

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

October 5, 2022

JENNIFER LUCCHESI, Executive Officer
(916) 574-1800
TTY CA Relay Service: **711** or Phone
800.735.2922
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: (916) 574-1890

File Ref: SCH # 2021110076

Randall Cates
Kern County Planning and Natural
Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

VIA ELECTRONIC MAIL ONLY (CatesR@kerncounty.com)

**Subject: Draft Environmental Impact Report for the Gem Hill Quarry Project by
CalPortland Company Project, Kern County**

Dear Randall Cates:

The California State Lands Commission (Commission) staff has reviewed the subject Draft Environmental Impact Report (EIR) for the Gem Hill Quarry Project (Project) proposed by CalPortland Company (Project proponent). Kern County, as the public agency with regulatory authority over the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq) for preparation of the EIR. The Commission is a trustee agency for projects that could directly or indirectly affect school land and accompanying resources or uses. Additionally, because the Project involves work on State school land, the Commission will act as a responsible agency.

Commission Jurisdiction and School Lands

In 1853, the U.S. Congress granted to California nearly 5.5 million acres of land for the specific purpose of supporting public schools. In 1984, the State Legislature passed the School Land Bank Act (Act), which established the School Land Bank Fund and appointed the Commission as its trustee (Pub. Resources Code, § 8700 et seq.). The Act directed the Commission to develop school lands into a permanent and productive resource base for revenue generating purposes. The Commission manages approximately 462,830 +/- acres of school lands still held in fee ownership by the state and the reserved mineral interests on an additional 790,000 +/- acres where the surfaces estates have been sold. Revenue from school lands is deposited in the State

Treasury for the benefit of the State Teachers' Retirement Fund (Pub. Resources Code, § 6217.5).

The Project proponent has applied to the Commission (application A2481) for an amendment to Lease No. PRC 9504, a General Lease – Right-of-Way Use, of State-owned School land in a portion of Section 36, Township 10 North, Range 13 West, SBM, northwest of the Town of Rosamond, Kern County. The leased right-of-way is limited to the section of an existing unnamed dirt road that provides access from Mojave-Tropico Road across APN 345-032-02 to land owned by the Project proponent.

Project Description

The Project is located on the West side of Mojave Tropico Road, approximately 2 miles south of Backus Road, and approximately 4 miles northwest of the unincorporated community of Rosamond in the County of Kern. The Project proponent has proposed a surface mining operation and development of a reclamation plan on 82 acres of an approximately 210-acre reclamation plan boundary, which would utilize a 0.75-acre primary access road outside of such reclamation plan boundary to provide access to and from Mojave Tropico Road.

From the Project Description, Commission staff understands that the proposed Project would increase the existing road width within APN 345-032-02 from 12 feet to 24 feet, with two 6-foot-wide shoulders on each side (for a total width of 36 feet). Class II Road Base would be installed and compacted to 90 percent or greater, and the road would be crowned to provide for proper drainage.

Alternative B, Reduced Footprint Alternative, as identified in the EIR is considered to be the environmentally superior alternative for the purpose of this analysis.

Environmental Review

Commission staff requests that the County consider the following comments when preparing the Final EIR to ensure that impacts to State school land are adequately analyzed for the Commission's review and use of the EIR to support any Commission action related to the current application and any future amendments for Lease No. PRC 9504.

Project Description:

In Section 3.6, Table 3-8, *Proposed Discretionary Actions/Required Approvals*, the Commission should be listed as a responsible agency, as a lease is required for widening, use, and maintenance of the primary access road on lands managed by the State.

Cultural Resources

1. **Title to Resources:** The Final EIR should mention that the title to archaeological sites and historic or cultural resources on jurisdictional lands is vested in the state and

under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6301). Commission staff requests that the County consult with Staff Attorney Jamie Garrett (contact information below), should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan: "The final disposition of archaeological or historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."

Thank you for the opportunity to comment on the Draft EIR for the Project. As a trustee and responsible agency, Commission staff requests that you consult with us on this Project and keep us advised of changes to the Project Description and all other important developments. Please send copies of future Project-related documents, including electronic copies of the certified EIR, an accessible version (per Assembly Bill No. 434) of the Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), approving resolution, and CEQA Findings and Statement of Overriding Considerations when they become available.

Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or jamie.garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Drew Simpkin, Public Land Management Specialist, at 916-574-2275 or .

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
C. Herzog, Commission
D. Simpkin, Commission