

MINUTE ITEM  
This Calendar Item No. 84  
was approved as Minute Item  
No. 84 by the State Lands  
Commission by a vote of 3  
to 0 of its 6/11/90  
meeting.

MINUTE ITEM

84

6/11/90

APPROVE A PROSPECTING PERMIT FOR MINERALS  
OTHER THAN OIL, GAS, GEOTHERMAL RESOURCES,  
SAND AND GRAVEL, SIERRA COUNTY

W 40526  
PRC 7417  
Pelka

Charles Warren, Executive Officer, presented Calendar Item 84, attached. This is an application to approve a two-year prospecting permit for precious metals and other valuable minerals other than oil, gas, geothermal resources, sand and gravel on 1,760 acres of State property, more or less, located in Sierra County.

Before consideration of Item 84, James Goode, the Attorney for Tenaco Minerals, was called upon to address Tenaco's concerns regarding the SLC's request to defer this item. Mr. Warren asked that the witness respond to the two letters received in our office. One from the Baldersterns asking that the matter be removed from the Calendar because it is impossible for them to appear in opposition. And the other from a Mrs. Philapene who called to indicate her protest to the project and urged the Commission to deny the permit. In addition to the communications received, Dwight Sanders was called upon to summarize the letter received this morning from the Sierra Valley Resource Conservation District whose problems were similar to those of the Baldersons and, particularly asking that it be put over until it can be heard in Northern California. The other concern of the Sierra Valley is to have the staff of the Commission, as well as staff from the Department of Fish and Game, present this proposal to the Planning Commission in Sierra County tomorrow, the 12th of June.

After considerable discussion and the fact that there were some individuals that had some concerns and were unable to be present, Commission-Alternate Stan Stancell proposed to the Commission that the "Executive Officer be authorized, at least delegated the authority, to act on this matter after tomorrow's hearing with the planning commission, and if you deem that matters brought before the planning commission warrants action other than what our general thinking is at this point--and my general thinking is that we should go ahead and do it, but I think we should be sensitive to providing an opportunity for input." Mr. Stancell would propose to the Commission that they delegate that authority to the Executive Officer to act after tomorrow's hearing.

After seeking the Deputy Attorney General's legal advice and rephrasing the motion made by Commission-Alternate Stancell, and seconded by Commission-Alternate Ed Manning, the Commission approved Calendar Item 84 and the motion rephrased as the following:

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06/11/90

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PRC 7417

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Pelka

APPROVE A PROSPECTING PERMIT FOR  
MINERALS OTHER THAN OIL, GAS, GEOTHERMAL RESOURCES,  
SAND AND GRAVEL, SIERRA COUNTY

APPLICANT: Tenneco Minerals Company  
5301 Longley Lane, Suite 113  
Reno, Nevada 89511

AREA, TYPE LAND AND LOCATION:  
State Department of Fish and Game proprietary  
lands located within the Antelope Valley  
Wildlife Area and further described in  
Exhibit "A".

LAND USE: Approval of a prospecting permit for precious  
metals and other valuable minerals other than  
oil, gas, geothermal resources, sand and gravel  
on 1,760 acres of State property, more or less,  
located in Sierra County.

PROPOSED PROJECT:

Tenneco Minerals Company proposes to drill 52 holes on an  
80-acre parcel and perform geologic mapping, sampling and  
surveying on an additional 1,680 acres. Drilling will occur at  
13 drill sites with four exploratory holes directionally  
drilled at each site to maximize its extent of geologic  
information while minimizing surface disturbance. Samples will  
be retained from each five-foot interval for off-site assay.  
Tenneco will use up to two track mounted reverse circulation  
drill rigs for drilling and two pickup trucks for crew  
transportation. No road construction will be required.

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Upon completion of drilling, all holes will be properly abandoned with bentonite clay to protect any aquifers. All drill sites and tracks will be scarified and seeded with an approved seed mix.

Geologic mapping will be performed by a geologist walking the permit area. Geochemical surveying will consist of rock chip sampling, soil and stream sediment sampling. Approximately 300 rock chip samples will be taken with a hand-held geologist's hammer. Approximately 1500 soil samples will be removed by digging an eight-inch hole with a small hand-held trowel, removing a four-pound sample and immediately backfilling the hole. Approximately 100 stream sediment samples will be taken by removing a one-pound sample from surface drainage beds with a small hand-held trowel. All rock chip, soil and stream sediment samples will be removed for off-site assay.

Geophysical surveying will include very low frequency magnetic and resistivity surveys. The surveys are performed by a geologist walking the permit area, recording measurements with a hand-held instrument. The resistivity survey is performed by inducing a small electrical current into an 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.

SURFACE DISTURBANCE:

Access to drill sites will be attained by an existing old logging road and by off road travel. No new road construction is needed or authorized. Surface disturbance is estimated to be approximately 0.02 acre for all 13 drill sites.

An archeological field survey of the area to be drilled revealed no significant cultural resources. A copy of the survey is on file in the Long Beach office of the State Lands Commission.

To preclude impacts to wintering deer, drilling activities will be restricted to the following time period, May 15 through August 10, but is subject to change by the Department of Fish and Game.

(REVISED 06/07/90)

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TERMS OF PROPOSED PERMIT:

Period:

The primary term of this prospecting permit is two years. The Commission may in its discretion, extend the term for one additional year.

Royalty:

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 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 said royalty and charges shall be at the discretion of the Commission and set forth in said 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, Fish and Game could acquire the 720-acre Overman Ranch currently optioned by Tenneco, which is adjacent to

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the Antelope Valley Wildlife Area and believed by Fish and Game to (possess) habitat equal to or greater than that of the Antelope Valley Wildlife Area.

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 Department of Fish and Game.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee of \$25, processing fee of \$250 and an acreage deposit of \$5,280 has been received.

Subject parcel is not known to contain a commercially valuable deposit of minerals.

**STATUTORY REFERENCES:**

A. P.R.C. Div. 6, Sections 6890, 6891.

B. Cal. Code Regs.: Title 2, Section 2200.

AB 884: 10/29/90.

**OTHER PERTINENT INFORMATION:**

1. In 1987, Hecla Mineral Company filed an application for mineral prospecting for a portion of the same area covered in this application. Tenneco Minerals Company has acquired Hecla's interest in the project area and has filed a revised mineral prospecting permit application. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061) in September 1987, a Proposed Negative Declaration (identified as EIR ND 420, State Clearinghouse No. 87052507)

was circulated for the Hecla Mining Company project. Staff has recirculated a revised document reflecting the new applicant's revisions. The document bears the same identification numbers, i.e., EIR ND 420, State Clearinghouse No. 87052507. A copy of this revised environmental document is attached as Exhibit "C".

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

2. The permit shall provide for a performance bond or other security device of \$15,000 in favor of the State.
3. 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 of the permit area in which drilling will occur, the Applicant would have a preferential right to a lease to that 80-acre portion. The remaining 1,680 acres on 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 in granting or denying such lease because of environmental considerations.
4. Upon issuance of an 80-acre preferential lease to Tenneco Minerals Company, Tenneco would deed to the Department of Fish and Game 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.

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APPROVALS OBTAINED:

1. Pursuant to P.R.C. Section 6890, the subject permit application has been approved by the Office of the Attorney General as to compliance with the applicable provisions of the law.
2. The Department of Fish and Game has approved the work to be performed under the authority of the permit and has specified terms and conditions required to ensure that the work shall be performed in a manner which is not inconsistent 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. Site Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A REVISED NEGATIVE DECLARATION, EIR ND 420, STATE CLEARINGHOUSE 87052507, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS ADOPTED, REVIEWED, AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
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 TENNECO MINERALS COMPANY FOR A TERM OF TWO YEARS, FOR ALL MINERALS OTHER THAN OIL, GAS, GEOTHERMAL RESOURCES, SAND AND GRAVEL ON 1,760 ACRES, MORE OR LESS, OF DEPARTMENT OF FISH AND GAME LANDS LOCATED IN THE ANTELOPE VALLEY WILDLIFE AREA OF SIERRA COUNTY FURTHER DESCRIBED IN EXHIBIT "A", 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 DEPOSITS OF MINERALS SHALL NOT BE LESS THAN TEN PERCENT OF THE GROSS VALUE OF ALL MINERAL PRODUCTION FROM THE LEASED LANDS, LESS ANY

CALENDAR ITEM NO. 84 (CONT'D)

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 SAID ROYALTY AND CHARGES SHALL BE AT THE DISCRETION OF THE COMMISSION.

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**EXHIBIT "A"**

**LAND DESCRIPTION**

, W 40526

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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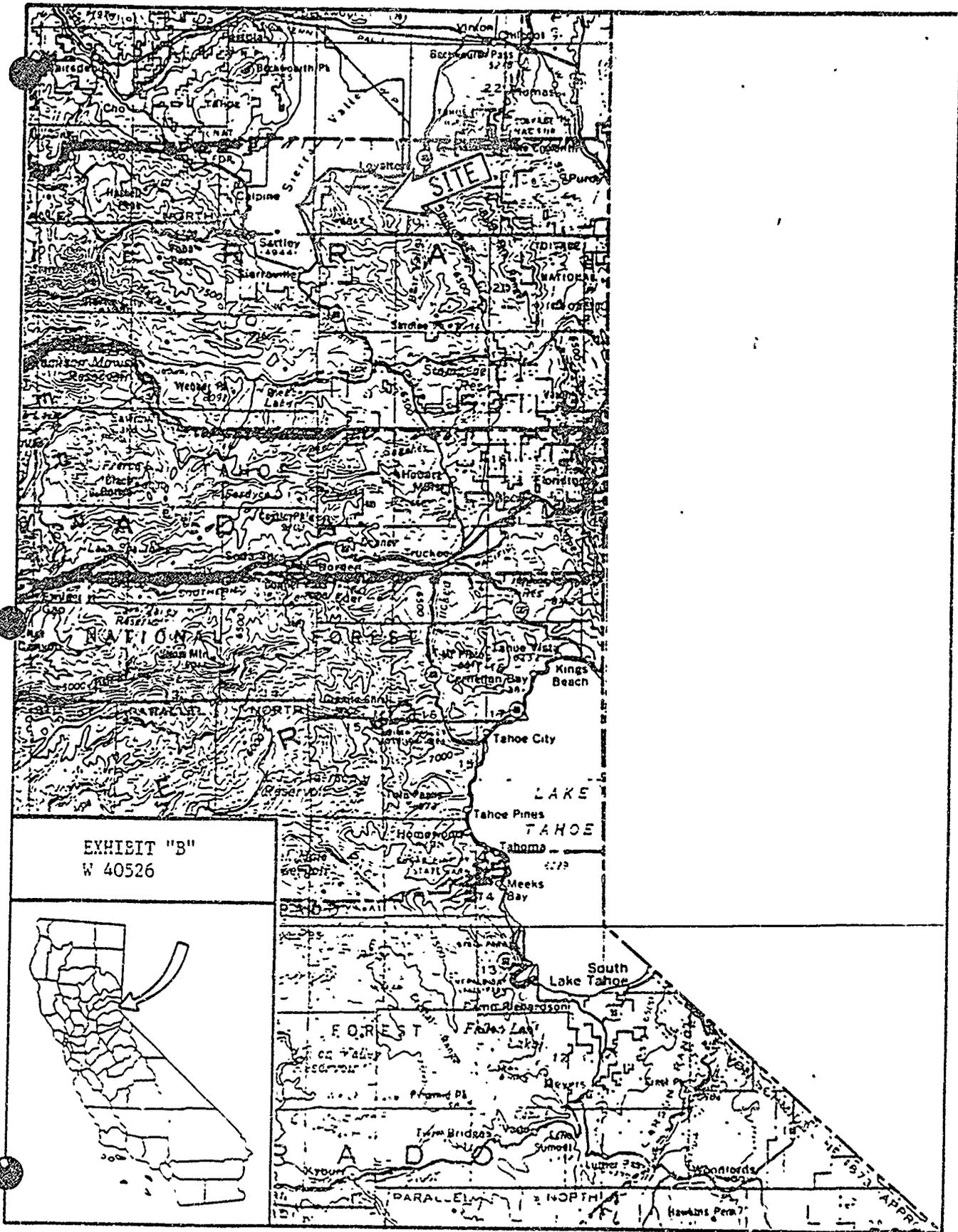


EXHIBIT "C"

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.

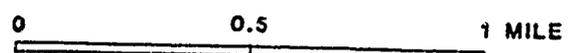
Proposed Finding

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.

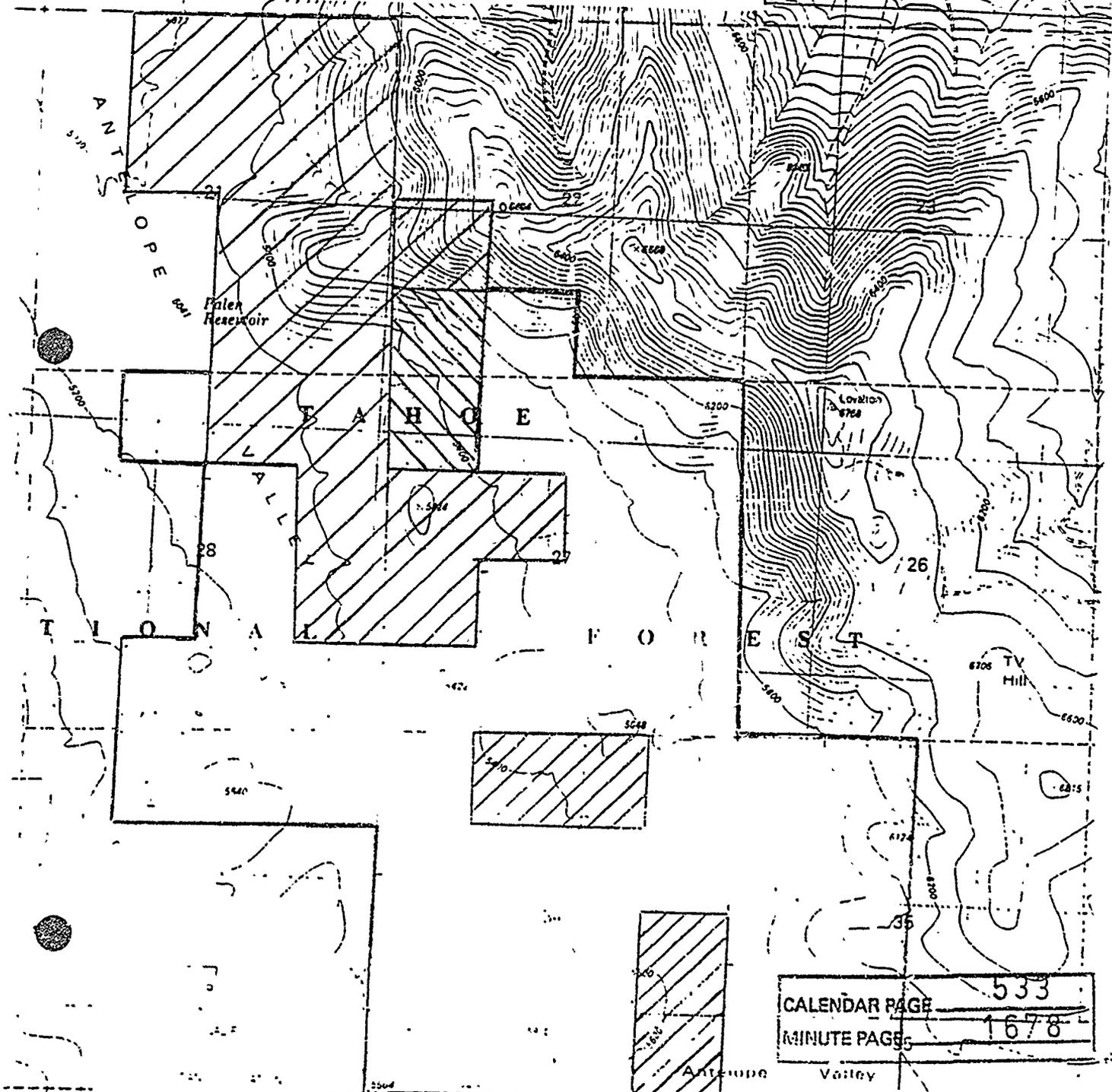
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EXHIBIT 1  
 ANTELOPE VALLEY & SIERRAVILLE  
 15' USGS QUADRANGLES



-  Fish & Game Land - 80 Acre Drilling Area
-  Fish & Game Land - 1680 Acre Mapping/Sampling Area
-  Federal and Private Lands Controlled by Tennoco Minerals



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Antelope Valley

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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STATE LANDS COMMISSION  
1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95314

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 $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 22, NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , 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 regulations (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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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.

October 8, 1987  
File Ref# W 40526

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

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 95816

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 is the case with gold. When an  
analysis can be made at the onset, doesn't the distinction  
between prospecting and mining unduly bifurcate the  
process? For example, if findings can be

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STATE LANDS COMMISSION

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RECEIVED  
OCT 13 1987

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 6, 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 executed. 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).

ende 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 withdrawal 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 an ecological and environmental quality land practice.

SPECIFIC

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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.

After 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 OCTOBER 8 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.

U617b

Ted T. Fukushima  
Division of Research and Planning

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DATE PAGE

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