MINUTE ITEM
This Calendar Item No. C50 was approved as Minute Item No. 50 by the California State Lands Commission by a vote of 3 to 0 at its 2-21-03 meeting.

CALENDAR ITEM
C50

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Bid Log Number 2002-11
G. Pelka
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REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO ELIMINATE POTENTIAL PUBLIC SAFTETY HAZARDS ON TWO ABANDONED MINES ON STATE SCHOOL LANDS, SAN BERNARDINO COUNTY

APPLICANT:

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

BACKGROUND:

While inspecting State lands and evaluating minerals on these lands pursuant to leasing and land management duties, California State Lands Commission (Commission) staff has documented numerous abandoned mines on State School Lands. The majority of this mining activity preceded the State's acquisition of the property and therefore was not conducted under a permit or lease from the Commission.

Abandoned mines pose a potential threat to public health and safety. The Department of Conservation (DOC), Office of Mine Reclamation, which administers the Surface Mining and Reclamation Act of 1975, provides assistance to cities, counties, State agencies and mine operators to review mine reclamation plans and minimize residual hazards to public health and safety. After assessing abandoned mines on four school land parcels in northeastern San Bernardino County, the DOC staff has indicated that Surface Mining and Reclamation Account funds are available for the Commission to close mine openings on two parcels. Such work is consistent with one component of the Master Plan for school lands embodied in Public Resources Code section 6201.5 that promotes rehabilitation of lands impacted by mineral exploration and extraction.

On December 16, 2002, the Commission approved authorizing the Executive Officer to accept such funds from the DOC, Office of Mine Reclamation, and to solicit proposals, award and execute agreements to abandon mines on State School Lands. The Executive Officer requests delegation of authority to work cooperatively with the DOC to close two abandoned mine sites on school lands.

PROPOSED ACTIVITY:

The closing of mine openings on State School Lands will minimize the risk of injury to the public and wildlife. The type of mine-closing structure to be installed depends on many considerations, including the size and orientation, i.e. vertical or horizontal, of the mine opening, whether or not bats or other wildlife are present, and the potential for the structure to be vandalized.

Commission staff would enter into an interagency agreement with the DOC to accomplish the proposed closure work. The DOC, through a competitive process, has selected Frontier Environmental Solutions (Frontier) as the most qualified contractor to install bat-compatible gates and/or foam plug closures.

Commission and DOC staffs have identified two abandoned mine sites on State School Lands as priority candidates for closure. These sites are:

- "Scouts Cove/American Opal Co. Mine"—a vertical mineshaft measuring approximately 7 feet by 12 feet and approximately 85 feet deep located 30 miles northwest of Barstow, San Bernardino County.
- "Pacific Fluorite Mine"— a vertical and inclined mineshaft of undetermined extent located in the Clark Mountains, San Bernardino, California about 8 miles southwest of Primm, Nevada.

ENVIRONMENTAL/HISTORICAL CONDITIONS:

Abandoned mines may be used by many bat species, raptors and other wildlife. Although bats may not be present at all times, mine shafts are potential habitat for hibernating and maternity bat colonies or may be used as migratory stopovers. To determine the potential habitat that these mines may provide, the DOC retained Dr. J. Scott Altenbach and Richard E. Sherwin of the Department of Biology of the University of New Mexico to perform internal mine surveys. Dr. Altenbach has performed over 1,200 surveys for numerous federal and state agencies and mining companies. Dr. Altenbach and Mr. Sherwin performed internal mine surveys at Scouts Cove and the Pacific Fluorite Mine on Friday, January 17, 2003.

The Scouts Cove Mine was determined to have infrequent use by bats, consistent with occasional night roosting behavior; however, it is also used as a roost site for Barn Owls. The mine was surveyed at approximately 85 feet deep with a small 25-foot drift at the 70-foot level. Dr. Altenbach's recommendation is to close the mine after ensuring that no owls are present. Frontier proposes to place a foam plug, a minimum of seven (7) feet deep, and to cover the foam with surrounding previously excavated rock material using a Bobcat shovel or hand tools. This will protect the plug from ultraviolet radiation, fire and vandalism. Various metal may be placed within the foam plug for additional structural strength and to preclude vandalism. Access to the mine area will be by existing dirt roads, using a pickup and flatbed trailer carrying all necessary supplies and equipment Foam plugs have been successfully used to close mine openings for more than 10 years by numerous federal, state and private entities including the National Park Service, U.S. Forest Service, the State of Nevada, California Department of Parks and Recreation, Homestake Mining, etc. Discussions concerning their experience with foam plugs have been positive. Engineering staff has determined the foam plug would be capable of supporting vehicles that may be driven across the opening after closure.

The Pacific Fluorite Mine shows signs of significant bat usage and is likely to support a maternity colony of Townsend's big-eared bat and perhaps a species of Myotis as well. This mine is recommended for closure with a bat compatible steel gate. The mine has about a 15-foot vertical opening that leads to a decline previously used in the 1950s for hoisting ore. The decline was surveyed until degraded mine workings precluded safe access. Frontier proposes to install a bat compatible gate to standards of Bat Conservation International with bars and metal grating to preclude vandalism and allow bats ingress and egress to the mine interior. The gate would contain a keyed removable steel bar to allow future access to authorized persons for biological, archeological or geological investigations. Existing access roads would be used for transport of all equipment.

No work will be done onsite until the California Department of Fish and Game has concurred with staff's determination that the project and project schedule will have no adverse significant impacts to bats, raptors, desert tortoises, other sensitive wildlife or their habitats. Sites will be cleaned up upon project completion.

Any abandoned mine to be closed that is over 50 years old is presumed to be an historical resource, unless determined otherwise. Commission staff is consulting with the State Office of Historic Preservation to ensure that the proposed installation of the bat gates and/or foam plugs does not have a significant adverse effect on the historic attributes of the Scouts Cove and Pacific Fluorite mines. Again, no work will be done onsite until such consultation is concluded. Mine shafts closed with bat compatible gates would remain accessible, through a Commission controlled lockable entrance, so that historians or archeologists could document the mines in the future. Furthermore, no mine timbers or other wooden features would be removed or altered.

The above-described work, is likely to be conducted during March 2003.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code section 6201.5
B. Government Code section11256, Interagency Agreements

OTHER PERTINENT INFORMATION:

1. 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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities. Title 14, California Code of Regulations, Section 15301(f).

   Authority: Public Resources Code Section 21084 and Title 14, California Code of Regulations, Section 15300.

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES. TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301(f).

2. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO IMPLEMENT, AS DESCRIBED HEREIN, THE CLOSING OF THE SCOUTS COVE AND PACIFIC FLUORITE MINE OPENINGS.