MINUTE ITEM
This Calendar Item No. C67 was approved as Minute Item No. C67 by the California State Lands Commission by a vote of 3 to 0 at its 6-18-02 meeting.

CALENDAR ITEM
C67

A 34

S 17

PRC 8396

06/18/02
W 40868
G. Pelka
E. Kruger

CONSIDER APPROVAL OF APPLICATION FOR A NON-EXCLUSIVE GEOLOGICAL SURVEY PERMIT TO CONDUCT A RADIOLOGICAL SURVEY ON STATE SCHOOL LANDS UNDER THE JURISDICTION OF THE CALIFORNIA STATE LANDS COMMISSION

APPLICANT:

California Department of Health Services
Attn.: Mr. Jerry R. Hensley, C.H.P.
P.O. Box 942732, MS 178
Sacramento, CA 94234-7320

BACKGROUND:

In March 1955, the California State Lands Commission (Commission) issued Mineral Extraction Lease No. PRC 1498.2 to Verdi Development Company (Verdi) to mine uranium minerals for a period of 20 years on State school lands identified in Exhibit A, attached hereto, located approximately eight miles southwest of Mojave. Verdi was licensed by the United States Atomic Energy Commission (AEC) to transfer and deliver possession of raw uranium materials to specified persons licensed by the AEC. Pursuant to Commission action on April 14, 1958, the mineral extraction lease was terminated effective April 23, 1958. The Nuclear Regulatory Commission (NRC), successor to the AEC, began a review in the 1990s of their radioactive material license files in California to ensure the decommissioned sites had been properly abandoned. The NRC has issued a grant to the California Department of Heath Services (DHS) to perform assessment work to determine if uranium processing occurred on the property subject to PRC 1498.2. Unprocessed uranium ore is not regulated by the DHS or NRC.

On May 28, 2002, DHS applied to the Commission to enter upon the parcel to conduct a radiological survey and sampling (if needed). The survey would use four people and a Honda all-terrain vehicle operated at a speed of two miles per

hour. The all-terrain vehicle contains a computer upon which locational data from a differential global position unit is obtained as well as radiological information from a detector that measures radioactive particle emissions. The result is a map showing radiation contour levels. Hand sampling may also be used to augment the survey.

In the event the property is determined to contain radioactive contamination necessitating remediation, the DHS may require the premises to be decontaminated at the expense of the party responsible for the condition, which could result in liability to the State.

TERMS OF PROPOSED PERMIT:

June 19, 2002, through December 31, 2002.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Application has been received. Fees and expenses are not warranted due to the public benefit.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code section 6826
B. California Code of Regulations section: Title 2, section 2905(e)(3)
C. California Code of Regulations section: Title 14, section 15061

OTHER PERTINENT INFORMATION:

1. The subject property as been identified as potential habitat for desert tortoise, which is a federal and state threatened species. The proposed survey should not, if conducted in the manner described, affect this species. The survey will be concentrated over approximately two acres of the site around an existing excavation that measures approximately three hundred feet by one hundred feet and forty feet in depth. The area will be surveyed on a 4-5 meter grid. The proposed grid will be walked prior to the use of the survey vehicle.

   Staff of the Commission, who has received training, e.g., to recognize tortoise burrows and other sign, will be on site to monitor the survey. Survey personnel will avoid, to the maximum extent feasible, disturbance to onsite vegetation. In addition, if a desert tortoise is encountered near to or within the path of the survey, staff will stop all moving equipment until the desert tortoise has moved out of harms way or redirect the equipment to avoid any disturbance to the tortoise. Under no circumstances shall

desert tortoise be handled or collected by any party at any time during the survey. Any sighting of desert tortoise during the survey shall be immediately reported via telephone to the California Department of Fish and Game.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Legal Description of Parcel
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

AUTHORIZATION:

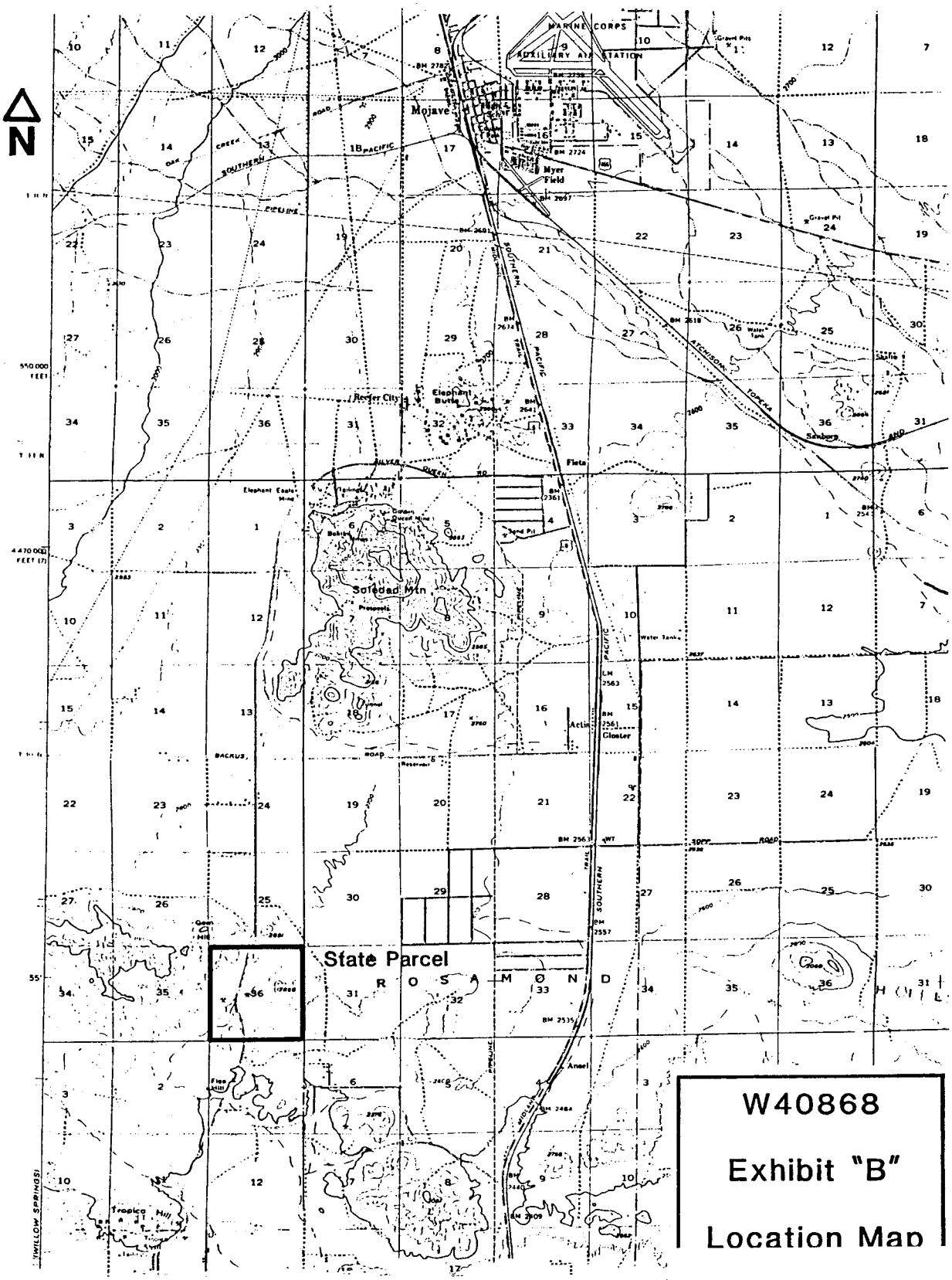
AUTHORIZE ISSUANCE TO CALIFORNIA DEPARTMENT OF HEALTH SERVICES, OF A NON-EXCLUSIVE GEOLOGICAL SURVEY PERMIT TO CONDUCT A RADIOLOGICAL SURVEY FOR THE PERIOD JUNE 19, 2002, THROUGH DECEMBER 31, 2002, WITHIN THE AREA DESCRIBED IN EXHIBIT A, ATTACHED HERETO.

EXHIBIT A

W 40868

LEGAL DESCRIPTION OF PARCEL

The East Half of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section 36, Township 10 North, Range 13 West, San Bernardino Baseline and Meridian, Kern County, containing approximately 120 acres, more or less.

EXHIBIT B

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