

Notice of Determination

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)
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
Contact: Jennifer Giannetta, Environmental Scientist
Phone: (559) 243-4014, extension 216

Lead Agency
Kern County
Planning Department
Public Services Building, 2700 "M" St. Suite 100
Bakersfield, CA 93301
Contact: Ted James, Planning Dept.
Phone: (661) 862-8616

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108
State Clearinghouse Number: 2002121007

Project Title: U.S. Borax, Inc. Life of Mine Project [California Endangered Species Act Incidental Take Permit No. 2081-2005-015-04 (ITP) Minor Amendment No. 1]

Project Location: The Project is located primarily in the northern and eastern areas of the U.S. Borax, Boron Operations Mine near Boron, California. The Project Area is located in portions of Sections 1, 2, 10, 12, and 16, T11N, R8W, and Sections 20, 21, 29, 30, T11N, R7W, SBB&M, in Kern and San Bernardino Counties.

Project Description: The 1,833-acre borax mine project will include increasing the existing U.S. Borax mine overburden and gangue stockpile areas in both area and height, construction of four new boric acid ponds, construction of four flood control catchment basins, and construction of desert tortoise exclusion berms around each new discrete areas of expansion. The Project will result in impacts to approximately 1,798 acres of habitat for Mohave ground squirrel (*Spermophilus mohavensis*) and desert tortoise (*Gopherus agassizii*), species which are designated as threatened species under the California Endangered Species Act. The ITP Minor Amendment No. 1 referenced above as issued by CDFW updates the Contact Person/Project Representative, includes the option to use a qualified biological monitor to assist the Authorized Biologist, and authorizes appropriately trained Permittee staff to move and relocate desert tortoise found in the active portion of the mine facility and in eminent danger.

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on 4/23/19 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 mitigated 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 Mitigated 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.

Signature  Date: 4/23/19
Julie A. Vance, Regional Manager Governor's Office of Planning & Research

Date Received for filing at OPR: APR 24 2019
STATE CLEARINGHOUSE