



County of Yolo

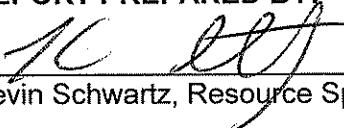
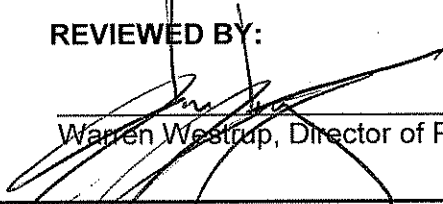
PARKS AND RESOURCES DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

June 23, 2009

FILE: Consideration of the 2008 Annual Compliance Report summaries for Off-Channel Gravel Mining within the Cache Creek Area Plan for the Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregate-Esparto, and Teichert Aggregate-Woodland sites.	
APPLICANT: Yolo County Parks & Resources Department 120 West Main Street Suite C Woodland, CA 95695	
LOCATION: Immediately north and south of lower Cache Creek, between County Roads 85 and 96, within the boundaries of the Cache Creek Area Plan (Attachment A)	ZONING: Agricultural Preserve (A-P) and Agricultural General (A-1) with Special Sand and Gravel Combining Zone (S-G) FLOOD ZONE: Various SOIL TYPE: Various
ENVIRONMENTAL DETERMINATION: Categorical Exemption	
REPORT PREPARED BY:  Kevin Schwartz, Resource Specialist	REVIEWED BY:  Warren Westrup, Director of Parks & Resources

RECOMMENDED ACTIONS

That the Yolo County Planning Commission take the following actions:

1. **DETERMINE** that Granite Construction (two sites), Schwarzgruber and Sons, Syar Industries, and Teichert Aggregates (two sites) have complied with the Conditions of Approval established under approved mining permits and reclamation plans;
2. **DETERMINE** that CEMEX has not complied with the Conditions of Approval;
3. **ADOPT** the Findings (**Attachment C**) in support of determining that the mining operations are in compliance with all Conditions of Approval; and
4. **ADOPT** the Categorical Exempt pursuant to the California Environmental Quality Act and Guidelines (**Attachment D**).

REASONS FOR RECOMMENDED ACTIONS

Pursuant to Article 7 of the County's Off-Channel Surface Mining Ordinance, the aggregate industry is required to provide annual reporting on their operations along lower Cache Creek to the Yolo County Planning Commission. Based on staff's review of the subject aggregate operations in 2008, it has been determined that all of the operations are in compliance with the provisions of the County Surface Mining and Reclamation Ordinances, Mitigation Monitoring Plans, Development Agreements, and the California Surface Mining and Reclamation Act.

BACKGROUND AND ANALYSIS

The Off-Channel Mining Plan and implementing ordinances that provide the regulatory framework for mining and reclamation within the Cache Creek Area Plan were adopted by the County Board of Supervisors on July 30, 1996.

As required by the Surface Mining and Reclamation Act (SMARA), an Annual Compliance Report documenting the status of mining and reclamation activities at each of the approved mining operation sites has been prepared by the County for submittal to the State Department of Conservation, Office of Mine Reclamation. All of the operations located along lower Cache Creek have been found to be in compliance with the approved permits, except for CEMEX.

Each report is based on staff's independent analysis of aerial photographs, field inspections, and information submitted by the mining operators in order to establish whether the mining is being conducted in a manner that is in conformance with the requirements of the Yolo County Surface Mining and Reclamation Ordinance, permit conditions of approval, California SMARA, mitigation monitoring plans, and the approved Development Agreements. The reports, which contain a detailed description of the compliance status of each operation, are on file and available for public review at the Parks and Resources Department office. A summary of each of the detailed compliance reports is attached to this staff report (**Attachment B**).

Production figures for individual operators are proprietary information and may not be included in this staff report. However, a review of the production data provided to staff indicates that the volume of sold material mined in 2008 was 2.81 million tons, 2007 was 3.53 million tons, compared to 4.69 million tons in 2006 as compared to 4.7 million tons in 2005, 4.9 million tons in 2004, and 5.7 million tons in 2001.

PUBLIC AND AGENCY COMMENTS

The Annual Compliance Report has not been circulated for public review prior to this public hearing at the Planning Commission.

The requirements of the Department of Conservation, Office of Mine Reclamation have been taken into consideration in the preparation of the Annual Compliance Report.

Pursuant to the requirements of the California Environmental Quality Act, the Annual Report to the Planning Commission is Categorically Exempt under Section 15307, Class 7 of the CEQA Guidelines as an action taken by a regulatory agency to assure the restoration, maintenance, and enhancement of natural resources.

APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of that Board within **fifteen** days from the date of the action. A written notice of the appeal specifying the grounds and an appeal fee immediately payable to the Clerk of the Board must be submitted **at the time of filing**. The Board of Supervisors may sustain, modify, or overrule this decision.

ATTACHMENTS

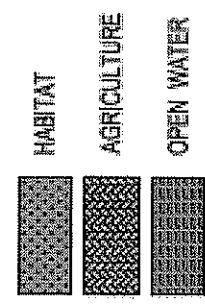
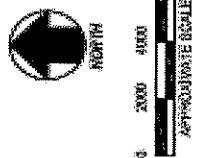
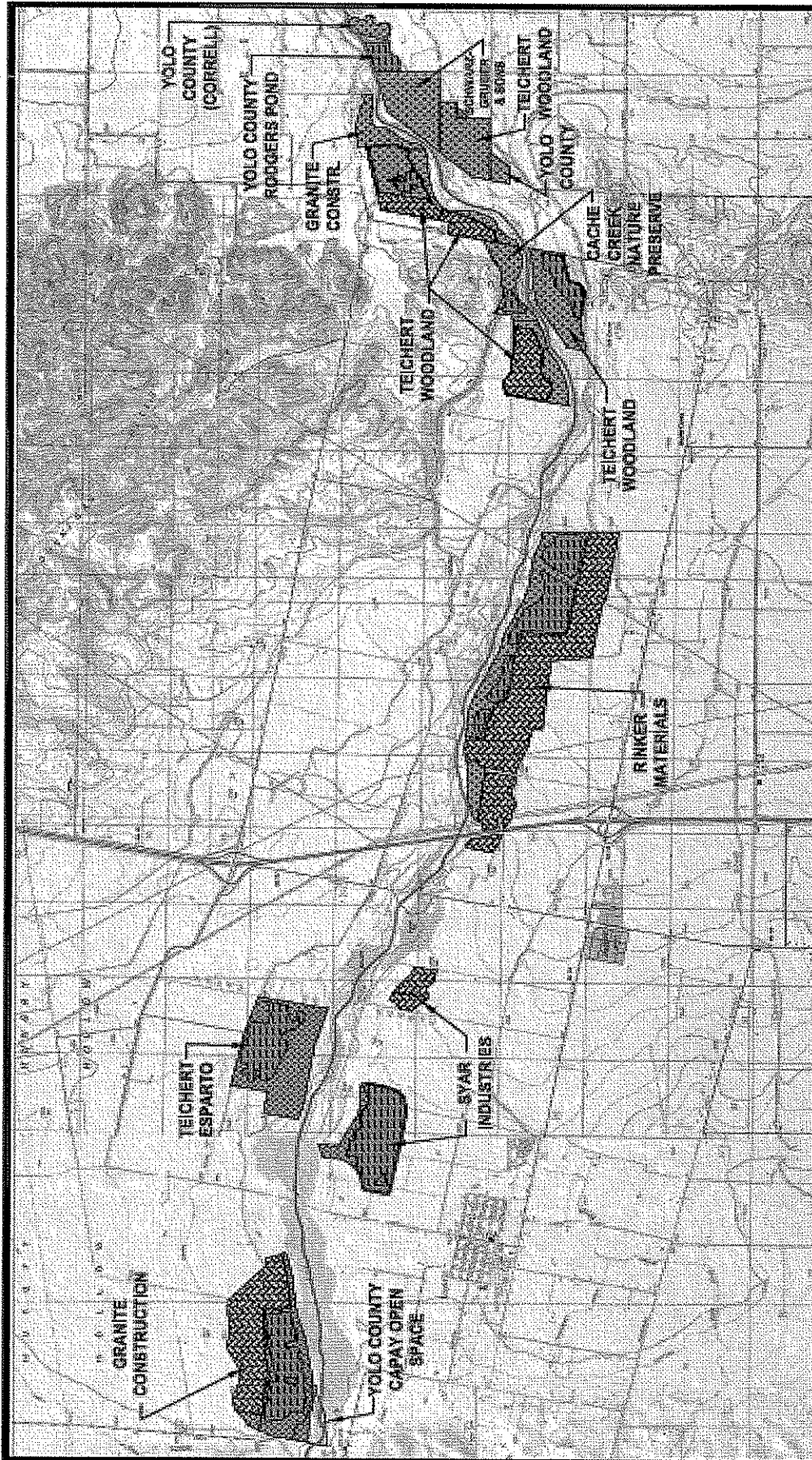
Attachment A: Map of Aggregate Mines along Lower Cache Creek

Attachment B: Gravel Mine Compliance Report Summaries

Attachment C: Findings

Attachment D: Notice of Exemption

ATTACHMENT A MAP OF GRAVEL MINES LOCATED ALONG CACHE CREEK



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JANUARY 31, 2005

CACHE CREEK
CONCEPTUAL RECLAMATION
AND RESTORATION VISION
(APPROX. 2032)

ATTACHMENT B
GRANITE CONSTRUCTION
CAPAY FACILITY

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

Granite's 400-acre Capay facility is located approximately 2 miles north of the town of Esparto (accessed off CR 87). Yolo County Parks & Resources Department Staff performed a field inspection of the operation on December 9, 2008, and found the operation to be in compliance with the Development Agreement.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Development Agreement No. 96-289 and Permit # ZF95-078 are active and cover the gravel mining operation currently in production.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator did not exceed the allowed 1 million tons (sold weight) in the last production year. The maximum ten-year average has also not been exceeded. The operator paid all fees on a quarterly basis as required by the development agreement. Staff found the operator to be in compliance with the general operations such as stockpile management, setback requirements, and plant operations.

BONDS

The operator has a current bond of \$1,145,199.00 on file with Yolo County, and is in compliance with the Surface Mining Reclamation Ordinance and the State Surface Mining and Reclamation Act (SMARA). The county is listed as the certificate holder on the bonds.

PROCESSING OF MATERIALS

Staff found the operator to be in compliance with the requirements of the development agreement for general operations such as stockpile management, setback requirements, fencing, and plant operations.

LEVEE STABILITY AND EROSION CONTROL

The operator submitted a comprehensive levee report prepared by Cunningham Engineering. The report evaluated the condition, slope, stability, and the erosion potential of the existing levees and banks including the Cache Creek channel bank/levee and off-channel mining areas. Staff inspected the site on December 9, 2008 and concurs with the findings of the report. The report recommended repair of Granite's streambank stabilization protecting the property from the 100-year flood. With the permission of Yolo County Parks and Resources, Department of Fish and Game, and the Army Corps of Engineers, Granite Construction repaired portions of the bank stabilization and levee keyway that had been exposed and incised in November 2008.

WATER QUALITY AND GROUNDWATER

The operator performs ongoing annual groundwater monitoring of the (non-potable) monitoring well network throughout the site. In previous years, monitoring was semi-annual. A groundwater study was prepared by Wallace-Kuhl & Associates for the operator, and the following were notable aspects of the report:

- There were anomalous detections of TPHd and Lead in the Open Water sample and, thus, these parameters will be closely monitored in future monitoring. TPHd and Lead have not been detected during previous monitoring years. No organophosphorous pesticides or chlorinated herbicides were found to be above laboratory detection limits.
- The pH was below the maximum allowed containment level of 8.5.
- Nitrate levels were slightly elevated in two wells.

- Coliform values in the Open Water and Canal samples were elevated similar to the previous year. The Open Water sample was attributed by WKA to the proximity with the West Adams canal and do not exceed the coliform levels in the creek (2008 data collected by Yolo County – Foothill Associates).
- Elevated levels of Ba, Mn, Ca, Mg, Na, and, in turn water hardness and electrical conductivity, are expected given historical conditions in the area (baseline samples taken in 1999) and the area's natural geology and soils.
- Ba, Cr, Hg, Ni, V, and Zn were reported in samples, but all were below the maximum contaminant level (Regional Water Quality Control Board, RWQCB – Central Valley Region, August 2007)

RECLAMATION AND HABITAT

The reclamation plans and operations are in compliance with the original development agreement and all subsequent amendments approved by the Board of Supervisors. Overburden and topsoil has been stockpiled for future reclamation activities. Berms, levees, and un-mined areas are covered with a mix of mostly non-native vegetation. The Interim 2004 Phase was recontoured and planted for erosion control in 2008 having been seeded with a non-native annual mix. The area was mowed prior to seeding to create a thatch for erosion control. Part of the area was then prepared and then seeded this year. Revegetation efforts have been hindered because of low rainfall conditions in the last 2 years.

ROADS AND TRAFFIC

The operator continues to participate in the joint management/maintenance requirements for CR 19 (east to the Teichert Esparto plant), and joint maintenance of CR 19 with Granite Construction Company to the intersection with I-505. Granite submitted the *Annual Roadway Condition Assessment* for CR 87 and CR 19. County Road 87 was determined to be in fair condition. The improvement was reported to be do to the repairs made to the roadway in 2007 following the visual inspection, and the reduced truck traffic out of the Granite Capay aggregate facility in 2008. County Road 19 was reported to be in “good” to “very good” condition following the chip seal application in 2007.

Based on the 2008 visual inspection there were three areas reported by Granite to be in need of repair on County Roads 87 and 19. The proposed repair areas are detailed in the table below. Granite Construction stated they would repair these problem areas by October 31,2008 (repair 4 was recommended in a separate letter to Granite on October 8, 2008 from the Yolo County Public Works Division).

Repair	Location	Lane	Length	Width	Repair Description
1	830' North of Granite Gate	NB Co. Rd 87	3'	4'	6 mill w/ 6 AC pave back
2	800' South of Co. Rd. 19 450' East of Teichert	NB Co. Rd 87	15'	4'	6 mill w/ 6 AC pave back
3	Gate	WB Co. Rd. 19	36'	4'	6 mill w/ 6 AC pave back
4	Approx 0.25 mi south of CR19 (near underground cable markers)	NB Co. Rd 87	75'	6'	6 mill w/ 6 AC pave back

Yolo County Public Works Division recommended the following changes to the road repairs and prepared an encroachment permit in order to complete the necessary repairs:

Repair 1-Change the length and width of the repair to 30 feet and 10 feet, respectively.
 Repairs 1, 2, 3, and 4-Width of repairs shall be extended to include the edge of pavement, and replacement of shoulder backing. The county will be responsible for painting the fog line after repairs are completed.

AIR QUALITY & NOISE

The operator submitted documentation verifying that they achieved a 20% reduction in emissions as of 2005. The electric dredge and associated conveyor system has helped to improved the efficiency of the operations reduce emissions, and the re-location of the plant closer to the entrance has reduced truck traffic. In 2008, the Yolo-Solano Air Quality Control Board (YSAQCB) reported no complaint actions or notice of violations for Granite Construction. Berms, stockpiles, and vegetated buffers are being maintained to help reduce the impacts of noise on the surrounding areas. No noise standard compliance testing was conducted in 2008. In 2007, hourly noise standards were in compliance during testing period.

CONCLUSION

The operator has complied with the requirements of the development agreement and SMARA.

ATTACHMENT B

GRANITE CONSTRUCTION WOODLAND FACILITY (IDLE)

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

Granite's 110 acre IDLE Woodland facility is located approximately four miles northwest of Woodland (accessed off CR 18A). The Yolo County Parks & Resources Department staff performed a field inspection of the operation in December 9, 2008, and found the operation to be in compliance with the permit. We are pleased that Granite removed trash, including old bullet shells, a burned out car, and water heaters which had been left by trespassers on the property. They also spent considerable time and money erecting a fence on the Creek side of the property to help prevent more trespassers. Unfortunately, trespassers continue to be a problem on the property and have cut sections of the new fencing already.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Permit #ZF 2001-096 relates to this idle gravel mine.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator designated the mine as Idle in 1999. Section § 2727.1 of the State Surface Mining and Reclamation Act (SMARA) describes an idle mine as:

“Idle means to curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date”.

No mining and/or production has been performed at the site since 1999.

BONDS

The operator updated their bond this year to \$23,453.00 and is on file with Yolo County. The County is listed as the certificate holder on the bond. The financial assurance cost estimates for 2009 reclamation are \$24,244.66. The Yolo County Parks and Resources Department accepts these estimates. If Granite Construction has not heard from the Office of Mine and Reclamation within 45 days, Granite shall increase its bond to \$24,244.66.

PROCESSING OF MATERIALS

Does not apply. Mine is idle.

LEVEE STABILITY AND EROSION CONTROL

The 1996 storms created a 30-foot wide breach in the streambank separating the mining area from a side-channel of Cache Creek. As a result, the mine area was flooded and silt was deposited throughout the excavation. A portion of the interior streambank side sloughed off as well. The operator received approval of a Flood Hazard Development Permit (Zone File No. 97-045) on October 15, 1997 to repair the streambank damage. Storms in the 1997-98-winter season exacerbated the situation, widening the breach and resulting in additional damage to the streambank. Although meandering is not creating any damage to on-site structures, reclaimed areas, adjoining properties, or other critical features, streamflows are being partially diverted into the mine area.

With regards to the issue of bank erosion, during their review of Zone File No. 97-045 to repair the levee for the project site, the Cache Creek Technical Advisory Committee recommended that the following statement be included as a part of the Flood Hazard Development Permit:

"The Cache Creek Resources Management Plan (CCRMP) has recommended that the long-term goal for the project site is to breach or remove the existing channel bank, so that the creek is allowed to expand into the mined basin, once the applicant completes reclamation operations. Until such time as reclamation is completed, however, the applicant is required under the conditions of approval for Mining Permit No. G-7 to minimize meandering directs flow away from critical features, and to minimize bank erosion. The TAC approved the proposed project, but only as a short-term solution. Considering the flood elevations calculated for this reach, it is likely that the channel bank will continue to breach at this location. As such, the TAC supports the eventual conversion of the subject property to riparian habitat, hydrologically connected to Cache Creek, as adopted in the CCRMP".

The heavy run-off and storms of late December 2005 and early January 2006 did not increase the erosion on the banks of the creek. Since the operator does not currently mine within the active channel, riparian habitat has been naturally reestablished in this reach of the creek. As the future use of the site is uncertain, there was no work on the long-term CCRMP goals for the site in 2008. Little native riparian vegetation has established within the mining site, although within the active channel there has been good natural reestablishment of native riparian vegetation.

WATER QUALITY AND GROUNDWATER

Does not apply. Mine is idle.

RECLAMATION AND HABITAT

Does not apply. Mine is idle.

ROADS AND TRAFFIC

Does not apply. Mine is idle.

AIR QUALITY & NOISE

Does not apply. Mine is idle.

CONCLUSION

Mine is idle.

ATTACHMENT B

SCHWARZGRUBER & SONS

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

Schwarzgruber's 99-acre facility is located approximately 4.3 miles northwest of Woodland (accessed off CR 96). Yolo County Parks & Resources Department staff performed a field inspection of the operation on December 8, 2008 and found the operation to be in compliance with the conditions of the zone file.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Zone File No. G-6 (October 29, 1980) covers the gravel mining operation currently in production.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator did not exceed the allowed 114,000 tons per year in the last production year. The maximum ten-year average has also not been exceeded. The operator is not required to pay quarterly fees. The operator has complied with the conditions of approval regarding the moving, processing, and stockpiling of material throughout the site.

BONDS

The operator has a current certificate of deposit of \$210,000 on file with Yolo County, and complies with the Surface Mining Reclamation Ordinance and the State Surface Mining and Reclamation Act (SMARA). The county is listed as the certificate holder.

PROCESSING OF MATERIALS

Staff found the operator to be in compliance with the requirements for general operations such as stockpile management, setback requirements, and plant operations.

LEVEE STABILITY AND EROSION CONTROL

The operator is not required to submit a levee report. Staff inspected the site and found no visual evidence of instability, erosion, or other hazardous conditions along the creek levees or embankments within the mine.

WATER QUALITY AND GROUNDWATER

The operator is not required to perform groundwater monitoring.

RECLAMATION AND HABITAT

The operator is not required to submit reclamation plans until their mining operation closes.

ROADS AND TRAFFIC

The operator is not required to maintain the roads leading into the facility.

AIR QUALITY & NOISE

The operator is not required to submit any reports regarding air quality or noise. No noise complaints were filed with the county in 2008 by any of the surrounding residents. In 2008, the Yolo-Solano Air Quality Control Board (YSAQCB) reported no complaint actions or notice of violations for Schwarzgruber & Sons.

CONCLUSION

The operator has complied with the requirements of the zone file and SMARA.

ATTACHMENT B

CEMEX

Previously known as:

(SOLANO CONCRETE CO., INC. and RINKER MATERIALS)

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

CEMEX's 586-acre facility (previously Rinker Materials and Solano Concrete Co., Inc.) is located approximately 10 miles west of Woodland (accessed off State HWY 16). In June 2008, Yolo County Parks & Resources Department staff reported to the Planning Commission that CEMEX was not compliant with their Conditions of Approval. On November 17, 2008, CEMEX was issued a notice of violation for stream protection, drainage, diversion structures, waterways, and erosion. CEMEX was found to be in violation of the Surface Mining and Reclamation Act (Public Resources Code Section 2710, et seq. (SMARA)), Yolo County Code Sections 10-4.416 and 10-4.429, and various provisions of the Mitigation Monitoring and Reporting Plan adopted in connection with the Mining Permit, Development Agreement and related approvals for the **CA MINE ID# 91-57-008 (Madison Plant)**. In December, representatives from CEMEX met with the Parks & Resources Department in order to discuss what was necessary in order for CEMEX to become compliant and another field inspection was conducted December 11, 2008. CEMEX has submitted as requested a Storm Water Pollution Prevention Plan, a construction plan, the Stormwater Pollution Control and Countermeasure (SPCC) plan, DFG Streambed Alteration Agreement, US Army Corps of Engineers 404 or General (58) Permit application, the County Flood Hazard Development Permit application, and a Hydraulic Engineering Center River Analysis System (HEC-RAS) model run for the area in question and these have been reviewed and commented on by our department and the Cache Creek Technical Advisory Committee (TAC). CEMEX is currently in the process of revising these items in preparation for erosion control and bank stabilization work to be done this summer depending on agency permissions.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Development agreement # 96-287 and Zone File No. 95-093 covers the gravel mining operation currently in production.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator did not exceed the allowed 1 million tons (sold weight) in the last production year. The maximum ten-year average has also not been exceeded. The operator paid all fees on a quarterly basis as required by the development agreement. The operator has complied with the conditions of approval regarding the moving, processing, and stockpiling of material throughout the site.

BONDS

There is a discrepancy between the bonds that are on file with Yolo County, the bonds listed by CEMEX as current, and those that were listed as current and continuous bonds by Lockton Companies (Travelers Casualty and Surety Company of America). The bonds on file were written by Travelers Casualty and Surety Company of America, and Yolo County needs clarification each year from this company which bonds are current. CEMEX claims to have bond coverage of \$2,399,233, but only submitted copies of current bonds that cover \$918,112.00. The Bonds Yolo County has on file are \$2,589,233. CEMEX claims in their financial assurance cost estimates (FACE's) for 2009 that bond coverage is only needed for \$1,770,410.00. In addition, the bonds are listed "as Surety, on behalf of Solano Concrete Co., Inc", but seeing as CEMEX is the current owner all the bonds should be rewritten with "Solano Concrete Co., Inc. dba CEMEX" or just "CEMEX". Thus, Yolo County is asking CEMEX to have new bonds issued with Yolo County and the

Department of Conservation, Office of Mine Reclamation as co-beneficiaries and that cover at least as much as the amounts calculated in the FACE's.

PROCESSING OF MATERIALS

Staff found the operator to be in compliance with the requirements of the development agreement requirements for general operations such as stockpile management, setback requirements, fencing, and plant operations.

LEVEE STABILITY AND EROSION CONTROL

The operator submitted a comprehensive levee report prepared by Cunningham Engineering Corporation in November 1, 2008. The report evaluated the condition, slope, stability, and the erosion potential of the existing levees and banks of Cache Creek. The report mentions three different sections of bank in need of bank stabilization: sites 'D', 'E', and 'F'. It is uncertain whether the operation will be able to complete the bank stabilization in 2009 before November 1, 2009 as required given the amount of time the ACE has stated it takes to review a project currently. In addition to needed streambank stabilization, there is rill erosion and loose fine soil eroding into the creek at the conveyor belt transfer points. CEMEX has already begun to address erosion in these areas by building up the road berm, adding gravel and cobbles, and adding jute-netting and plantings in order to prevent erosion into Cache Creek.

WATER QUALITY AND GROUNDWATER

The operator performs on going semi annual groundwater monitoring of the monitoring (non-potable) well network throughout the site. A groundwater study was prepared by Luhdorff & Scalmanini Consulting Engineers (LSCE) for the operator, and the following were notable aspects of the report:

- The site has experienced stable water level conditions since monitoring began in 1973 with temporary declines during drought periods. Historical groundwater level data, starting in 1951, from a nearby shallow irrigation well exhibit the long-term groundwater level conditions near the Madison properties.
- Groundwater quality at the site is consistent with conditions reported for the Cache Creek area between Capay and Yolo. Groundwater is generally of magnesium-bicarbonate quality with calcium being the second most abundant cation.
- Pesticides, herbicides, TPH, and BTEX were not detected in any of the groundwater or pond samples.
- Coliform organisms were detected in different wells in 2008 and have been detected previously. None of the wells where coliform was detected are used for potable water nor was the construction of the wells done for the production of potable water. The presence of coliform organisms in monitoring wells at the CEMEX plant is believed to be indicative of conditions within the well structure and not the aquifer conditions.
- Coliform bacteria were present in the pond samples, a condition that can be expected in open water ponds.
- Nitrate levels have been consistently at or above drinking water MCL's of 45 mg/L. Nitrate has been found present in monitoring wells adjacent to areas actively farmed since monitoring began. In contrast, the lowest nitrate concentrations have been found in samples retrieved from the well located closest to Cache Creek, although these levels are also around the MCL for drinking water.

LSCE noted that "the facility has not always been in full compliance with Yolo County's Off-Channel Surface Mining Ordinance, i.e., Title 10, Section 10-4.417 Yolo County Code (YCC)", but that the "past shortcomings pertaining to excavation pit water sample collection have been rectified in 2008." LSCE mentioned the need for a new monitoring well in preparation for Phase V and VI. The report also mentions the loss of previous groundwater measurements during the acquisition of Rinker Materials by CEMEX (and associated staff layoffs and other internal changes). CEMEX should make an effort to contact the County which can provide CEMEX with the information it has received from previous annual compliance reports.

RECLAMATION AND HABITAT

In CEMEX's compliance review, the eleventh annual monitoring report on the progress of restoration of natural habitats on CEMEX's Madison site was done by Zentner and Zentner. The Habitat Restoration Plan ("the restoration plan") dictates the post-mining reclamation and restoration of CEMEX's property. The restoration plan requires that habitat restoration areas and their associated buffers meet specific performance criteria by the fifth year of monitoring. Mitigation for nine areas was discussed as being completed and the subject of prior monitoring reports (Wetland Basin, Basin Buffer Habitat, Highway Screening Buffer, 2-acre Terrace, Hutson Pit, Creek by the Plant, West Pit-west, West Pit – south and east slopes, and Nature Area –Riparian). Seven areas were in the fourth year of monitoring and 1 area was seeded to native grasses in early 2008 and will require 4 more years of monitoring. While Zentner and Zentner states that its annual report will compare the monitoring results with performance criteria in the restoration plan, quantitative comparisons were not in the report. For instance, the performance criteria from the restoration plan dictate 80% survival of all planted trees and shrubs, but survival of trees and shrubs in a number of areas is below that percentage based on comments in the report (actual percentages are not included). In each monitoring location, the area of native grasses is given, but not compared to the performance criteria. We request a revision of the report that includes a comparison of statistics from the restoration plan and the current year's statistics. This should be repeated for all monitoring years. The sooner measures are taken in order to meet performance criteria, the less time and money will be needed in the long run. In some areas, sporadic management (irrigation for only a few years or aggressive weed management, but no follow up) has hindered the progress of the sites towards meeting these performance criteria. Reclamation cannot be deemed completed until all performance criteria are met. Overburden and topsoil has been stockpiled for future reclamation activities (which includes farming) and/or the soil has been effectively re-deposited as topsoil at reclamation sites. The open water ponds provide good habitat for waterfowl throughout the year, and the steep pit edges provide good state threatened Bank Swallow (*Riparia riparia*) habitat. Improvements have been made in the last year vegetating creek edges near the plant. In the coming year, vegetation establishment must be monitored and improved along the creek edges to ensure decreases in erosion of the creek bank. CEMEX must provide the County with a plan for how it will meet performance criteria and improve erosion control through vegetation establishment on its northern levee. Berms and embankments not associated with the levee along the creek are covered with vegetation.

ROADS AND TRAFFIC

The operator continues to maintain their access road from HWY 16 into the plant. The roadway is considered a private road and is not inspected by the county.

AIR QUALITY & NOISE

According to the operator's compliance review, the operator continues to use the conveyor system, to keep all internal combustion engines in good working order, and use an electric powered dredge. No noise complaints were filed with the county in 2007 by any of the surrounding residents. In 2008, the Yolo-Solano Air Quality Control Board (YSAQCB) reported no complaint actions or notice of violations for CEMEX.

CONCLUSION

The operator has not complied with the requirements of the development agreement and SMARA.. The operator has been given detailed instructions as to how they can return to being compliant with their conditions of approval. The following summarizes what CEMEX needs to complete to be compliant with their development agreement:

1. Extend the HEC-RAS analysis coverage 1000' upstream of the I-505 Bridge and 1000' downstream of CEMEX's property;
2. Work in conjunction with Yolo County Parks and Resources, the TAC, and Caltrans in order to update the approved Flood Hazard Development Permit No. 96-070 given current conditions. Bank stabilization efforts need to take into consideration CCRMP 2.4-12 which states

“Focus efforts on reshaping the channel banks immediately upstream and downstream of both County and State bridges to minimize scour and erosion. Work on the stream banks could be accompanied by the construction of check dams or weirs within the channel, downstream of the bridges, to encourage aggradation. These measures will not only create a more stable channel, but also will also help in preventing structural failure and prolong the life of local bridges. The length of the transitions shall be five times longer than the width of the channel at the bridge site, and shall incorporate guide banks, grade control structures, dikes, berms, vegetation, and other similar measures. Such methods and practices shall incorporate riparian vegetation and increase wildlife habitat values to the extent that the objective of minimizing scour and erosion are not compromised”;

3. Complete plans for bank stabilization for the extent of the CEMEX property by the earliest possible time;
4. Submit a FHDP application for the upstream and downstream of the current bank stabilization plans;
5. Have the plans for the bank stabilization and FHDP application reviewed by the TAC and Caltrans and then approved by Yolo County, Caltrans, DFG, and ACE;
6. Complete the bank stabilization and erosion control measures as approved by Yolo County, Caltrans, the DFG, and the ACE for the upstream and downstream portion of the property.

SYAR INDUSTRIES

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

Syar's 734-acre facility is located approximately 1.7 miles north of the town of Madison (accessed off CR 89). Yolo County Parks & Resources Department staff performed a field inspection of the operation on December 8, 2008, and found the operation to be in compliance with the Development Agreement.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Development agreement # 96-287 and Zone File No. 98-010 covers the gravel mining operation currently in production.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator did not exceed the allowed 1 million tons (sold weight) in the last production year. The maximum ten-year average has also not been exceeded. The operator paid all fees on a quarterly basis as required by the development agreement. Staff found the operator to comply with general requirements of the development agreement for operations such as stockpile management, setback requirements, and plant operations.

BONDS

Yolo County Parks and Resources Department is working with the operator to update the financial assurances. The current estimates dictate "\$578,557.00 + Admin" as Syar contested a Lead Agency fee of more than 4%. The Yolo County Parks and Resources Department has determined that Syar must include at least 10% for its lead agency fee to be included in its bond coverage for reclamation. Syar has suggested combining all the bonds into 1 bond, which according to our Department is fine. We request, however, that this year they increase the bonds with the lead agency fee. We have observed that the financial assurances cost estimates (FACE's) and some of the bonds have not been increased in 10 years. We are asking Syar Industries to review their FACE's and resubmit FACE's that reflect current rates for labor and equipment. Yolo County and the Department of Conservation Office of Mining and Reclamation are listed as co-beneficiaries on the bonds. Syar is currently in the process of working with the County to revise the financial assurances estimate and the bonds.

PROCESSING OF MATERIALS

The operator has complied with the conditions of approval regarding the moving, processing, and stockpiling of material throughout the site and during trucking operations on site.

LEVEE STABILITY AND EROSION CONTROL

Field inspection by county staff on December 8, 2008 revealed no noticeable difference in the condition of the levees since the last inspection in 2007. Yolano Engineers, Inc. submitted an inspection report from an inspection which took place October 27, 2008. The operator has maintained the levees as required in the Development Agreement. Yolano Engineers, Inc. states in their report along the north side of Phase B1 shows signs of sloughing off. This area should be monitored; Ted Pearson indicated that once the dragline finishes removing the gravel along the north side of Phase B1, they will be able to start moving the stockpiled overburden to its final location in the pond. Yolano Engineers, Inc. indicated that topsoil and overburden stockpile slopes have been seeded in order to prevent erosion of these soils, and that all necessary Best Management Practices (BMP's) have been installed to ensure that Syar is in compliance with their updated Storm Water Pollution Prevention Plan.

WATER QUALITY AND GROUNDWATER

The operator performs on going semi annual groundwater monitoring of the monitoring (non-potable) well network throughout the site. A groundwater study was prepared by Luhdorff &

Scalmanini Consulting Engineers for the operator, and the following were notable aspects of the report:

- The site has experienced stable water level conditions over the last fifty years with a temporary decline during drought periods.
- In 2008, the analytical laboratory had lowered its detection limit to 50 µg/L for TPH's, whereas in previous years it had been at 100 µg/L. In previous years, there were no detections for TPH. In 2008, in Phase A1/A2, there was a detection of 56 µg/L. Organophosphorus pesticides and herbicides, total petroleum hydrocarbons (as diesel and as motor oil), and BTEX constituents had never been previously detected in any of the groundwater or pond samples. The detection of TPH can be attributed to the lower detection limits and may also be due to biogenic sources.
- Nitrate has been found in monitoring wells on the site in varying concentrations, but fluctuations in nitrate is normal and is particularly inherent when the overlying and adjacent parcels have had historical and continuing farming operations. The nitrate levels were below the MCL's of the RWQCB for drinking water.
- Coliform organisms have been detected previously in Syar wells. None of the wells where coliform was detected are used for potable water nor was the construction of the wells done for the production of potable water. The presence of coliform organisms in monitoring wells is believed to be indicative of conditions within the well structure and not the aquifer conditions.
- Coliform bacteria were present in the pond samples, a condition that can be expected in open water ponds.
- The pH in the ponds has been generally higher than in the groundwater, but this is attributed to the chemical processes associated with the exposure of bicarbonate-rich groundwater to the atmosphere.
- Groundwater quality at the site is consistent with the historical data record and reflects spatial and temporal variability in the area that existed prior to the commencement of wet-pit mining operations. There is no evidence or indication that mining operations or aggregate wash discharge to ponds have caused any changes in groundwater quality to date.

RECLAMATION AND HABITAT

The reclamation plans are in compliance with the original development agreement and all subsequent amendments approved by the Board of Supervisors. Overburden and topsoil has been stockpiled for future reclamation activities. Berms and embankments not associated with active gravel mining operations are covered with mostly non-native vegetation. The berm planted on the west side of Phase B is well maintained and has good establishment of native vegetation.

ROADS AND TRAFFIC

The operator continues to participate in the management/maintenance of CR 89 and the intersection of CR 89 & HWY 16. Yolano Engineers, Inc. did an inspection of the structural integrity of CR 89 October 24, 2008; a detailed inspection report can be found in Syar's submitted compliance review. All of the recent repairs in the last couple years are holding up well. Overall CR 89 is holding up well with some exceptions. There were some sections with potholes, longitudinal cracks, transverse cracks, gouges, unraveling, and alligating noted. Where noted it was recommended that cracks, alligating, and unraveling be repaired and sealed and potholes and gouges be patched. Others it was suggested just needed to be monitored. The report states that Ted Pearson (Plant Manager for Syar Industries, Inc.) applied for an encroachment permit in 2006 with the County to seal some longitudinal cracks, but that the County thought some of the cracks weren't significant enough to require sealing at that time. Mr. Pearson will contact the County to obtain the necessary encroachment permit and indicated that Syar will complete the required repairs prior to the cold weather and rain this winter. All the cracks and other road damage should continue to be monitored and repaired as necessary. The report raised some concern that no drainage ditch exists at the new CR 89 Bridge along the northbound lane north of the new bridge over Willow Slough; this note was made in the 2007 inspection report as well. Drainage from farmers fields could cause flooding and Yolano Engineers would like the County to

determine where the right of way is in this area and whether the bridge contractor or the farmer should construct a drainage ditch to Willow Slough. Staff did not receive any complaints from residents along CR 89 regarding truck traffic.

AIR QUALITY & NOISE

It was noted in previous reports that the operator has continuously made progress in meeting emissions goals. For 2008 and in the future, Syar reported that its voluntary reductions in NOx and PM (per the County's request) from in-use off-road heavy duty diesel equipment are no longer necessary as they are now mandatory requirements from the state. Staff did not receive any noise complaints from the landowners and residents surrounding the facility. The Yolo-Solano Air Quality Control Board (YSAQCB) noted that Syar in 2008 had no air quality notices of violation.

CONCLUSION

The operator has complied with the requirements of the development agreement and SMARA.

TEICHERT AGGREGATES

ESPARTO FACILITY

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

Teichert's 279 acre Esparto Facility is located approximately 2.2 miles northeast of the town of Esparto (accessed off CR 19). Yolo County Parks & Resources Department staff performed a field inspection of the operation on December 11, 2008, and found the operation to be in compliance with the Development Agreement.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Development agreement # 96-290 and Zone File No. 95-094 covers the gravel mining operation currently in production.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator did not exceed the allowed 1 million tons (sold weight) in the last production year. The maximum ten-year average has also not been exceeded. The operator paid all fees on a quarterly basis as required by the development agreement. Staff found the operator to be in compliance with the requirements of the development agreement for general operations such as stockpile management, setback requirements, fencing, and plant operations.

BONDS

The operator has current bonds totaling \$1,276,985.29 on file with Yolo County (\$423,354.87 for the Mast property and \$853,630.42 for the Reiff/Plant Site), and is in compliance with the Surface Mining Reclamation Ordinance and the State Surface Mining and Reclamation Act (SMARA). The county is listed as the certificate holder on the bonds. In 2008, Teichert increased the Financial Assurance amounts currently held by Yolo County and the Department of Conservation, Office of Mine Reclamation. The adjusted dollar figures were determined by using the financial assurance cost estimate worksheets developed by the Office of Mine Reclamation. The 2009 estimated costs for reclamation will be \$431,449.41 for the Mast property and \$864,988.76 for the Reiff/Plant Site.

PROCESSING OF MATERIALS

The operator has complied with the conditions of approval regarding the moving, processing, and stockpiling of material throughout the site and during trucking operations.

LEVEE STABILITY AND EROSION CONTROL

The mine was inspected by GEI consultants on September 19, 2008 and was found to comply with the conditions of approval for levee stability and erosion control. The County's site inspection in December 2008 concurred with these findings. An emergency reconstruction of part of Teichert's levee was planned and executed in late 2006. The crown elevation of this repaired levee was raised and compacted and fitted with the appropriate erosion control in 2008.

WATER QUALITY AND GROUNDWATER

The operator performs on going semi annual groundwater monitoring of the monitoring (non-potable) well network throughout the site. A groundwater study was prepared by Luhdorff & Scalmanini Consulting engineers for the operator, and the following were notable aspects of the report:

- Groundwater quality remained consistent with those reported in the literature for the vicinity of Cache Creek.
- Background shallow groundwater quality beneath the plant site had high to moderate hardness and moderate TDS values with a magnesium/calcium bicarbonate quality.
- Groundwater in the mined area fluctuates seasonally.
- Pumping causes fluctuations in the groundwater monitoring well levels.

- General mineral, nitrate, and metal concentrations remained consistent with the historical water quality record.
- Coliform were not present in the groundwater samples.
- Water quality in the existing open Reiff pond is of similar quality to the groundwater at the Plant Site with a slightly higher pH because of the exposure of bicarbonate to the atmosphere. As would be expected in any surface water body freely accessible to wildlife, coliform bacteria appeared in the pond water samples.
- Organic chemicals in the form of petroleum constituents (TPH-diesel/motor oil, BTEX) and pesticides (organophosphorus pesticides and organochlorine herbicide) were neither found in groundwater or pond water.

RECLAMATION AND HABITAT

The reclamation plans are in compliance with the original development agreement and all subsequent amendments approved by the Board of Supervisors. Overburden and topsoil has been stockpiled for future reclamation activities. The open water ponds provide good habitat for waterfowl throughout the year, and the creek edges near the plant are vegetated to an acceptable level. Berms, levees, and an acceptable number of the un-mined areas are covered with native and non-native vegetation.

ROADS AND TRAFFIC

The operator continues to participate in the joint management/maintenance requirements for CR 19 (east to the Teichert Esparto plant), and joint maintenance of CR 19 with Granite Construction Company to the intersection with I-505. Granite submitted the *Annual Roadway Condition Assessment* for CR 87 and CR 19. The assessment is discussed above under Granite Construction's Capay Facility.

AIR QUALITY & NOISE

The operator submitted documentation in 2006 claiming a 50%'s reduction in emissions as compared to the base year of 2000. Continued use of the conveyor system has helped to improved the efficiency of the operations and reduce emissions. The Yolo-Solano Air Quality Control Board (YSAQCB) noted that Teichert had no notices of violations for air quality for 2008 for the Esparto Plant. No noise complaints were filed with the county in 2008 by any surrounding residents, including Mast, who resides adjacent to and northwest of the mine. On March 15, 2005, the Board of Supervisors approved an action that provides an indemnity agreement in lieu of implementing noise impact mitigations. The Mast family agreed to provide an indemnity and waived any and all claims, causes of actions and damages arising from or relating to the elimination of noise permit conditions. Thus, the noise study as required by permit condition No. 47 was waived as a condition of the permit and was in compliance with CEQA and Mitigation Measure 4.9-3c as detailed in the original Permit.

CONCLUSION

The operator has complied with the requirements of the development agreement and SMARA.

TEICHERT AGGREGATES

WOODLAND FACILITY

2008 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE SUMMARY

INTRODUCTION

Teichert's 609 acre Woodland Facility is located approximately 5 miles northwest of Woodland (accessed off CR 20). Yolo County Parks & Resources Department staff performed a field inspection of the operation on December 10, 2008, and found the operation to be in compliance with the Development Agreement.

DEVELOPMENT AGREEMENT IN PLACE

As required by County Ordinance 1190, Article 7 and under Section 7.1. Development agreement # 96-286 and Zone File No. 95-095 covers the gravel mining operation currently in production.

PRODUCTION, FEES, AND GENERAL OPERATIONS

The operator did not exceed the allowed 1 million tons (sold weight) in the last production year at this facility. The maximum ten-year average was not exceeded. The operator paid all fees on a quarterly basis as required by the development agreement. Staff found the operator to be in compliance with the requirements of the development agreement for general operations such as stockpile management, setback requirements, fencing, and plant operations.

BONDS

The current coverages through bond financial assurances are \$699,283.25 for the reclamation of the Muller Property, an estimated cost of \$910,507.20 for the reclamation of the Coors Property, and an estimated cost of \$483,119.78 for the reclamation of the Plant Site. The county is listed as the certificate holder on the bonds and they comply with the Surface Mining Reclamation Ordinance and the State Surface Mining and Reclamation Act (SMARA). The dollar figures were determined by using the financial assurance cost estimate worksheets developed by the Office of Mine Reclamation. Teichert will initiate increase riders for these bonds based on their financial assurance estimates for 2009. The 2009 estimated costs for reclamation will be \$709,377.72 for the Muller Property, \$ 918,113.51 for the Coors Property, and \$506,701.74 for the Plant Site.

PROCESSING OF MATERIALS

The operator has complied with the conditions of approval regarding the moving, processing, and stockpiling of material throughout the site and during trucking operations on site. Mining operations at the Coors are actively moving in Phase B and Phase A reclamation is moving forward. The conveyor belt system over the creek and to the plant is operating as expected.

LEVEE STABILITY AND EROSION CONTROL

During the December inspection of the Woodland Facility, the County staff found Teichert to be in compliance. An independent consultant, GEI consultants, conducted an inspection and stated that "all of the sites are in compliance with the conditions of approval."

WATER QUALITY AND GROUNDWATER

The operator performs on going semi annual groundwater monitoring of the (non-potable) monitoring well network throughout the site. A groundwater study was prepared by Luhdorff & Scalmanini Consulting Engineers for the operator, and the following were notable aspects of the report:

- Shallow groundwater levels beneath the Coors property have remained relatively constant. Groundwater levels have fluctuated more on the Muller and Storz property. The differences in static depths and seasonal fluctuations between properties appear to be related to the properties' location relative to the Plainfield Ridge (Storz and Muller property are east of the

Plainfield Ridge and the Coors property is west of the Plainfield Ridge and the Dunnigan Hills).

- Deep aquifer levels varied independently of the shallow aquifer conditions.
- Groundwater quality at the site is consistent with conditions reported in the literature and elsewhere in the vicinity of Cache Creek.
- Planned setback distances between the wells and the planned wet pits appear to be sufficient for water quality protection based on modeling.
- Coliform organisms were detected in one well at the Muller site, but was believed to be inherent in the wells structure and not indicative of the groundwater conditions. Coliform was detected from the Coors and Muller Ponds as would be expected of open bodies of water.
- Organic chemicals included in the analyses for TPH-diesel & motor oil, BTEX, organophosphorus pesticides, and organochlorine herbicides were not detected for the properties, except a low concentration (0.28 µg/L) of Fensulfothion (an organochlorine herbicide) was detected in the upgradient well at the Coors site and (2.9 µg/L) of Dichloriprop (also an organochlorine herbicide) was detected in the Coors pond sample. The cause of the detection is unclear, but the detections were not considered representative of the aquifer. Last year Fensulfothion was detected upgradient of the mine site which would infer no cause by the mine site; however, the fact Dichloriprop was detected in the pond sample should be monitored and rectified in the future if found again.
- Water quality in the existing open ponds is of similar quality to the groundwater.

RECLAMATION AND HABITAT

The reclamation plans are in compliance with the original development agreement and all subsequent amendments approved by the Board of Supervisors. Teichert has begun reclamation on the Muller property. Ground contours, slopes and the agricultural field have been constructed. Seeding and installation of the habitat zones occurred in November 2008. This year will begin the five-year reclamation monitoring period. At the Muller Property, it was decided that the 30-acre field should be re-laser planed. That was finished during the week of October 13-17 2008 and the field was subsequently planted for the next cropping season.

The 70-acre Coors Mining Reclamation is being returned to agricultural production, and is only in the beginning stage of reclamation. This summer Teichert will begin the final contouring and leveling. A small portion of the total area has had top soil placed on it in what is considered the final elevation and has only been rough leveled. By this time next year, Teichert will have 20-25 acres reclaimed and planted to a winter crop.

Overburden and topsoil has been stockpiled for future reclamation activities and/or the soil has been effectively re-deposited as topsoil at reclamation sites. Both the Coors and Muller sites when fully reclaimed will be ready for any row, tree, or vegetable crop per the report by Joe Muller, Agricultural Manager. The open water ponds provide good habitat for waterfowl throughout the year, and the creek edges near the plant are vegetated to an acceptable level. The berms and embankments not associated with active gravel mining operations are covered with native and non-native vegetation. The operator continues to perform ongoing maintenance of planted areas.

ROADS AND TRAFFIC

The operator continues to participate in the management/maintenance of CR 20 and CR 96. The county roads superintendent conducted an inspection of the roads in the fall of 2007, and the roads were found by the superintendent to be in fair condition requiring some crack sealing. In 2008, it was recommended that both roads needed some minor repairs and that after the repairs were made there should be micro surfacing to seal and preserve the pavement.

The following report was taken from Teichert's compliance review. The assessment of County Roads 20 and 96 were performed on October 24, 2008 and November 3, 2008. Crack sealing was performed in 2007. This section of road is approximately 2.7 miles long. The road is in good condition. The primary defects in the road are transverse cracks measuring less than 3/8" in width. The cracks, when quantified as a percentage of roadway area, are less than 1%. The cracks have

been previously filled. In most cases the crack filling remains intact; however cracks are reappearing through the crack sealing in some areas. Section 2 was repaved recently. This section of road is approximately 1 mile in length. The road is in excellent condition. Defects are at a minimum.

Section 1 is in need of crack seal repairs based on the 10.24.08 and 11.03.08 visual inspection. These repairs will maximize the useful life of the pavement and provide a safe and efficient roadway surface. Section 2 is not in need of repair based on the 10.24.08 visual inspection. The overlay placed in 2006 is in excellent condition and is providing a safe and efficient roadway surface. Section 1 shall be repaired by Teichert Aggregates. Teichert Aggregates will fill open cracks by November 31, 2008.

Staff did not receive any complaints from residents along CR 19, CR 20, CR 96, or CR 94B regarding truck traffic.

AIR QUALITY & NOISE

The operator submitted documentation in 2006 claiming an overall reduction of 50% in emissions as compared to the base year of 2000. Continued use of the conveyor system has helped to improve the efficiency of the operations and reduce emissions. No noise complaints were filed with the county in 2008 by any surrounding residents or the air quality control district. No night time mining has occurred and mining on the Storz property has not commenced that requires mitigation measures. The Yolo-Solano Air Quality Control Board (YSAQCB) noted that Teichert had no notices of violations for air quality for 2008.

CONCLUSION

The operator has complied with the requirements of the development agreement and SMARA.

ATTACHMENT C
FINDINGS
2008 ANNUAL MINING COMPLIANCE SUMMARY REPORTS

(A summary of evidence to support each FINDING is shown in Italics.)

Upon due consideration of the facts presented in this staff report and at the public hearing, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Class 7 Categorical Exemption is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Pursuant to the requirements of the California Environmental Quality Act, the Annual Report to the Planning Commission is Categorically Exempt under Section 15307, Class 7 of the CEQA Guidelines as an action taken by a regulatory agency to assure the restoration, maintenance, and enhancement of natural resources.

Surface Mining and Reclamation Ordinances and Associated Approvals

That the individual mining operations are being operated in substantial compliance with the Yolo County Surface Mining and Reclamation Ordinances, individual mitigation monitoring plans, Development Agreements, the State Surface Mining and Reclamation Act, and Conditions of Approval of the mining permits issued to the producers.

Following review by staff, which was based upon on-site inspections, documentation provided by the operators, and aerial topographic maps, it is determined that the continuing mining and reclamation activities of Granite Construction (2 sites), Schwarzgruber and Sons, Syar Industries, and Teichert Aggregates (2 sites) are in substantial compliance with the County Surface Mining and Reclamation Ordinances, individual mitigation monitoring plans, Development Agreements, the State Surface Mining and Reclamation Act, and Conditions of Approval of the mining permits issued to the producers. CEMEX in 2008 was issued a Notice of Violation for not complying with all of the Conditions of Approval; however, they are actively working with County to rectify this situation.

That the 2008 Annual Review complies with all applicable laws.

The review performed by staff, and public hearing before the Planning Commission, fulfill the requirements of Section 10-4.703 of the County Surface Mining Ordinance and 2774.b of the Surface Mining and Reclamation Act regarding the annual review of mining and reclamation compliance; Section 10-5.708 of the County Surface Mining Reclamation Ordinance and Section 2773.1 of the Surface Mining and Reclamation Act regarding annual review of financial assurances; Section 7.1 of Development Agreements 96-286 through 96-290 inclusive; and the California Environmental Quality Act regarding mitigation monitoring program implementation.

ATTACHMENT D

COUNTY RECORDER
Filing Requested by:

Yolo County Parks and Resources Department
Name
120 West Main Street Suite C
Address
Woodland, CA 95695
City, State, Zip



Notice of Exemption

To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: 2008 Annual Mining Compliance Report State Clearinghouse Number: N/A

Applicant: Yolo Parks and Resources Department
Attn: Kent Reeves, Principal Natural Resource Planner
120 West Main Street Suite C
Woodland, CA. 95695

Project Location: Immediately north and south of lower Cache Creek, between County Roads 85 and 96, within the boundaries of the Cache Creek Area Plan.

Project Description: Annual monitoring review and inspection for the Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregates-Esparto, and Teichert Aggregates-Woodland gravel mining operations.

Exempt Status: Categorical Exemption, Article 19, Section 15307, Class 7 under the California Environmental Quality Act (CEQA) Guidelines.

Reasons why project is exempt: The project consists of inspections and other monitoring activities to ensure the performance of gravel mining operations in accordance with applicable County Ordinances, Use Permit Conditions of Approval, Mitigation Monitoring Plans, Development Agreements, and State Regulations. Class 7 of the CEQA Guidelines allows an exemption for actions taken by regulatory agencies to assure the maintenance, restoration and enhancement of natural resources where the regulatory process involves procedures for protection of the environment.

Lead Agency Contact Person: Kent Reeves, Principal Natural Resource Planner
Telephone Number: (530) 406-4888

Signature (Public Agency): *Kent A. Reeves* Date: 3/9/09

Date received for filing at OPR: _____

FILE # _____ FILE NAME _____ RECEIPT # _____

AUTHORIZED SIGNATURE _____ FEE STATUS _____