

MINUTE ITEM
This Calendar Item No. C19
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 3
to 0 at its 2/6/89
meeting.

CALENDAR ITEM

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02/06/89
W 23938
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AMENDMENT OF A STATE INDEMNITY SELECTION APPLICATION

PARTY: State Lands Commission
1807 - 13th Street
Sacramento, California 95814

At the request of the Department of Health Services (DHS), staff filed a State Indemnity Selection (SIS) application with the Bureau of Land Management (BLM) on February 17, 1987 pursuant to Commission action of February 17, 1987. The SIS application encompassed three areas located in the Ward Valley, Silurian Valley in San Bernardino County, and Panamint Valley in Inyo County, totalling 7,352.49-acres. DHS proposes to site and develop a Low-Level Radioactive Waste Disposal Facility on lands to be acquired and subsequently transferred to DHS. The proposed project facility will occupy 50 acres, but will require at least 640 acres to meet buffer requirements.

Staff informed the Commission that amendments to the SIS application would be necessary as DHS completed its site selection process and, as these amendments to the SIS became necessary, staff would notify the Commission.

Upon the filing of a SIS application with the BLM, the lands filed upon were segregated from settlement, sale, locations or entry under the public land laws, including the mining laws, but not the mineral leasing laws or the Geothermal Steam Act. The "segregative effect" benefits DHS by preventing title clouds from occurring during the lengthy selection and acquisition period. The "segregative effect" expires two years from the date of filing.

DHS has now selected the Ward Valley as the preferred site and the Silurian Valley as the secondary site. Both these sites

CALENDAR ITEM NO. C 19 (CONT'D)

are located in San Bernardino County. The Panamint Valley area has been eliminated from consideration. Onsite studies are being carried out at the Ward Valley site.

A notice of preparation of a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) by DHS and BLM has been issued. The planned completion date of the draft EIR/EIS is October 1989. The planned completion date of the Final EIR/EIS is September 1990.

The land transfer from BLM to SLC cannot take place until the completion of the EIR/EIS process. Until then, it will be necessary to extend the "segregative effect" for the Ward Valley and Silurian Valley sites. In order to trigger a new two year period of segregative effect, staff proposes to withdraw the current SIS application on file and simultaneously file two new SIS applications before February 16, 1989 - one application each for the Ward Valley and Silurian Valley sites.

Additionally, the lands under application will be reduced from the current acreage of 7,352.49 acres to 3,194.81 acres. Upon completion of the EIR/EIS process, staff will further amend these applications to reduce the acreage being acquired to approximately 640 acres.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

BACKGROUND:

2. In December 1980, the Congress enacted the Low-Level Radioactive Waste Policy Act, Public Law 96-573. Briefly, it assigned to the states the responsibility for disposing of the low-level commercial wastes generated within their borders, encouraged states to form regional compacts for purposes of establishing regional disposal sites, and

CALENDAR ITEM NO. C 19 (CONT'D)

authorized compacts after January 1, 1986 to exclude wastes generated in states not parties to such compacts.

The California Legislature's response to the 1980 Act was the passing of Senate Bill 342 in September 1983. It required the DHS to select a "license designee" to site, develop, and operate a LLRW disposal facility. In the event that a license designee was not chosen or defaults in its performance, the Resources Agency has the responsibility to establish and operate the facility. Additionally, the bill provides that the disposal facility must be located on State or federally owned land. BLM has stated that LLRW disposal facilities cannot be located on federal lands per federal policy. However, this does not preclude the transfer of suitable parcels into State ownership. Discussions with BLM identify the State indemnity selection process as the most practical and expedient method of transferring these lands to State ownership.

In December 1985, Congress, recognizing the deadline date of January 1, 1986 was unrealistic, passed an amendment to the 1980 Low-Level Radioactive Waste Policy Act. The amendment postponed, until 1993, the date that regions with compacts can refuse non-regional wastes. Additionally, it imposed surcharges for the disposal of out-of-region LLRW and it set up a schedule of milestones to be met in the development of the LLRW disposal facility. If these milestones are not met, penalties in the form of increased surcharges are placed on the generators of the LLRW. However, if the milestones are met, the State can apply for a rebate of 25 percent of penalties paid.

EXHIBITS:

- A. Land Description - Ward Valley SIS application.
- B. Land Description - Silurian Valley SIS application.
- C. Location Map.

CALENDAR PAGE	96
MINUTE PAGE	114

CALENDAR ITEM NO. C 19 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378
2. FIND THAT THE WITHDRAWAL OF THE STATE INDEMNITY SELECTION APPLICATION ON FILE WITH THE BUREAU OF LAND MANAGEMENT, WITH SERIAL NUMBER CA 19952 FOR 7,352.49 ACRES OF FEDERAL LAND, AND THE SIMULTANEOUS FILING OF TWO STATE INDEMNITY SELECTION APPLICATIONS FOR 3,194.81 ACRES OF FEDERAL LAND IN SAN BERNARDINO COUNTY, IS CONSISTENT WITH THE AUTHORITY GRANTED TO STAFF BY THE COMMISSION AT ITS FEBRUARY 17, 1987 MEETING.

EXHIBIT "A"
LAND DESCRIPTION

W 23938

Eight parcels of land in San Bernardino County, California described as follows.

PARCEL 1

SW-1/4 of Section 26, T9N, R19E, SBM.

PARCEL 2

S-1/2 of Section 27, T9N, R19E, SBM.

PARCEL 3

W-1/2 of Section 35, T9N, R19E, SBM.

PARCEL 4

Section 34, T9N, R19E, SBM.

PARCEL 5

Lots 1, 2, 3, & 4 of Section 3, T8N, R19E, SBM.

PARCEL 6

S-1/2 of N-1/2 of Section 3, T8N, R19E, SBM.

PARCEL 7

Lots 3 & 4 of Section 2, T8N, R19E, SBM.

PARCEL 8

S-1/2 of NW-1/4 of Section 2, T8N, R19E, SBM.

END OF DESCRIPTION

PREPARED JANUARY 31, 1989 BY BIU 1

CALENDAR PAGE	98
MINUTE PAGE	116

EXHIBIT "B"
LAND DESCRIPTION

W 23938

Two parcels of land in San Bernardino County, California described as follows.

PARCEL 1

Section 9, T16N, R8E, SBM.

PARCEL 2

Section 10, T16N, R8E, SBM.

END OF DESCRIPTION

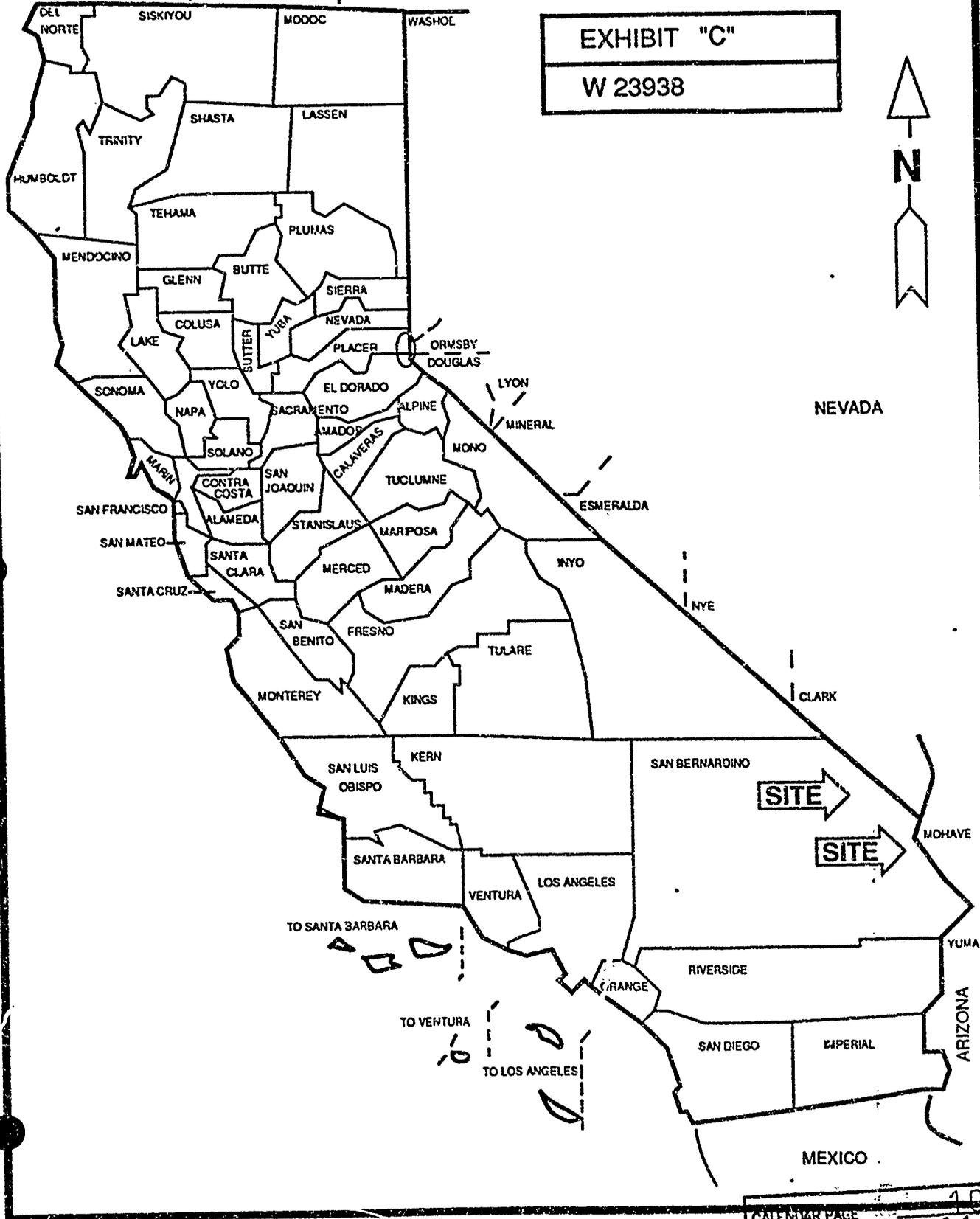
PREPARED JANUARY 31, 1989 BY BIU 1.

CALENDAR PAGE	99
MINUTE PAGE	117

OREGON

JOSEPHINE
CURRY JACKSON KLAMATH LAKE

EXHIBIT "C"
W 23938



CALENDAR PAGE 103
MINUTE PAGE 118