

Notice of Determination

To:
Office of Planning and Research
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From:
Department of Fish and Wildlife
Inland Deserts Region
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Ontario CA 91764
Contact: Marlee Poff
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Lead Agency
San Bernardino County
385 N. Arrowhead Ave 1st Floor
San Bernardino, CA 92415
Contact: Matthew Slowik
Phone: (909) 387-4372

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 1999121073

Project Title: North Overburden Stockpile Development (Lake or Streambed Alteration Agreement No. EPIMS-SBR-44074-R6)

Project Location (San Bernardino County): The Project is located at an unnamed tributary to Wheaton Wash in the County of San Bernardino, State of California; Latitude 35.486628, Longitude -115.533517; or Section 31, Township 16 North, Range 14 East, U.S. Geological Survey (USGS) map Mescal Range quadrant, base and meridian or 67750 Bailey Rd, Mountain Pass, CA 92366; Assessor's Parcel Number 05742-101-17-0000.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement (EPIMS-SBR-44074-R6), pursuant to Fish and Game Code section 1602, to the project Applicant, MP Materials.

The Project is limited to the grading and filing of streams associated with the creation and sustained use of a new overburden stockpile. The North Overburden Stockpile (NOS) site is to receive overburden generated during rare earth mining operations. The NOS will be terraced in a manner that controls to prevent erosion from run-on/runoff. Bulldozers will be used to grub the surface of the NOS placement; off-road haul trucks will be used to haul overburden materials to the site; water trucks will be used for dust control; and road graders and bulldozers will be used to maintain travel surfaces and loading areas used by other mining equipment.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on February 21, 2024 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project **will not** have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations **was not** adopted by CDFW for this project.
6. Findings **were** made by CDFW pursuant to California Code of Regulations section 15091.

The Final EIR prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as a Responsible Agency is available at CDFW's regional office.

DocuSigned by: Alisa Ellsworth Date: 2/21/2024
 Signature: _____ Date: _____
 Alisa Ellsworth, Environmental Program Manager

Date Received for filing at OPR: _____