MINUTE ITEM
This Calendar Item No. 42
was approved as Minute Item
No. 42 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/91
meeting.

CALENDAR ITEM

42

A 61
S 25

09/23/91
W 40533
Kruger

DENY A PROSPECTING PERMIT
FOR VALUABLE MINERALS OTHER THAN OIL, GAS,
GEOTHERMAL RESOURCES, AND SAND AND GRAVEL,
SAN BERNARDINO COUNTY

APPLICANT:
Hooper-Davis Mining
3535 Inland Empire Blvd., Suite 10
Ontario, California 91764

AGENT:
Hooper-Davis Mining
Attn: Cortland Hooper
3535 Inland Empire Blvd., Suite 10
Ontario, California 91764

AREA, TYPE LAND AND LOCATION:
Approximately 642.60 acres of State school lands, further described as Section 36, T4N, R5E, SBM, San Bernardino County, about 50 miles east of the town of Victorville, California.

BACKGROUND
During May 1989, staff of the Commission was processing a mineral prospecting permit application submitted by Hooper-Davis Mining. Joseph Haklitch of Seal Beach, California, subsequently asserted the validity of prior mining claims on the subject property that were filed in the mid-1950s. In light of this assertion, further consideration of the subject application was deferred by the Commission and the Commission authorized litigation to quiet title. Upon being informed of the State's decision, Mr. Haklitch executed an Abandonment of Mining Claims that was accepted by the Commission on April 2, 1991. The Hooper-Davis application was reinstated on April 15, 1991.

EIR ND 451 (SCH #8802913) was prepared and circulated in 1989 for the subject application. Comments received at that time included recommendations for a desert tortoise survey of the proposed project area.

Prior to reinstatement of the subject application, Hooper-Davis was advised that such a survey would need to be completed prior to the Commission's reconsideration of the permit application. Staff also requested that Hooper-Davis keep the Commission informed on the progress of the tortoise survey. A follow-up letter, dated July 18, 1991, was sent to the Applicant regarding the status of the survey. No response from the Applicant has been received to date concerning the survey. To date, the survey has not been done.

Without this information, staff is unable to determine whether the proposed project is consistent with the parcel's land use classification under P.R.C. 6370 and Cal. Code Regs. Section 2954. The information is also necessary for staff to determine if the project is in compliance with the CEQA. Each of these processes must be completed in order to finish processing the permit application.

The permit application submitted by Hooper-Davis was determined to be complete by Commission staff on June 15, 1988. The application has been withdrawn and resubmitted by Hooper-Davis on several occasions, the last being resubmitted on April 15, 1991. Under time limits established by Government Code Section 65950, the application must be approved or denied by October 15, 1991. Insofar as staff cannot comply with the requirements of the CEQA, California Code Regulations Section 2954, Government Code Section 65950 and P.R.C. 6370, it is recommended that this application be denied.

AB 884:

10/15/91.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), staff has determined that this activity is exempt from the requirements of CEQA because CEQA does not apply to projects which a public agency rejects or disapproves.

   Authority: P.R.C. 21080(b)(5) and 14 Cal. Code Regs. 15270.

EXHIBITS:

A. Land Description.
B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE APPLICANT HAS FAILED TO PROVIDE A BIOLOGICAL SURVEY NEEDED TO SATISFY P.R.C. 6370, 2 CAL. CODE REGS. SECTION 2954 AND THE CEQA.

2. FIND THAT THE PROPOSED ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES, 14 CAL. CODE REGS. 15270.

3. DENY, WITHOUT PREJUDICE, THE PERMIT APPLICATION SUBMITTED BY HOOPER-DAVIS MINING TO PROSPECT FOR VALUATION MINERALS OTHER THAN OIL, GAS, GEOTHERMAL RESOURCES, AND SAND AND GRAVEL ON THE PARCEL OF STATE LAND DESCRIBED HEREIN.

EXHIBIT "A"

LAND DESCRIPTION W 40533

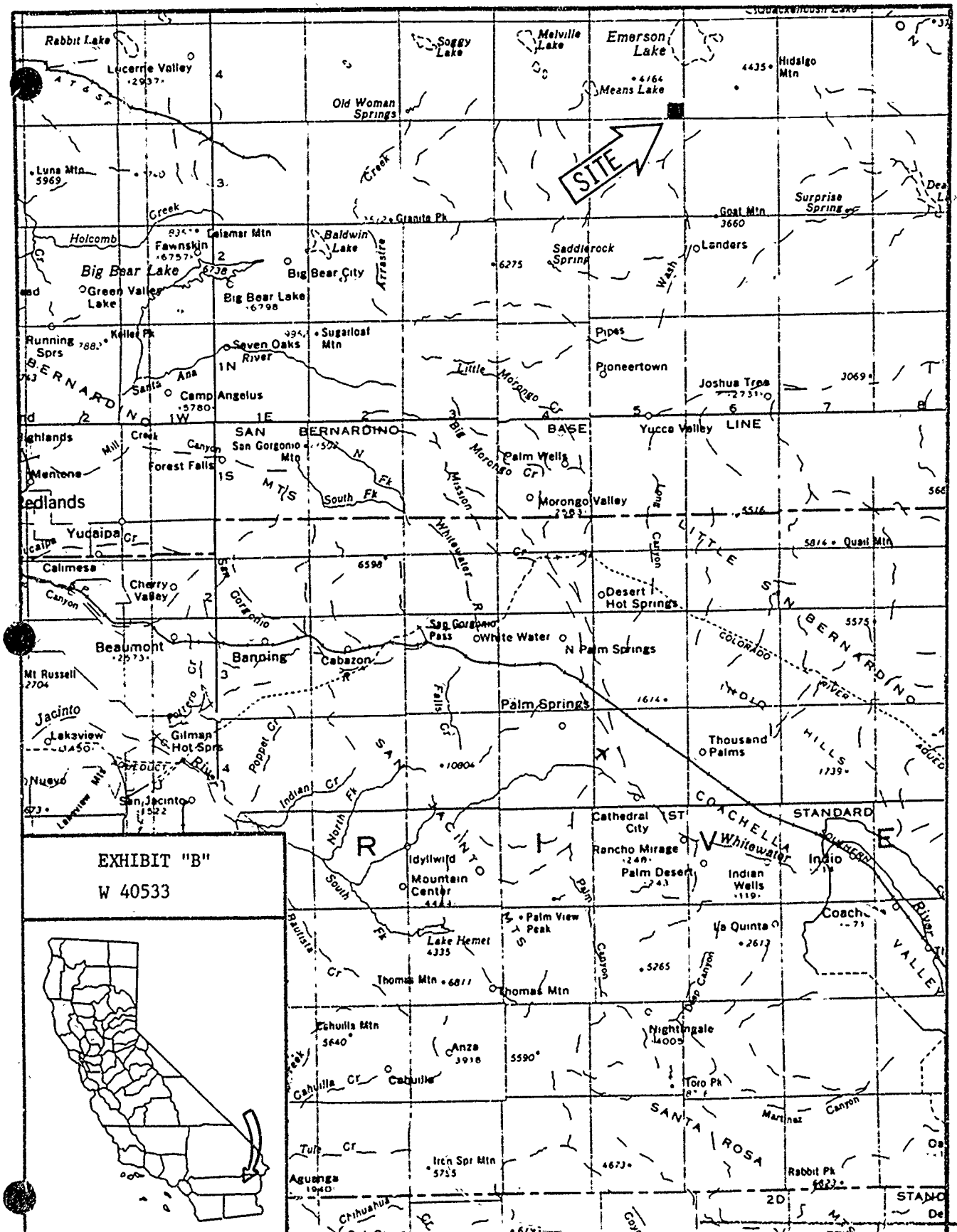
A parcel of California State school land in San Bernardino County, California, described as follows:

Section 36, T4N, R5E, SBM

END OF DESCRIPTION

PREPARED MARCH 3, 1988, BY BIU 1.

0735b



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