

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

June 22, 2021

FROM

Terri Rahhal, Director, Land Use Services

SUBJECT

MP Mine Operation, LLC Policy Plan and Zoning Amendment

RECOMMENDATION(S)

1. Conduct a public hearing to consider the MP Mine Operation Policy Plan Amendment and Zoning Amendment on approximately 2,220 acres in Mountain Pass and adopt a declaration of intent to:
 - a. Adopt the Negative Declaration.
 - b. Adopt the recommended Findings for approval of the Policy Plan Amendment and Zoning Amendment.
 - c. Adopt the Policy Plan Amendment to change the Land Use Category of 25 parcels from Resource Land Management to General Industrial on approximately 2,220 acres.
 - d. Adopt the Zoning Amendment to change the Land Use Zoning District from Resource Conservation to Regional Industrial for 23 parcels on approximately 2,095 acres and from Special Development to Regional Industrial for two parcels on approximately 125 acres.
 - e. Direct the Clerk of the Board to file a Notice of Determination.
 - Applicant: MP Mine Operation, LLC
 - Community: Mountain Pass
 - Location: 67750 Bailey Road, Mountain Pass
 2. Continue the item for final action with the Second Cycle 2021 Land Use Element Amendment.
- (Presenter: Heidi Duron, Planning Director, 387-4110)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Create, Maintain and Grow Jobs and Economic Value in the County.

FINANCIAL IMPACT

Consideration of this item will not result in the additional use of Discretionary General Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Planning Division 2020-21 budget. All costs of processing this application are paid by the applicant.

BACKGROUND INFORMATION

The applicant, MP Mine Operation, LLC, has proposed a project consisting of three actions: (1) Adoption of a Negative Declaration; (2) Adoption of a Policy Plan Amendment (PPA) from Resource Land Management (RLM) to General Industrial (GI) on 25 parcels totaling

approximately 2,220 acres; and (3) Adoption of a Zoning Amendment (ZA) from Resource Conservation (RC) to Regional Industrial (IR) for 23 parcels on approximately 2,095 acres and from Special Development (SD) to IR for two parcels on approximately 125 acres. A detailed project description and planning analysis of the project is enclosed within the Planning Commission staff report and attached to this report/recommendation.

The project does not include a request for new entitlements other than the PPA and ZA, approval of which will allow future development of the parcels within the proposed IR zone. The Mountain Pass Mine site currently includes an open pit mine, crushing and milling facilities, processing plants, utility/mechanical and electrical maintenance and administrative buildings, product and supply warehouses, material and tailings stockpiles, site security guard house and analytical labs. Other existing site facilities and conditions include a water treatment plant, stormwater runoff collection ponds, fresh water well fields and industrial wastewater evaporation ponds. The mine currently operates 24 hours/day, seven days/week and employs over 200 employees. All existing operations were reviewed by means of a Final Environmental Impact Report (FEIR) for the Northwest Tailings Storage Area and a Reclamation Plan (2004M-02), in addition to a Subsequent Mitigate Negative Declaration (MND) for a previously approved Minor Use Permit. No changes to the reports or operation were necessary as a result of the proposed PPA and ZA.

With approval of the proposed project, the Mine and Reclamation Plan will be revised to define those areas subject to the Surface Mining and Reclamation Act (SMARA) requirements and existing permit conditions. The processing/industrial facilities will then be removed from the Reclamation Plan. The facilities will continue to operate and will be subject to the IR zoning restrictions. The current Mine and Reclamation Plan will remain in place in the areas which mining, overburden stockpiling and active tailings storage areas occur until final reclamation has been certified by the County of San Bernardino and the Department of Conservation, Division of Mine Reclamation (DMR) pursuant to SMARA.

An Initial Study (IS) was prepared to identify potential impacts the project may have on the environment, as well as to identify all design features and mitigation measures that will reduce said impacts to less-than-significant levels. The IS concludes that all potentially significant environmental impacts resulting from the project will be less-than-significant level. Therefore, the recommendation includes the adoption of a Negative Declaration and filing a Notice of Determination.

The San Bernardino County Code requires a recommendation from the Planning Commission for final action by the Board of Supervisors on Policy Plan and Zoning Amendments. At the Planning Commission hearing on March 4, 2021, there were no public comments, and no public comments or objection letters were submitted in response to public notices. The Planning Commission recommended approval of the project by a unanimous vote of 5-0.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5455) on June 2, 2021; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on June 2, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on June 7, 2021.

**MP Mine Operation, LLC Policy Plan and Zoning Amendment
June 22, 2021**

Record of Action of the Board of Supervisors
County of San Bernardino

Hearing Opened
Public Comment: None
Hearing Closed

**DECLARED INTENT TO ADOPT & CONTINUED TO SECOND CYCLE, 2021 GENERAL
PLAN
AMENDMENT**

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 22, 2021



cc: File - LUSD - Second Cycle GPA 2021 w/ Item #135
JLL 06/24/2021