

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

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

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

ENVIRONMENTAL SETTING

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL IMPACT ASSESSMENT FORM - Part I  
(To be completed by applicant)  
FORM 69.3(11/82)

A. GENERAL INFORMATION

1. Name, address, and telephone number:

a. Applicant

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

b. Contact person if other than applicant:

Michael H. Ruaschkolb, Land Agent  
U. S. Borax & Chemical Corporation  
1902 W. Grant Rd., Suite 108  
Tucson, AZ 85745  
602 1 824-8983

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

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

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

3. Existing zoning of project site: Rural Conservation

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

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

6. Other permits required: none.

## STATEMENT OF PROPOSED WASTE DISPOSAL METHODS

### Liquid Waste Disposal

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

### Solid Waste Disposal

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

### Gaseous Waste Disposal

No gaseous wastes will be generated by the proposed project.

## APPLICANT'S ASSESSMENT OF ENVIRONMENTAL IMPACTS

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

### Proposed Mitigation Measures

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

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

Will the project involve:

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

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

### Certification

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

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

Title: \_\_\_\_\_

Agent:  Date: May 17, 1989  
 Michael H. Rauschkoib  
 Land Agent, Land Department

Title: \_\_\_\_\_

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

W40587

File Ref.: SCH# 890731-1

I. BACKGROUND INFORMATION

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

B. Checklist Date: Sep. / 12 / 1989

C. Contact Person: Eric Kruger

Telephone: ( 213 ) 590-5201

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

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

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

G. Persons Contacted: See attached mailing list.

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

A. Earth. Will the proposal result in:

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

Yes Maybe No

Response grid for items 1-7 with Yes, Maybe, and No columns.

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**B. Air.** Will the proposal result in:

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

**C. Water.** Will the proposal result in:

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

**D. Plant Life.** Will the proposal result in:

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

**E. Animal Life.** Will the proposal result in:

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

**F. Noise.** Will the proposal result in:

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

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

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

**H. Land Use.** Will the proposal result in:

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

**I. Natural Resources.** Will the proposal result in:

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

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

Yes Maybe No

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

K. Population. Will the proposal result in:

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

L. Housing. Will the proposal result in:

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

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

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

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

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

O. Energy. Will the proposal result in:

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

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

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

Q. Human Health. Will the proposal result in:

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

R. Aesthetics. Will the proposal result in:

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

S. Recreation. Will the proposal result in:

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

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**T. Cultural Resources.**

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

**U. Mandatory Findings of Significance.**

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

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)**

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

**Additional mitigating measures:**

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

**IV. PRELIMINARY DETERMINATION**

On the basis of this initial evaluation:

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

Date: Nov 1 1979

E. Kuzner  
 For the State Lands Commission  
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Additional Mitigating Measures

(continued)

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

Mailing List W40587

Bob Fletcher  
Air Resources Board  
1102 "Q" Street  
Sacramento, CA 95814

Dennis O'Bryant  
Department of Conservation  
1416 Ninth Street, Room 1326-2  
Sacramento, CA 95814

Arlene Chance  
Department of Health  
714 "P" Street, Room 1253  
Sacramento, CA 95814

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

Hans Kreutzberg  
Office of Historic Preservation  
Box 942896  
Sacramento, CA 94296

Mike Doyle  
Department of Parks and Recreation  
Box 942896  
Sacramento, CA 94296

Richard Malacoff  
Caltrans District 8  
247 W. Third Street  
San Bernardino, CA 92403

Fred Worthley  
Department of Fish and Game  
330 Golden Shore, Suite 50  
Long Beach, CA 90802

Ed Anton  
State Water Resources Control Board  
Division of Water Quality  
Box 100  
Sacramento, CA 95801

Regional Water Quality Control Board  
Lahontan Region (6)  
15428 Civic Drive, Suite 100  
Victorville, CA 92392

Aldon Sievers  
Bureau of Land Management  
150 Coolwater Lane  
Barstow, CA 92311

Scott Simmons  
Sierra Club  
Box 1062  
Phelan, CA 92371

Bill Havert  
Sierra Club  
586 N. Mountainview Drive  
San Bernardino, CA 92401

Jeff Sharpe  
Sierra Club  
14944 Luna Road  
Victorville, CA 92392

Kristen Berry  
Bureau of Land Management  
1695 Spruce Avenue  
Riverside, CA 92507

Glenn Stewart  
Desert Tortoise Council  
5319 Cerritos Avenue  
Long Beach, CA 90805

Grég Oullette  
Pacific Mining Assoc.  
2051 Pacific Avenue  
Norco, CA 91760

John Alfors  
Div. of Mines and Geology  
620-C Bercut Drive  
Sacramento, CA 95814

Tom Anderson  
Div. of Mines and Geology  
107 S. Broadway  
Room 1065  
Los Angeles, CA 90017

Bob Anderson  
Bureau of Land Management  
2800 Cottage Way  
Sacramento, CA 95825

John Jaquess  
San Bernardino County Planning Dept.  
385 N. Arrowhead Drive  
San Bernardino, CA 92415

Michael McKibben  
Department of Earth Sciences  
UC, Riverside  
Riverside, CA 92521

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

Gregory Cork  
U. S. Gypsum Company  
3810 W. Evan Hewes Highway  
Plaster City, 92269

Michael Hood  
Department of Mining Engineering  
Hearst Mining Building  
Berkeley, CA 94720

Robert Kistler  
U. S. Borax & Chemical Corporation  
3075 Wilshire Blvd.  
Los Angeles, CA 90010

J. H. Lucas  
State Mining and Geology Board  
18696 Aspesi Drive  
Saratoga, CA 95070

Robert Reveles  
Homestake Mining Company  
650 California Street  
San Francisco, CA 94108

Douglas Shumway  
Mitsubishi Cement Corporation  
State Highway 18, HRC Box 400  
Lucerne Valley, CA 92356

Michael Rauschkolb  
U. S. Borax & Chemical Corporation  
1802 W. Grant Road, Suite 108  
Tucson, AZ 85745

Steve Carpenter  
U. S. Borax & Chemical Corporation  
3075 Wilshire Blvd.  
Los Angeles, CA 90010.

Robert Pavlovich  
U. S. Bureau of Mines  
2401 "E" Street, NW  
Washington, DC 20241

George Cope  
Aggregate Producers  
1121 "L" Street  
Sacramento, CA 95814

Peter Dohms  
Condor Minerals, Inc.  
Box 3905  
Sonora, CA 95370

Linda Falasco  
Box 1111  
Los Banos, CA 93635

Dwayne Johnson  
5003 Matilija Avenue  
Sherman Oaks, CA 91423

Frank Huntley  
801 Pine Street  
Perrysburg, OH 43551

Don Reining  
1811 Fair Oaks Avenue  
South Pasadena, CA 91030

Robert Segal  
MolyCorp  
Box 124  
Mountain Pass, CA 92361

Robert Collins  
Attorney General's Office  
3580 Wilshire Blvd.  
Los Angeles, CA 90010

Dennis Boyle  
U. S. Borax & Chem. Corp.  
3075 Wilshire Blvd.  
Los Angeles, CA 90010

Southern Pacific Land Co.  
Property Tax Department  
201 Mission Street  
San Francisco, CA 94105

Senator Don Rogers  
1326 "H" Street, Suite 15  
Bakersfield, CA 93301  
Attn: Vivian Ferguson

Assemblyman Paul Woodruff  
300 E. State Street, Room 480  
Redlands, CA 92373  
Attn: Tim Johnson

Carroll Harris  
Calif. Dept. of Transportation  
Box 1499  
Sacramento, CA 95807

David Stevens  
SCE Environmental Affairs  
Box 800  
Rosemead, CA 91770

Robert Beck and Thelma Hines  
760 LaCienega  
Los Angeles, CA 90069

Paul and Carol Rubey  
968 Military Drive  
Salt Lake City, UT 84104

Joseph Schoenfeld  
Box 1267  
Montebelle, CA 90640

Bill Goldstein  
535 S. Curson Avenue (2B)  
Los Angeles, CA 90036

Pearson Family Membership  
2525 Raeburn Drive  
Riverside, CA 92506

Henry Duro  
San Manuel Reservation  
5771 N. Victoria Avenue  
Highland, CA 92346

William and Betty Reed  
Box 5448  
Carefree, AZ 85377

David and Margaret Dennee  
944 Via Rincon  
Palos Verdes Estates, CA  
90274

Land Department  
Professional Equities,  
22892 Mill Creek Drive  
Laguna Hills, CA 92653

A. Curtin  
Box 1633  
Studio City, CA 91604

John Lance  
45529 W. 55th Street  
Lancaster, CA 93536

Craland, Inc.  
Box 424  
Beverly Hills, CA 90213

William and Betty Tan  
Box 15364  
Los Angeles, CA 90015

Thomas Horning  
4024 E. Glade Circle  
Mesa, AZ 85206

# Memorandum

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

Date : February 23, 1990

From : Department of Fish and Game

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

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

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

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

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

COPY Original Signed by  
 A. E. Naylor  
 FCR

Pete Bontadelli  
 Director

Attachment

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

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California Endangered Species Act (CESA)  
Biological Opinion

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

SUMMARY

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

LISTED SPECIES

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

Desert Tortoise

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

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

#### SOURCES OF INFORMATION

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

#### PROJECT EFFECTS ON LISTED SPECIES

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

#### INCIDENTAL TAKE

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

#### PROJECT CONDITIONS

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

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

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

#### DETERMINATION

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

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