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The land use element shall designate, in a land use category that provides for timber production, those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982...

The County's land use element does not comply with this section. It consists of five pages of text. In addition, it may include four maps denominated "Recreation Areas", "Wildlife Habitat", "Agricultural Classification", and "Open-Space Conservation Land". Assuming that the maps are part of the land use element, nevertheless the text and the maps together are insufficient to bring the land use element of the general plan into substantial compliance with the requirements of Government Code section 65300 et seq. In particular, the land use element's designations for agricultural and forest uses fail to comply with the Government Code. Both designations are directly relevant to this case.

1. AGRICULTURE

First, the site of the proposed drilling is designated agricultural by the general plan. Accordingly, the element's discussion of agricultural uses is important to the decisions which are the subject of this proceeding. Unfortunately, the land use element's agricultural designation provides no standards for determining what uses,

if any, are allowable in agricultural areas; for determining what population densities are allowable in agricultural areas; or for determining what level of building intensity is allowable for agricultural areas. Indeed, the entire textual reference to agriculture in the land use element is as follows:

"Although there are small, isolated, off-shoot areas where grazing occurs throughout the County, this classification is applied to the Sierra Valley for obvious reasons. With lands having a high water table, they are best suited for cattle grazing and production of feed and field crops. These lands support most of the agricultural economy of the County and should be protected to prevent the intrusion of subdivisions and other uses not compatible with agriculture or agricultural assessment."

On its face, this discussion of agriculture does not specify any of the uses to which agricultural land may be placed, nor does it discuss the population density and building intensity allowable on agricultural land. Accordingly, with respect to the agricultural designation, the land use element fails to comply with the requirements of the Government Code. "Ivahn Harte Homeowners Association v. County of Tuolumne, supra," 136 Cal. App. 3d 642.

The "Ivahn Harte" case is instructive. There the court reviewed the Tuolumne County General Plan, which specified "

residential building intensity in units per acre but did not specify residential population densities. Respondent argued that since it had specified building intensity in residential areas, it effectively controlled population densities in those areas and that for that reason the general plan should be found to be valid. The court rejected this argument, reasoning that when the legislature enacted Government Code section 65302(a), it must have intended the terms "population density" and "building intensity" to mean different things. Accordingly, the court concluded that because the Tuolumne County general plan did not set forth standards for determining the allowable population density within the specified areas, it failed to comply with requirements of Government Code section 65302(a). If the Tuolumne County general plan was legally insufficient because it failed to specify residential population densities separately from residential building intensity, then "a fortiori", the land use element of Respondent's General Plan, which specifies neither population densities nor building intensity for agricultural areas, must be deemed deficient. Moreover, it is a deficiency which deprives the Commission of any criteria from which to determine whether the proposed drilling and mining is an acceptable land use for an agricultural area.

To the extent that County's land use element provides any guidelines for the use of agricultural land, it suggests

that prospecting and mining are not acceptable land uses in an area designated agriculture by the general plan. Specifically agricultural lands are included within open space under the open-space element of the general plan (General Plan, Open Space Element). With respect to agricultural open space land, the general plan provides:

"The agricultural lands contribute to the wealth of Sierra County through agricultural practices and as wildlife wintering and summering grounds. Agricultural potential should be developed to encourage the growth of the industry and to maintain and conserve the wildlife habitat."

9 Prospecting and mining on lands classified as agricultural by the general plan appears to be contrary to the intent of this provision of the open-space elements in that land will potentially be removed from the agricultural pool and wildlife habitat will be destroyed

2. FOREST

The timberland production zone (TPZ) on the property is not consistent with the general plan's agricultural designation, nor with the goal of the open-space element to maintain agricultural land as open space in order to encourage that activity and to preserve habitat.

The land use element's general forest (General Plan) and intermediate forest (General Plan) categories do not fulfill the mandatory requirements of Government Code section 65302 (a). These areas are not mapped at all. Moreover, the discussion provides no standards for

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determining the uses which shall be permitted within these classifications, no standards for determining population densities, and no standards for determining building intensity. All these deficiencies violate Government Code section 65302 (a). Finally, Government Code section 65302 (e) requires specifically that within the land use element the county shall designate all Timber Production Zoning (TPZ) properties. No such designation appears in the land use element or in any other provision of the general plan.

Because these forest classifications do not comply with the mandatory requirements of the Government Code, the Commission could not lawfully use the forest designations of the general plan (even if applicable) to approve the Negative Declaration and use permit in this case. "Neighborhood Action Group v. County of Calaveras, supra," 156 Cal. App. 3d 1176.

10

Respectfully submitted,

G. B. Tucker
G. B. Tucker

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CALENDAR PAGE 656
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Memorandum

To : 1. Gordon Snow, Project Coordinator
Resources Agency

Date September 10, 1987

2. Ted T. Fukushima
State Lands Commission
1807 13th Street
Sacramento, CA 95814

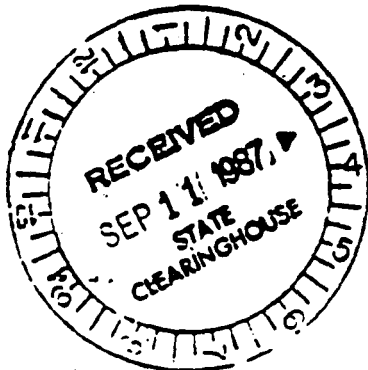
From : Department of Fish and Game

Subject : Proposed Negative Declaration for Hecla Mining Company's
Request for a Mineral Prospecting Permit in Antelope Valley,
Sierra County (SCH 87052507).

The Department of Fish and Game (Department) has reviewed the subject project. The project is a proposal to drill 13 exploratory holes for precious metals and other valuable minerals on Department owned lands in Antelope Valley. The exploratory holes which are drilled from a track mounted rig are four inches in diameter and drilled to a depth of 200 feet.

The Department concurs with the findings for a Negative Declaration provided the proposed mitigation measures are made a condition of approval.

If the Department can be of further assistance, please contact James D. Messersmith, Regional Manager, Region 2, 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670, telephone (916) 355-0922.



Pete Bontadelli
Pete Bontadelli
Acting Director

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LETTER

RESPONSE



Hecla Mining Company

June 26, 1987

State Lands Commission
265 West Broadway, Suite 425
Long Beach, California 90802

Attn: D. J. Everitts

Subject: Response; File Ref: U 40526

Dear Mr. Everitts:

1 [Hecla Mining Company believes a Negative Declaration (ND) would be sufficient for this project. Drilling of this nature has been successfully completed and reclaimed on nearby property with minimal disturbance.

Sincerely,

Brent Willoughby
Project Manager

1 Grant noted.

2/14

CALENDAR PAGE 658
MINUTE PAGE 3289

LETTER
SIERRA COUNTY

Department of Planning and Building Inspection
101 Box 101
1000 North California Street
960 254 4701

July 7, 1987

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

Attn: Mr. D. J. Everitts
Assistance Chief

Dear Mr. Everitts:

This will acknowledge receipt of your June 19, 1987 request for comments on an initial study regarding an application of Hecla Mining Company for a mineral prospecting permit on State Fish and Game proprietary lands located in Antelope Valley, Sierra County.

First, you should be advised that the Sierra County Planning Commission, on July 10, 1986, issued a Special Use Permit to Hecla Mining Company to allow drilling of seven (7) angle reverse circulation holes to a depth of 200 feet in order to ascertain the ore potential of the eastern slopes of Antelope Valley. This applied only to a forty (40) acre parcel (APN 16-060-013) of private property.

We now understand that Hecla Mining Company is proposing a similar program on State Fish and Game Lands which consists of thirteen (13) exploratory holes. Your request for comments is therefore confined to this exploratory program and not further or subsequent development of private, State Fish and Game, or governmental lands.

The Board of Supervisors, during its regular meeting of July 7, 1987, considered the content of your June 19, 1987 packet and takes the position that mitigation and/or conditions of any permit granted by your agency contain the following:

1. The operator shall conform to those exploratory mining activities described within the submitted Special Use Permit Application. This includes no new road construction, noise and dust to be minimized, no tree removal, no alteration of stream beds, no mechanized dozer equipment, no on-site fuel storage, no camping or on-site occupancy. Any deviation from the proposed drilling operation plans shall be subject to Staff review.
2. Upon completion of the exploratory program, all equipment and refuse will be removed from the property.



Tim H. Cook
County Clerk

File: Hecla Mining
(W-40526)

RESPONSES

See mitigation measures number 1, 2 and 3.

- 1 Hecla Mining Company is restricted to only those activities described in the project description within this Proposed Negative Declaration. Production of noise, alteration of stream beds, use of mechanized dozer equipment, on-site fuel storage and camping is not permitted.
- 2 See mitigation measure number 4.
- 3 Not applicable.
- 4 See mitigation measure number 5.
- 5 Prior to initiating exploratory activities, Hecla Mining Company must obtain and maintain until released by the State, a bond or alternate security acceptable to the State in the amount of \$10,000.
- 6 See comments of the California Department of Fish and Game and mitigation measure number 7.

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LETTER (Cont.)

Mr. D. J. Everitts
July 7, 1987
Page Two

3. Upon completion of the 1986 operation, the temporary access road that was allowed to be built as a component of the 1985 Special Use Permit shall have to be bermed at its entry point to avoid continual vehicular use and becoming an entrenched roadway.
4. All drill pads or areas disturbed by drilling activities shall be smoothed, compacted and reseeded. The reseeded shall occur at an appropriate time of the year (May-August), prior to start of the winter season, to insure a high success rate. All drilling areas disturbed during the 1986 operation, as well as those not reclaimed from the 1985 permit, shall be reclaimed by May 15, 1987. The seeding type shall be in accordance with the "Erosion and Sediment Control Guidelines for Developing Areas of the Sierras".
5. Prior to initiating exploratory activities, the applicant shall provide a performance security in a form acceptable to the County in the amount of \$100.00. The \$500.00 performance security from 1985 will be retained by the County as well as the additional \$100.00 until all areas disturbed during the 1985 and 1986 drilling operations are reclaimed to the satisfaction of Sierra County. The County shall retain the posted security until September 15, 1987 to insure that site stabilization and reseeded plans are complete.
6. All proposed uses of this property should be precluded during that period of time that migratory or resident deer movement is occurring or key winter-summer deer habitat is being used by deer.

Thank you and we would appreciate your consideration and approval of this request.

Sincerely,

SIERRA COUNTY
PLANNING DEPARTMENT



Tim H. Beals
Planning Director

TMB:jc:7/32
cc: Members, Board of Supervisors
USFS - Steve Bishop (Sierraville)
Planning

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LETTER

RESPONSES

DEPARTMENT OF FISH AND GAME
1515 MARKET STREET
SACRAMENTO, CALIF. 95834
TEL. 484-1920

GEORGE MUMFORD



AUG 5 1977

Mr. Gregory L. Pelka
State Lands Commission
15 West Broadway, Suite 425
Long Beach, CA 90802

Dear Mr. Pelka:

1 The Department of Fish and Game has reviewed the application of Beck's Mining Company to drill 13 exploratory holes on land included in the Antelope Valley Wildlife Management Area near Loyalton, Sierra County.

Beck's exploratory activities have been observed in recent years on their patented land and nearby US Forest Service lands.

The application properly identifies the area as critical deer winter range for the Loyalton-Truckee deer herd.

The Department of Fish and Game concludes that a mitigated Negative Declaration is proper for this project. From a fish and wildlife viewpoint, the plan to abandon the dry drill holes by backfilling with drill cuttings is acceptable. If water is encountered, the drill hole should be partly filled with bentonite clay with a soil cap. The impervious material should be mixed in portable containers to minimize surface disturbance. The mitigation measures include all those measures described in the "Detailed Project Description" included in their application.

2 Additionally, the Department will impose a time constraint on the drilling activities. The noise and attendant activities will result in unnecessary disturbance to wintering deer. Wintering deer do not leave the area totally until about mid-May. Early fall storms, usually in mid-October, mark the return of deer to their winter ranges. Deer archery season opens in mid-August and hunting/recreational activities are common on the area until early October.

The requested activities must take place during the time when there will be no impact to recreational activities or the deer resource dependent on the Antelope Valley WMA. The Department therefore requires that the exploratory activity take place from May 15 through August 10 and from October 5 until deer migration occurs as determined by the Department. The start up and shut-down date may vary depending on deer migration and will be determined by the Department.

- 1 See mitigation measure number 6
- 2 See mitigation measure number 7.

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LETTER (Cont.)

-2-

In conclusion, the Department contends that a mitigated Negative Declaration is proper following adoption of all mitigation measures contained in the project description and the time constraint requested by the Department.

Thank you for the opportunity to review this project. If I can be of further assistance, please contact Patricia Perkins, Wildlife Management Supervisor at (916) 355-7010.

Sincerely,

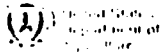
Patrick Brewer

Patrick Brewer
Regional Manager

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LETTER

RESPONSE



Forest Service

Sierraville
Ranger
District

P.O. Box 95
Sierraville, CA
96126

2810

JUL 3 1987

Mr. Gregory J. Pelka
State Lands Commission
175 West Broadway, Suite 425
Long Beach, CA 90802

Dear Mr. Pelka,

In response to your agency's letter dated June 19, 1987, regarding Hecla Mining Company's proposal and the need for an EIR or ND. It is my recommendation that an ND be used to address this project.

Over the past few years Hecla has performed similar exploratory drilling on National Forest lands and we have seen minimal impact to other resources. Also, they have performed well in meeting our requirements for their operations.

Sincerely,

Stephen P. Hinson
Stephen P. Hinson
District Ranger

1 General noted

CALENDAR PAGE
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LETTER

DEPARTMENT OF FORESTRY
1515 Market Street, San Francisco, CA 94102
Telephone: (415) 774-3100
Teletype: (415) 774-3100
Fax: (415) 774-3100

GEORGE DEUMERAN, Governor



June 29, 1987

Mr. D. J. Everitts
Assistant Chief
Recreative Development Program
State Lands Commission
245 West Broadway, Suite 425
Long Beach, CA 90802

Dear Mr. Everitts:

FILE REFERENCE: W 40526
SCHE 87052507

We have reviewed the Application for a Prospecting Permit by Hecla Mining Company and believe a Negative Declaration would be appropriate for this phase of the project. We offer the following comments for your consideration as the project progresses:

- All activities on the wildlands and equipment used for exploratory purposes will need to comply with the state's fire prevention standards.
- If this area is timberland and the prospecting results in a decision to conduct a mining project, a Timberland Conversion Permit may be required under the Forest Practice Act.

Thank you for the opportunity to comment on this project. If you need further information please contact Doug Wickizer at the above address and phone number.

Sincerely,

Kenneth L. Delfino
Deputy Director for
Resource Management

Bob Brown

RESPONSES

- 1 The prospecting permit requires Hecla Mining Company to comply with all applicable laws and regulations of the United States, State of California, and with all applicable requirements of other local counties.
- 2 Any mineral extraction lease issued to Hecla Mining Company will require compliance with all applicable laws and regulations of the State of California and with all applicable requirements of other local counties.

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LETTER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

GEORGE BRUMBLEMAN CONSULTANTS



14 July 1997

Mr. Greg Pelka
State Lands Commission
125 W. Broadway, Suite 425
Long Beach, CA 90802

DECCA MINING COMPANY - EXPLORATORY DRILLING IN ANTELOPE VALLEY, SIERRA COUNTY

1 Decca Mining Company proposes to drill 13 boreholes on California Department of Fish and Game Land. We believe a Negative Declaration will be sufficient to cover all environmental concerns.

The boreholes should be abandoned, whether ground water is encountered or not, using impermeable material such as cement-bentonite grout.

If you have any questions, please call me at (916) 361-5655.

George Brumbleman

OSCAR E. WARD
Lead Engineer

cc:

Mr. Joe Hestel, Sierra County Planning Dept., Downsville
Dr. Peter Pappas, Lander Environmental Management, Sonoma

RESPONSE

1 See mitigation measure number 6.

All exploratory holes drilled to date by Decca Mining Company have been abandoned by backfilling cuttings in the hole whether or not water has been encountered.

CALENDAR PAGE 1665
MINUTE PAGE 3296

LETTER

PETITION REQUESTING EIR FOR DRILLING PROJECT PROPOSED FOR ANTELOPE VALLEY July 1, 1987

RESPONSES

The undersigned are responding to a request from the State Lands Commission regarding an application by Hecla Mining Company for a prospecting permit on State Fish and Game lands located in the Antelope Valley of Tahoe National Forest in northern Sierra County, California. A number of concerns lead us to request a full Environmental Impact Report before said permit is issued.

1 Initial concerns center around information on the Environmental Impact Assessment Checklist that are untrue and misleading. Of 69 questions concerning the impact the drilling of 15 wells would cause only 3 have been checked "yes". Without full geological and archaeological studies many of the questions in the checklist must be answered "maybe", until more research is done. The proposed drilling is to be done over an identified fault and the effects of disrupting water strata in this area could have a much greater impact than stated.

2 The effect of increased traffic, noise, and dust on the residence of this valley is considerably underplayed in the report presented by Hecla. We are sensitive to the disruption of our life style and are opposed to the activities that will occur with the proposed Hecla prospecting. Already the activity that has centered around the proposed Hecla project has caused local residence inconvenience as they have been forced to put up with increased traffic in areas that have been, until now, quiet haunts for hiking, riding and bicycling.

3 It is implied in the Environmental Impact Assessment Checklist that no long term effects will result from the proposed prospecting permit in Antelope Valley. This is obviously untrue. This is just the first step in a project which, if undertaken, will subject this valley and the undersigned to disruptions of our way of life and even to the potential for severe health hazards.

We understand that the initial prospecting permit is concerned only with 15 wells, but also feel the initial prospecting cannot be separated from the project as a whole. The magnitude of an open pit mining operation using a cyanide extraction method threatens so much that nothing short of the greatest caution at every step of the project's execution must be taken.

We the undersigned sincerely hope the State Lands Commission will require an Environmental Impact Report before issuing a prospecting permit for the drilling of wells in Antelope Valley.

Signed by 86 local concerned citizens.

1 On June 25 and 26, 1987, an archeological field survey of the project area was conducted by Roger H. Verner. No significant cultural resources were located within the project area. A copy of this archeological field survey report is in the long beach office of the State Lands Commission.

According to California Division of Mines and Geology 1980, State Geologic Map of California, the Hot Springs Fault is approximately located half way to the northeast corner of the project area. Since the Driftwater Hill is located abandoned immediately after drilling as required by the Code of Regulations, drilling should not disrupt water strata in the area.

2 The minor amount of increased traffic, noise, and dust generated in the project area will be temporary. Hecla Mining Company estimates drilling time will not exceed one day per hole.

3 This "project" involves a mineral prospecting permit which will only authorize the drilling of 15 exploratory holes. Should the prospecting activities prove successful, the applicant must apply for a mineral extraction lease. Prior to the granting of such lease, an environmental impact report will be prepared, circulated, and considered.

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3297

lololo

LETTER

Mr. Gregory J. Follen
State Public Commission
115 West Broadway, Suite 425
San Diego, CA 92102

Dear Mr. Follen:

This is a response to your request for comments on the mineral prospecting permit application of Heckla Mining Company for drilling exploratory holes on land owned by California State Fish and Game.

Last Wednesday, July 1st, a meeting was conducted between Heckla Mining representatives and those residents of Sierra County which will be directly affected by their proposal of an open-pit, cyanide leaching process, and mine.

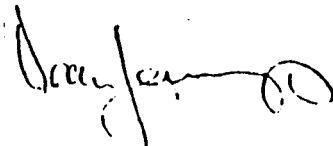
The permit application by Heckla came up during the course of conversation and many of us wondered why your letter of June 19th had not been sent to most of the local residents involved. This oversight has since been corrected; my copy arrived Friday and I thank you.

The environmental impact assessment checklist submitted by Heckla to my office as part of the initial study of the project lacked credibility in one of the question responses. Most of those present felt that for this reason alone, Heckla should be required to submit an Environmental Impact Report. A petition to that effect will soon be sent to you.

The meeting was held at the Balderston Ranch, which lies due north of the proposed mine and the drilling site in question. Fred Balderston is presently out of the country on business, and cannot respond to your letter. My wife and I have been, and are presently managers of his ranch on a year-round basis and the concerns that he has for this project are well known to us. The proposed drilling site is approximately 1000 yards up-gradient from a public reservoir, which is at the south end of the ranch. We have been licensed by the State to grow trout on a commercial basis, which we have done for the past four years. A drilling operation could have a definite impact were it to disturb these springs feeding the lake. The answers given on the assessment checklist did not address this possibility.

On behalf of Mr. Balderston, I request that an EIR be required for this project. Thank you for your consideration in this matter.

Sincerely,



Dean Jennings
Star Route,
Loyalton, CA 96118

July 6, 1987

RESPONSE

↑ It has been our experience that properly abandoned drillholes do not affect the water strata.

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MINUTE PAGE 3298

LETTER

UNITED STATES
DEPARTMENT OF
AGRICULTURE

Soil
Conservation
Service

1350 N. Main St., Suite 1
Red Bluff, CA 96000
916-527-2667

July 14, 1987

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

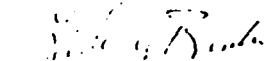
Subject: Consultation Pursuant to Sec. 21080.3
of the Public Resource Code: (Antelope
Valley Area)

Attention: Mr. Gregory J. Pelka

Dear Mr. Pelka:

The U.S.D.A., Soil Conservation Service believes a complete
EIR is necessary for proposed mineral exploration in
Antelope Valley, Sierra County.

We request this EIR due to concerns over soil, water, forage
and wildlife resources in the Valley.



Gordon A. Brooks
Soil Conservationist

1680/jc

RESPONSE

1 Based on the nature of the project, the comments received from other
governmental agencies (see comments received), and past experience
with this type of project, we do not agree that an EIR is required.

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LETTER

SIERRA VALLEY RESOURCE CONSERVATION DISTRICT

P. O. Box 175
Loyalton, California 96118

July 1, 1987

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

Attn: Mr. Gregory J. Felka

Subject: Consultation Pursuant to Section 21080.3 of the
Public Resource Code: (Antelope Valley Area)

1 The Sierra Valley Resource Conservation District requests an
EIR for proposed exploration in Antelope Valley.

Louis Genasce, President
Sierra Valley Resource
Conservation District
P. O. Box 175
Loyalton, CA 96118

RESPONSE

1 Comments noted.

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July 9

File Ref.: W 40526
SCH# 87052507

June 19, 1987

INITIAL STUDY
INTRODUCTION

Hecla Mining Company has applied to the State Lands Commission for a mineral prospecting permit on State Fish and Game proprietary land located in the Antelope Valley of the Tahoe National Forest in northern Sierra County, California. The proposed project involves drilling 13 exploratory holes, 4 1/8 inch in diameter to a maximum depth of 200 feet to explore for precious metals. Access will be obtained by an existing dirt logging road and by off-road travel. Upon completion of drilling, all holes shall be properly abandoned, and drill sites reclaimed.

The permit when issued, is for a two-year period and may be extended for a maximum of one year.

This initial study consists of an environmental impact assessment checklist, detailed project description, information form response and maps.

STATE LANDS COMMISSION
June 1987

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STATE LANDS COMMISSION

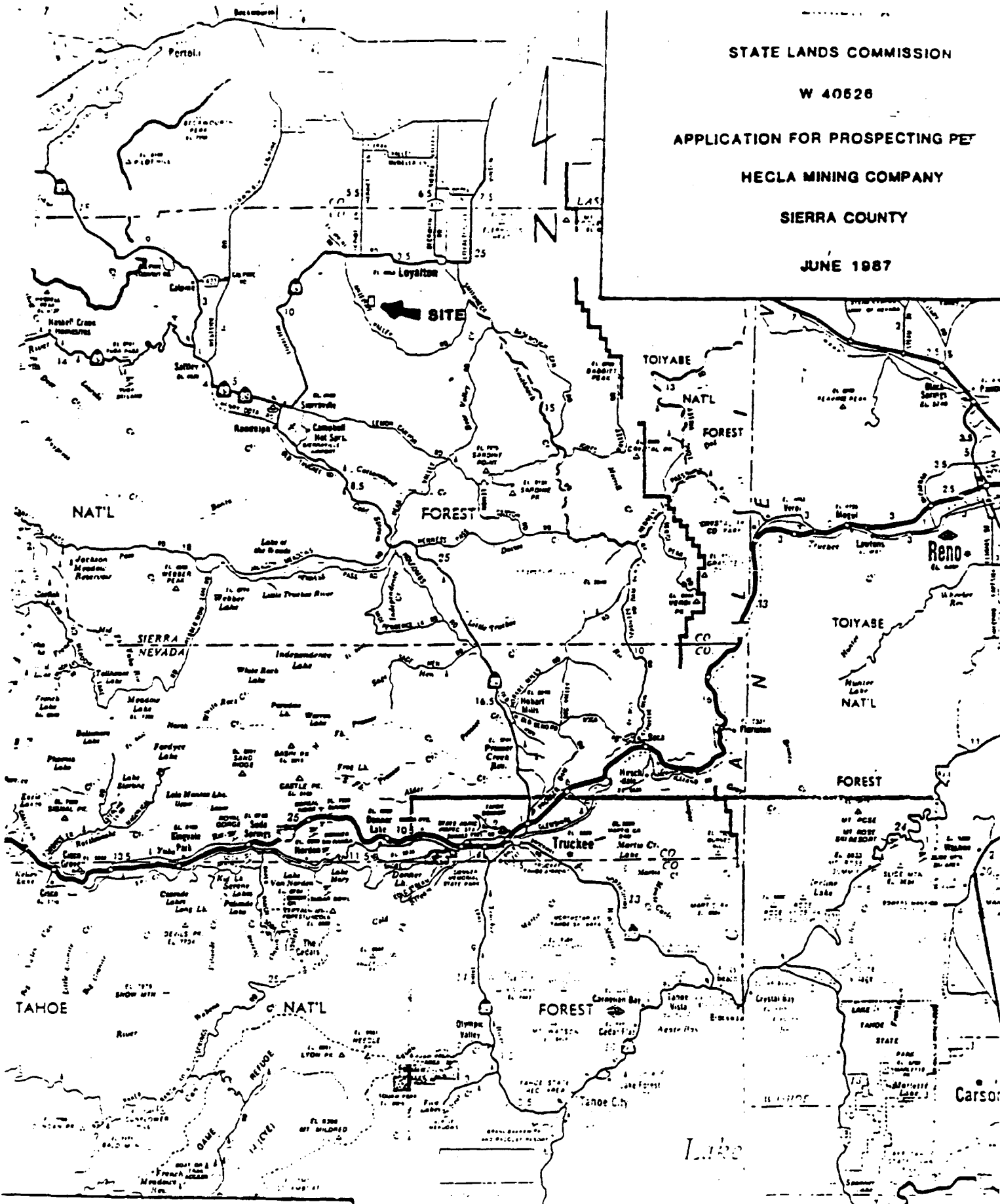
W 40526

APPLICATION FOR PROSPECTING PET

HECLA MINING COMPANY

SIERRA COUNTY

JUNE 1987

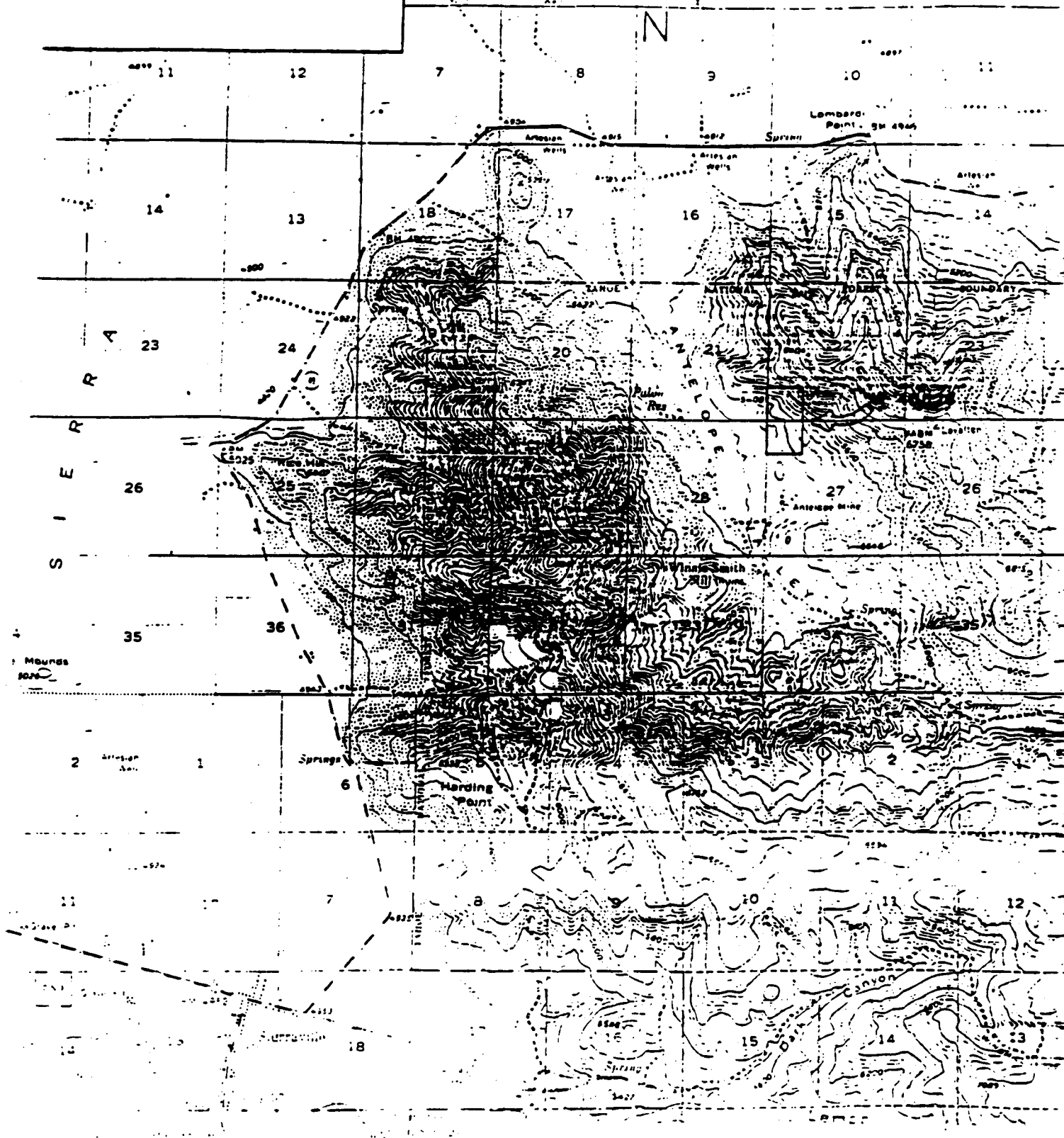


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EXHIBIT 'B'

SIERRAVILLE, CALIFORNIA

15' USGS QUADRANGLE



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DETAILED PROJECT DESCRIPTION

Hecla Mining Company proposes to conduct precious metal exploration in the permit area by drilling 13 holes, 4 1/8 inches in diameter to a maximum depth of 200 feet and retaining samples for off-site assaying. Please refer to Exhibit A and B for location maps of the project. Refer to Exhibit C for a detailed parcel map showing individual drill hole locations and existing access.

Drilling will be accomplished using a track mounted reverse air circulation rig. A down-the-hole hammer will break the rock to 1/2 inch diameter particles which are blown out of the hole to a cyclone. Cuttings are retained at five foot intervals with approximately 1/2 cubic foot saved from each interval. The remaining cuttings will be stockpiled for backfilling the hole. No cores will be taken and no drilling mud will be used. Holes will be drilled at an approximate inclination of 45 degrees. The drilling crew will consist of three men who will be transported in one pickup truck. Lodging will be in a motel in the nearby town of Loyalton.

Access to the drill sites will be obtained by an existing old logging road and by off road travel. No new road construction will be permitted. Surface disturbance is estimated to be approximately 80 square feet per drill site or a total of 0.02 acre for all 13 holes. The maximum anticipated excavated volume if all the holes are drilled to a depth of 200 feet will be 9 cubic yards.

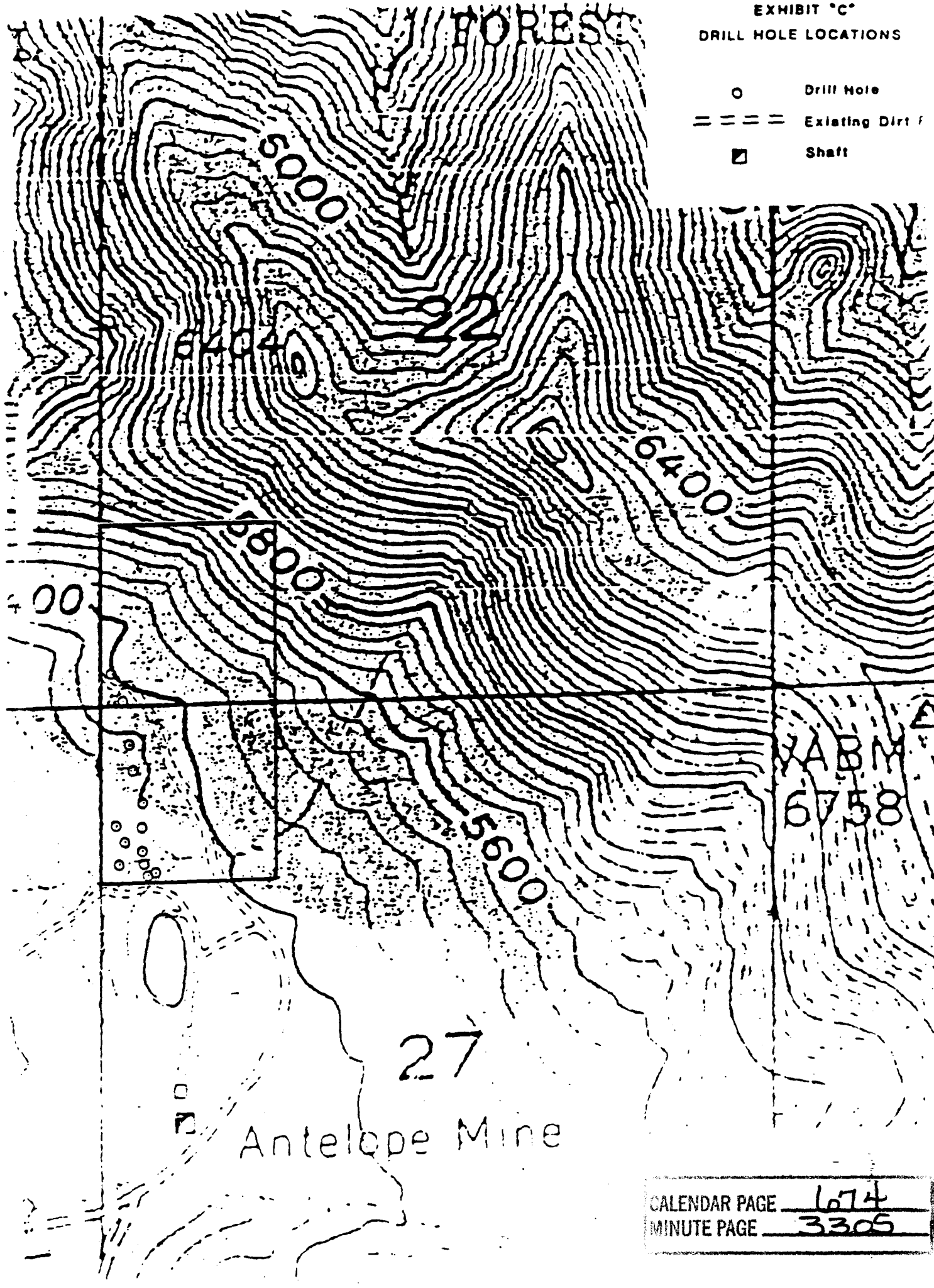
Upon abandonment, approximately five feet of surface casing required for drilling will be removed. Drill cuttings not retained as samples will be used to backfill each hole. In the event water is encountered during drilling, holes will be abandoned in accordance with California Department of Water Resources Water Well Standards. Drill sites will be scarified and seeded by hand-broadcasting. The seed mixture will be provided by the U.S. Forest Service for use in the area. A commercial fertilizer will be utilized to assist in germination and growth.

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○ Drill Hole

=== Exfoliating Dirt

▣ Shaft



27

Antelope Mine

CALENDAR PAGE	674
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ENVIRONMENTAL SETTING

1. Describe the project site as it exists before commencement of the project. Include information such as topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, the use of the structures, and whether they will be retained or removed.
2. Describe the surrounding properties. Include information such as topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Indicate the type of land use and intensity of land use of the area.
3. Include a statement of the proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.

Applicant Responses:

1. The project site is on a hill which slopes gently to the southwest. The area is alluvial covered, with some yellow pine trees and bitter brush. The most noted animals are mule-deer. There are no existing structures on the site. Rock outcrops consist of isolated zones approximately 20 feet by 100 feet of silicified volcanic material. Material surrounding the outcrops consists of talus and gravel, 5 to 40 feet in thickness. No known cultural or historical resources occur on the project site. An archeological survey of the project site and surrounding area is anticipated to be completed by the middle of July. Scenic aspects consist of wooded, rolling hills overlooking Antelope Valley. The State land has the same features as that surrounding it.
2. The Antelope Valley area is on the eastside of the main Sierra Nevada range and is characterized by the dry climate and ecosystem typical of the Great Basin. Antelope Valley proper is a broad valley floor with a spring fed stream. The surrounding ridges are dominated by stands of Jeffrey pine, with the west slopes onto the Sierra Valley tending to a juniper/cedar - sagebrush - annual grassland. Antelope Valley contains bitterbrush, mountain mahogany, sagebrush as well as perennial and annual grasses. Elevations range from 5000' to 6800'. The area has a history of fire as well as recent (past 10 years) logging.

The entire area is key deer winter range for the Loyalton - Truckee deer herd. The abundance of bitterbrush, mountain mahogany, sagebrush, and adjacent alfalfa and other croplands as well as the relative scarcity of snow make this a critical area to wintering deer.

Ranches border the west and north edge of the area. Typically, these ranches are on the valley floor and contain private land extending within the exterior forest boundary. Grazing usually extends onto the forest via on-off or regular permits since the forest boundary is rarely fenced in this area.

Drilling for precious metals has been successfully completed on nearby property by Hecla Mining Company. Additional land use includes wildlife habitat and recreation.

3. The drilling will be performed with reverse air circulation and the cuttings will be retained. All trash will be removed from the site.

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13 20 (7/82)

File Ref: 11-0326

I. BACKGROUND INFORMATION

A. Applicant: Hecla Mining Company
6500 Mineral Drive
Cover, d'Alene, Idaho 83814-1031

B. Checklist Date: 06 / 10 / 87

C. Contact Person: Gregory J. Pelka
Telephone: (203) 590-5201

D. Purpose: Prospecting for precious and other valuable minerals.

E. Location: SW 1/4 of SW 1/4 of Sec 22, T 21 N, R 15 E, MDM, Sierra County
SW 1/4 of NW 1/4 of Sec 27, T 21 N, R 15 E, MDM, Sierra County

F. Description: Drill 13 exploratory holes, 4 1/8 inch in diameter to a maximum depth of
of 200 feet. Retain 1/2 cubic foot of sample from every five foot interval for off-
site assaying. Properly abandon drill holes.

G. Persons Contacted:
James Messersmith-Regional Manager
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

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

- A. *Earth*. Will the proposal result in:
- | | Yes | Maybe |
|---|--------------------------|--------------------------|
| 1. Unstable earth conditions or changes in geologic substructures? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Change in topography or ground surface relief features? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Changes in deposition or erosion of beach sands or changes in dune deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or estuary? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Exposure of all people or property to periodic hazards such as landslides, failure of similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> |

CALENDAR PAGE 677
MINUTE PAGE 3308

1. Substantial air emissions or deterioration of ambient air quality?
2. The creation of objectionable odors?
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

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

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)?
2. Reduction of the numbers of any unique, rare or endangered species of plants?
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
4. Reduction in acreage of any agricultural crop?

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)?
2. Reduction of the numbers of any unique, rare or endangered species of animals?
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
4. Deterioration to existing fish or wildlife habitat?

F. Noise. Will the proposal result in:

1. Increase in existing noise levels?
2. Exposure of people to severe noise levels?

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

1. The production of new light or glare?

H. Land Use. Will the proposal result in:

1. A substantial alteration of the present or planned land use of an area?

I. Natural Resources. Will the proposal result in:

1. Increase in the rate of use of any natural resources?
2. Substantial depletion of any nonrenewable resources?

- | | Yes | Mayb |
|---|--------------------------|--------------------------|
| J. <i>Risk of Upset</i> . Does the proposal result in: | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> |
| K. <i>Population</i> . Will the proposal result in: | | |
| 1. The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> |
| L. <i>Housing</i> . Will the proposal result in: | | |
| 1. Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> |
| M. <i>Transportation/Circulation</i> . Will the proposal result in: | | |
| 1. Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> |
| N. <i>Public Services</i> . 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Schools? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Parks and other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> |
| O. <i>Energy</i> . Will the proposal result in: | | |
| 1. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? | <input type="checkbox"/> | <input type="checkbox"/> |
| P. <i>Utilities</i> . Will the proposal result in a need for new systems, or substantial alterations to the following utilities: | | |
| 1. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Water? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> |
| Q. <i>Human Health</i> . Will the proposal result in: | | |
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> |
| R. <i>Aesthetics</i> . 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| S. <i>Recreation</i> . Will the proposal result in: | | |
| 1. An impact upon the quality or quantity of existing recreational oppo | <input type="checkbox"/> | <input type="checkbox"/> |

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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? Yes Maybe No
- 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? Yes Maybe No
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? Yes Maybe No
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? Yes Maybe No

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? Yes Maybe No
- 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Yes Maybe No
- 3. Does the project have impacts which are individually limited, but cumulatively considerable? Yes Maybe No
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes Maybe No

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

See attached discussion of environmental evaluation, environmental setting and detailed project description.

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

For the State L

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- 5) abate stream erosion and raise the water table in Antelope Valley
- 6) the possibility of mineral resource development impacting other resources
- 7) the possibility of uncontrolled wildfire due to excess fuels

The entire area is zoned general forest. The general plan is designated intermediate forest for the entire Antelope Valley.

In the SW 1/4 of Section 27, immediately adjacent to the area under application lies the now abandoned Antelope Mine. This underground mine produced copper around the turn of the century from the same geologic formation in which present exploration is desired. Access to the underground workings of the Antelope Mine are no longer accessible.

III. Discussion of Environmental Evaluation

A 2. Disruption, displacement, compaction and overcovering of the soil will occur in the immediate vicinity of the drill sites. However, the disruption will be short term and all disturbed sites will be properly reclaimed.

E 3. The drilling activity will temporarily displace animals from the immediate vicinity. No long term effects are anticipated.

F 1. The operating drill rig will temporarily increase existing noise levels.

S 1. The drilling activity will temporarily reduce recreational opportunities on the project site.

The 80 acre parcel under application is within the 4,480+ acre Antelope valley Wildlife Area acquired by the Wildlife Conservation Board for the California Department of Fish and Game (CDFG) in 1980. The CDFG acquired the parcel primarily for the prime deer winter range habitat as well as recreational opportunities including hunting, hiking, camping and general outdoor enjoyment. The federal government, through the Land and Water Conservation Fund, participated in this acquisition on a 50% basis. Due to the federal government's involvement, the CDFG has requested and received permission for conversion of land use for mineral prospecting activities.

In addition to CDFG lands in the Antelope Valley area of Sierra County, there exist an additional 16,300 acres belonging to

- 1) U.S. Department of Agriculture - Forest Service, Tahoe National Forest.
- 2) U.S. Department of the Interior - BLM, Susanville District.
- 3) Private Land both within and outside the NFS boundary.

Due to common land and resource management issues the private landowners and public agencies have united under the Antelope Valley Coordinated Resource Plan in order to best manage the land as an ecosystem. Common management concerns and goals of the private landowners and public agencies include:

- 1) protection and improvement of the deer winter range
- 2) coordination of livestock grazing with wildlife use
- 3) control of timber trespass
- 4) control of vehicle use in unauthorized areas

SECTION C: ASSESSMENT OF ENVIRONMENTAL IMPACT

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)?	[]	[]	[]
12. Increase in fossil fuel consumption (e.g., electricity, oil, natural gas)?	[]	[]	[X]
13. A larger project or a series of projects?	[]	[]	[X]

PART V

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: Gene K. Ealy *Gene K. Ealy* Date: 4/10/87

Title: Vice President - Exploration

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