

**MINUTE ITEM**

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

**CALENDAR ITEM**

**37**

A 61  
S 16

03/27/90  
W 40587 PRC 7385  
Kruger

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

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

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

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

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

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

CALENDAR PAGE	279
MINUTE PAGE	640

CALENDAR ITEM NO. 37 (CONT'D)

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

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

**AREA, TYPE LAND, AND LOCATION:**

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

**TERMS OF PERMIT:**

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

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

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

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

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

CALENDAR ITEM NO. 37 (CONT'D)

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

STATUTORY AND OTHER REFERENCES:

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

AB 884: 04/20/90.

OTHER PERTINENT INFORMATION:

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

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

CALENDAR PAGE	281
MINUTE PAGE	642

CALENDAR ITEM NO. 37 (CONT'D)

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

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

APPROVAL OBTAINED:

Office of the Attorney General.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

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

CALENDAR PAGE	282
MINUTE PAGE	643

CALENDAR ITEM NO. 37 (CONT'D)

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

**EXHIBIT "A"**

**W 40587**

**LAND DESCRIPTION**

A parcel of California State school lands in san Bernardino County, California, said parcel  
being section 30, 17<sup>th</sup>, 14<sup>th</sup> W, 30<sup>th</sup> N.

**END OF DESCRIPTION**

**PREPARED AUGUST 22, 1989 BY BIU 1.**

CALENDAR PAGE	284
MINUTE PAGE	645



STATE LANDS COMMISSION  
1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 496

File Ref.: W 40587

SCH#: 8907 3121

Project Title: NEWBERRY SPRINGS PROJECT

Project Proponent: United States Borax and Chemical Corporation

Project Location: Section 36, T.9 N., R.1 W., S.B.M., approximately 5 miles south-east of Barstow, San Bernardino County.

Project Description:

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

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

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

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

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

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

CALENDAR PAGE	286
MINUTE PAGE	647

MONITORING/REPORTING PROGRAM

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

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



COMMENTS

RESPONSES



United States Department of the Interior

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



BY DIR'S ORDER TO  
1120  
(CA-068.25)

(619) 256-3531

OCT 17 1989

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

Dear Mr. Kruger:

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

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

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

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

Sincerely,

Aiden Sievers  
Area Manager

OCT 18 1989

VKD
DJE
PVJ
PBM
WEP
CEP
BJR
WMT
JWW
ADW
ELK
FILE

CALENDAR PAGE	289
MINUTE PAGE	650

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
OCT 18 1989  
FBI - BARSTOW

# Memorandum

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

Date: October 13, 1989

File # 83.1

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

SUBJECT: Mineral Prospecting Permit  
SCH# 89073121

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

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

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

*Andy John*

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

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

CALENDAR PAGE	290
MINUTE PAGE	651

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

COMMENTS

STATE OF CALIFORNIA STATE LANDS COMMISSION

STATE LANDS COMMISSION

245 WEST BROADWAY, SUITE 425

LONG BEACH, CALIFORNIA 90802

TELEPHONE: (213) 590-5201

GEORGE DEUTERMAN



RESPONSES

File Ref.: W 40587

SCH# 8907312L

September 5, 1989

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

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

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

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

*[Signature]*  
D. J. EVERITTS, Assistant Chief,  
Extractive Development Program

Attachment: Initial Study

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

Oct 9, 1989

*review of the documentation which was attached to letter (initial study) and from my own knowledge the area should conclude that a Negative Declaration should be required for this project*

*Donald Carlisle Oct 9, 1989*

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

CALENDAR PAGE	291
MINUTE PAGE	052

INITIAL STUDY INTRODUCTION

Newberry Springs Project

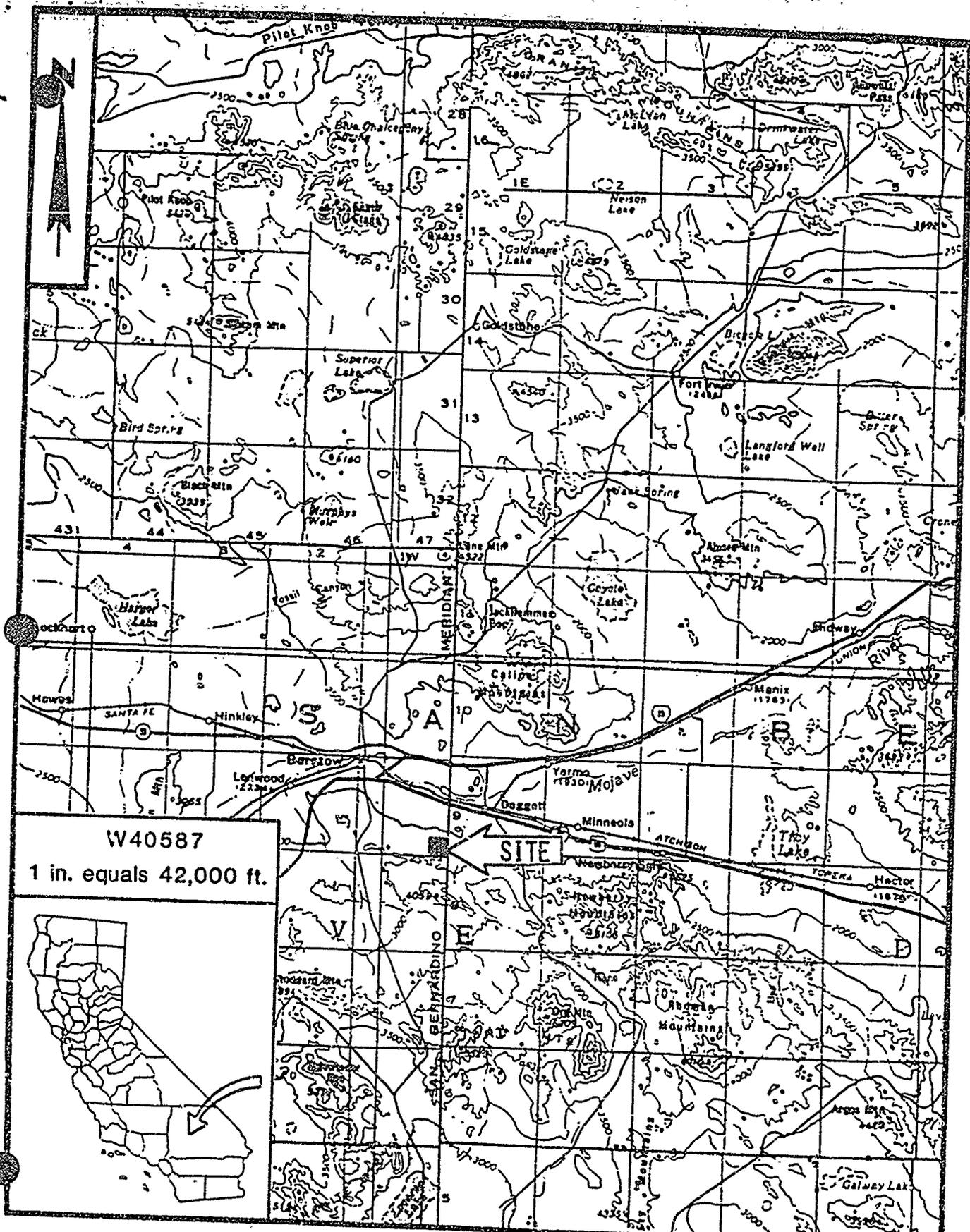
The United States Borax & Chemical Corporation has applied to the State Lands Commission for a mineral prospecting permit on 640 acres of land in Section 36, T9N, R1W, SBM, San Bernardino County. The surface of this section is owned privately by a total of nine parties and the subsurface is reserved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

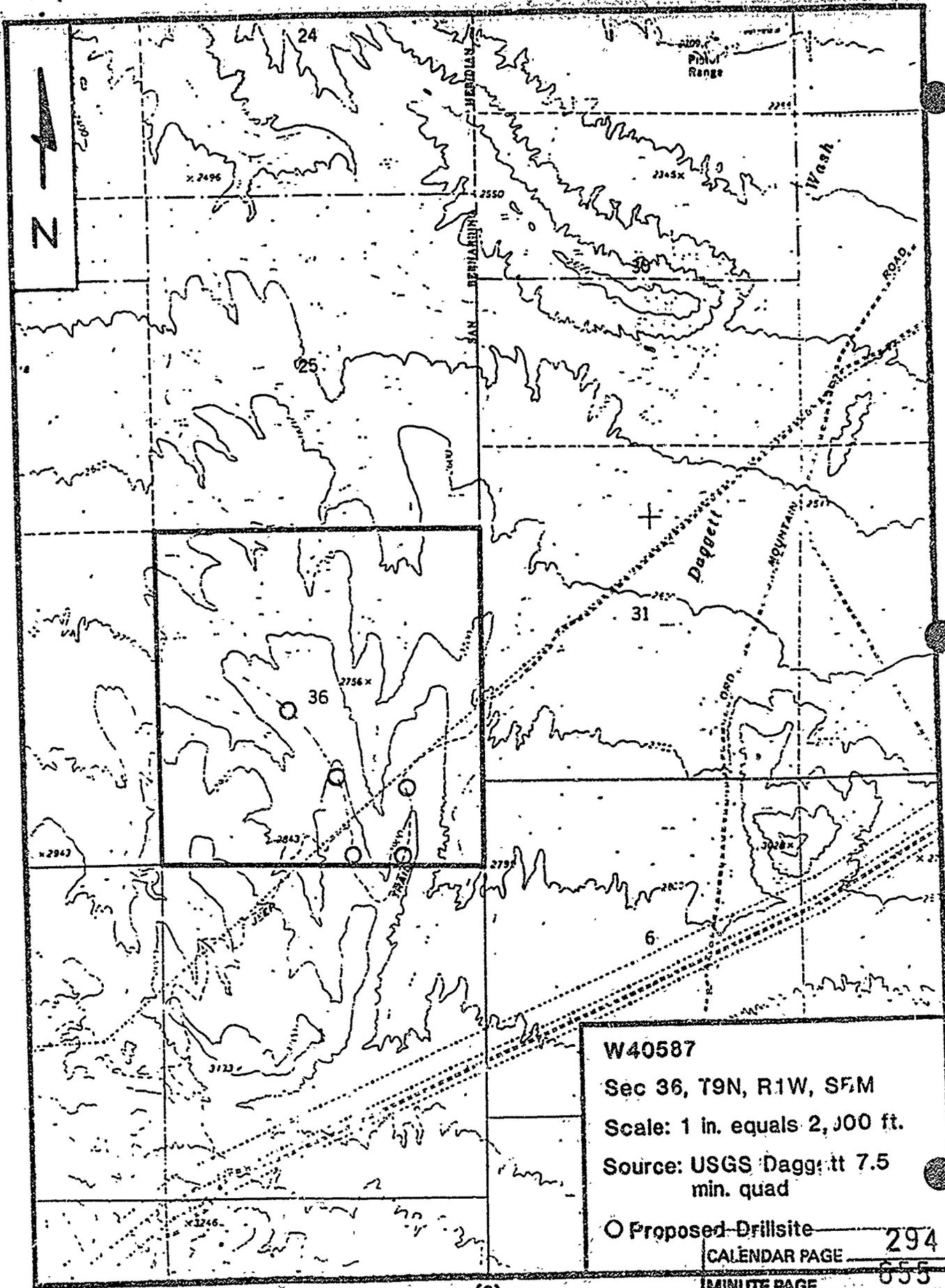
The proposed project calls for drilling a maximum of five exploratory holes from five surface locations in the south half of the section. The exploratory holes will be drilled to a proposed total depth of 2,000 feet. Subsurface samples of 2-5 pounds will be taken at regular intervals and assayed at an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

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

This Initial Study consists of the following material:

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





W40587

Sec 36, T9N, R1W, SFM

Scale: 1 in. equals 2,000 ft.

Source: USGS Daggett 7.5 min. quad

○ Proposed Drillsite

CALENDAR PAGE 294

MINUTE PAGE 655

COMMENTS

U.S. BORAX

RESPONSES

October 10, 1989

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

File Ref.: W 40587  
SCH # 89073121

To whom it may concern:

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

The State Lands Commission study on U.S. Borax's proposed action in Section 36, T.9N., R.14., SBHM agrees that no adverse impacts are anticipated by this proposed action.

Thank you for the opportunity to comment on this project.

Sincerely,

*Robert E. Kistler*

ROBERT E. KISTLER  
Chief Geologist

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

CALENDAR PAGE	295
MINUTE PAGE	656

OCT 11 1989

WVKD	
DJE	K
PVJ	
PBM	
WEP	
CEP	
BJR	
WMT	
JWW	
ADW	
AGG	AB
EA	
FILE	

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

01450

DETAILED PROJECT DESCRIPTION

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

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

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

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

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