MINUTE ITEM

This Calendar Item No. C55 was approved as Minute Item No. 55 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

CALENDAR ITEM
C55

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04/05/04
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Bid Log Number
G. Pelka
C. Oggins

REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO ELIMINATE/REDUCE POTENTIAL PUBLIC SAFTETY HAZARDS ON FOUR ABANDONED MINE SITES ON STATE SCHOOL LANDS, IMPERIAL AND SAN BERNARDINO COUNTIES

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 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 Imperial and San Bernardino Counties, the DOC staff has indicated that Surface Mining and Reclamation Account funds are available for the Commission to close two mine openings on one parcel and fence mine openings at the remaining three sites. 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.

This work is a continuation of efforts conducted during the previous fiscal year that enabled the DOC and Commission to close the American Opal Mine and Pacific Fluorite Mines. For such work, the Commission authorized 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 and to eliminate potential public safety hazards on three abandoned mines. A memorandum of understanding was entered into between the DOC and Commission to clarify respective responsibilities associated with closing up to three abandoned mines. The Executive Officer requests delegation of authority to continue working cooperatively with the DOC to close or fence abandoned mine sites on four State School Lands parcels and amend the existing Memorandum of Understanding accordingly.

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 propose to amend an interagency agreement with the DOC to accomplish the proposed closure work and fencing and continue to work cooperatively to remediate other mine sites on State School Lands. The DOC, through a competitive process, has selected Frontier Environmental Solutions (Frontier) as the most qualified contractor to install bat-compatible gates. The installation of wire fencing would be performed by DOC and Commission staff.

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

- "Crown Uranium Mine" – a mine complex on three levels reaching a depth in excess of 100' accessed by a horizontal adit and vertical shaft with wooden headframe, located in the southern Chocolate Mountains of Eastern Imperial County.

- "Iron Horse Mine" – two steeply inclined mineshafts reported to be about 200' deep located in the Mescal Mountains of San Bernardino County.

- "Shadow Mountain Mine" Area – numerous shafts, several over 100' deep and numerous adits, some extending a minimum of several hundred feet on multiple levels; located in the Shadow Mountains of eastern San Bernardino County.

- "Trade Rat Mine" – a steeply inclined shaft over 100' deep with a large surface opening that partly undermines an adjacent dirt road; located north of Barstow in western San Bernardino County.

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, mineshafts are potential habitat for hibernating and maternity bat colonies or may be used as migratory stopovers. Early consultation with the California Department of Fish and Game (CDFG) revealed all four mine locations are located in desert tortoise critical habitat and the Trade Rat Mine is also located within the range of the Mohave ground squirrel, a State-listed Threatened species. It is obvious that mineshafts open to the surface are hazardous to the public and wildlife. Mine tunnels may provide habitat for desert tortoise, but they may also be deathtraps for tortoise that fall into shafts located within the mine complex. Consequently, CDFG recommends tortoise-proof fencing around all vertical shafts and all horizontal mine openings that contain a vertical drop-off within 150 feet of the mine entrance.

Crown Uranium Mine:

The Crown Uranium Mine is identified as hosting a roosting colony of California Leaf-Nosed Bats, a federal species of concern, California Species of Concern, and a Bureau of Land Management (BLM) sensitive species. Numerous site inspections by staff dating back to 1985 confirm use of the mine workings as bat habitat. To safeguard the public and protect the bats, bat gates are recommended on both the adit and shaft entrances. Frontier proposes to install two bat compatible gates to standards of Bat Conservation International with crossbars of angle iron that will be anchored to solid bedrock with small concrete foundations to preclude vandalism. The gates 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 to transport all equipment. Per the request of the CDFG, the adit gate will be augmented with tortoise proof fencing to safeguard desert tortoise from falling into the shaft.

Iron Horse Mine:
The Iron Horse Mine contains two steeply dipping mineshafts located on a ridge in the Mescal Mountains of San Bernardino County adjacent to the East Mojave Park. Each shaft is presently protected with a wire fence that would preclude accidental public access. Due to limited funding and other mine closure priorities, the DOC did not believe a foam plug or bat cupola was warranted at this time. However, CDFG suggested that installation of tortoise fencing to the lower portion of the existing fence to safeguard the desert tortoise is desirable.

Shadow Mountain Mine Area:
This parcel contains a substantial number of shafts and adits that are a possible hazard to the public and wildlife. Since there are insufficient funds to adequately survey and close the numerous mine features at the present time, wire fencing is proposed as an interim measure. Fencing would be approximately four feet high supported by T-posts. Six fences are proposed for installation at this parcel.

Trade Rat Mine:
The Trade Rat Mine contains a steeply inclined shaft that is over 100' deep with a large surface opening about 10' wide by 15' long. It lies adjacent to a dirt road that is blocked from view by a small hill. In addition, a large underground room called a stope is undermining the adjacent dirt road such that there may be insufficient engineering support for heavy vehicles. The optimal solution to this hazard is to expose the stope with a backhoe/excavator and then use the adjacent pile of waste rock to backfill the shaft. Due to funding and timing, the biological surveys for bats and other wildlife, requested by CDFG, could not be conducted this fiscal year. Therefore, as an interim measure, a wire fence, including tortoise fencing, with warning signs is to be installed around the perimeter of the mineshaft.

All access will be through the use of existing roads. The CDFG 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. All tortoise fencing will be installed according to specifications provided by CDFG. All sites will be cleaned up upon project completion. The CDFG concurrence does not allow the take of desert tortoise or Mohave ground squirrel and encourages oversight to preclude any impacts. If tortoise or Mohave ground squirrel or their signs, are found in the work area, all activity must stop and CDFG will be notified immediately. To ensure adherence

of all work to CDFG specifications, a Commission staff member trained in desert tortoise and their signs will be present for all work.

Any abandoned mine that is over 50 years old is presumed to be an historical resource, unless determined otherwise. Commission staff has consulted with the State Office of Historic Preservation (OHP) to ensure that the proposed installation of the bat gates and fencing does not have a significant adverse effect on any historic attributes at the four mine sites and has received OHP's concurrence in this regard. Mineshafts 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.

The above-described work is likely to be conducted during late April and May of 2004.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code section 6201.5
B. Government Code section 11256, 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:

CEQA FINDING:

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).

AUTHORIZATION:

1. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO UNDERTAKE MEASURES TO IMPLEMENT, AS DESCRIBED HEREIN, THE CLOSING OF THE CROWN URANIUM MINE OPENINGS AND THE INSTALLATION OF FENCING AT THE IRON HORSE MINE, SHADOW MOUNTAIN MINE AREA AND AT THE TRADE RAT MINE.

2. AUTHORIZE THE EXECTIVE OFFICER TO AMEND THE EXISTING MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF CONSERVATION TO FACILITATE THIS PROPOSED WORK AND FOSTER, FOR A PERIOD OF FIVE YEARS, CONTINUED COOPERATION IN REMEDIATION OF MINE HAZARDS ON STATE SCHOOL LANDS.