

Obsidian Management Plan
For the
Obsidian Management Policy
Warner Mountain Ranger District
Modoc National Forest

Modoc County
California

May 2015

Purpose and Authority

The purpose of this Plan is to carry out the Obsidian Management Policy through which the authority is given for management of the four designated obsidian Collection Areas. This Plan is subject to annual review and will be amended as necessary to reflect law, regulation and National and Regional policies, as well as providing protection of all resources within and adjacent to the designated obsidian Collection Areas.

Background

Obsidian has been used by Native Americans for thousands and thousands of years. Obsidian from the North Warner Mountains has been found in archaeological sites as far away as the south coast of California. All known obsidian deposits within the Warner Mountains show evidence of prehistoric activity.

Historic collection of obsidian for recreational and commercial purposes is not well documented until the 1950's. By 1957, six documented obsidian claims were active within the mid-North Warner range. By 1960 the number of claims rose to 19 and spanned a larger mid-north range area. Concerns about the validity of obsidian claims and apparent miner/visitor conflicts were first expressed in 1961 by the District Ranger of what was then the Goose Lake Ranger District.

A mineral examination report filed in 1973 asserted that the Pink Lady Mine produced obsidian that was not unique nor was it of sufficient quantity, quality, and value to constitute a valid locatable mineral discovery. In 1978, *United States v. Margaret Mansfield* held the Pink Lady claims to be invalid and all other obsidian claims were relinquished shortly thereafter. Obsidian from locations on the Warner Mountains has since been held to be a mineral material subject to management and disposal by the Warner Mountain Ranger District (WMRD) as provided by law.

The WMRD established a formal Obsidian Management Policy in 1992 following an environmental analysis. The analysis identified and selected the four obsidian Collection Areas now governed by the Policy because of the extent of historic mining activities and loss of any archaeological value. The Collection Areas are managed as common use areas and combine the Forest Service policy to make mineral materials available where reasonable protection of other resources could be assured, with the ability to preserve other obsidian locations on the WMRD that retain sufficient archaeological integrity to qualify for nomination to the National Register of Historic Places. All other obsidian sources located on the WMRD are now protected by law as heritage resources and collecting within unauthorized areas may result in issuance of a violation notice.

Location

The location and size of the designated Collection Areas (Figure 1) are shown on maps in Appendix A. Latitude and longitude is given from the approximate center of the Collection Area. The perimeter of each common use area is signed and posted by permanent Forest Service standard boundary signs. A photographic record of the signed perimeter provides documentation sufficient to relocate the perimeter should signs be moved, damaged, or lost.

Collection Area Location and Size

Name	Legal Location/Latitude and Longitude	Acres
Rainbow Mine	T46N, R14E, SE1/4 SE1/4, Sec. 12 and NE1/4 NE1/4, Sec. 13/ 41° 50' 04.47"N 120° 17' 46.29"W	14.8
Pink Lady Mine	T45N, R15E, SE1/4 NE1/4 and SE1/4, Sec. 32/ 41° 43' 48.45N 120° 16' 46.54W	7.5
Obsidian Needles Mine	T45N, R14E, SW1/4 SE1/4, Sec. 12/ 41° 44' 55.38"N 120° 18' 11.10"W	3.2
Middle Fork Davis Creek Mine	T45N, R14E, NE1/4 NE1/4, Sec. 26/ 41° 43' 06.97N 120° 18' 58.52"W	5.5

Figure 1 – Location and Size

Access

The four Areas are accessible by public road under the jurisdiction of either Modoc County or the Modoc National Forest (MDF). Road maintenance levels vary from native to gravel surface; however, with the exception of the Rainbow Mine that can comfortably be reached by passenger car, higher clearance vehicles are recommended. In general, the Collection Areas are accessible throughout the May-October collecting season. Road and forest conditions are available Monday through Friday, excluding Federal holidays, at the WMRD office, 530-279-6116, and the MDF Supervisor's Office, 530-233-5811. Conditions are also recorded Monday through Friday on the 24-hour WMRD at 530-279-8307 and MDF information number, 530-233-8819.

Appendix B contains map locations and main access routes. Signing and maintenance of the access routes is a cooperative effort of Forest Engineering, WMRD and Modoc County where County jurisdiction applies. Figure 2 provides examples of the route identification signing.

Public Road Sign Design

			
<p>Vertical ID for maintenance level 2 Forest roads recommended for high clearance vehicles</p>	<p>Horizontal ID for maintenance level 3-5 Forest roads suitable for passenger cars</p>	<p>Forest distinctive route (aka primary route) for significant, well-traveled maintenance level 3-5 Forest roads</p>	<p>Example of county road ID sign with trapezoidal shape</p>

Figure 2 – Route Signing

Access within the designated Collection Areas is restricted to the native surface user-created roads largely established during the historic claim period from 1950 to 1973. Use of vehicles within the Collection Areas is not authorized except under established Forest road and off-road use guidelines.

Authorized Activities

- Seasonal collection:** Obsidian Collection Areas will be open and available for collection from May 1 to November 1, annually, unless otherwise determined by the District Ranger. Unseasonable weather conditions or resource conditions may affect the opening and closing dates. Free Use and Commercial collectors are advised to contact the WMRD in Cedarville or the MDF Supervisor’s Office in Alturas for specific information.
- Personal Use Obsidian Collection Policy (Appendix C):** A Certification of Free Use Authorization will be issued to individuals for recreational digging and collection of a maximum 100 pounds (approximately two 5-gallon buckets) of obsidian from any of the four Collection Areas. Personal use is offered free of charge for noncommercial uses only. Certifications must be obtained in advance and remain in possession when collecting and transporting obsidian. They can be obtained from the WMRD in Cedarville, California, the MDF Supervisor’s Office in Alturas, California, the Big Valley Ranger District in Adin, the Doublehead Ranger District in Tulelake, and at the Davis Creek Mercantile in Davis Creek, California. Only hand tools such as picks, shovels, trowels, pry-bars or screwdrivers may be used for excavation. The certification is good for a 14-day period from the date of issuance. Individuals are allowed up to 5 certifications per year.

Certifications provide instructions that reflect law and policy, protection to Forest resources, safe working slopes (Figure 3 and Appendix I), and will be accompanied by specific information regarding the protection of heritage resources (Appendix D). Issuance of Certifications will be regulated seasonally. Certification content will be subject to annual review to adequately address any changing conditions. Certifications authorize digging and collection within the signed Collection Areas excluding any portion of the Area signed for commercial use.

- **Commercial Obsidian Collection Policy:** Commercial obsidian collection will be authorized by Contract for Sale of Mineral Material (Appendix E). Contract quantity is based on cubic yard measurement of pit run material containing obsidian, which is the total material within the number of cubic yards purchased, excluding existing overburden. Cubic yards will be identified by corner stakes, measured width and length, and assumed depth. Minimum purchase is two cubic yards per contract. Maximum purchase per contractor per year is 20 cubic yards. One cubic yard of pit run material is estimated to net 25 to 30 5-gallon buckets of obsidian.

Maximum combined commercial contract volume from any one Area will not exceed 100 cubic yards in any year. Once the quantity of purchased cubic yards reaches the 100 cubic yard maximum, no further contracts will be issued until the following collecting season, May 1 to November 1, annually. The maximum sale quantity per Area is established at a level commensurate with 1) WMRD monitoring capability, 2) operators' anticipated capacity to complete the required level of reclamation at the termination of operator contracts, 3) resource capability to sustain collection opportunities for an anticipated 50-year period and 4) distributes the commercial activity among the Collection Areas to avoid excess impact to one Area.

Cost per cubic yard is based on appraised value of \$25 per cubic yard of pit run material containing obsidian. The appraised value will be reviewed no less frequently than every 3 years and the cost per cubic yard will not be sold of an amount less than the appraised value. A refundable performance bond of \$10 per cubic yard will be collected and held until all contract terms and conditions are met. A nonrefundable reclamation fee of \$5 per cubic yard is required at the time of purchase. The fees will be held and provide funds by which reclamation can be completed.

Applicants for commercial contract must submit an operating plan (Appendix F) identifying the designated Collection Areas, volume, type of operation, vehicles used, provisions for refuse and sanitation, number of individuals working the contract, and length of contract time desired. Applicants are advised to apply at least 90 days before the proposed start date. Prior to issuance of any contract, a field meeting will be held between the operator and the Minerals Administrator in which the specific excavation will be identified by coordinates and photo documentation. Contracts will be issued and remain in force for 30 days from the date of issuance, subject to the terms and conditions of the contract.

Commercial operations will be confined to those areas defined and agreed to by Forest Service officials. Contracts will be offered on a first-come-first-served basis. When the annual seasonal 100 cubic yard/Collection Area limitation has been reached, no further contracts will be issued for that Collection Area until the following season. In the event there is a competitive interest in obtaining the annual available obsidian, the WMRD may elect to use competitive sales where the highest qualified bidder is awarded a contract after formal advertisement and public notice.

An occupied contract area will be identified by Forest Service signs indicating the extent of material that has been purchased and is not, therefore, available for collection by Certification of Free Use Authorization. An approved operating plan (Appendix F) will accompany all contracts and will contain provisions for the protection of resources, maintenance of contract area during operations, required reclamation of the contract area, and conditions required for public health and safety of operations and the public. Additions and changes will be made to the Operating Plan as needed to meet changes in resource conditions. Always included in the Operating Plan will be a Noxious Weed Plan with a copy of the *Selected Noxious Weeds of Northeastern California, A Field Identification Guide* (Appendix G), and information regarding the lawful protection of heritage resources (Appendix D).

Reclamation

Complete reclamation of the designated obsidian Collection Areas will not be done in full until such time as the resource is depleted or the WMRD makes a decision to no longer offer excavation and collection of obsidian at these sites. The four designated Collection Areas contain a cumulative volume of obsidian that will meet the present average annual personal and commercial use rate for a 50-year period. An estimated reclamation cost (Exhibit 10) provides what is currently known in needed reclamation activities and would meet current Forest Service standard. The final reclamation plan would be developed based on the practices and standards then in effect, estimated to be 2065.

Under this Policy, the four Collection Areas will be managed as seasonally open (May 1 to November 1) common use Collection Areas. Annual maintenance of the excavations will be done by the WMRD within the public use areas. Required maintenance of contract areas will be done by the contractor immediately prior to the termination of the contract.

WMRD maintenance inspection of the Collection Areas will take place at the opening of collection season and again at the close of the normal operating season, and will include the following actions. Maintenance may require the temporary suspension of Certification and/or Contract issuance for public and resource protection. Maintenance requiring the use of motorized equipment will take place outside the nesting and denning limited operating unless required surveys are completed and determine no disturbance would occur. No equipment will be used during wet soil conditions.

- Inspection of trees for soundness within and adjacent to, that is within 100 feet of, the Collection Areas. Trees that pose a hazard will be surveyed for nesting species and removed as

directed by the WMRD Wildlife Biologist and Silviculturist, and disposed of according to all applicable regulations pertaining to hazard tree removal and disposition. Treatment of downed trees will meet fire prevention specifications for slash material and tree boles will be left on site for habitat, where public and agency safety will not be compromised.

- To meet the large woody debris management goal, at least 5 logs per acre will be retained within each Collection Area. Preference is for cull logs at least 16 inches in diameter; however, stumps and root wads will also be left on site. Ground cover including soil, duff and vegetation within the Collection Areas but outside active excavations will be retained for soil conservation. Vehicle use is not authorized except on established roads and trails.
- Examination of all open pits to determine if the slope of the pit meets a 2-to-1 foot ratio for an incline (Figure 10) or stepped configuration (Figure 11) to prevent overhang collapse or unsafe pit walls. Pits that do not meet the correct ratio will be brought into compliance prior to and during the season of use.
- General inspection of the disposal sites and surrounding areas to identify any associated public health and safety concerns such as improper disposal of refuse, damage to trees or other resources, and unauthorized excavation.
- General inspection and coordination with engineering staff regarding the overall condition of access roads and parking areas.
- Inspection of sites for populations of noxious weeds as identified by the *Selected Noxious Weeds of Northeastern California, A Field Identification Guide*. Any populations will be treated as directed by the Forest Botanist to prevent spread.

Maintenance required of all contractors is intended to leave the commercial area in a safe condition at the termination of the contractor's operations. Contractors' performance bond will not be released until required reclamation is completed. If the contractor intends to purchase another contract and wishes to allow the bond to remain in place, the subsequent contract must be purchase before or at the time of existing contract termination in order to guarantee use of the same pit. At final contract termination/end of season, the required contract and excavation maintenance will include but may not be limited to the following activities:

- The contract pit will be free of equipment, refuse, tools or other items. Any property remaining at the termination of the contract may become the property of the United States.
- Pit walls will be left in a 2-to-1 ratio (Figure 4). All overhangs will be knocked down and/or filled in to the acceptable ratio.

Acceptable Maintenance Slope for Operations

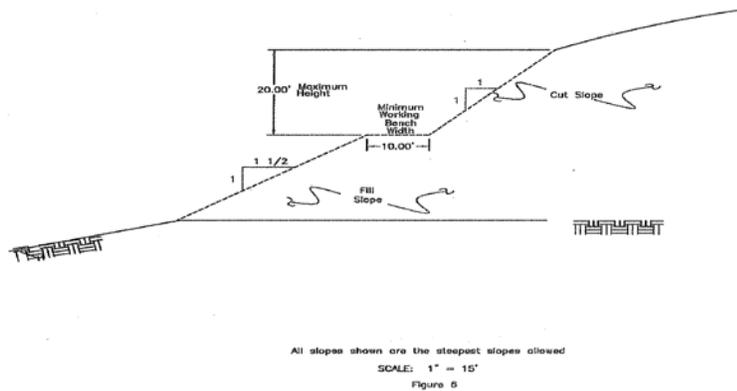


Figure 3 Acceptable Slope*

*An updated slope and step diagram will be completed and inserted that better defines the natural slope and the safe slope-bench definition that is acceptable.

In addition to the required maintenance, all terms and conditions of the contract must be met.

Camping, Refuse, and Sanitation

Camping on the MDF is authorized by law, regulation, and the MDF camping policy. Certification holders are individuals recreating on the WMRD and need no further authorization to camp within the existing MDF policy.

Contractors may camp within the limitations of the MDF policy. If the contractor wishes to camp for a number of days exceeding the MDF policy, application must be made for specific camping authorization. The application must include the duration and location requested, and type of facilities to be used. At the discretion of the District Ranger, camping authorization may be attached to the contract. Contractor camps must be in dispersed camp sites a minimum of 250 feet away from all public use areas including campgrounds and the designated Collection Areas. The camp site, regardless of location, will be considered a part of the contract area and subject to the contract terms and conditions. Failure to maintain the campsite in a condition acceptable to the authorizing officer can result in termination of the contract, retention of the bond for cleanup and restoration.

There are no WMRD-provided sanitation facilities at the four Collection Areas. The general public obtaining Certifications will be provided location maps with campgrounds shown where facilities are available. Sanitation facilities for contractors will be specified in each Operating Plan. Acceptable facilities may include any of the following: self-contained facilities such as a camper or trailer; porta-potty; small pit location a minimum of 500 feet away from any public areas where the use site can be buried and restored periodically and at the close of the contract. At no time will surface deposit of human waste be acceptable and will be cause for suspension or termination of the contract.

Monitoring

Monitoring of Area conditions is included in the biannual inspection and maintenance. Monitoring of recreational and contract excavations will be done by the Mineral Administrator or WMRD-designated inspector and will occur no less frequently than twice monthly. East-side Recreation staff will include the Collection Areas as part of their normal recreation facility maintenance route and will report any concerns or violations immediately to the authorized officer and minerals administrator.

5-year Implementation Plan

Though the greater volume of pit run material is moved under contract, the highest volume of public use is from visitors for whom the personal use Certification is appropriate. This is recognized as a significant recreational opportunity on the WMRD.

The 5-year Implementation Plan (Appendix H) is a flexible tool intended to anticipate program management opportunities within policy guidelines to enhance visitor enjoyment of the Collection Areas. The 5-year Plan will facilitate developing funding opportunities as well as potential partnerships in various aspects of policy application. The 5-year Plan is not intended to, nor will it, change the policy, but will be used to enforce the policy more effectively while increasing recreational and educational opportunities.

The 5-year Implementation Plan will be subject to annual review and revision, and will be accountable to the District Ranger and all interested parties and partners. It will be posted publicly on the WMRD website and Forest sites such as Facebook and other appropriate media.

Non-Discrimination Policy

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)