

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
 Inland Deserts Region
 3602 Inland Empire Boulevard, Suite C-220
 Ontario, CA. 91764
 Contact: Amy Chandos
 Phone: (760) 937-3924

Lead Agency

Inyo County
 168 N. Edwards St.
 Independence, CA. 93542
 Contact: Ryan Smith-Standridge
 Phone: (760) 878-0405

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

State Clearinghouse Number: 2022010400

Project Title: Makayla 2 Mine Expansion Project (California Endangered Species Act Incidental Take Permit No. 2081-2021-011-06 (ITP))

Project Location: The Makayla 2 Mine Expansion Project (Project) is located approximately four miles north-east of Coso Junction and U.S. Route 395, about 20 miles south-east of the town of Olancho, in Inyo County, California, in Section 22, Township 21 South, Range 38. The Project is located at approximately 36.095979, -117.866706 within the Coso Volcanic Field and is reachable via U.S. 395 and Gill Station Coso Road.

Project Description: The Project includes site preparation for mining activities on a partially mined 25-acre parcel. Of the 25 acres, 12.2 acres are already disturbed by exploratory mining activities and road disturbance. Site preparation and new mining activities on the 12.8-acre undeveloped portion of the property will include vegetation removal, road grading and new road construction, facility construction, western Joshua tree relocation, up to 25-foot of topsoil removal; and removal, sifting, processing, and hauling off of the pumice.

The Project will result in impacts to 12.8 acres of two listed threatened species Agassiz's desert tortoise (*Gopherus agassizii*) and Mojave ground squirrel (*Xerospermophilus mohavensis*), and 6.67 acres of candidate threatened western Joshua tree habitat. The Project will permanently remove 12.8 acres of desert tortoise and Mojave ground squirrel habitat, and 6.67 acres of western Joshua tree habitat. The Project is expected to result in incidental take of desert tortoise, Mojave ground squirrel, and western Joshua tree, which are designated as candidate endangered, threatened, and candidate threatened species, respectively, under the California Endangered Species Act. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described Project on April 17, 2023 and made the following determinations regarding the above described Project:

1. The Project [will / 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. [An environmental impact report / A negative declaration] was prepared by the lead agency for the original Project.
3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the Project.
4. A mitigation reporting or monitoring plan [was / was not] adopted by CDFW for this Project.
5. A Statement of Overriding Considerations [was / was not] adopted by CDFW for this Project.
6. Findings [were / were not] made by CDFW pursuant to Public Resources Code § 21081(a).
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment was submitted to CDFW.

Responsible Agency statement: The Negative Declaration prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

Notice of Determination

DocuSigned by:
Alisa Ellsworth
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Signature _____ *Date:* 4/17/2023

FOR Heidi Calvert, *Regional Manager*

Date Received for filing at OPR: _____