CHAPTER 4.0 DRAFT EIR TEXT CHANGES

Since release of the Draft EIR (DEIR) on December 11, 2009, the following changes have been made to clarify, amplify, and/or provide minor technical corrections to the first volume. In the case where information is deleted, it is shown in ~~strikeout~~ format. Where information is added, it is underlined.

The following changes are organized sequentially (by page number) in the order in which they appear in the DEIR. These changes are also referenced in Chapter 3.0 (Responses to Comments) where appropriate.

Page 1-3, paragraph i describing the Flood Hazard Development Permit, correct the last word from "eastward" to "westward".

Page 1-4, Table 1-1, modify as follows:

Table 1-1 Required Permits for the Proposed Project

Agency	Permit/Approvals
U.S. Army Corps of Engineers	~~U.S. Army Corps of Engineers (USACE) Regional General Permit (Number 58) for the CCRMP/CCIP which authorizes instream activities~~ Authorization under Section 404 of the Clean Water Act
California Department of Fish and Game	~~California Department of Fish and Game Stream or Lake Alteration Agreement (Number 315-97) for the CCRMP/CCIP which authorizes,~~ Authorization under Section 1601/1603 of the Fish and Game Code, the projects contemplated in the CCIP
Regional Water Quality Control Board, Central Valley Region	~~Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification for the CCRMP/CCIP which authorizes instream activities~~ Authorization under Section 401 of the Clean Water Act
~~Central Valley Flood Protection Board~~	~~Encroachment Permit (DWR Form 3615)~~

Page 1-4, modify the bottom two paragraphs as follows:

> CEQA Guidelines Section ~~21093 promotes~~ 15152 encourages the concept of "tiering" the environmental review process whenever feasible by using pertinent information and analysis developed for EIRs prepared for a policy, plan, program, or ordinance. The environmental review of the project takes advantage of the opportunity to "tier" the impact analysis from previously completed environmental reviews performed by Yolo County for aggregate mining and bank stabilization projects within the lower Cache Creek Basin.
>
> Specifically, this project-level EIR tiers from the certified program-level EIRs prepared for the OCMP (Yolo County 1996a) and the CCRMP (Yolo County 2002a). ~~were used for background information and as the basis for some of the analysis. Additionally, information developed for the Yolo County~~

~~2030 General Plan Update has been reviewed and incorporated in the analysis. These sources of information, as well as other information from various sources listed in Chapter 7.0 (Report Preparation), are incorporated by reference in this EIR (CEQA State Guidelines Section 15150).~~ Copies of these program-level EIRs are available at the Yolo County Administrator's Office, Natural Resources Division, 625 Court Street, Room 202, Woodland, CA 95695, (530) 666-8150.

In addition, as stated on page 5-8, this document incorporates by reference the analysis of cumulative climate change impacts and greenhouse gas emissions contained in the certified General Plan EIR. Copies of that document are available at the Yolo County Planning and Public Works Department, 292 West Beamer Street, Woodland, CA 95695.

Page 2-2, Areas of Controversy, first bullet, modify as follows:

The applicant's proposa~~les to~~ would in effect "transfer" the 1996 assumption of 370,000 tons sold from the idle Granite "Woodland (Reiff) site" to the project site.

Page 2-2, Areas of Controversy, third bullet, modify as follows:

The Applicant proposes a 30-year term for the requested permit, which would exceed the environmental analysis year of the ...

Page 2-6, Summary Table, a revised table containing all appropriate corrections and modifications made to impacts statements and mitigation measures is provided in Appendix 1.

Notice of Availability, delete the reference to "program" environmental impact report in the title and text of this notice. As indicated on the bottom of page 1-3 and throughout the document, the DEIR prepared for this project is a project-level document.

Page 3-7, following Figure 3-3, add the additional more detailed mining plan sheets contained in Appendix 5 of this Responses to Comments document.

Page 3-9, Table 3-2, Mining Phase 2, change the end year from 2030 to 2040.

Page 3-13, following Figure 3-5, add the additional more detailed reclamation plan sheets contained in Appendix 5 of this Responses to Comments document.

Page 3-14, Streambed Stabilization Plan, add a reference to detailed plan sheets contained in Appendix 5 of this Responses to Comments document.

Page 3-17, Section 3.6, delete the fifth bullet.

Page 4.2-1, Description of Regional Environment, 4th line, modify as follows:

... by telephone and electricity poles. Aggregate mining occurs adjacent to Cache Creek in several locations within the region. Urban development and ...

Page 4.2-1, Description of Local Environment, 2nd line, modify as follows:

... borders the project site to the East. The existing approved Granite Capay mining operation is located immediately to the west of the project site. The site is situated on the ...

Page 4.2-4, Figure 4.2-3, modify the caption as follows:

View of on-site residential property from Road 87 ...

Page 4.2-5, Figure 4.2-4, correct caption as follows:

View of ~~residential~~ creekside property adjacent to the Yolo County Convenience Center from Road 19A ...

Page 4.2-5, Figure 4.2-5, modify the caption as follows:

View from intersection of RC 87 and RC 19A facing west of the on-site residence. ..

Page 4.2-11, Mitigation Measure 4.2-1, delete the third line:

Mitigation Measure 4.2-1:

The Applicant shall revise and submit the Habitat Restoration and Landscape Visual Screening Plan for County approval to establish a landscape buffer in the 800-foot gap area between the proposed easterly and southerly berms. The buffer may include berming. ~~All planting shall be installed within two years of approval of the project.~~ The plan shall demonstrate that full screening can be achieved prior to mining closer than 1,000 feet from County Road 87, based tree species, box size, and typical rate of growth.

Page 4.2-8, first line, delete the word "permanent".

Page 4.3-3, second full paragraph and Table 4.3-2, modify as follows:

Prime Farmland has soil that has the best combination of physical and chemical characteristics for the production of crops. Within the project site, approximately ~~154~~ 152 acres are mapped by FMMP as Prime Farmland and are mostly located in the northern portion of the project site. Farmland of Statewide Importance is similar to Prime Farmland, but with minor shortcomings; none of this mapping category is mapped at the project site. Unique Farmland is land of lesser quality soils used for the production of specific, high-economic value crops. Approximately ~~133~~ 124 acres of Unique Farmland are mapped within the central portion of the project site. Farmland of Local Importance is land of importance to the local agricultural economy as determined by the County Board of Supervisors. Grazing Land is land on which the existing vegetation is best suited for the grazing or browsing of livestock (FMMP 2009). The southern portion (103 acres) of the project site is classified as Other Land. This mapping unit encompasses the grassland area and areas within and adjacent to the active floodplain of Cache Creek. Table 4.3-2 and Figure 4.3-1 identify the amounts of land on the project site falling into the categories used in the FMMP.

Table 4.3-2 Important Farmland Inventory Categorization of Project

Category	Acres
Prime Farmland	~~154~~ 152
Farmland of Statewide Importance	0
Unique Farmland	~~133~~ 124
Farmland of Local Importance	0
Grazing Land	0
Other Land	~~103~~ 114
Total	**390**

Page 4.3-7, first full paragraph under Action 5.4-7, second line, clarify as follows:

... 38 acres to open space/dry pasture, ...

Page 4.3-9 and -10, Impact 4.3-1 and associated text and mitigation measures:

Impact 4.3-1:

The project would remove ~~154~~ 152 acres of Prime Farmland and ~~133~~ 124 acres of Unique Farmland from production for up to 30 years, permanently converting ~~95~~ 78 acres of "Prime" and ~~118~~ 124 acres of "Unique" to non-agricultural use. (Significant and Unavoidable)

The project would remove ~~154~~ 152 acres of Prime Farmland and ~~133~~ 124 acres of Unique Farmland, as mapped by the FMMP, from production for up to 30 years during mining operations. Approximately ~~213~~ 202 acres would be permanently converted to non-agricultural use, comprised of ~~95~~ 78 acres of Prime and ~~118~~ 124 acres of Unique. The three long term settling ponds (74 acres) in the northeast corner of the project site (Phase 1B) would return to agricultural use. Each of the three ponds would be sequentially reclaimed with the settlement of wash fines and the placement of topsoil and overburden material for the remainder of the mine life. Therefore, this land would be put back into agricultural production after the proposed 30–year mining period as a part of the proposed reclamation. The OCMP EIR evaluated the impact of the temporary loss of agricultural productivity due to disturbance by mining. The ordinance requires that phasing plans be structured to minimize the area of disturbed agricultural lands during each phase of mining. The applicant has satisfied these criteria by proposing a phased mining plan (see Table 3-2 and Figure 3.4 in the Project Description for the estimated mining sequence and schedule) and by permanently reclaiming 74 acres back to agricultural use at the end of the mining period. The findings adopted for the OCMP concluded that minimizing impacts through phasing was the only available feasible mitigation of the impact and the impact was determined to remain significant and unavoidable after mitigation implementation. Therefore, no additional mitigation for this interim loss is required.

The SMRO (Section 10-5.525) establishes 1:1 offset requirements to compensate for permanent loss of Prime Farmland. Allowable off-sets are defined as including any one or more of the following: conversion of Non-Prime lands to Prime conditions; placement of conservation easements on at-risk Prime lands; and provision of irrigation to Non-Prime lands that would otherwise be Prime.

The project would result in the permanent loss of ~~154~~ 78 acres of Prime Farmland, and the application does not specify a specific proposal for meeting the SMRO requirements for 1:1 offset. Therefore, mitigation for the conversion of ~~154~~ 78 acres needs to be established. Since adoption of the SMRO, Yolo County has adopted the Yolo County Agricultural Conservation Easement Program (County Code Title 8 Chapter 2 Section 8-2.2416). Similar to the provisions of the SMRO which applies only within the CCAP area, the AECP requires set-asides for loss of agricultural land throughout the entire unincorporated County. Key differences between the two ordinances are that the AECP requires protection of all set-aside areas through a conservation easement, the mitigation land must be of like or better quality, and set-aside is required to be located within 2 to 4 miles of the project site. The County has determined that the provisions of the SMRO ~~(rather than the AECP)~~ apply to this project but that ~~permanent~~ protection must be permanent ~~provided~~ under any of the three available options, and quality must be equal or better.

Under Appendix G of the CEQA Guidelines, the loss of Unique Farmland is also considered an impact. The Applicant must mitigate for this net loss of 124 acres of Unique Farmland pursuant to the AECP.

Mitigation Measure 4.3-1a:

Prior to the commencement of mining activity on any Prime Farmlands, and subject to approval by the County, the Applicant shall demonstrate to the Yolo County Parks and Resources Department (YCPRD) that an offset at a ratio of 1:1 for each acre (~~154~~ 78 acres) of Prime Farmland permanently converted to non-agricultural use by implementation of the project has been established pursuant to the requirements of Section 10-5.525 of the County Code, that permanent protection is ensured for any of the three options, and that the quality of set-aside farmland must be equal or better than the acreage converted.

Mitigation Measure 4.3-1b:

Prior to commencement of mining activity on any Unique Farmland, and subject to approval by the County, the Applicant shall demonstrate to the YCPRD that an offset at a ratio of 1:1 for each acre (~~133~~ 124 acres) of Unique Farmland permanently converted to non-agricultural use by implementation of the project has been established pursuant to the requirements of Section 8-2.2416 of the County Code.

Even with implementation of Mitigation Measures 4.3-1a and 4.3-1b, there would be a net loss of agricultural land; therefore impacts on the conversion of farmlands to non-agricultural use would remain significant and unavoidable.

Page 4.3-11, Impact 4.3-2, line 9 is modified as follows:

... contracted parcel contains ~~273~~ 152 acres of Prime Farmland, the proposed reclamation ...

Page 4.3-12, second paragraph after bullets, modify as follows:

The proposed reclamation plan may not be consistent with OCMP Action 5.4-7 as described above. This action establishes a priority for reclamation. Reclamation to agriculture is identified as the top priority, followed by habitat, recreation and open space, and "other" in that order. The proposed reclamation would result in ~~195~~ 157 acres (~~62~~ 50 percent of the total acreage) as recreation and open space which is the County's third priority reclamation land use, ~~74~~ 112 acres (~~24~~ 36 percent) as agriculture which is the first priority and 44 acres (14 percent) as habitat which is the second priority.

Page 4.4-2, Table 4.4-1, modify the entry for Fine Particulate Matter (PM 2.5), Annual, National Standards from "nonattainment" to "Unclassified".

Page 4.4-5, second paragraph from the bottom, update as follows:

~~An update to the CAP is currently in progress to address the new 8-hour ozone standard and the associated control strategies that would be required to meet the new standards. The air districts in the SVAB will hold public hearings in 2009 to consider adoption of the Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan. This plan makes commitments to adopt and implement new reasonably available control measures.~~

The Sacramento Regional 8-hour Ozone Attainment and Reasonable Further Progress Plan (Plan) was prepared to address the new 8-hour ozone standard and associated control strategies that are required to meet the new standards. This Plan was adopted in February 2009 by the Board of Directors of the YSAQMD and the ARB approved the Plan on March 26, 2009 and has subsequently forwarded the plan to the US EPA.

Page 4.4-7, add new paragraph after third paragraph under Methodology:

It should be noted that emissions associated with the haul truck trips from the project site may not be new emissions to the region that are uniquely due to the proposed project. As discussed in DEIR Section 5.2 Growth Effects, "this site is not the only source of these materials, and planned construction projects would be expected to proceed with or without materials from the project site". That is, in the case of aggregate demand, the addition of a new aggregate sources will not necessarily increase regional aggregate truck trips or their emissions to the region. However, for completeness, the emissions from haul trucks used for the proposed project were calculated, notwithstanding the fact that these emissions may not actually represent new emissions to the region.

Page 4.4-7, second paragraph from the bottom, update as follows:

~~Since EPA has not yet officially proposed a $PM_{2.5}$ designation for the District, there is no threshold of significance proposed at this time (YSAQMD 2007).~~ The District has been designated by the US EPA as partial nonattainment for 24-hour national air quality standards for fine particulate matter $PM_{2.5}$ effective December 14, 2009. Where the proposed project will be located has been designated non-attainment. The District has not adopted a threshold of significance for $PM_{2.5}$ at this time. However, most mitigation measures designed to reduce PM_{10} emissions would also reduce $PM_{2.5}$ emissions.

Page 4.4-9, Impact 4.4-2, modify second paragraph as follows:

... Table 4.4-3 lists the project-level thresholds of significance established by the YSAQMD for PM_{10} and ozone precursors. Tables 4.4-4, 4.4-5, and 4.4-6 summarize the estimated on-site and off-site operational emissions from the Project. These emissions were calculated for the maximum mining case of 1.2 tons per year. This mining rate is 20 percent higher than the average maximum mining rate of 1.0 million tons per year. Therefore, the emission estimates represent an upper bound on the Project's emissions. As shown in Tables 4.4-4, 4.4-5, and 4.4-6, the projected increase in reactive organic gas emissions would not exceed the YSAQMD ...

Page 4.4-10, replace Tables 4.4-4, 4.4-5, and 4.4-6 with the following:

Table 4.4-4 (revised) Estimated On-site Operational Emissions

Project Emissions	On-site Equipment & Trucks		
	tons/yr	lb/day	lb/hr
Oxides of Nitrogen (as NO_2)	15.5	105.0	16.5
Hydrocarbons (ROC as CH_4)	2.2	14.9	2.3
Carbon Monoxide (CO)	14.0	94.6	14.9
Particulates (as PM_{10})	0.7	5.0	0.8
Sulfur Dioxide (SO_2)	0.0	0.1	0.0
Diesel Particulate Matter (DPM)	0.7	5.0	0.8
Fugitive Dust (as PM_{10})	7.4	66.4	8.6

Source: USEPA 2006, USEPA 2009a, CARB 2006

Table 4.4-5 (revised) Estimated Off-site Operational Emissions

Project Emissions	Off-site Trucks		
	tons/yr	lb/day	lb/hr
Oxides of Nitrogen (as NO_2)	36.5	287.3	18.8
Hydrocarbons (ROC as CH_4)	3.0	23.7	1.6
Carbon Monoxide (CO)	24.3	191.2	17.7
Particulates (as PM_{10})	1.5	11.9	0.7
Sulfur Dioxide (SO_2)	0.0	0.3	0.0
Diesel Particulate Matter (DPM)	1.3	10.2	0.6
Fugitive Dust (as PM_{10})	1.3	9.9	1.2

Source: USEPA 2006, USEPA 2009a, CARB 2006

Table 4.4-6 (revised) Estimated Total Operational Emissions

Project Emissions	Combined Total		
	tons/yr	lb/day	lb/hr
Oxides of Nitrogen (as NO_2)	**52.0**	392.3	35.4
Hydrocarbons (ROC as CH_4)	5.2	38.6	3.9
Carbon Monoxide (CO)	38.3	285.8	32.6
Particulates (as PM_{10})	2.2	**16.8**	1.5
Sulfur Dioxide (SO_2)	0.1	0.5	0.0
Diesel Particulate Matter (DPM)	2.0	15.2	1.4
Fugitive Dust (as PM_{10})	8.6	**76.3**	9.8

Notes: Values in **bold face** indicate threshold exceedences.

Source: USEPA 2006, USEPA 2009a, CARB 2006

Page 4.4-11, Mitigation Measure 4.4-2a, modify as follows:

Mitigation Measure 4.4-4a:
The Applicant shall implement these mitigation measures through construction and operation: ~~*(YSAQMD 2007, BAAQMD 1999, SCAQMD 2008):*~~

- ~~*Water all active sites and plant roads at least twice daily to maintain a high soil moisture ratio. Frequency should be based on the type of operation, soil, and wind exposure;*~~
- ~~*Cover all trucks hauling dirt, sand, or loose materials while maintaining at least 2 feet of freeboard*~~
- ~~*Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and seed area;*~~
- ~~*Apply chemical soil stabilizers on inactive areas;*~~
- ~~*Plant tree windbreaks on the windward perimeter of projects if adjacent to open land;*~~
- ~~*Plant vegetative ground cover in disturbed areas as soon as possible;*~~
- ~~*Cover inactive storage piles;*~~
- *All stockpiled soils shall be enclosed, covered, or adequately watered to keep soil moist at all times. Inactive soil stockpiles should be vegetated or adequately watered to create an erosion-resistant outer crust.*
- *During operating hours, all disturbed soil and unpaved roads shall be adequately watered to keep soil moist.*
- *All disturbed but inactive portions of the site shall either be seeded or watered until vegetation is grown or shall be stabilized using methods such as chemical soil binders, jute netting, or other Yolo-Solano Air Quality Management District approved methods.*
- *All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel.*
- *Sweep ~~streets~~ connecting County roads if visible soil material is carried out from the site; and*
- *Treat ~~accesses~~ roads to a distance of 100 feet from the paved County road with a 6 to 12-inch layer of wood chips or mulch or with a 6-inch layer of gravel or a minimum of 500 feet of paved road to be swept if soil material is visible.*

Page 4.4-12, remove the italics from the text below the bulleted items to indicate that this text and the three tables are explanatory and not a part of Mitigation Measure 4.4-2a.

Page 4.4-12 and -13, replace Tables 4.4-8, 4.4-9, and 4.4-10 with the following:

Table 4.4-8 (revised) Estimated Mining Fugitive Dust Emissions

Activity	Uncontrolled		Controlled		Reduction
	lbs/day	lbs/yr	lbs/day	lbs/yr	percent
Mining or Reclamation Operation	255	54,060	31	6,487	88%
Processing Operation	102	25,908	12	3,109	88%
Maintenance & Storage	26	5,406	3	649	88%
Totals	**383**	**85,374**	**46**	**10,245**	**88%**

Source: USEPA 2006, BAAQMD 1999, YSAQMD 2007

Table 4.4-9 (revised) Estimated Processing Fugitive Dust Emissions

Activity	Uncontrolled		Controlled		Reduction
	lbs/day	lbs/yr	lbs/day	lbs/yr	percent
Screening (4)	78	16,600	7	1,412	91%
Primary & Secondary Crushing (2)	6	1,221	1	275	78%
Fines Crushing (1)	36	7,632	3	611	92%
Conveyor Transfer Points (69)	142	30,122	6	1,260	96%
Totals	**262**	**55,575**	**17**	**3,557**	**94%**

Source: USEPA 2006

Table 4.4-10 (revised) Estimated Truck Traffic Fugitive Dust Emissions

Activity	Uncontrolled		Controlled		Reduction
	lbs/day	lbs/yr	lbs/day	lbs/yr	percent
On-site Only Trucks	31	7,925	4	951	88%
Off-site Trucks When Onsite	82	20,899	10	2,508	88%
Totals	**113**	**28,824**	**14**	**3,459**	**88%**

Source: USEPA 2006, YSAQMD 2007

Page 4.4-13, Mitigation Measure 4.4-2b, modify the fourth and fifth bulleted items as follows:

- ~~*Engines shall be retrofitted with diesel oxidation catalysts to remove emissions such as diesel particulate matter filters;*~~
- *The fleet of off road mobile equipment at the project site shall meet the requirements of the ARB In-Use Off Road Diesel Vehicle Regulation, as it applies to large fleets.*

- ~~Idling time of diesel-powered equipment shall be limited to two minutes, except when equipment is running in order to hold lifted loads or when the estimated idling time is less than three minutes; and~~

Page 4.5-31, Impact 4.5-1, clarify parenthetical as follows:

Impact 4.5-1
Project activities could adversely affect sensitive wildlife species. (Significant and Unavoidable for Swainson's hawk foraging; Significant but Mitigable for other species.)

Page 4.5-32, Swainson's Hawk, insert the following after the third paragraph:

Crop/land use	Acres	Foraging Habitat (ac)
Mining (Off Channel) Area	313.0	202.88
Row crop	174.20	yes
Orchard	96.79	no
Fallow field/annual grassland	28.68	yes
Roads, canal, and structures	13.33	no
Creek (In Channel) Area	77.0	0*
Riverine habitat	43.3	no
Valley foothill riparian	3.7	no
Other In-channel Area	30.0	no*
PROJECT SITE TOTAL	390.0	202.88

* As a part of the project, the applicant proposes to implement CCIP Test 3 streambank stabilization improvements along a 17-acre are of the north bank, adjoining the CR 87 (Esparto) Bridge. The 17-acre area falls within the "Other in-channel area" as noted above. It includes 3.7 acres of valley foothill riparian habitat as well as grassland, ruderal vegetation, and riparian scrub; however the condition of the habitat is degraded. These in-channel lands currently provide very low to no forage value due to frequent flood events that suppress establishment of sustainable prey populations. The proposed improvements will restore this area to a much higher value habitat condition resulting in a beneficial outcome of the project. The loss of the existing condition on the 17-acre in-channel area does not rise to a level considered significant and therefore was not included in the impacted acreage.

While the project will impact a total of approximately 203 acres of foraging land, ultimately 74 acres of the site are proposed to be reclaimed back to agriculture and another 38 acres are proposed to be reclaimed back to pasture. The reclaimed cropland and pasture will both provide foraging land in the future. The net result is a permanent loss of 91 acres of foraging land, and an interim loss (30-year mining period plus for the length of the reclamation period) of 112 acres.

Page 4.5-34, Mitigation Measure 4.5-1c is modified as follows:

Mitigation 4.5-1c:

Swainson's hawk foraging

The Applicant shall mitigate for loss of Swainson's hawk foraging habitat in accordance with the provisions in the NHP JPA interim management agreement to which both the County and the California Department of Fish and Game are signatories. ~~*either 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is currently estimated at $8,660/acre or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. As of January 9, 2006, projects that exceed 40 acres in area are no longer eligible to pay the fee, but are required to dedicate suitable conservation*~~

~~easements as determined by the Yolo HCP/NCCP Joint Powers Agency (JPA) and the California Department of Fish and Game. In the event that the final HCP/NCCP is adopted before development occurs, the developer shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.~~

~~The Memorandum of Understanding (MOU) between CDFG and Yolo County states that the Applicant shall mitigate directly because the project is over 40 acres (Wong, pers. comm. 2009).~~ The Applicant shall provide 1 acre of Swainson's hawk foraging habitat for every 1 acre of foraging habitat that is lost to the project. The mitigation requirement for the Granite Esparto mining project is 202.88 acres. Applicant may transfer fee simple title or a conservation easement over of Swainson's hawk foraging habitat, along with appropriate enhancement and management funds~~, in lieu of paying the acreage-based mitigation fee~~. As acceptable to the JPA, the mitigation may be phased to reflect timing of actual acreage impacted and reclaimed. In addition, the easements may be structured to reflect the term of the impact (e.g. permanent easement sfor mitigation of permanent loss and termed easements for interim loss).

Even with implementation of this mitigation measure, potential impacts on Swainson's hawk from the loss of foraging habitat would remain significant and unavoidable.

Swainson's hawk nesting

The timing and methodology for conducting Swainson's hawk nesting surveys shall follow CDFG protocols. ~~(CDFG 2000). Any active Swainson's hawk nests found within 0.5 mile of the project site shall be fenced with a 300-foot radius buffer around the nest site. This 300-foot buffer may be reduced if a qualified raptor biologist determines that the nesting raptors are acclimated to people and disturbance, and otherwise shall not be adversely affected by construction activities. At a minimum, the non-disturbance buffer shall be a radius of 100 feet around the nest site. If the nest site is on an adjacent property or property that cannot be accessed, the portion of the buffer that occurs within the project corridor shall be fenced. When construction buffers are reduced in size, the raptor biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If it is determined that construction could result in failed reproductive success, construction disturbance shall be postponed in the immediate area until young have fledged. In cases where construction activities cannot be postponed (for safety or significant schedule conflicts) the project biologist shall coordinate with CDFG and USFWS, and at a minimum, the 300-foot buffer shall be implemented.~~

The following protective measures will be employed to avoid impacts to nesting Swainson's hawks:

1. Prior to initiation of mining activity with a mining unit (DEIR, Figure 3-4, p. 3-11), conduct a survey for nesting Swainson's hawks within at least 0.25 miles of the unit boundary that is adjacent to open farmland.
2. Identify and map all active Swainson's hawk nests.
3. If no Swainson's hawk nests are found within 0.25 miles, proceed with mining activity with no further restrictions.
4. If Swainson's hawk nests are found, identify and map all new work areas (new units planned to come online) within 0.25 miles of the active nest.
5. Evaluate visibility from the nest based on distance, line-of-sight (topography, barriers) and nest position in tree.
6. Evaluate history of the active nest location (i.e., could the nesting pair be sufficiently habituated to mining disturbances due to other ongoing mining activity).
7. If a new nest site is established within 0.25 miles of planned active work sites and it is determined that the nest is subject to disturbance-related impacts, postpone mining activities until nesting activity is completed (young have fledged or failed nest).

Once nesting activity is completed, proceed with mining activities with no further restrictions. If the nesting pair returns the following year to the same nest site, it is assumed that the breeding pair is sufficiently habituated to disturbances.

Implementation of this mitigation measure would reduce potential impacts on Swainson's hawk from the loss of nesting habitat to a less-than-significant level.

Page 4.5-36, modify Mitigation Measure 4.5-1d as follows:

Mitigation 4.5-1d:

BANK SWALLOW

The Applicant shall conduct preconstruction surveys for the bank swallow during breeding season from March 1 to July 31. If it is determined that swallows are nesting in areas where construction could result in injury or failed reproductive success, construction disturbance shall be postponed in the immediate area until young have fledged. In cases where construction activities cannot be postponed (for safety or significant schedule conflicts) the project biologist shall coordinate with CDFG and USFWS.

~~*To prevent inadvertent take of bank swallow which may utilize stockpiles, vertical slopes shall not be allowed to exceed 10 feet and shall be regularly inspected during the nesting season.*~~

~~*Section 10-4.433 (Soil Stockpiles) of the OCSMO states:*~~

~~*Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed 40 feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.*~~

~~*Slopes on stockpiled soils shall be graded to a 2:1 slope for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each workday where stockpiles have been disturbed during the active breeding season.*~~

Section 10-4.433 (Soil Stockpiles) of the County Mining Ordinance establishes maximum height (40 feet) and slopes (2H:1V for inactive stockpiles and 1H:1V for stockpiles in daily use). Soil stockpiles shall be inspected weekly from March 1 through July 31, if disturbance is planned during that period, ~~during nesting season~~ to verify that no bank swallows have begun nesting activities in the slope areas.

Implementation of this mitigation measure would reduce impacts on bank swallows to less than significant.

Page 4.6-3, Federal, first paragraph, modify as follows:

In Massachusetts v. Environmental Protection Agency (Docket No. 05–1120), which was decided in April 2007, the U.S. Supreme Court ruled that carbon dioxide and other greenhouse gases are pollutants under the federal Clean Air Act, which the USEPA must regulate if it determines they pose an endangerment to public health or welfare. ~~To date, the EPA has not made such a finding or developed a regulatory program for greenhouse gas emissions. In June 2008, the EPA issued an Advanced Notice of Proposed Rulemaking: Regulating Greenhouse Gas Emissions under the Clean Air Act (Docket No. EPA-HQ-OAR-2008-0318).~~ On December 15, 2009, EPA released an

endangerment finding for greenhouse gases under Section 202(a) of the Clean Air Act (Federal Register Document Volume 74, Number 239, Page 66495-66546).

Page 4.6-5, Senate Bill 97, modify as follows:

In June 2007, CARB approved a list of 37 early action measures, including three discrete early action measures (Low Carbon Fuel Standard, Restrictions on High Global Warming Potential Refrigerants, and Landfill Methane Capture), which are required to be adopted as regulations and made effective no later than January 1, 2010 (CARB 2007b). The CARB adopted additional early action measures in October 2007 that tripled the number of discrete early action measures. These measures relate to truck efficiency, port electrification, reduction of perfluorocarbons from the semiconductor industry, reduction of propellants in consumer products, proper tire inflation, and sulfur hexafluoride (SF_6) reductions from the non-electricity sector. The combination of early action measures is estimated to reduce statewide GHG emissions by nearly 16 MMT (CARB 2007c).

In June 2008, the OPR presented preliminary draft amendments to the CEQA Guidelines that were prepared in collaboration with CARB to address impacts from greenhouse gases (OPR 2008).

Senate Bill 97

In 2007, the California legislature passed a "companion" bill to AB 32 to amend the CEQA statute to specifically establish that greenhouse gas emissions and their impacts are appropriate subjects for CEQA analysis. The law does not address the evaluation and determination of significance, but directs the state's Office of Planning and Research (OPR) to develop draft CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions" by July 1, 2009 and directs the state Resources Agency to certify and adopt the CEQA guidelines by January 1, 2010.

As directed by SB97, the Natural Resources Agency adopted Amendments to the CEQA Guidelines for greenhouse gas emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments will become effective on March 18, 2010.

~~In June 2007, CARB approved a list of 37 early action measures, including three discrete early action measures (Low Carbon Fuel Standard, Restrictions on High Global Warming Potential Refrigerants, and Landfill Methane Capture), which are required to be adopted as regulations and made effective no later than January 1, 2010 (CARB 2007b). The CARB adopted additional early action measures in October 2007 that tripled the number of discrete early action measures. These measures relate to truck efficiency, port electrification, reduction of perfluorocarbons from the semiconductor industry, reduction of propellants in consumer products, proper tire inflation, and sulfur hexafluoride (SF_6) reductions from the non-electricity sector. The combination of early action measures is estimated to reduce statewide GHG emissions by nearly 16 MMT (CARB 2007c).~~

~~In June 2008, the OPR presented preliminary draft amendments to the CEQA Guidelines that were prepared in collaboration with CARB to address impacts from greenhouse gases (OPR 2008).~~

~~Working with CARB during the remainder of 2008, the OPR drafted amendments to the CEQA Guidelines for GHG emissions as required by SB 97. In January 2009, OPR held two workshops in Los Angeles and Sacramento to present the preliminary draft amendments and obtain input from the public. The workshops included a presentation by OPR and the Resources Agency staff,~~

~~an overview of the preliminary draft CEQA Guideline amendments, and the process for adopting the regulations by 2010. On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines. The proposed CEQA Guideline amendments would provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in draft CEQA documents. At the time of this writing, the Natural Resources Agency is preparing to conduct formal rulemaking, prior to certifying and adopting the amendments, as required by SB 97 (Chapter 185, 2007).~~

Page 4.6-9, modify the first line as follows:

... reclamation) were calculated using EPA, Climate Registry, and CARB ~~(SCAQMD)~~ emission factors for greenhouse gases.

Page 4.6-9, delete Footnote 2.

Page 4.6-10, Operation, modify first two paragraphs as follows:

Using EPA, Climate Registry, and CARB ~~(SCAQMD)~~ emission factors for greenhouse gases, Tables 4.6-1 and 4.6-2 present estimated overall direct, indirect, and agricultural offset greenhouse gas emissions from project operation comprising offroad equipment, onroad vehicles, off-site (grid) electric power generation, and agricultural operations in units of short tons and metric tonnes per year. Direct project emissions were calculated based on the long term maximum mining rate of 1,000,000 tons per year. Note that loss of cropland represents a mixed impact where carbon sequestration capacity is lost (negative impact) while emissions from equipment and chemical use are eliminated (positive impact).

As shown in Tables 4.6-1 and 4.6-2, project operation would cause to be emitted approximately ~~6,600~~ 6,700 metric tonnes of carbon dioxide-equivalent greenhouse gases per year from combustion of motor fuels (diesel, gasoline) in equipment and vehicles, offsite electric power generation, and loss of cropland sequestration capacity.

Page 4.6-10, delete Footnote 3.

Page 4.6-11, replace Tables 4.6-1 and 4.6-2 with the following:

Table 4.6-1 (revised) Estimated Net Project GHG Emissions

Project Emissions	Combined Total	
	tons/yr	tonnes/yr
Carbon Dioxide (GHG – CO_2)	7,404	6,717
Nitrous Oxide (GHG – N_2O)	0.06	0.05
Methane (GHG – CH_4)	0.14	0.12
Carbon Dioxide Equivalents (CO_2 eqv)	**7,425**	**6,736**

Notes:

Ag = Agricultural

Net Project = Direct OP + Indirect OP - Ag Fuel - Ag Chem + Ag Uptake

Loss of Ag fuel and chemicals is beneficial (no emissions = GHG decrease)

Loss of Ag land is detrimental (no uptake = GHG increase)

Ag uptake (sequestration) is CO_2 only

Sources: USEPA 2006, USEPA 2009b, CARB 2006 2008, CCAR 2009, PU 2003

Table 4.6-2 (revised) Estimated Project GHG Balance by Category

Project Emissions	Combined Total	
	tons/yr	tonnes/yr
Direct Operations (CO_2 eqv)	6,502	5,898
Indirect Operations (CO_2 eqv)	1,038	941
Agricultural Fuel Combustion (CO_2 eqv)	(247)	(224)
Agricultural Chemicals Production (CO_2 eqv)	(1)	(1)
Agricultural Crop Sequestration (CO_2 eqv)	134	121
Project Balance (CO_2 eqv)	**7,425**	**6,736**

Notes:

Ag = Agricultural

Net Project = Direct OP + Indirect OP - Ag Fuel – Ag Chem + Ag Uptake

Loss of Ag fuel and chemicals is beneficial (no emissions = GHG decrease)

Loss of Ag land is detrimental (no uptake = GHG increase)

Ag uptake (sequestration) is CO_2 only

Sources: USEPA 2006, USEPA 2009b, CARB 2006, CCAR 2009, PU 2003

Page 4.6-12, modify the last paragraph as follows:

The project would contribute incrementally to regional increases in greenhouse gas emissions. The 2030 Countywide General Plan for Yolo County contains over 300 policies and actions designed to reduce impacts related to climate change in the County. AB 32 establishes statewide greenhouse gas emission reduction targets, described above. The total annual direct carbon dioxide-equivalent emissions increase would be approximately ~~5,600~~ 5,900 metric tonnes per year. This quantity …

Page 4.9-1, correct the first line in the fourth paragraph as follows:

Cache Creek crosses the project site, ~~following~~ flowing from west to east. …

Page 4.10-18, add the following paragraphs after the text on the Cache Creek Improvement Plan:

Off-Channel Mining Ordinance (Chapter 4 of Title 10 of the County Code)
Section 10-4.416 of this ordinance establishes requirements for flood protection and Section 10-4.417 establishes requirement s for groundwater monitoring associated with off-channel mining.

Surface Mining Reclamation Ordinance (Chapter 5 of Title 10 of the County Code)
Various sections in Article 5 of this ordinance address backfilled excavations and groundwater flow impact, requirements for bank stabilization maintenance, drainage, erosion control, and floodplain development

In-Channel Maintenance Mining Ordinance (Chapter 3 of Title 10 of the County Code)
This ordinance provides specific regulations for channel maintenance activities within Cache Creek.

Flood Damage Prevention Ordinance (Chapter 3 of Title 8 of the County Code)
The County administers floodplain management and the requirements of the National Flood Insurance Program through this ordinance.

Page 4.11-2, clarify the first sentence of the first paragraph as follows:

The primary crops grown within the project area are row crops. There are also almond orchards in the northwestern and walnut orchards in the southeastern ...

Page 4.13-2, Mitigation Measure 4.13-1, replace this measure in its entirety with the following revised, clarified wording:

Mitigation Measure 4.13-1:

INITIAL IMPROVEMENTS
On County Road 87 from the project access road to County Road 19, the Applicant shall reconstruct the structural pavement and base section to support the calculated traffic index (TI) to meet County standards (adopted at the time of construction), and widen to meet County standard dimensions for a major collector (see attached Exhibit #1). If there is not enough County right-of-way to build the road (including shoulders and roadside ditches) for a major collector as shown in Exhibit #1, then the Applicant will be required to fund the acquisition of the necessary right-of-way by the County via easement or fee purchase.

The Applicant shall also install paved shoulder widening to provide twelve-foot wide travel lanes and four-foot paved shoulders as afforded by the existing county road right-of-way between the existing roadside ditches on County Road 19 from Road 87 to the Teichert (Esparto) driveway.

The intersection of County Road 87/19 shall be modified to accommodate both left and right turning movement radii of large trucks.

The existing centerline for both roads may be revised to accommodate the initial improvements.

These initial road improvements shall be designed and constructed by the Applicant to County standards (adopted at the time of construction), to the satisfaction of the County Engineer, within one year of the date that the combined total from both Granite mining facilities (Capay and Esparto) exceeds 1,200,000 tons in one year, or within six months of the County's acquisition of necessary right-of-way (if necessary), whichever occurs later (unless regulatory permit approvals delay the construction start date).

ROUTINE ROADWAY SECTION MAINTENANCE

The Applicant shall maintain the roadway section on County Road 87 from the project access road to County Road 19, and on County Road 19, from Road 87 to the Teichert (Esparto) driveway.

Joint maintenance of the roadway section for County Road 19, from the Teichert (Esparto) driveway to I-505, shall be proportionally shared between the Applicant and Teichert Aggregates or its successor in interest. Proportional maintenance costs shall be determined based upon the previous year's sales figures for each of the two operations, as reported to the County. At such time as the Teichert (Esparto) agreement for maintenance responsibility terminates, responsibility for the maintenance of the roadway section of the portion of County Road 19, from the Teichert (Esparto) driveway to I-505, shall become the responsibility of the Applicant.

The Applicant's maintenance responsibility for the roads specified above shall continue throughout the life of the mining permit.

Should the Applicant's proportional use of the roadways change significantly, then their fair-share responsibility will be reevaluated.

The County will provide maintenance of the county-maintained roadside drainage ditches.

By September 15 of each year, the Applicant shall submit to the County an annual evaluation report documenting the structural integrity of the pavement structural section and the pavement condition index (PCI) of the portions of the county roads noted above. The annual report shall be signed and sealed by a civil engineer licensed in the State of California. The report shall contain a proposed action plan for roadway maintenance and roadway improvements to maintain safe and efficient traffic operation on the roads, and a PCI of 70 or more as defined by American Society for Testing and Materials (ASTM) Method D6433 (Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys) for the upcoming year. The County will review the report and recommend revisions, if necessary, within ten business days of submittal. Following acceptance of the report, the Applicant shall secure a County encroachment permit specific to the action plan (at no cost to Applicant) and complete the proposed roadway maintenance and improvement activities by October 31 each year. Striping may be provided by the County if County striping equipment and material are available. Otherwise, striping will be provided by the Applicant. Once the work is completed, the Applicant will resubmit the annual evaluation report by November 15 each year, and include the scope and dates that work was completed.

Due to the significant increase in truck traffic expected, it is anticipated that more frequent and extensive roadway maintenance will be required on these county roads.

- *If minor pot holes (work requiring a single pick-up truck with asphalt patching material) are identified within the maintenance areas of County Roads 87 and 19 after the Applicant's yearly maintenance has been completed, county crews will perform the minor pot hole maintenance.*

- *If major roadway failure (work requiring more than a single pick-up truck with asphalt patching material) is identified by the Applicant or the County after the Applicant's yearly maintenance has been completed, and prior to August 15 of the following maintenance cycle, the Applicant shall obtain a County encroachment permit (at no cost to Applicant) and complete the major roadway repairs. If major roadway repairs are not completed by the Applicant in a timely manner, as determined by the County, and the County must make repairs when the public's safety is considered at risk by the County Engineer, then the Applicant will be billed for the county's major repair work on a time and materials basis.*

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Page 4.13-22, Mitigation Measure 4.13-3, replace this measure in its entirety with the following wording:

Mitigation Measure 4.13-3:

Implement Mitigation Measure 4.13-1.

Page 5-3, modify footnote 22 as follows:

[22]No mining assumed in OCMP EIR beyond 1996 (OCMP DEIR, p. 3-23, Footnote 11).

Page 5-6 and 5-7, correct the text as follows:

Impact 5-3:

The requested 30-year term of the permit may be determined to be inconsistent with the successful implementation of the OCMP. (Potentially Significant and UnMitigable)

The OCMP originally assumeds a program life that ~~will~~ would end in 2026. Pursuant to the terms of the development agreements executed to date, all mining permits under the OCMP originally expired on January 1, 2027. However, in February of 1999 the Syar Permit was modified to allow an expiration date of June 7, 2029. The requested permit term for the subject project would extend well beyond that date which is a time horizon that was not analyzed in either the OCMP EIR of the General Plan EIR. In addition, while the OCMP has a "fifty year horizon" (OCMP, p. 11) only the first 30-year "phase" through 2026 is authorized for implementation. The OCMP indicates on page 33 that the mining permit may be extended for a maximum period of twenty (20) years, if necessary, subject to the same ten- and optional fifteen-year review requirements.

Of concern is the argument that having all permits on the same "cycle" subject to the same interim reviews ~~and sunset dates~~ is integral to the full and effective implementation of the adaptive management components of the CCIP. Should the Board of Supervisors reach such a determination, then this project should not be approved ~~for a period that exceeds 17 years (2009 through 2036).~~ unless it is subject to the same review cycle as the other permits.

~~The subject project would have a permit term that differs from and extends beyond the terms of all other permits issued under the OCMP. This potentially would limit the County's ability to collectively control and regulate mining along Cache Creek, which appears to be a fundamental component of the adaptive management strategy embodied in the CCAP. For example, Action 2.4-13 of the OCMP speaks to sunsetting all mining after 30 years unless subsequent permits are issued. For existing permits issued to date, the sunset date is January 1 2027 which coincides with the planning horizon of the OCMP that is analyzed in the OCMP EIR. For this permit, if approved as proposed, the sunset date would be 13 years later, in 2039.~~

~~Similarly, each of the existing permits is accompanied by a Development Agreement. Each Development Agreement identifies the effective date for the permit as January 1, 1997 with expiration January 1, 2027.~~ Interim reviews required under the CCAP, County ordinance, and conditions of approval are set as follows for all existing permits:

Jan 1, 1007 10-year interim review
Jan 1, 2012 15-year discretionary review
Jan 1, 2017 20-year interim review
Jan 1, 2027 30-year interim review which coincides with permit expiration except for Syar
June 7, 2029 Syar permit expires

Similarly, the Fee Ordinance, the mandatory plan updates, the TAC reports, and the cycle for CCAP project review are all tied to a synchronized schedule with iterative feedback loops that allow for adaptive management. The intent was to allow the County to re-evaluate different aspects of the program based on the results of regularly occurring reviews and analyses, and prior to consideration of continuing the program in 2027 (assuming the permittees apply for subsequent permits). While the plan does anticipate future mining between 2027 and 2047, it was assumed it would be subject to additional analysis and CEQA review performed close in time to the current OCMP sunset date. ~~The subject project would be the first project reviewed under CEQA and approved outside of these parameters, with a permit term that is not synchronized with any of these adaptive management features.~~

Because the Applicant has requested a 30-year permit that would extend beyond the horizon year of the CCAP or the General Plan, this EIR ~~must~~ analyzes the project's potential cumulative impacts through 2039. It is speculative to describe what the land use and environmental setting might be at a future year beyond the CCAP horizon year of 2026 and beyond the General Plan horizon year of 2030. Therefore, this analysis could only reasonably be performed at a qualitative level for impacts past the horizon year for either document. For the purposes of looking at this future cumulative impact, this EIR assumes that all current mining permits are extended and that a similar pattern and rate of growth occurs under the General Plan. Under these assumptions, all cumulative impacts identified in the OCMP EIR and General Plan EIR are assumed to continue through 2039, with the proposed project contributing incrementally to those impacts. These impacts are generally significant and unavoidable.

Mitigation Measure 5-3a:

In order to remain consistent with the synchronized permit period and adaptive management contemplated by the OCMP, restrict the term of the requested approval to no more than 17 years with an expiration of December 31, 2026, with interim reviews consistent with all other long-term mining permit approvals. *OR*

Mitigation Measure 5-3b:

The County shall find that synchronized permits are not necessary for the success of the program; and therefore, with the additional cumulative analysis provided by this EIR, the requested permit period could be approved. *OR*

Mitigation Measure 5-3c:

Synchronize the project permit with the interim reviews identified in the CCAP and add an addition 10-year review by 2037 and at the termination of the permit. With the additional cumulative analysis provided by this EIR, the requested permit period could be approved.

Implementation of Mitigation Measure 5-3a or 5-3c would mitigate this impact to less-than-significant levels. Implementation of Mitigation Measure 5-3b would result in additional cumulatively considerable significant and unavoidable impacts to which the project would contribute.

Page 6-6, Biological Resources, modify last sentence as follows:

...Compliance with identified measures would mitigate these impacts; however, under this alternative, the Applicant would be under no obligation to ~~improve~~ mitigate habitat loss associated with a crop change.

Page 6-8, Alternative 2, second paragraph:

Material processing techniques would be the same as for the project. This alternative would not involve mining closer than 7—feet from the streambank, therefore ~~assumes~~ implementation of a Streambank Stabilization Plan (SSP) along the north bank of Cache Creek is not assumes as a part of this alternative. ~~and within the project site.~~

Page 6-11, Hydrology and Water Quality, modify this text as follows:

Hydrology and Water Quality
Alternative 2 would result in hydrologic and water quality impacts similar to the proposed project. Excavation and aggregate processing under Alternative 2 would discharge sediments in site storm water. Groundwater pumping and backfilling of excavations could affect groundwater quality and quantity. ~~Streambank stabilization could result in hydrologic changes, downstream erosion, and mercury loading in Cache Creek.~~ Creation of on-site water bodies would create the risk of aquatic exposure to chemical spills and methylation of mercury. This alternative would be subject to the same mitigation measures as identified for the project.

Page 6-17, Agriculture, add the following sentence:

Agriculture
... with a Williamson Act contract. Furthermore, by delaying the excavation of the proposed site, impacts related to loss of agricultural land are postponed allowing for longer agricultural productivity on the land.

Page 6-17, Air Quality, modify the text as follows:

Air Quality
Air emissions at any given point in time would be less under this alternative than under the proposed project because the Esparto site would not have a second separate processing facility operating at the same time as the existing plant at the adjacent Capay site. The area disturbed would be reduced, thus reducing PM emissions. There would be fewer pieces of equipment running at any given time if only one site is operational. A single processing facility could be operated at higher production rates requiring less power per ton of materials than two redundant operations running at lower efficiency, thereby resulting in lower emissions. In addition, the mining that occurs after 2021 is likely to have reduced emissions as a result of more stringent standards that will apply in the future. ~~Material from the Capay site and the Esparto site would be consolidated on the Capay site. However, cumulative emissions would be the same because that same total amount of aggregate material would be processed under either scenario.~~ These emissions would still affect attainment of federal and state ambient air quality standards by either violating or contributing to an existing violation (SU). As with the proposed project, implementation of a variety of measures would reduce emissions, but these impacts would remain significant and unavoidable.

Page 6-17, Biological Resources, modify as follows:

Biological Resources
Biological impacts of Alternative 4 would be similar to the proposed project as the same site would be mined, however this alternative would delay the excavation of the project site until after mining on the adjoining Capay site is completed thus allowing a longer period of time before impacts would occur. This alternative ...

Page 6-17, Climate Change, modify as follows:

Climate Change
GHG emissions at any given point in time would be less under this alternative than under the proposed project because the Esparto site would not have a second separate processing facility operating at the same time as the existing plant at the adjacent Capay site. Material from the Capay and Esparto sites would be consolidated on the Capay site. ~~However,~~ Although the same total amount of aggregate material would be processed under either scenario, cumulative GHG emissions may also be lower under this alternative because a single processing facility could be operated at higher production rates requiring less power per ton of materials than two redundant operations running at lower efficiency. ~~would be the same because that same total amount of aggregate material would be processed under either scenario.~~ ...

Page 6-18, Land Use, modify as follows:

Land Use
Alternative 4 would be similar to the project however this alternative would delay the excavation of the project site until after mining on the adjoining Capay site is completed thus allowing a longer period of time before the change from existing land use would occur. ~~in that it~~ It would create no incompatibilities between land uses, would not significantly alter the type or intensity of land use within an area ...

Page 6-19, Conclusion, seventh line, modify as follows:

... Air quality and climate change impacts may be lower at any given point in time because plant operations would be consolidated at Capay.~~, but c~~Cumulative emissions may be slightly lower ~~would remain the same~~. As with the project, cumulative climate change impacts would be significant and unavoidable because the same amount of material would be processed. ...

Page 6-20, Air Quality, change the entries in the Alternative 4 column for all for Impact 4.4-2 and 4.4-3 to "≤".

Page 6-21, Climate Change, change the entry in the Alternative 4 column for Impact 4.6-1 to "≤".

Page 7-4, second citation from the bottom, delete this citation and replace as follows:

~~California Department of Fish and Game (CDFG). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California Central Valley. Swainson's Hawk Technical Advisory Committee. May 31. Available online: http://dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf~~

California Department of Fish and Game (CDFG) 2004. Draft Staff Report: Recommended Mitigation Strategies for the Swainson's Hawk (Buteo swainsoni) Within the California Breeding Range.

California Department of Fish and Game (CDFG) 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) In the Central Valley of California.

CHAPTER 5.0 MITIGATION MONITORING PLAN

INTRODUCTION

This Chapter constitutes the Mitigation Monitoring Plan (MMP) for the Granite Esparto Mining and Reclamation Project EIR. The California Environmental Quality Act (CEQA) requires public agencies to report on and monitor measures adopted as part of the environmental review process (PRC Section 21081.6 and CEQA Guidelines Sections 15091.d and 15097). This Mitigation Monitoring Plan (MMP) is designed to fulfill that requirement.

This MMP is designed to ensure that the measures identified in the EIR are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The County has the ultimate responsibility to oversee implementation of this MMP. The Deputy County Administrator over the Natural Resources Division serves as the Project Monitor responsible for assigning monitoring actions to responsible agencies. The applicant is responsible for all costs associated with implementation of this MMP. The commitment for this is further addressed in the Development Agreement and Conditions of Approval for the project.

As required by Section 21081.6 of the Public Resources Code, the Yolo County Administrator's Office Natural Resources Division is the "custodian of documents and other material" which constitutes the "record of proceedings" upon which the action on the project was based. Inquiries should be directed to:

Dirk Brazil, Deputy County Administrator
Yolo County Administrator's Office
Natural Resources Division
(530) 666-8150

The physical location of this information is:

Yolo County Administrator's Office
Natural Resources Division
625 Court Street, Room 202
Woodland, CA 95695

In order to assist implementation of the mitigation measures, the MMP includes the following information:

Mitigation Measure: The mitigation measures are taken verbatim from the EIR.

Timing/Milestone: This section specifies the point by which the measure must be completed.

Responsibility for Oversight: The County has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

Implementation of Mitigation Measure: This section identifies how actions will be implemented and verified.

Responsibility for Implementation: This section identifies the entity that will undertake the required action.

Checkoff/Date/Initials/Notes: This section verifies that each mitigation measure has been implemented.

The following shall also apply:

- The adopted MMP shall run with the real property that is the subject of the project and successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Plan.
- Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, the applicant shall provide a copy of the adopted Plan to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.
- The responsibilities of the applicant and of the County, and whether any professional expertise is required for completion or evaluation of any part of the Plan, shall be as specified in the MMP and as determined by the designated Project Monitor in the course of administering the MMP.
- Cost estimates for the implementation of this plan and satisfaction of each measure are not known or available, but shall be developed by the applicant in the course of implementing each mitigation measure.
- Remedies and penalties for noncompliance with the adopted MMP are as specified in County code, the development agreement, and state law.

ATTACHMENT: Exhibit #1, Mitigation Measure 4.13-1

MITIGATION MONITORING PLAN

Mitigation Measure 4.2-1:

The Applicant shall revise and submit the Habitat Restoration and Landscape Visual Screening Plan for County approval to establish a landscape buffer in the 800-foot gap area between the proposed easterly and southerly berms. The buffer may include berming. The plan shall demonstrate that full screening can be achieved prior to mining closer than 1,000 feet from County Road 87, based tree species, box size, and typical rate of growth.

Timing/Milestone: Prior to commencement of grading or any physical modifications of the site.

Responsibility for Oversight: Natural Resources Coordinator/County Planning.

Implementation of Mitigation Measure: As described in the measure.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation Measure 4.3-1a:

Prior to the commencement of mining activity on any Prime Farmlands, and subject to approval by the County, the Applicant shall demonstrate to the Yolo County Parks and Resources Department (YCPRD) that an offset at a ratio of 1:1 for each acre (78 acres) of Prime Farmland permanently converted to non-agricultural use by implementation of the project has been established pursuant to the requirements of Section 10-5.525 of the County Code, that permanent protection is ensured for any of the three options, and that the quality of set-aside farmland must be equal or better than the acreage converted.

Timing/Milestone: Prior to the commencement of mining activity on any Prime Farmlands.

Responsibility for Oversight: Natural Resources Coordinator/County Planning.

Implementation of Mitigation Measure: As described in the measure.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation Measure 4.3-1b:

Prior to commencement of mining activity on any Unique Farmland, and subject to approval by the County, the Applicant shall demonstrate to the YCPRD that an offset at a ratio of 1:1 for each acre (124 acres) of Unique Farmland permanently converted to non-agricultural use by implementation of the project has been established pursuant to the requirements of Section 8-2.2416 of the County Code.

Timing/Milestone: Prior to the commencement of mining activity on any acreage mapped as Unique Farmland.

Responsibility for Oversight: Natural Resources Coordinator/County Planning.

Implementation of Mitigation Measure: As described in the measure.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation Measure 4.3-2:

Until such time as the Williamson Act contract on has expired, the Applicant cannot impact more than 74 acres of Prime Farmland on that parcel.

Timing/Milestone: Prior to the expiration of Williamson Act contract on APN: 048-220-002. After expiration of the Williamson Act contract on that parcel, this limitation does not apply.

Responsibility for Oversight: Natural Resources Coordinator/County Planning.

Implementation of Mitigation Measure: As described in the measure.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation Measure 4.3-3:

Prior to commencement of site work, the Applicant shall either 1) revise the reclamation plan to increase reclaimed agricultural lands in compliance with OCMP Action 5.4-7; or 2) identify an alternative functionally equivalent change or addition to the project that would be acceptable to the County and would enable a finding of substantial consistency to be made by the Board of Supervisors. Alternatively the Board of Supervisors may find the project to be substantially consistent with the OCMP based on a balancing of relevant policies including but not limited to Action 5.4-6.

Timing/Milestone: In conjunction with approval of the project.

Responsibility for Oversight: Natural Resources Coordinator/County Planning.

Implementation of Mitigation Measure: A decision regarding one of these three options will be made by the Board of Supervisors in conjunction with taking final action on the project. If the Board supports items 1) or 2), the Development Agreement will be modified if appropriate to document the final net gains package, and no further action following project approval would be necessary. If the Board makes alternative findings as described, no further actions will be necessary to satisfy this measure.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation Measure 4.4-4a:
The Applicant shall implement these mitigation measures through construction and operation:

- All stockpiled soils shall be enclosed, covered, or adequately watered to keep soil moist at all times. Inactive soil stockpiles should be vegetated or adequately watered to create an erosion-resistant outer crust.
- During operating hours, all disturbed soil and unpaved roads shall be adequately watered to keep soil moist.
- All disturbed but inactive portions of the site shall either be seeded or watered until vegetation is grown or shall be stabilized using methods such as chemical soil binders, jute netting, or other Yolo-Solano Air Quality Management District approved methods.
- All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel.
- Sweep connecting County roads if visible soil material is carried out from the site; and
- Treat access roads to a distance of 100 feet from the paved County road with a 6 to 12-inch layer of wood chips or mulch or with a 6-inch layer of gravel or a minimum of 500 feet of paved road to be swept if soil material is visible.

Timing/Milestone: Ongoing throughout the life of the permit and during all construction, mining, and reclamation work.

Responsibility for Oversight: Natural Resources Coordinator/County Planning; Yolo-Solano Air Quality Management District.

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation Measure 4.4-2b:

The Applicant shall implement the following standard measures during construction and operation to reduce emissions of equipment and vehicle exhaust (YSAQMD 2007, BAAQMD 1999, SCAQMD 2008):

The project specifications shall include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to five minutes at any location;

- Grid power shall be used instead of diesel generators when the following conditions are feasible:
  - Grid power is available,
  - Construction is within 100 feet of the grid power source,
  - Portable electrical cabling is feasible, and
  - The grid power source is the proper voltage, amperage and can be connected without effect to the entity being supplied by the grid power.
- A schedule of low-emissions tune-ups shall be developed and such tune-ups shall be performed on all equipment, particularly for haul and delivery trucks;
- The fleet of off road mobile equipment at the project site shall meet the requirements of the ARB In-Use Off Road Diesel Vehicle Regulation, as it applies to large fleets.
- Alternative-fuel-powered equipment (i.e. natural gas, biodiesel, and electric) shall be used when feasible.

Timing/Milestone: Ongoing throughout the life of the permit and during all construction, mining, and reclamation work.

Responsibility for Oversight: Yolo-Solano Air Quality Management District.

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation 4.5-1a:

NORTHWESTERN POND TURTLE

No earlier than 30 days before ground disturbance begins, surveys for the northwestern pond turtle shall be conducted. If northwestern pond turtles are observed in the area, attempts shall be made by a CDFG approved biologist to capture (trap/net) and relocate the turtles. Northwestern pond turtles are usually relocated to a nearby downstream reach of a stream.

If an active nest is discovered during operations, then the Applicant shall consult with CDFG to determine what mitigation measures shall be applied (i.e., buffer zones or alterations to the construction schedule to avoid the area until nesting is complete).

Timing/Milestone: Conduct surveys no more than 30 days prior to commencement of grading or any physical modifications of the site.

Responsibility for Oversight: California Department of Fish and Game

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation 4.5-1b:

NESTING MIGRATORY BIRDS, NON-LISTED RAPTORS, AND BURROWING OWLS

To avoid and minimize impacts on nesting birds, the Applicant shall not remove trees, shrubs, or herbaceous vegetation during the nesting season (February 1 to August 31). This vegetation shall only be removed from September 1 through January 31, to the extent feasible.

If the Applicant initiates construction between February 1 to August 31, surveys shall commence 30 days prior to any activities in potential nesting areas within the project. A biological monitor shall conduct preconstruction surveys and monitor construction sites with nesting habitat continuously for bird nesting activities and inspect animal burrows for burrowing owl nests beginning in late February, prior to site clearing and grading. All ground areas shall be surveyed prior to any construction activities and initial grading. Raptor nesting surveys shall include examination of all trees and shrubs within 500 feet of the construction corridor. All trees, predominantly near the farm complex, that will be removed shall be surveyed prior to removal.

For burrowing owl, surveys shall be conducted according to the protocols in the guidelines developed by the Burrowing Owl Consortium (SCPBRG 2009).

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 3 1) unless a qualified biologist approved by CDFG verifies through noninvasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

To offset the loss of foraging and burrow habitat on the project site, if any, a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird, shall be acquired and permanently protected. The protected lands shall be adjacent to occupied burrowing owl habitat and at a location acceptable to CDFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.

When destruction of occupied burrows is unavoidable, existing unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site.

If owls must be moved away from the disturbance area, passive relocation techniques shall be used rather than trapping. At least one or more weeks shall be necessary to accomplish this and allow the owls to acclimate to alternate burrows.

The Applicant shall provide funding for long-term management and monitoring of the protected lands. The monitoring plan shall include success criteria, remedial measures, and an annual report to the County and to CDFG.

Any active nests of non-listed raptors found in or adjacent to disturbance areas shall be fenced with a 300-foot radius buffer around the nest site. This 300-foot buffer may be reduced if a qualified raptor biologist determines that the nesting raptors are acclimated to the project and related disturbance, and otherwise will not be adversely affected by construction activities. At a minimum, the non-disturbance buffer shall be a radius of 100 feet around the nest site. If the nest site is on an adjacent property or property that cannot be accessed, the portion of the buffer that occurs within the project corridor shall be fenced. When construction buffers are reduced in size, the raptor biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If it is determined that construction could result in reproductive failure, construction shall be postponed in the immediate area until young have fledged. In cases where construction activities cannot be postponed, the project biologist shall coordinate with CDFG and USFWS, and at a minimum, the 300-foot buffer shall be implemented.

Timing/Milestone: If construction is initiated between September 1 and January 31, no action under this mitigation is necessary. If construction is initiated between February 1 and August 31, surveys for nesting migratory birds, non-listed raptors, and burrowing owls shall commence 30 days prior to any activities in potential nesting areas within the project.

Responsibility for Oversight: California Department of Fish and Game

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation 4.5-1c:

SWAINSON'S HAWK FORAGING

The Applicant shall mitigate for loss of Swainson's hawk foraging habitat in accordance with the provisions in the NHP JPA interim management agreement to which both the County and the California Department of Fish and Game are signatories.

The Applicant shall provide 1 acre of Swainson's hawk foraging habitat for every 1 acre of foraging habitat that is lost to the project. The mitigation requirement for the Granite Esparto mining project is 202.88 acres. Applicant may transfer fee simple title or a conservation easement over of Swainson's hawk foraging habitat, along with appropriate enhancement and management funds. As acceptable to the JPA, the mitigation may be phased to reflect timing of actual acreage impacted and reclaimed. In addition, the easements may be structured to reflect the term of the impact (e.g. permanent easements for mitigation of permanent loss and termed easements for interim loss).

SWAINSON'S HAWK NESTING

The timing and methodology for conducting Swainson's hawk nesting surveys shall follow CDFG protocols.

The following protective measures will be employed to avoid impacts to nesting Swainson's hawks:

1. Prior to initiation of mining activity with a mining unit (DEIR, Figure 3-4, p. 3-11), conduct a survey for nesting Swainson's hawks within at least 0.25 miles of the unit boundary that is adjacent to open farmland.
2. Identify and map all active Swainson's hawk nests.
3. If no Swainson's hawk nests are found within 0.25 miles, proceed with mining activity with no further restrictions.
4. If Swainson's hawk nests are found, identify and map all new work areas (new units planned to come online) within 0.25 miles of the active nest.
5. Evaluate visibility from the nest based on distance, line-of-sight (topography, barriers) and nest position in tree.
6. Evaluate history of the active nest location (i.e., could the nesting pair be sufficiently habituated to mining disturbances due to other ongoing mining activity).
7. If a new nest site is established within 0.25 miles of planned active work sites and it is determined that the nest is subject to disturbance-related impacts, postpone mining activities until nesting activity is completed (young have fledged or failed nest).

Once nesting activity is completed, proceed with mining activities with no further restrictions. If the nesting pair returns the following year to the same nest site, it is assumed that the breeding pair is sufficiently habituated to disturbances.

Timing/Milestone: Foraging -- Prior to commencement of grading or any physical modifications of the site, the applicant must execute a mitigation agreement with the Joint Powers Authority for the Yolo Natural Heritage Program. At all times, the acreage of foraging land protected by easement must meet or exceed the acreage of foraging land impacted.

While the project will impact a total of approximately 203 acres of foraging land, ultimately 74 acres of the site are proposed to be reclaimed back to agriculture and another 38 acres are proposed to be reclaimed back to pasture. The reclaimed cropland and pasture will both provide foraging land in the future. The net result is a permanent loss of 91 acres of foraging land, and an interim loss (30-year mining period plus for the length of the reclamation period) of 112 acres.

The term of the mitigation may reflect the term of the impact. Permanent easement protection is required for the 91 acres of foraging habitat that will be permanently lost. Acreage impacted for an interim period of time may be mitigated through the use of a limited-term conservation easement or other equivalent mechanism that will protect the land for a period of time consistent with or exceeding the period of impact.

Nesting -- With regard to nesting habitat, no more than 30-days prior to any activities in potential nesting areas within each mining unit, the applicant shall undertake items 1 and 2 above and proceed as identified in the measure.

Responsibility for Oversight: Foraging --Joint Powers Authority for the Yolo Natural Heritage Program; Nesting – California Department of Fish and Game

Implementation of Mitigation Measure: As described in the measure and herein.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation 4.5-1d:

BANK SWALLOW

The Applicant shall conduct preconstruction surveys for the bank swallow during breeding season from March 1 to July 31. If it is determined that swallows are nesting in areas where construction could result in injury or failed reproductive success, construction disturbance shall be postponed in the immediate area until young have fledged. In cases where construction activities cannot be postponed (for safety or significant schedule conflicts) the project biologist shall coordinate with CDFG and USFWS.

Section 10-4.433 (Soil Stockpiles) of the County Mining Ordinance establishes maximum height (40 feet) and slopes (2H:1V for inactive stockpiles and 1H:1V for stockpiles in daily use). Soil stockpiles shall be inspected weekly from March 1 through July 31, if disturbance is planned during that period, to verify that no bank swallows have begun nesting activities in the slope areas.

Timing/Milestone: Conduct surveys no more than 30 days prior to commencement of grading or any physical modifications of the in-channel portion of the site or sloped mining areas if inactive during the prior March 1 to July 31 breeding season. Inspect sloped areas weekly March 1 to July 31.

Responsibility for Oversight: California Department of Fish and Game

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation 4.5-2:

The Applicant shall implement the Reclamation Plan and the riparian habitat restoration measures in the accompanying Habitat Restoration and Landscape Visual Screening Plan.

Timing/Milestone: As specified in the adopted project documents and conditions of approval.

Responsibility for Oversight: Natural Resources Coordinator/County Planning

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation 4.5-3:

The Applicant shall amend the wetland delineation utilizing current USACE guidelines prior to start of construction. If no wetlands are delineated within the area of construction activities, no further mitigation is required. If wetlands are delineated within the area of construction activities, the Applicant shall develop a wetland mitigation plan for approval by permitting agencies, to create, restore, or enhance wetlands of similar function at a 1 to 1 ratio.

Timing/Milestone: Prior to commencement of grading or any physical modifications of the site.

Responsibility for Oversight: Natural Resources Coordinator/County Planning;

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation Measure 4.6-1:

The Applicant shall submit a plan for approval by the County that supports the County's net zero emissions goal as follows: 1) identify practical and reasonable changes to project design and operations that reduce project GHG emissions down to the lowest feasible levels; 2) for remaining GHG emissions, identify verifiable offsets that are (to the greatest feasible extent): locally based, project relevant, and consistent with other long term goals of the County. With implementation of this mitigation measure, potential project impacts on climate change would be reduced to the greatest feasible extent.

Timing/Milestone: Prior to commencement of grading or any physical modifications of the site.

Responsibility for Oversight: Natural Resources Coordinator/County Planning

Implementation of Mitigation Measure: This measure specifies actions necessary to ensure consistency of this project with the County's interim General Plan GHG reduction goal. The County is in the process of preparing a County Climate Action Plan (CAP). Upon adoption, the CAP (or appropriate portions) will be amended into the General Plan and will replace the interim GHG reduction goal. If implementation of this mitigation measure has not occurred by that time, the project will at that time be required to be consistent with any new applicable GHG reduction requirements.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation Measure 4.8-1:

The Applicant shall minimize risks to facilities and on-site visitors by identifying and avoiding unsafe conditions. The Applicant shall consult with the dredge manufacturer regarding methods to stabilize the dredge in the event of seismic shaking. Methods may include anchoring, connecting the dredge to land via cable, or other appropriate systems. The Applicant shall design slopes leading to the wet pit in accordance with the project-specific slope stability study (Wallace-Kuhl & Associates, Inc. 2007b). The Applicant shall train on-site workers regarding seismic safety issues, including actions to be taken during strong seismic shaking and potential hazards of seismic shaking, including rockfall from overhead conveyor systems and collapse of stockpiled rock material. The Applicant shall require workers and on-site visitors to wear safety equipment, such as hard hats.

Timing/Milestone: Ongoing as specified in measure.

Responsibility for Oversight: Natural Resources Coordinator/County Planning

Implementation of Mitigation Measure: As specified in the measure.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation Measure 4.10-5b:

The Applicant shall provide supplemental hydraulic analysis that examines downstream and cross-stream effects of the proposed in-channel improvements, and identifies supplemental actions/improvements, if necessary, for potential erosion affects on opposing banks or downstream, from increased flow velocities against the base of the planned revetment. The supplemental analysis shall analyze and ensure compliance with OCSMO Section 10-4.429(d)(4). The report must have the original signature of the engineer. The identified improvements (if any) shall be implemented by the Applicant as specified by the project engineer.

Timing/Milestone: Prior to commencement of grading or any physical modifications of the in-channel portion of the site.

Responsibility for Oversight: Natural Resources Coordinator/County Planning

Implementation of Mitigation Measure: The TAC reviewed the proposed Streambank Stabilization Plan for consistency with the Test 3 cross-section, CCIP, and CCRMP on April 12, 2010. The TAC members individually confirmed their satisfaction with the proposed project. The TAC took the following action:

The TAC finds that the Granite Esparto proposed in-channel improvements: are consistent with the CCRMP/CCIP and the In-Channel Maintenance Mining Ordinance; will implement the CCIP/Test 3 requirements; and support the request to mine no closer than 200 feet to the creek channel. The TAC hereby expresses support for the proposed activities with the following modifications:

1. *Submittal of HEC-RAS model in digital form;*
2. *Compliance with RWQCB 401 certification;*

The TAC further finds that Granite's proposal meets the intent of CCRMP Performance Standard 4.5.6 as well as other applicable requirements.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes: Pending confirmation with the TAC Hydrologist, this mitigation is considered satisfied. The TAC requirements have been added as conditions of approval for the project permits.

Mitigation Measure 4.10-7a:

By limiting the depth of any proposed wells the operator shall ensure that only groundwater from one of the freshwater aquifers overlying the Coast Range bedrock is used in wash fines processing.

Timing/Milestone: In conjunction with drilling any new wells on the property and/or as a part of the project.

Responsibility for Oversight: Natural Resources Coordinator/County Planning

Implementation of Mitigation Measure: New well are restricted to pumping from the freshwater aquifers overlying the Coast Range bedrock.

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation Measure 4.13-1:

INITIAL IMPROVEMENTS

On County Road 87 from the project access road to County Road 19, the Applicant shall reconstruct the structural pavement and base section to support the calculated traffic index (TI) to meet County standards (adopted at the time of construction), and widen to meet County standard dimensions for a major collector (see attached Exhibit #1). If there is not enough County right-of-way to build the road (including shoulders and roadside ditches) for a major collector as shown in Exhibit #1, then the Applicant will be required to fund the acquisition of the necessary right-of-way by the County via easement or fee purchase.

The Applicant shall also install paved shoulder widening to provide twelve-foot wide travel lanes and four-foot paved shoulders as afforded by the existing county road right-of-way between the existing roadside ditches on County Road 19 from Road 87 to the Teichert (Esparto) driveway.

The intersection of County Road 87/19 shall be modified to accommodate both left and right turning movement radii of large trucks.

The existing centerline for both roads may be revised to accommodate the initial improvements.

These initial road improvements shall be designed and constructed by the Applicant to County standards (adopted at the time of construction), to the satisfaction of the County Engineer, within one year of the date that the combined total from both Granite mining facilities (Capay and Esparto) exceeds 1,200,000 tons in one year, or within six months of the County's acquisition of necessary right-of-way (if necessary), whichever occurs later (unless regulatory permit approvals delay the construction start date).

Mitigation Measure 4.13-1 (continued):

ROUTINE ROADWAY SECTION MAINTENANCE

The Applicant shall maintain the roadway section on County Road 87 from the project access road to County Road 19, and on County Road 19, from Road 87 to the Teichert (Esparto) driveway.

Joint maintenance of the roadway section for County Road 19, from the Teichert (Esparto) driveway to I-505, shall be proportionally shared between the Applicant and Teichert Aggregates or its successor in interest. Proportional maintenance costs shall be determined based upon the previous year's sales figures for each of the two operations, as reported to the County. At such time as the Teichert (Esparto) agreement for maintenance responsibility terminates, responsibility for the maintenance of the roadway section of the portion of County Road 19, from the Teichert (Esparto) driveway to I-505, shall become the responsibility of the Applicant.

The Applicant's maintenance responsibility for the roads specified above shall continue throughout the life of the mining permit.

Should the Applicant's proportional use of the roadways change significantly, then their fair-share responsibility will be reevaluated.

The County will provide maintenance of the county-maintained roadside drainage ditches.

By September 15 of each year, the Applicant shall submit to the County an annual evaluation report documenting the structural integrity of the pavement structural section and the pavement condition index (PCI) of the portions of the county roads noted above. The annual report shall be signed and sealed by a civil engineer licensed in the State of California. The report shall contain a proposed action plan for roadway maintenance and roadway improvements to maintain safe and efficient traffic operation on the roads, and a PCI of 70 or more as defined by American Society for Testing and Materials (ASTM) Method D6433 (Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys) for the upcoming year. The County will review the report and recommend revisions, if necessary, within ten business days of submittal. Following acceptance of the report, the Applicant shall secure a County encroachment permit specific to the action plan (at no cost to Applicant) and complete the proposed roadway maintenance and improvement activities by October 31 each year. Striping may be provided by the County if County striping equipment and material are available. Otherwise, striping will be provided by the Applicant. Once the work is completed, the Applicant will resubmit the annual evaluation report by November 15 each year, and include the scope and dates that work was completed.

Due to the significant increase in truck traffic expected, it is anticipated that more frequent and extensive roadway maintenance will be required on these county roads.

- If minor pot holes (work requiring a single pick-up truck with asphalt patching material) are identified within the maintenance areas of County Roads 87 and 19 after the Applicant's yearly maintenance has been completed, county crews will perform the minor pot hole maintenance.

- If major roadway failure (work requiring more than a single pick-up truck with asphalt patching material) is identified by the Applicant or the County after the Applicant's yearly maintenance has been completed, and prior to August 15 of the following maintenance cycle, the Applicant shall obtain a County encroachment permit (at no cost to Applicant) and complete the major roadway repairs. If major roadway repairs are not completed by the Applicant in a timely manner, as determined by the County, and the County must make repairs when the public's safety is considered at risk by the County Engineer, then the Applicant will be billed for the county's major repair work on a time and materials basis.

Timing/Milestone: INITIAL IMPROVEMENTS -- These initial road improvements shall be designed and constructed by the Applicant to County standards (adopted at the time of construction), to the satisfaction of the County Engineer, within one year of the date that the combined total from both Granite mining facilities (Capay and Esparto) exceeds 1,200,000 tons in one year, or within six months of the County's acquisition of necessary right-of-way (if necessary), whichever occurs later (unless regulatory permit approvals delay the construction start date).

ROUTINE MAINTENANCE -- By September 15 of each year, the Applicant shall submit to the County an annual evaluation report documenting the structural integrity of the pavement structural section and the pavement condition index (PCI) of the portions of the county roads noted above. Following acceptance of the report, the Applicant shall secure a County encroachment permit specific to the action plan (at no cost to Applicant) and complete the proposed roadway maintenance and improvement activities by October 31 each year. Once the work is completed, the Applicant will resubmit the annual evaluation report by November 15 each year, and include the scope and dates that work was completed.

Responsibility for Oversight: Natural Resources Coordinator/County Public Works

Implementation of Mitigation Measure: As specified in the measure and Exhibit #1 (attached).

Responsibility for Implementation: Applicant

Checkoff Date/Initials/Notes:

Mitigation Measure 5-3a:

In order to remain consistent with the synchronized permit period and adaptive management contemplated by the OCMP, restrict the term of the requested approval to no more than 17 years with an expiration of December 31, 2026, with interim reviews consistent with all other long-term mining permit approvals. OR

Mitigation Measure 5-3b:

The County shall find that synchronized permits are not necessary for the success of the program and therefore, with the additional cumulative analysis provided by this EIR, the requested permit period could be approved. OR

Mitigation Measure 5-3c:

Synchronize the project permit with the interim reviews identified in the CCAP and add an addition 10-year review by 2037 and at the termination of the permit. With the additional cumulative analysis provided by this EIR, the requested permit period could be approved.

Timing/Milestone: In conjunction with approval of the project.

Responsibility for Oversight: Natural Resources Coordinator/County Planning.

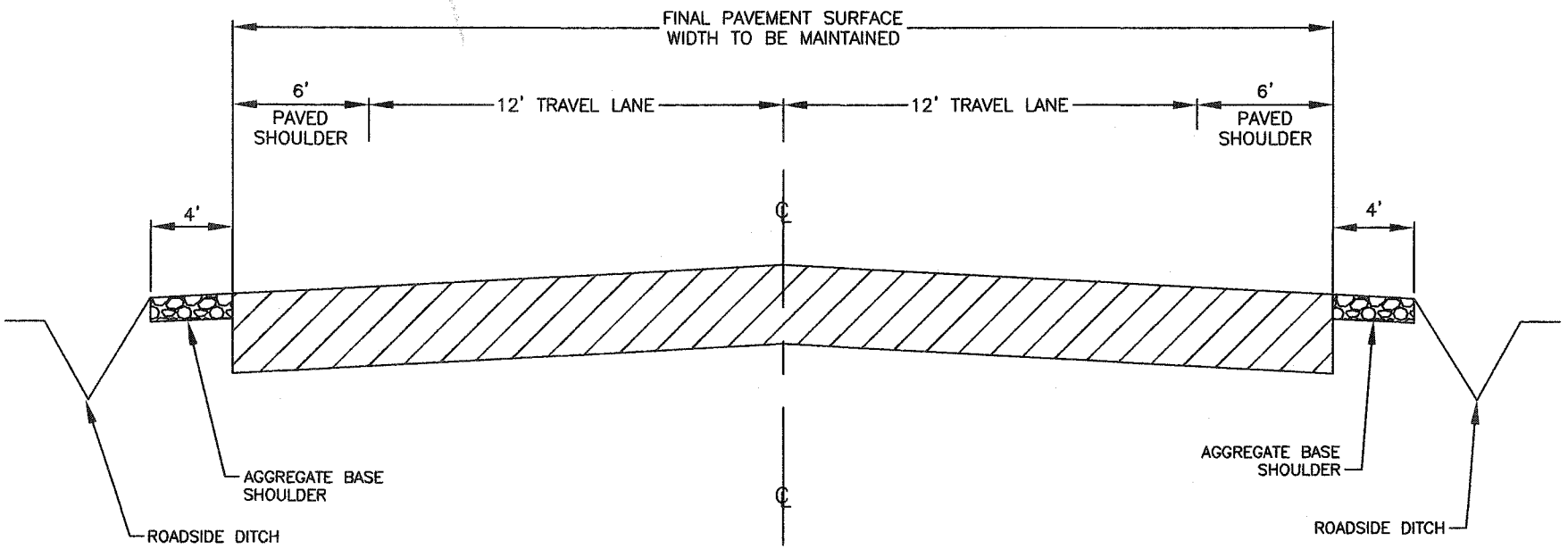
Implementation of Mitigation Measure: A decision regarding one of these three options will be made by the Board of Supervisors in conjunction with taking final action on the project, and if necessary, the Development Agreement and conditions of approval shall be modified accordingly.

Responsibility for Implementation: Applicant.

Checkoff Date/Initials/Notes:

Mitigation Measure 4.13-1

EXHIBIT #1



COUNTY ROAD 87
INITIAL IMPROVEMENTS

NTS