



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

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### PLANNING COMMISSION STAFF REPORT

JUNE 9, 2011

**FILE #2011-009:** Request to establish an Interim Management Plan at the Teichert Esparto mining facility, in accordance with the Surface Mining and Reclamation Act (SMARA) and the Yolo County Surface Mining Reclamation Ordinance. The Interim Management Plan is considered an amendment to the approved reclamation plan to provide measures for maintaining the idle mine site until operations are resumed. The mining facility is located approximately 1.5 miles northeast of Esparto.

**APPLICANT:** Teichert Aggregates  
PO Box 15002  
Sacramento, CA 95851

**OWNER:** Teichert Land Company & DeLavandra Mast  
PO Box 15002  
Sacramento, CA 95851

**LOCATION:** 27944 County Road 19A, Esparto  
(APNs: 048-210-006, -010, -011)  
(Attachment A)

**GENERAL PLAN:** Agricultural

**ZONING:** Agricultural Preserve (A-P) and  
Agricultural General (A-1), with Sand and  
Gravel Overlay (SG)

**FIRE SEVERITY ZONE:** None

**SUPERVISOR DISTRICT:** 5  
(Supervisor Chamberlain)

**FLOOD ZONE:** A & AE (area within the  
100-year flood plain), X (area outside the  
100-year and 500-year floodplains)

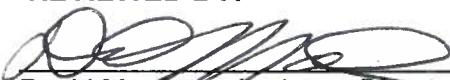
**SOILS:** Yolo silt loam (Class I), Loamy  
alluvial land (Class IV), Soboba gravelly  
sandy loam (Class IV), Riverwash (Class  
VIII)

**ENVIRONMENTAL DETERMINATION:** Exemption under SMARA Section 2770

**REPORT PREPARED BY:**

  
Jeff Anderson, Associate Planner

**REVIEWED BY:**

  
David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Planning Commission:

1. Hold a public hearing and receive comments;
2. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to SMARA Section 2770 (Attachment B); and
3. Approve the Interim Management Plan for a term of five (5) years, subject to the Conditions of Approval (Attachment C).

**AGENDA ITEM 6.1**

## **REASONS FOR RECOMMENDED ACTIONS**

The proposed Interim Management Plan (IMP) contains measures to maintain the idled Teichert Esparto facility in compliance with the Surface Mining and Reclamation Act (SMARA) and the Yolo County Surface Mining Reclamation Ordinance. Implementation of the IMP will help ensure the health and safety of the public, as well as the environment, until mining activities are resumed.

## **BACKGROUND**

The Board of Supervisors approved the mining permit for the site (Zone File No. 95-094) on November 25, 1996, which allowed for off-channel mining on 148 acres over a 30-year period, with reclamation to a permanent lake and associated habitat. The mining permit allows the excavation of sand and gravel on 148± acres of three (3) separate properties with a combined acreage of 290± acres in the A-P (Agricultural Preserve) and A-1 (Agricultural General) zoning districts. Due to the economic downturn and the lack of demand for aggregate material, Teichert drastically cut back mining operations at the Esparto facility in 2009, and as described below, idled the operation in January 2010.

Surface mining operations are “active” if engaged in mining activities on a continuous or intermittent basis so long as interruptions in mining activities do not exceed one year. By contrast, a surface mining operation is “idle” when operations are curtailed, for a period of one year or more, by more than 90 percent of the previous maximum annual mineral production and where there is intent to resume surface mining operations at a future date. The Teichert Esparto facility has been idle since January 2010. Teichert initially submitted application materials to Yolo County Parks and Resources Department in March 2010 and worked with staff to compile a complete IMP application. The Yolo County Parks and Resources Department underwent significant staffing changes in 2010 and was subsequently absorbed by the County Administrator’s Office (CAO). In October 2010 the Planning and Public Works Department began working with the CAO to process and administer the off-channel mining plan. Planning and Public Works staff resumed the processing of the Teichert Esparto IMP application in February of this year.

An IMP is considered an amendment to an approved reclamation plan. Because an IMP is intended to be a temporary plan to maintain stable site conditions until mining activities are resumed, the submittal of an IMP does not open up re-examination of an approved reclamation plan, nor does it allow for the plan to be amended (SMARA Section 2770(h)(1)). Accordingly, the Surface Mining and Reclamation Act specifically exempts IMPs from environmental review under the California Environmental Quality Act.

## **STAFF ANALYSIS**

When, for various reasons, a surface mining operation must significantly curtail operations for a period of time, it can be uneconomical or even counterproductive to begin reclamation of mined lands. While it would not be practical to reclaim lands that will be re-disturbed in the near future, the public health and safety, as well as the environment, must be addressed until mining activities are resumed. An IMP is a temporary plan to address public health, safety, and environmental issues relevant to the site in question (e.g., drainage, erosion control, temporary fencing, etc.). As proposed by the operator, the entire site will be monitored on a periodic basis for sloughing, rilling, offsite runoff, etc. Should any such conditions arise, best management practices will be employed to address the specific issues. The entire facility is fenced and access to the site is controlled by locked gates and will continue to be monitored by video surveillance. There is currently no pedestrian access to the site and “no trespassing” signs are clearly posted.

According to SMARA and the Yolo County Surface Mining Reclamation Ordinance, IMPs shall remain in effect for a period not to exceed five years. Prior to the expiration of the IMP, the Planning Commission may renew the plan for another term not to exceed five years, or, if it is determined that the operator has not complied with the terms of the IMP, then the surface mining operator shall commence reclamation of the site in accordance with the approved reclamation plan at the end of the initial term. Teichert has indicated intent to resume surface mining operations at the conclusion of the five years, or when market demand significantly increases.

Financial assurances shall remain in effect during the period that the surface mining operation is idle and shall be updated each year as part of the annual report. Teichert Aggregates currently maintains financial assurances in the amount of \$1,276,984 for the Esparto facility. An inspection of the Esparto facility was performed on December 10, 2010. No violations or corrective measures were noted at time of inspection. The facility will continue to be inspected on an annual basis, as required per SMARA Section 2774.

**SUMMARY OF AGENCY COMMENTS**

A Request for Comments was prepared and circulated for the proposed project from March 18, 2011, to April 11, 2011. The Department of Conservation reviewed the IMP and determined that the IMP contains sufficient information to describe conditions while the mine is idle and meets the minimum requirements of SMARA. Comments received during the review period from interested agencies/parties are displayed in the table below and have been incorporated into the project as appropriate.

<b>Date</b>	<b>Agency</b>	<b>Comment</b>	<b>Response</b>
March 21, 2011	Yolo County Building Division	Expired building permit for a foundation and aboveground diesel storage tank. Applicant shall reinstate permit and pay all applicable fees, or submit for a demolition permit to remove the structure.	Comment noted. Applicant has applied for a demolition permit for the aboveground storage tank.
April 1, 2011	Yolo County Public Works Division	The applicant shall continue to be responsible for joint pavement maintenance (along with Granite Construction-Capay) of County Road 19 from the plant entrance to Interstate-505 as outlined in Condition of Approval No. 45 in Development Agreement No. 96-290.	Included in Conditions of Approval.

April 7, 2011	Yolo County Environmental Health Division	Permits must be obtained for any changes to the well and/or septic systems.  The applicant shall notify the Environmental Health Department after the demolition permit is finalized by the Building Division for the aboveground diesel storage tank. After this is done, the facility will no longer be required to be in the Aboveground Petroleum Storage Act (APSA) program that is administered by the Yolo County Environmental Health Division.	Included in Conditions of Approval.
May 18, 2011	California Department of Conservation, Office of Mine Reclamation	IMP meets minimum requirements of SMARA. No further comments.	Comment noted.

**APPEALS**

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen (15) days** from the date of the action. A written notice of appeal specifying the grounds for appeal and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

**ATTACHMENTS**

- A:** Map of Teichert Esparto mining facility
- B:** CEQA Exemption
- C:** Conditions of Approval
- D:** Interim Management Plan





# ATTACHMENT A

**COUNTY RECORDER**

Filing Requested by:

**Yolo County, Planning and Public Works**

Name

**292 West Beamer Street**

Address

**Woodland, CA 95695**

City, State, Zip

Attention: Jeff Anderson

**Notice of Exemption**



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

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

**Project Title: ZF# 2011-009 (Teichert Esparto Interim Management Plan)**

Teichert Aggregates  
PO Box 15002  
Sacramento, CA 95851

**Project Location:** 27944 County Road 19A, approximately 1.5 miles northeast Esparto (APNs: 048-210-006, -010, -011)

**Project Description:** Request to establish an Interim Management plan at the Teichert Esparto mining facility, in accordance with the Surface Mining and Reclamation Act (SMARA) and the Yolo County Surface Mining Reclamation Ordinance. The Interim Management Plan is considered an amendment to the approved reclamation plan to provide measures for maintaining the idle mine site until operations are resumed.

**Exempt Status:**

**The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to SMARA Section 2770.**

**Reasons why project is exempt:** SMARA Section 2770(h)(1) states that the review and approval of an Interim Management Plan shall not be considered a project for the purposes of CEQA.

**Lead Agency Contact Person:** Jeff Anderson, Associate Planner

**Telephone Number:** (530) 666-8036

Signature (Public Agency): \_\_\_\_\_ Date: \_\_\_\_\_

Date received for filing at OPR:

FILE #2011-009 FILE NAME: Teichert Esparto IMP  
AUTHORIZED SIGNATURE \_\_\_\_\_

RECEIPT #64290  
FEE STATUS \_\_\_\_\_

**ATTACHMENT B**

**CONDITIONS OF APPROVAL  
TEICHERT ESPARTO INTERIM MANAGEMENT PLAN  
ZONE FILE #2011-009**

PLANNING DIVISION—PPW (530) 666-8036

1. The project shall be developed in compliance with the approved Interim Management Plan and with all adopted Conditions of Approval approved for Zone File #2011-009. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. The approved Interim Management Plan shall expire five (5) years from the Date of Approval (June 9, 2016). Prior to the expiration of the Interim Management Plan, the applicant may submit an application to the Planning and Public Works Department to renew the plan for another period, not to exceed five (5) years. Any extension must be approved by the Yolo County Planning Commission.
3. The applicant shall maintain updated financial assurances for the Teichert Esparto facility.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

4. At the point that any structure is proposed for demolition, the septic tank must be properly identified on all plans and abandoned at the same time in accordance with the health permit.
5. The well must be maintained in a safe and sanitary condition or it must be destroyed in accordance with the health permit.
6. The applicant shall notify the Environmental Health Division (530-666-8646) after the demolition permit is finalized by the Building Division for the aboveground diesel storage tank. After this is done, the facility will no longer be required to be in the Aboveground Petroleum Storage Act (APSA) program that is administered by the Yolo County Environmental Health Division.

PUBLIC WORKS DIVISION—PPW (530) 666-8811

7. The applicant shall continue to be responsible for joint pavement maintenance (along with Granite Capay) of County Road 19 from the plant entrance to Interstate-505 as outlined in Condition of Approval No. 45 in Development Agreement No. 96-290.

COUNTY COUNSEL—(530) 666-8172

8. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal

**ATTACHMENT C**



board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action.

The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

9. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:
  - non-issuance of future building permits;
  - legal action.





**INTERIM MANAGEMENT PLAN FORM**  
THE STATE MINING AND GEOLOGY BOARD



State of California  
DEPARTMENT OF CONSERVATION  
STATE MINING AND GEOLOGY BOARD  
INTERIM MANAGEMENT PLAN FORM

CA MINE ID# 91-57-0011

MINE NAME Esparto Facility

1. Company Operating Teichert Aggregates	Site Contact Person Brian King	Telephone 916.484.3346
Street Address/P.O. Box No. P.O. Box 15002	City Sacramento	State/ZIP Code/County CA/95851/Sacramento

2. Designated Agent's Name (Individual must reside in CA) Brian King	Mailing Address P.O. Box 15002	
City Sacramento	ZIP Code 95851	Telephone 916.484.3346

3. Owner of Mining Operation Teichert Aggregates	Telephone 916.484.3332
Mailing Address P.O. Box 15002	
City Sacramento	State/ZIP Code CA/95851
Country (If other than U.S.A.)	

4. Landowner Teichert Land Company and DeLavandra Mast	Assessor's Parcel # 048-210-06,10,11
Mailing Address P.O. Box 15002	Telephone 916.484.3272
City/State/ZIP Code Sacramento, CA 95851	Country (If other than U.S.A.)

5. Number or description of reclamation plan amended by IMP RP# ZF95-094	
Date Approved 12/96	Copy Attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

6.a. Date Mine Became Idle 1/1/10	6.b. Date Mining Expected to Resume Five years from date of approval
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7.a. Previous Maximum Annual Production 1,000,000 tons	7.b. Production While Idle Less than 10% of previous annual max
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## INTERIM MANAGEMENT PLAN FORM

### THE STATE MINING AND GEOLOGY BOARD

8.  Yes  No Financial Assurances approved by Lead Agency. Complete section below for approved Financial Assurances:

**ATTACH COPY AND PROOF OF APPROVAL**

a. Amount	Type	Date Posted	Date of Annual Review by Lead Agency	Expiration Date or Renewal Date (If applicable)
\$1,276,984	Surety Bonds	7/1/10	2/4/11	7/1/11

b.  Yes  No Proposed changes to Financial Assurance.       Yes  No Financial Assurance Cost Estimate attached.

A plan for maintaining the site in a safe and stable condition that includes the following elements must be attached to this form. Check the following boxes to verify that the appropriate information is attached.

9. Management Plan (Attach narrative that addresses all of the following.)

- a.  Description of Surface Mining Activities
- b.  Erosion Control Plan

If vegetation will not be used to control erosion while the site is idle, provide an explanation and describe an alternative method for surface erosion control in the previous section.

- c.  Revegetation Plan
- d.  Public Safety
- e.  Monitoring and Maintenance Plan
- f.  Site Photos
- g.  Map

Check the appropriate boxes and attach a map that clearly depicts the relevant information at a legible scale.

- Current Topography
- Permit Reclamation Plan Boundary
- Areas Disturbed by Surface Mining Operations
- Stockpiles of Ore, Overburden, Waste, etc.
- Sedimentation Pond
- Office, Shop, Scalehouse, or Other Structures
- Utilities
- Site Drainage
- Erosion Control Structures
- Cross Sections
- Additional Information

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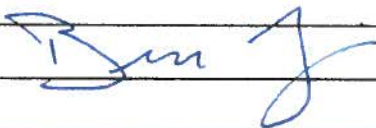


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**INTERIM MANAGEMENT PLAN FORM**  
 THE STATE MINING AND GEOLOGY BOARD

10. Attachments

- Approved reclamation plan (Attach only if there are proposed changes)
- Financial Assurance Cost Estimate
- Approved Financial Assurance and Proof of Approval
- Storm Water Pollution and Prevention Plan (Attach only if the SWPPP will be used in lieu of separate erosion control plan)
- Permit
- CEQA Mitigation and Monitoring Plan (Attach if mitigation measures were imposed in approving the reclamation plan)

Prepared by	Brian King	Date	3/2010, 5/16/11
Submitted by	Brian King	Date	5/16/11
Approved by		Date	

Originally submitted 3/2010, amendment submitted 5/16/11



APN#s

048-210-06,10,11

MANAGEMENT PLAN

a) Site Description

- i. Teichert currently mines sand and gravel within a portion of the parcels covered by mine ID # 91-57-0011, also known as the Esparto Facility.
- ii. Mining typically occurs by means of a scraper or front end loader removing material and placing it on a conveyer belt via a feeder. Mobile equipment to remain on site during interim status may consist of a loader(s), pickup truck(s), water truck(s), and an excavator.
- iii. The Esparto Facility is located in central Yolo County along Cache Creek, west of Interstate 505 and north of Highway 16.
- iv. Idle status is requested in recognition of the definition of "Idle" contained in Public Resources Code Section 2721.1.

b) Erosion Control Plan

- i. The entire site will be monitored for sloughing, rilling, offsite runoff, etc. Should any such conditions arise, BMPs will be employed to address any issues.

c) Revegetation Plan

- i. Should revegetation be selected as an option to stabilize the site, the operator may choose to apply a seed mix (see example below) via broadcast or hydro-seeding by October 31<sup>st</sup> of each year.

<u>Species</u>		<u>Seeding Rate</u>
Blue Wildrye	<i>Elymus glaucus</i>	18 lbs/acre
Three Week Fescue	<i>Vulpia microstachys</i>	5 lbs/acre
Purple Needlegrass	<i>Nassella pulchra</i>	10 lbs/acre
Bluegrass	<i>Poa secunda secunda</i>	12 lbs/acre
Creeping Wildrye	<i>Leymus triticoides</i>	5 lbs/acre
<b>Total</b>		<b>50 lbs/acre</b>

d) Public Safety and Security

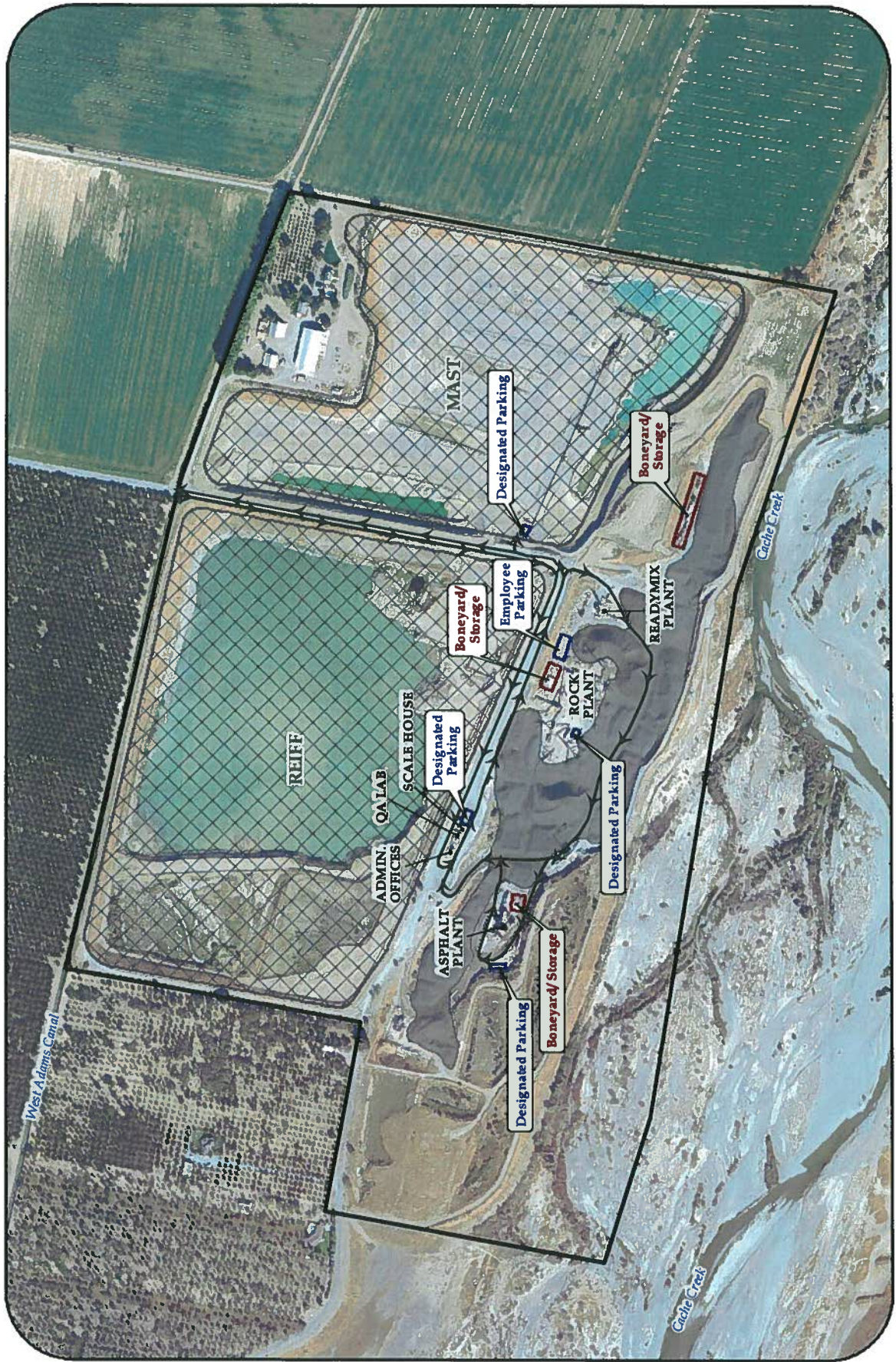
- i. The entire site is fenced. Access to the site is controlled by locked gates and is monitored by video surveillance. There is no pedestrian access. No trespassing signs are also posted.

e) Monitoring and Maintenance Plan

- i. The site will be routinely visited and monitored throughout the duration of its interim management status.



- f) Site Photos
  - i. See mining and reclamation plans on file with County.
  
- g) Map
  - i. See attached.



**INTERIM MANAGEMENT PLAN**  
**ESPARTO FACILITY**  
**TEICHERT AGGREGATES**  
 CALIFORNIA MINE ID: 91-57-0011  
 YOLO COUNTY, CALIFORNIA

Orthophoto Provided by Digital Globe (Sept. 2008)

**DISCLAIMER:**  
 The data was mapped for assessment purposes only. No liability is assumed for the accuracy of the data shown.

- LEGEND:**
- Truck Traffic Flow
  - Designated Parking Areas
  - Mined Areas/ No Completed Reclamation
  - Boneyard/ Storage Area
  - General Stockpile Area
  - Property Boundary