PMC-ND
(1.08.09.13)

U.S. DEPARTMENT OF ENERGY
OFFICE OF CRITICAL MINERALS AND ENERGY INNOVATION
NEPA DETERMINATION

RECIPIENT: Waterleaf P1 HoldCo LLC **STATE:** UT

PROJECT TITLE : Great Salt Lake Lithium: Powering American Industry

Notice of Funding Opportunity Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0003585	DE-MS0000161		

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:
Description:

Rationale for determination:

The Department of Energy (DOE) has adopted a categorical exclusion established by the U.S. Coast Guard (USCG) that covers categories of actions pertinent to DOE operations, specifically L14. This categorical exclusion applies tonew construction upon, or improvement of, land where all of the following conditions are met:
(a) The structure and proposed use are substantially in compliance with prevailing local planning and zoningstandards.
(b) The site is on heavily developed property and/or located on a previously disturbed site in a developed area.
(c) The proposed use will not substantially increase the number of motor vehicles at the facility.
(d) The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings.

1. The Endangered Species Act (ESA) section 7 effect determination for the subject project. Based on a comprehensive review of site-specific attributes and habitat availability, the subject project is not likely to affect or jeopardize the habitat or species count for the following two federally tracked insects:
• Suckley's Cuckoo Bumble Bee (Bombus suckleyi)
• Western Monarch Butterfly (Danaus plexippus)
Accordingly, this project qualifies for a Categorical Exclusion (CX) regarding these specific biological resources.
2. Justification for No-Effect Finding
The justification for this determination relies on explicit ecological and geographical barriers that isolate the project area from viable populations:
• Suckley's Cuckoo Bumble Bee: The project site's elevation falls entirely outside the viable breeding and foraging range required by this species and its obligate host bumble bee colonies.
• Western Monarch Butterfly: The project area exhibits a complete lack of critical overwintering habitat and lies within a highly restricted, small geographical range unutilized by the western population for sustaining population counts.

While this project qualifies for a Categorical Exclusion (CX), field personnel should exercise species awareness and employ Best Management Practices (BMPs) during construction for the above listed species such as:

Priority 1 Zone:
1. Enhance and maintain habitat in the early breeding zone of California, by identifying and protecting existing habitat, planting native, insecticide-free milkweed, including early emerging species (e.g., Asclepias vestita, A. californica, A. cordifolia, A. erosa), and planting native nectar plants that are available to monarchs in late winter, spring and fall (January April, August-October) (Nectar Planting Lists; Milkweed Seed Finder).
For All Breeding and Migratory Zones:
2. Use only native, insecticide-free plants for habitat restoration and enhancement actions. If plants are grown via contract, use grow specifications that limit harmful pesticide residues.
3. Enhance and maintain habitat in the Priority 2 zone of California (Figure 1, above) and in other western States, by identifying and protecting existing habitat, and planting milkweed species and flowering plants that are appropriate for the location (Nectar Planting Lists; Milkweed Seed Finder).
4. Conduct management activities such as mowing, burning and grazing in monarch breeding and migratory habitat outside of the estimated timeframe when monarchs are likely present,

as is feasible (Figure 2, Recommended Management Timing Map, below).
5. Protect monarchs, other pollinators, and their habitats from pesticides, including insecticides, fungicides and herbicides.
a. Use non-chemical pest prevention and management methods and monitor pest pressure to minimize reliance on pesticides for managing insects, mites, weeds, and diseases. For example, employ non-chemical weed control techniques, when feasible (Cal-IPC Non chemical BMPs).
b. If pesticides are used in monarch habitat, lessen their potential for harm by adhering to the following guidance: i. Avoid the use of neonicotinoids or other systemic insecticides, including coated seeds, any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity (Xerces Systemic Insecticides List).
ii. Avoid the application of pesticides on milkweed plants and define buffer zones to protect habitat from nearby areas where pesticides are applied (See ix, below).
iii. Avoid the application of pesticides on blooming plants when adult monarchs may be present, when feasible (Figure 2, Recommended Management Timing Map, below).
iv. Conduct applications outside of the time period when monarchs are expected to be present (Figure 2, Recommended Management Timing Map, below).
v. Avoid insecticides that target lepidopterans, including biological pesticides (IRAC Lepidoptera Insecticide Mode of Action Classification).
vi. Avoid the use of strobilurin fungicides on milkweeds.
vii. If herbicides are used, apply when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be nectaring on the plants.
viii. Use targeted application methods, avoid large-scale broadcast applications, and take precautions to limit off-site movement (e.g., wind drift, discharge from surface water flows).
ix. Protect habitat areas from pesticide drift with a pesticide-free spatial buffer and/or evergreen vegetative buffer of trees with flowers that are not attractive to pollinators. The appropriate width of monarch and pollinator habitat spatial buffers depends on several factors, including weather and wind conditions, but at a minimum, the habitat should be at least 40 feet from ground-based pesticide applications, 60 feet from air blast sprayers, and 200 feet from aerial applications or any systemic insecticide applications or plants grown from treated seeds.
x. If pesticides are used for vector control treatments (e.g., mosquitoes), avoid treatment unless monitoring indicates that the species and numbers exceed a public health threshold. For any mosquito treatments, first employ prevention steps such as reducing standing water. Where possible, draw mosquitoes away from sensitive sites (e.g., using dry ice traps) to limit treatment effects in sensitive habitat areas.
6. To minimize the spread of the pathogen Ophryocystis elektroscirrha (OE), do not plant non native tropical milkweed (Asclepias curassavica) anywhere. OE can build up on tropical milkweed and infect monarchs, because these plants are evergreen and do not die back in the winter. OE can be lethal to monarchs.
7. Remove tropical milkweed and replace with native milkweed and nectar plants appropriate for the location (Nectar Planting Lists; Milkweed Seed Finder).
8. Report milkweed and monarch observations from all life stages, including breeding butterflies, to the Western Monarch Milkweed Mapper or via the project portal in the iNaturalist smartphone app

NEPA PROVISION

DOE has made a final NEPA determination.

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the 'Rationale for Determination' above) fits within a class of actions that is listed in Appendix B to 10 CFR Part 1021 or Appendix B and C of DOE's NEPA Implementing Procedures.

To fit within the classes of actions listed in Appendix B to 10 CFR Part 1021 or Appendix B of DOE's NEPA Implementing Procedures, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there

would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B (4) of Appendix B to 10 CFR Part 1021; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B (5) of Appendix B to 10 CFR Part 1021.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts, is not related to other actions with individually insignificant but cumulatively significant impacts and is not precluded by applicable regulations or procedures concerning limitations on actions during preparation of an environmental impact statement.

The proposed action is categorically excluded from further NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: Electronically Signed By: Meagan Jacobsen Date: 10/20/2026

NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

- [x] Field Office Manager review not required
- [ ] Field Office Manager review required

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____ Date: _____

Field Office Manager

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