



# County of Yolo

**John Bencomo**  
DIRECTOR

## PLANNING AND PUBLIC WORKS DEPARTMENT

292 West Beamer Street  
Woodland, CA 95695-2598  
(530) 666-8775 FAX (530) 666-8728  
www.yolocounty.org

### PLANNING COMMISSION STAFF REPORT

**October 27, 2011**

**REQUEST: ZONE FILE #2007-071:** Consider for recommendation to the Board of Supervisors, approval of the Granite Esparto Long-Term Off-Channel Mining Permit including: 1) Certification of the Project EIR; 2) Rezoning of the property to change the Sand and Gravel Reserve (SGR) combining zone to the Sand and Gravel (SG) combining zone; 3) Approval of an Off-Channel Mining Permit; 4) Approval of a Reclamation Plan; 5) Approval of 20 percent tonnage exceedence under Section 10.4-405 of the County Code; 6) Remove tonnage allocation from the Woodland "Reiff" site (APN 025-350-035); 7) Approve consolidation of the tonnage for the Granite Esparto and Granite Capay properties, delayed mining of subject property, staff level approval of accelerated mining at adjoining Granite Capay site, and processing of project tonnage off-site at Granite Capay plant; 8) Authorization to execute a Development Agreement, which shall include authorization of minor amendments to the existing Capay Development Agreement; 9) Authorization to issue a Demolition Permit; 10) Approval of a Streambank Stabilization Plan to allow mining within setbacks established under Section 10-4.428(d) of the County Code; and 11) Authorization to issue a Flood Hazard Development Permit (FHDP) for bank stabilization work in-channel.

**APPLICANT:** Granite Construction Incorporated  
Ben Adamo, Resource Development Project Manager  
Northern California Region  
PO Box 15287  
Sacramento, CA 95851  
(916) 855-4472

**LOCATION:** North side of State Route 16, on the north side of Cache Creek, bounded by CR 87 on the west side, one mile north of the town of Esparto (see Attachment I).

**APN:** 048-220-022 (286.4 acres) and 048-220-015 (103.6 acres)

**ZONING:** A-P (SGR) and A-1 (SGR)

**FLOOD ZONE:** X, A, AO, and AE

**SOIL TYPE:** Yolo silt loam (Class I/II) 81.2 acres; Brentwood silty loam (Class I/II) 22.4 acres; Loamy alluvial land (Class IV) 47.6 acres; Riverwash (Class IV) 22.4 acres; and Soboba gravelly sandy loam (Class IV) 106.4 acres.

**ENVIRONMENTAL:** Project EIR (SCH# 2009022036)

**REPORT PREPARED BY:**

\_\_\_\_\_  
Heidi Tschudin, Contract Planner

\_\_\_\_\_  
David Morrison, Assistant Director

## **RECOMMENDED ACTION**

That the Yolo County Planning Commission recommends the following actions to the Board of Supervisors:

1. **CERTIFY** the Final EIR for the Granite Esparto Mining and Reclamation Project (SCH #2009022036) based on Findings of Fact and a Statement of Overriding Considerations. See Final EIR, Attachment A.1 and Resolution Certifying the EIR, Attachment A.2.
2. **APPROVE** Rezoning (ZF# 2007-071) of 1) 286.4 acres of Agricultural Preserve with Sand and Gravel Reserve Combining Zone (A-P/SGR) to Agricultural Preserve with Sand and Gravel Combining Zone (A-P/SG); and 2) 103.6 acres of General Agriculture with Sand and Gravel Reserve Combining Zone (A-1/SGR) to Agricultural with Sand and Gravel Combining Zone (A-1/SG). See Rezoning Ordinance, Attachment B.
3. **APPROVE** a 30-year Off-Channel Mining Permit for aggregate extraction and processing from a 313±-acre mining area on portions of two adjacent parcels (APNs 048-220-015 and 048-220-022) subject to conditions of approval. The maximum annual “base” permitted mining associated with the Esparto site is 1.0 million tons mined (870,000 tons sold). The maximum total permitted mining activity is 30 million tons mined (26.1 million tons sold). See Proposed Mining Plans, Attachment C; and Conditions of Approval, Attachment H.
4. **APPROVE** a Reclamation Plan for the proposed mining and processing areas to a combination of reclaimed uses including agriculture, open space, and open lake with associated habitat, subject to conditions of approval. See Proposed Reclamation Plans, Attachment D.
5. **AUTHORIZE** exceedence of the maximum annual “base” permitted mining tonnage by up to 20 percent as provided in Section 10.4-405 of the OCSMO. This has the effect of increasing the potential annual extraction in any given year from the requested base level of 1 million tons mined (870,000 tons sold) to 1,200,000 tons mined (1,044,000 tons sold) with no change to the running ten-year average or overall permit total.
6. **REMOVE** the existing mining program allocation of 420,000 tons per year from the Granite “Woodland (Reiff) site” (APN 025-350-035) and apply it to the project site.
7. **APPROVE** consolidation of the total permitted tonnage on the Granite Capay site (APNs 048-140-040, 048-220-016, 048-220-018) and the Granite Esparto sites and authorize planning staff to approve all necessary amendments to the Granite Capay entitlements to delay mining of the Granite Esparto site until mining is completed at the Capay site (with the exception of the area under the existing plant facility) and reclamation has commenced. Accelerated mining is allowed at the Granite Capay site provided that total extraction cannot exceed the combined entitlements of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.

The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. Pursuant to this Permit, these annual permitted extraction amounts shall be combined with the annual permitted extraction associated with the subject Granite Esparto site of 870,000 tons (sold) plus the 20 percent exceedence, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold).

8. **AUTHORIZE** execution of a Development Agreement between the County and Granite Construction that shall include authorization of minor amendments to the existing Capay Development Agreement. See Ordinance to Approve the Granite Esparto Development Agreement, Attachment E.1 and Ordinance to Amend the Granite Capay Development Agreement, Attachment E.2.
9. **AUTHORIZE** issuance of a Demolition Permit to remove an existing single-family home and various outbuildings, subject to submittal of an application and appropriate fees.
10. **APPROVE** a Streambed Stabilization Plan to allow mining within 700 feet of but no closer than 200 feet of the channel bank, within the streamway influence boundary, as provided in Section 10 4.428(d) of the OCSMO. See proposed Streambank Stabilization Plan, Attachment F.
11. **AUTHORIZE** issuance of a Flood Hazard Development Permit (FHDP) to implement proposed bank stabilization and the Test 3 boundary along approximately 2,300 linear feet of the north creek bank, extending from County Road 87 (Esparto Bridge) westward, subject to submittal of an application and appropriate fees.

## **REASONS FOR RECOMMENDED ACTION**

The Granite Esparto project, modified to be consistent with Alternative 4, Off-Site Processing (Sequential Mining) Alternative, and modified to include the identified conditions of approval and all applicable mitigation measures, meets the policies in the Cache Creek Area Plan, the performance standards set forth in the County Mining and Reclamation Ordinances, and the requirements of the Surface Mining and Reclamation Act (SMARA).

The subject project would effectively utilize all remaining unallocated tonnage contemplated in the CCAP (particularly the OCMP) and analyzed for environmental impact in the certified OCMP and CCRMP program EIRs. The staff views this tonnage as a valuable asset of the County and of the CCAP program. The question of whether to retain this tonnage, allocate it under some other scenario, or assign it now to the subject application is an important one. To date, approximately halfway into the original 30-year CCAP program, the County has received no other complete applications to utilize the tonnage.

The final "net gains" package negotiated between the applicant and the County will result in significant benefits to the County, is consistent with the criteria set forth in the OCMP, and results in significant unanticipated public benefits in exchange for allocation of the full remaining unallocated tonnages as well as vesting of the project. For these and other reasons identified herein, staff supports approval of the modified project.

## **BACKGROUND**

### **CCAP**

The Yolo Board of Supervisors adopted the Cache Creek Area Plan (CCAP) in 1996. The CCAP incorporates the Off-Channel Mining Plan (OCMP) and the Cache Creek Resources Management Plan (CCRMP) that includes the Cache Creek Improvement Program (CCIP), into a comprehensive Specific Plan for the management of natural resources in the lower Cache Creek basin. In support of the CCAP, the County also adopted the Off-Channel Surface Mining Ordinance (Mining Ordinance) and the Surface Mining Reclamation Ordinance (Reclamation Ordinance) which established a system of detailed regulations to implement the comprehensive CCAP. In the same

period of time 30-year conditional use permits were granted for five off-channel mining operations at various locations along lower Cache Creek and certain properties were designated Sand and Gravel reserve (SRG) to indicate intent to allow future mining at those sites.

#### Granite Woodland (Reiff) Property

The applicant, Granite Construction Company, was not a participant in the development of the CCAP in 1996. Though invited, they declined to participate. Their sole property holding at that time was the Granite Woodland (Reiff) property totaling approximately 115 acres on the north side of Cache Creek with access at the southerly end of CR 95B (see Attachment I, CCAP Area Mining Map). At that time the Woodland site was still being excavated, however it was recognized that aggregate resources on the property were essentially exhausted. The OCMP assumed an annual tonnage “allocation” at this property of 420,000 tons mined (OCMP, p. 12) although in the certified OCMP EIR no mining tonnage was specifically assumed to occur at this site beyond 1996 (OCMP EIR, Draft Volume, p. 3-23, Footnote 11). Mining activity at this mine subsequently ceased in 1999 and it operates currently under an approved Interim Mining Plan (IMP) originally approved in 1999, extended in 2004, and extended again in 2009. The current approval is valid for five years through October of 2014.

#### Granite Capay Facility

In April of 1999, Granite Construction Company purchased the tangible assets, lease agreements, associated vested rights, and 1996 permit of Cache Creek Aggregates from R.C. Collet Company, as well as subsequent other real properties within the mining area. The RC Collet approval was one of the five original off-channel long-term mining permits granted in 1996.

In October of 1999, Granite Construction Company submitted a proposal (Zone File #99-051) known as the “Granite Capay” application, to amend the 1996 approved project. A Supplemental Impact Report (2000 SEIR) for the Granite Capay proposal was completed in April of 2000 (SCH #99082098). On June 8, 2000, the Yolo County Planning Commission recommended denial of the project. On March 20, 2001, the applicant withdrew that application.

In January of 2002, Granite Construction Company submitted a new application (Zone File #2001-089) to amend the 1996 approval for the Granite Capay site. A new Supplemental Impact Report (2002 SEIR) was completed in October of 2002 (SCH #99082098). The project was approved by the Board of Supervisors on December 3, 2002 and is currently operating.

The Granite Capay facility (see Attachment I) is approved for a maximum annual “base” permitted mining of 1,075,269 million tons mined (1,000,000 tons sold) plus the 20 percent exceedence allowed under Section 10.4-405 of the OCSMO of 200,000 tons sold. The maximum total permitted mining activity is 32.28 million tons mined (30.0 million tons sold).

#### Granite Esparto Application

On October 12, 2007, Granite submitted an application (Zone File #2007-071) requesting approval of the subject new mining facility to excavate, process, and sell sand and gravel from a 313-acre site on 390 acres immediately adjacent to their existing approved Granite Capay operation. The subject application, known as the “Granite Esparto” project was found to be complete on December 24, 2007.

The CEQA Notice of Preparation (NOP) and Initial Study for the project were released on February 13, 2009, beginning the 30-day public review period, which ended on March 14, 2009. A scoping meeting was held before the Esparto Community Advisory Council (ECAC) on February 25, 2009 to obtain public and agency comments on the Initial Study and the scope of the EIR.

The Draft EIR (SCH #2009022036) was circulated on December 14, 2009 for a 46-day period of review and comment by the public and other interested parties, agencies, and organizations. A public meeting was held by the ECAC on January 19, 2010 and by the Planning Commission on January 28, 2010 to discuss the project and receive oral comments on the DEIR. Timely comments on the DEIR were received from eight entities and individuals. An additional six letters were received after the close of the comment period.

On March 8, 2010 and April 12, 2010, the CCAP Technical Advisory Committee (TAC) met to review the requested FHDP and proposed Streambank Stabilization Plan (SSP) for the project. A "Responses to Comments" document was released on October 21, 2010 containing responses to comments on the DEIR, and other information relevant to the project.

On October 29, 2010, the applicant requested that the County suspend the application and all processing activity until further notice. A second public meeting on the project that was scheduled for November 16, 2010 before the ECAC was subsequently cancelled.

On April 13, 2011, the applicant requested that processing of the application proceed.

## **PROJECT DESCRIPTION**

As indicated throughout this staff report, the staff supports approval of a version of the project that is different from the applicant's proposal. Based on the outcome of the environmental impact analysis and independent analysis by staff, the staff supports approval of the Off-Site Processing (Sequential Mining) Alternative analyzed as Alternative 4 in the EIR. This alternative is identified as being environmental superior (EIR, Draft Volume, p. 6-19), is more efficient operationally, and makes more sense from a market perspective. It minimizes reclamation bond requirements, minimizes site disturbance, is more consistent with the current soft market, and minimizes County exposure in terms of responsibility to reclaim the site in the event of an applicant failure. The applicant has indicated they support this position. The summary below describes the project as proposed followed by a description of the modifications to the proposed project that would be achieved under the "sequential mining" alternative recommended/supported by staff.

### **Project As Proposed**

The applicant is requesting approval of a new 30-year off-channel mining permit that would allow for the mining and processing of approximately 1,000,000 tons (a maximum of 870,000 tons sold) annually of sand and gravel from a 313-acre mining area on a 390-acre site. Over the life of the permit, a maximum of 30 million tons could be mined (26.1 million tons sold). A new rock processing plant is proposed as a part of the application. The applicant is also applying for approval of the 20 percent exceedence flexibility allowed under Section 10.4-405 of the County Code. This would allow sales of up to 1,044,000 tons in any given year, although ten-year totals and overall totals would remain the same.

Mining is proposed to occur in three phases. Phase 1A consists of 38 acres on the southern portion of the site that would be mined the first year of operation to a maximum depth of 75 feet. A total of 536,000 tons is expected to be extracted from this phase. Upon completion, this phase is proposed to be used for a new processing plant and two settling ponds, while mining occurs on the rest of the site. Ultimately, this phase is proposed to be reclaimed to open space/dry pasture use. After final grading and re-surfacing with soils, this phase would be vegetated by seeding with a dry pasture grass mix. The perimeters would be planted with scattered clusters of oaks and native shrubs.

Phase 1b consists of 69 acres in the northern portion of the site that would be mined subsequent to Phase 1A, for eight years, to a depth of 75 feet. A total of 7.8 million tons is expected to be extracted from this phase. Upon completion this phase would be used for three settling ponds during the remainder of the operation or until the permit expires in 2041. Ultimately, this phase is proposed to be reclaimed to agricultural use. After final grading and re-surfacing with soils, it would be returned to row crop production. The perimeter slopes would be vegetated with native grasses and shrubs.

Phase 2 consists of 195 acres that would be mined over the next 21 years to a depth of 75 feet. Excavation of 21.7 million tons is expected from this phase. Ultimately, this phase is proposed to be reclaimed to open-water lake (157 acres) with perimeter habitat and wetlands (38 acres). The lake margins (about 5.2 acres of the 157) are proposed to provide shallow water habitat consisting of tules, cattails, and rushes. The slopes above the shallow habitat are proposed to be planted with riparian woodland trees and shrubs. The higher portions of the slopes would be planted with oak woodlands trees and shrubs.

The three mining phases total 303 acres. The remaining 11 acres are in setbacks from the property boundary. Upon reclamation, proposed berms will be removed from these setbacks and the land area would be reclaimed. Phase 1B (69 acres) would gain five acres of agriculture and Phase 2 (195 acres) would gain six acres of habitat.

The application proposes mining to within 300 feet of the channel bank. In compliance with the CCAP, the project therefore also includes an in-channel streambank stabilization component that implements the CCRMP/CCIP along the project creek frontage. The proposed Streambank Stabilization Plan (SSP) would result in a smoothing of the northern bank of Cache Creek for approximately 2,300 feet, extending from the completed Granite Capay streambank stabilization project, along the frontage of the subject project site, to the Esparto Bridge (CR 87) bridge abutments. The proposed work would smooth the transition from the wider creek width upstream of the bridge to the narrow fixed width at the bridge crossing. Prior to mining within 700 feet of the channel boundary on the Esparto site, the in-channel slope contouring and construction of the in-channel berm described below would be installed.

Pursuant to the SSP, a berm would be created using approximately 34,000 cubic yards of fill from the B horizon stripped from the Esparto site. The slope of the berm along the creek bank would be contoured to a gradient of 3:1. A keyway or slot filled with cobbles (natural or broken concrete) would be placed at the toe of the slope, extending to a depth of five feet below the ground surface. Additionally a cobble revetment would be placed from the toe of the slope to a height of five feet above the toe. Willow or mule tail cuttings would be planted within the revetment. The top of the slope would be flat and approximately 12 feet wide. Slopes would be revegetated with native grasses and shrubs.

The project would also establish a terrace between the new creek bank and the existing haul road to the north. Approximately 178,000 cubic yards of fill would be required to fill in the bermed area to create the terrace. The terrace would be established over time using fill obtained over the 30-year period of mining.

Proposed hours of normal operation for the subject project are 6:00am to 6:00pm, Monday through Friday, with the occasional need to operate the plant at night to meet contract requirements. The applicant estimates that this might entail up to 40 nights of operation per year.

Proposed site access is the existing driveway/haul road at CR 87 that serves the adjoining Granite Capay operation. The proposed haul route would be the same haul route currently approved for the Granite Capay operation. All truck traffic is routed east to the existing driveway on CR 87 just north of the bridge. From that point, with the exception of local deliveries, all trucks are required to travel north of CR 87, east on CR 19, and either north or south on I-505.

## Staff Recommended Changes

The staff recommendation is that Alternative 4, Off-Site Processing (Sequential Mining) Alternative be approved rather than the project as proposed, with the following key modifications to the proposed project:

- 1) The project approval would not include approval of new processing equipment. There would be no on-site plant or on-site processing of extracted materials.
- 2) This alternative would require minor staff level modifications to the existing Granite Capay entitlements to allow for processing of material from the Granite Esparto facility at the Granite Capay plant facilities. The Environmental impact analysis for this is already accomplished under the subject project EIR and therefore, no additional environmental review would be required. The applicant, however, will be responsible for submitting the necessary application(s) and fee(s) to initiate minor staff level modifications of the existing Granite Capay entitlements.
- 3) The applicant would be required to install additional conveyors to allow for movement of Granite Esparto material to the Granite Capay plant facilities.
- 4) Within one year of approval the applicant would be required to submit revised mining and reclamation plans for staff review that are consistent with this alternative (e.g. removal of the Esparto processing plant and other changes discussed herein).
- 5) The Esparto Development Agreement includes authorization of minor amendments to the existing Granite Capay Development Agreement to increase the annual tonnage by 870,000 tons sold annually plus the 20 percent exceedence, to reflect the combined tonnage and accelerated pace of mining at the Capay site consistent with this alternative.
- 6) Mining at the Granite Esparto site would be precluded (delayed) until mining at Granite Capay (with the exception of the plant site) is concluded and reclamation was underway. The EIR assumed this would occur in approximately 2021. In order to ensure the beneficial aspects of this delay, a condition has been added that mining<sup>1</sup> cannot commence on the Granite Esparto site sooner than November 2021.
- 7) The proposed 18 to 24-foot high berms proposed south of new plant would no longer be necessary because the new plant would no longer be a part of the project. These berms would be modified to match the design and height of the berms located along CR 87.
- 8) Modification of proposed reclamation of Phase 1A of the Granite Esparto site. Reclamation to a condition suitable for a variety of agricultural uses including, but not limited to the cultivation of tree crops, would be required.
- 9) Modified planting and additional contouring of the berm along CR 87 to increase visual interest. Sterile agricultural trees shall be used as the primary planting. Other native species can be used to complement the trees.
- 10) With the exception of the terrace fill, in-channel improvements shall be installed by 2021. The terrace fill would be installed over the remaining life of the permit.
- 11) Modification of the design of the proposed reclaimed lake to make the slope a maximum steepness of 3:1 for a minimum distance of 1,500 linear feet of shoreline in the area that will be

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<sup>1</sup> Note, other activities on the Esparto site, consistent with the approval, such as on-site net gains work and/or in-channel stabilization may be undertaken.

most accessible for future public use and to add at least two floating islands to provide refuge habitat for wildlife.

## **PROJECT ANALYSIS**

### **Plan and Regulatory Consistency**

The staff conducted an examination of consistency with the applicable mining and reclamation policies and regulations. As modified by the staff recommendation, and all conditions of approval and applicable mitigation measures, the project has been found to be in fully compliant/consistent.

Section 10-4.429c of the Mining Ordinance requires a 1,000-foot buffer between the proposed mining area and CR 87, unless a landscape buffer is provided or site-specific characteristics reduce potential aesthetic impacts. As a part of Phase 1B and 2, the applicant proposes to mine within 50 feet of the road (the minimum allowed under the Ordinance) and has proposed a six-foot berm landscaped with shrubs and grasses in the area between the mining pit and the road.

Along the north and west boundaries of the property, Phases 1B and 2 will adjoin the West Adams Canal, which is owned and operated by the Flood Control District. The applicant proposes to mine within 50 feet of the canal edge and has proposed 3:1 slopes for the pit wall where it adjoins the canal. On the adjoining Granite Capay site, the buffer distance is 75 feet from the property line or centerline of the canal and the proposed slope gradient is 2:1. The applicant has indicated that this is functionally equivalent in terms of actual distance, and better addresses seepage concerns of the Flood Control District. The Slope Stability Evaluation for the project concludes that this is consistent with applicable County regulations and applicable performance and safety factors. As recommended in the Slope Stability Evaluation a condition has also been added that requires ongoing geotechnical inspections of the slope for subsurface conditions that could affect slope stability. This has been accepted by the FCD.

### **Rezoning**

The current zoning designations for the project site are Agricultural Preserve (A-P) for the northern parcel (APN: 048-220-022, 286.4 acres) and General Agriculture (A-1) for the southern parcel (APN: 048-220-015; 103.6 acres). A Sand and Gravel Reserve (SGR) Combining District (or overlay) designation has been placed over the entire project site. The SGR overlay designates land within the CCAP that is reserved for mining after 2026 (Title 8 Article 23.8 of the County Code). For mining to be allowed before 2026, the applicant has requested that the entire property (both parcels) be rezoned from SGR to Sand and Gravel (SG). This rezone would allow mining upon project approval (Title 8 Article 23.1 of the County Code).

Section 8-2.2382(a) of the Zoning Code regarding the SGR zone specifically states “This article is intended and shall be construed to designate land areas where future surface mining operations shall be considered after 2026. The SGR classification is an indication to surrounding property owners and lead agencies of areas that are targeted by the County for future extraction after 2026.”

The project as proposed would have resulted in immediate mining on the subject property, 15 years sooner than contemplated. The project as recommended would not result in mining until 2021, ten years later than the applicant’s request and only five years sooner than contemplated. Staff supports this outcome. Until that time, the site is required to remain in agricultural use

### **Mining and Reclamation Plan**

As noted elsewhere in this report, staff supports approval of the mining plan subject to:



- Modification to remove the plant site
- Processing of extracted materials at the adjoining Granite Capay plant
- Use of conveyors to transport materials from one site to another
- Modification of the phasing plan to show mining of the Esparto site commencing after mining of the Capay site (with the exception of the plant site) is complete and no sooner than November 2021
- Lowering of the southerly berm to match the berm along CR 87
- Modified planting and additional contouring of the berm along CR 87

Staff supports approval of the reclamation plan subject to:

- Reclamation of Phase 1A to higher value agricultural use than proposed
- Modification of the design of the proposed reclaimed lake to make the slope a maximum steepness of 3:1 for a minimum distance of 1,500 linear feet of shoreline in the area that will be most accessible for future public use
- Addition of at least two floating islands to provide refuge habitat for wildlife

The primary proposed reclaimed use is open water lake. Impact 4.3-3 in the EIR discusses consistency of the proposed reclamation plan with OCMP Action 5.4-7. This action identifies agriculture as the top priority for reclamation followed by habitat, recreation and open space, and other. The proposed reclamation fits into these categories as follows:

- 1) Agriculture – 112 acres (36% of site)
- 2) Habitat – 44 acres (14% of site)
- 3) Recreation and Open Space – 157 acres (50% of site)

Mitigation Measure 4.3-3 requires the applicant to revise the proposed reclamation to be more consistent with this Action or requires the County to make a finding that this proposed reclamation is substantially consistent with the OCMP based on a balancing of relevant policies including but not limited to Action 5.4-6 which encourages wet pits in order to encourage deep mining that minimizes land disturbance. The staff supports the latter scenario; that the Board of Supervisors find the project to be substantially consistent with the OCMP based on a balancing of relevant policies. This is consistent with the conclusions reached for other mining and reclamation under the CCAP. The required modification to proposed Phase 1A reclamation provides additional substantiation to support a finding that agricultural reclamation has been maximized and balanced with deep mining to minimize overall site disturbance and maximize agricultural benefit.

### Tonnage Allocation

Attachment G provides a copy of Table 5-1 of the EIR, which summarizes cumulative annual and total tonnages, analyzed in the OCMP, CCRMP, and associated 1996 program EIRs.

The maximum cumulative annual tonnage currently permitted under the CCAP is 6,950,000 tons sold (6,150,000 base tons plus 800,000 tons possible if all approved 20% exceedences are exercised in a given year) or 7,893,534 tons mined (6,980,000 base tons plus 913,534 tons possible with approved 20% exceedences). The proposed project would add 174,000 tons sold or 274,141 tons mined to those totals for new totals of 7,124,000 tons sold (8,167,675 tons mined). The maximum annual volume examined under the 1996 program EIRs is 7,538,300 tons sold (8,589,955 tons mined). Therefore the requested maximum annual tonnage, when added to maximum approved annual tonnage under the program would be below, and therefore fall, within the analyzed maximum annual totals for which environmental impact analysis has been completed.

The maximum cumulative total tonnage anticipated under the CCAP and analyzed in the 1996 program EIRs is 167.95 million tons sold or 190.48 million tons mined of which only 134.88 tons sold or 153.66 tons mined has been permitted. The subject project would add 26.1 million tons sold (30.0 million tons mined) to the total permitted volume bringing it to 160.98 million tons sold (183.66 million tons mined). For both sold and mined tonnage, the new maximum tonnage would be below, and therefore fall within, the cumulative total tonnage analyzed in the 1996 program EIRs.

The subject project would utilize all 500,000 tons of remaining unallocated annual tonnage contemplated in the CCAP (particularly the OCMP) and for which CEQA clearance is provided in the certified OCMP and CCRMP program EIRs. The staff views this tonnage as a valuable asset of the County and of the CCAP program. The question of whether to retain this tonnage, allocate it under some other scenario, or assign it now to the subject application is an important one. To date, approximately halfway into the original 30-year CCAP program, the County has received no other complete applications to utilize the tonnage. Given the public benefits offered by Granite in the development agreement (see discussion below), the staff supports the requested allocation.

### Term of Permit

The OCMP originally assumed a program life that would end in 2026. Pursuant to the terms of the original development agreements, all mining permits under the OCMP would expire on January 1, 2027. 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 or the General Plan EIR. 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 permits may be extended for a maximum period of twenty (20) years, if necessary, subject to the same ten- and optional fifteen-year review requirements.

The staff strongly believes that having all permits on the same approval “cycle” and/or subject to the same interim reviews is integral to the full and effective implementation of the adaptive management components of the CCIP. Interim reviews required under the CCAP, County ordinance, and conditions of approval are set as follows for all existing permits:

Jan 1, 2007	10-year interim review
Jan 1, 2012	15-year discretionary review (waived as a part of the 2007 Fee Ordinance update)
Jan 1, 2017	20-year interim review
Jan 1, 2027	30-year interim review and permit expiration for Cemex, Teichert Woodland, Teichert Esparto, and Granite Capay (Note: Approval of this project will permit continued processing activities at the Granite Capay site until the Granite Esparto Permit expires)
Jun 7, 2029	Syar permit expires
Nov 8, 2041	Subject Granite Esparto permit would expire

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 operators 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 by or prior to the current OCMP sunset date.

This Project EIR provides the required CEQA review for the request before the County. The EIR identifies three alternate mitigations to address this matter depending on which policy finding made

by the Board of Supervisors. The staff recommends approval of the requested 30-year permit and adoption of Measure 5-3c below to address these concerns:

***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.*

**Development Agreement**

As a part of the project, a Development Agreement (DA) would be executed between the County and the applicant. The DA provides certainty for the applicant by vesting the mining approval for the 30-year term of the permit and provides special public benefits for the County by securing land dedications, a trail, additional tonnage surcharge, and other voluntary “net gains” that go “beyond those forthcoming through conditions and mitigations on project approval” (Yolo County Code Section 8-10.2020).

In order to ensure parity between mining operators and consistency in program implementation, the County utilizes a standard template for each DA. The only substantive differences between agreements are the descriptions of the property and project subject to the agreement, the property to which the vested rights apply, and the package of special public benefits.

Granite Construction has proposed the following "net gain" (special public benefit) items for consideration by the Board of Supervisors as a part of the Granite Esparto application:

- 1) *Dedication of Granite Woodland “Reiff” Property* -- The 115-acre Granite Woodland property (APN 025-350-035) would be dedicated in fee to the County no later than October 2014. All existing wells, electrical infrastructure, fencing, and the entry gate at CR 95B would be included in the dedication. The property would be reclaimed to the requirements of the 1980 Reclamation Plan, which includes site grading, redistribution of topsoils, soil amendment, and seeding of the site. As a public benefit to accompany the dedication, Granite would install a gravel parking area totaling approximately 3.5 acres in the northeastern corner of the site where the gate access to CR 95B is located (see Attachment I, Granite Woodland Property Exhibit).

For a ten-year period following the approval date for this project, Granite would retain the right to utilize the Woodland property for possible future Swainson’s hawk mitigation. This would entail reservation of access rights to allow Granite to plant vegetation on the property for which they would seek to receive mitigation credit from the state Department of Fish and Game. Credit would likely require the placement of a habitat easement on the site.

The County would agree to possible hawk habitat mitigation on the site provided there are no resulting restrictions on current or future public use of the land, no restrictions on trails through the property, no restrictions on current or future riparian restoration of the lowlands, and no adverse implications for ongoing maintenance and operation of the property once dedicated. The County would agree to not oppose Granite’s efforts to gain hawk mitigation credit but the County would have approval authority over proposed plantings and/or site modifications and easement language necessary to achieve mitigation credit. The purpose of giving the County review and approval would be for ensuring that the plantings/modifications are consistent with County use and maintenance of, and public access over, the site. If the County determines the proposed plantings/modifications would be detrimental to those interests then approval of them could be withheld.

The mechanism for dedication would be an Irrevocable Offer of Dedication (IOD) to the County

which would allow the County to take the dedication of the property at that time or postpone it (at the County's discretion) for a maximum period extending through November 2021. The IOD would stay in effect until that time after which it would expire. Upkeep of the property would remain the responsibility of Granite Construction until the County accepts the property.

- 2) *Dedication of Reclaimed Lake and Surrounding Habitat Area* – The reclaimed 157-acre open water lake and 44 acres of immediately adjacent shoreline habitat would be dedicated in fee to the County within five years following completion of mining (Note -- the term of the proposed permit would expire in November 2041). The dedication would include a 20-foot wide unrestricted public access from the dedication area across the project access road to the proposed creek trail dedication described below (see Attachment J, Granite Capay and Esparto Properties Exhibit). Granite would retain an easement to provide vehicular access along the West Adams Canal along the north edge of the lake to the Stephens Property (APN 048-220-023) and an easement to the agricultural well on the edge of the lake.

The County agrees to consider the use of the Stephens' family name in association with the naming of the dedication areas and/or related public amenities.

The County agrees that this dedication obligation will not preclude consideration by the County of any future application by Granite to conduct additional mining activity within the reclaimed lake area prior to actual dedication. Granite agrees that such future application would trigger new separate net gains obligations and could not rely upon the net gains package of this application for that purpose.

- 3) *Dedication of Trail Corridor and Trail* -- Property totaling approximately 121 acres (portions of APN's 048-220-015, 048-220-016, and 048-140-40) extending from the Capay Open Space Park on the west to CR 87 on the east, on the north side of Cache Creek, would be dedicated in fee to the County within five years of the approval date of this project. As a public benefit to accompany the dedication, Granite would install a trail roughly 8,000 foot long and ten feet wide extending from the existing Capay Open Space Park trail to CR 87. The trail would be constructed in the field and would not require the preparation or approval of formal engineering designs or plans. The trail would be constructed of native surface materials and would include fencing (minimum three-strand hog wire). In addition, Granite would install a gravel parking area totaling approximately 5,000 square feet (sized for approximately 20 cars) at the southwest corner of the intersection of the project access road and CR 87. Included as a part of the completed parking lot improvements would be one interpretive board, one portable restroom, and three picnic tables.

Granite would have the right to reserve easements and encroachments on the property necessary to allow implementation of the bank stabilization and reclamation work required of the project.

- 4) *Unallocated Tons Surcharge* – Granite would pay an additional new surcharge of \$0.20 per ton on all tonnage sold annually from either the Capay or Esparto mining operations in excess of 500,000 tons but not exceeding 1,000,000 tons (see table below):

<b>Tons Sold Annually From Combined Mining Operations</b>	<b>Applicable Per-Ton Fee</b>	<b>Per-Ton Fee Amount Based on 2011 Fees</b>
0 to 500,000 tons	Ordinance Base Fee	\$0.526 ton*
500,000 to 1,000,000 tons	Ordinance Base Fee + Unallocated Tons Surcharge	\$0.726 ton*
1,000,000-1,200,000 tons	Ordinance Base Fee + Ordinance Surcharge	\$0.726 ton*
1,200,000- 2,070,000 tons	Ordinance Base Fee	\$0.526 ton*
2,070,000-2,244,000 tons	Ordinance Base Fee + Ordinance Surcharge	\$0.726 ton*

\* Based on the 2011 fees (subject to change pursuant to Gravel Mining Fee Ordinance)

This new Unallocated Tons Surcharge could generate an additional \$100,000 annually for the gravel program in years where sales from either site exceeds 1,000,000 tons. This new funding would be available for use by the County for any legitimate activity under the CCAP – it would not be restricted to any particular single funding category specified in the Gravel Mining Fee Ordinance.

The new surcharge would go into effect on January 1, 2012. The County would begin collecting revenues from the surcharge, if applicable, in 2013. The new surcharge would apply through December 31, 2026. Granite would also continue to be subject to the terms and conditions of the existing Gravel Mining Fee Ordinance, including any modifications of the Ordinance in the future.

- 5) *Sales Tax Place of Sale* – As allowed by law, Granite would designate both mining operations as point of sale for the purposes of calculating sales tax obligations to the County.

## **ENVIRONMENTAL IMPACT ANALYSIS**

An Environmental Impact Report (EIR) was prepared to analyze the environmental effects of the Granite Esparto project. The EIR tiers from the certified 1996 OCMP EIR and certified 1996 CCRMP/CCIP EIR. Table 2-1 in Appendix 1 of the Responses to Comments document (Volume 2 of the EIR) provides the final revised summary of all impacts and mitigation measures identified in the EIR.

As indicated throughout this staff report, the staff supports approval of a version of the project that is different from the applicant’s proposal. Based on the outcome of the environmental impact analysis and independent analysis by staff, the staff supports approval of the Off-Site Processing (Sequential Mining) Alternative analyzed as Alternative 4 in the EIR. This alternative is identified as being environmental superior (EIR, Draft Volume, p. 6-19), is more efficient operationally, and makes more sense from a market perspective. It minimizes reclamation bond requirements, minimizes site disturbance, is more consistent with the current soft market, and minimizes County exposure in terms of responsibility to reclaim the site in the event of an applicant failure.

In all issue areas, with the following exceptions, impacts are either identified as less-than-significant, or measures are identified to fully mitigate project impacts to a less-than significant level. Staff is recommending adoption of all identified relevant mitigation measures as conditions of approval, with appropriate modifications to reflect the Off-Site Processing (Sequential Mining) Alternative. Issues that would remain significant and unavoidable for the project are listed below. These impacts would remain significant and unavoidable under the Off-Site Processing (Sequential Mining) Alternative supported by staff; however, the level of impact under that alternative is generally less in each of these areas because the modified project postpones the conversion of the subject property to mining and does not include a new processing plant.

- **Impact 4.3-1:** The project would remove 287 acres of Prime or Unique Farmland from production for up to 30 years, permanently converting 202 acres to nonagricultural use.
- **Impact 4.4-2:** The project could violate an air quality standard or contribute substantially to an existing or projected air quality violation (due to fugitive dust emissions).
- **Impact 4.4-3:** The project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (PM<sub>10</sub>).
- **Impact 4.5-1:** Project activities could adversely affect sensitive wildlife species (Swainson's hawk foraging).
- **Impact 4.6-1:** The project would result in net increases in greenhouse gas emissions.
- **Impact 4.6-2:** The project has the potential to conflict with an applicable plan, policy, or regulation of an agency adopted for reducing the emissions of greenhouse gases.
- **Impact 5-4:** The project would contribute to cumulative climate change.

Chapter 4.0 of the Response to Comments document (Volume 2) contains revisions (errata) to information provided in the Draft EIR. This information resulted in no changes to the conclusions of the DEIR, nor did it change the DEIR in a way that would deprive the public of a meaningful opportunity to comment on substantial adverse environmental effects, feasible ways to mitigate, or feasible ways to avoid impacts. The errata contain information that clarifies, amplifies, and makes insignificant modifications to the DEIR. This information does not result in the identification of any new significant environmental impacts, mitigation measures the applicant refuses to implement, substantial increases in the severity of an impact, or rejected feasible project alternatives or mitigation measures different from others analyzed. As such, the errata do not trigger any of the thresholds in Section 15088.5 of the CEQA Guidelines that would require recirculation of the EIR prior to certification. Staff is recommending that the County adopt the identified errata and certify the Final EIR as meeting all of the requirements of CEQA.

### **CCRMP/CCIP TECHNICAL ADVISORY COMMITTEE (TAC) RECOMMENDATION**

Pursuant to the CCRMP/CCIP and the County's In-Channel Maintenance Mining Ordinance, the Flood Hazard Development Permit (FHDP) and proposed Streambank Stabilization Plan (SSP) associated with the project must be reviewed by the County's CCRMP/CCIP TAC. The TAC considered the FHDP and SSP at their meetings held March 8, 2010 and April 12, 2010. On April 12, 2010, the TAC took the following action regarding the proposal:

*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.

### **ESPARTO COMMUNITY ADVISORY COMMITTEE (ECAC) RECOMMENDATION**

The project falls within the Comment Area boundary of the Esparto General Plan. As such, the Esparto Community Advisory Committee (ECAC) was asked to review and comment on the project. A CEQA scoping meeting was held before the ECAC on February 25, 2009 to obtain public and agency comments on the Initial Study and the scope of the EIR. The ECAC discussed the Draft EIR at their meeting held January 19, 2010.

On October 18, 2011, the ECAC considered the merits of the project and made two recommendations to the Planning Commission and Board of Supervisors:

- 1) That the County approve the Off-Site Processing (Sequential Mining) Alternative (3:2 vote)
- 2) That the County amend the Development Agreement to use money from the new unallocated tons surcharge fee (Net Gains Item #4) to help with road maintenance within a three mile radius of the plant (5:0 vote).

### **CALIFORNIA DEPARTMENT OF CONSERVATION (DOC), OFFICE OF MINE RECLAMATION (OMR)**

Pursuant to SMARA, the State Department of Conservation (DOC) Office of Mine Reclamation (OMR) has certain responsibilities to review and comment on the project. The County and Granite have responded to all comments received by the State and on September 6, 2011 were informed that all issues have been addressed and the State has no further comments.

### **ATTACHMENTS:**

- Attachment A.1:** Final EIR, two volumes (Draft and Responses to Comments) – distributed previously
- Attachment A.2:** Resolution Certifying the EIR
- Attachment B:** Rezoning Ordinance
- Attachment C:** Proposed Mining Plans
- Attachment D:** Proposed Reclamation Plans
- Attachment E.1:** Ordinance to Approve the Granite Esparto Development Agreement
- Attachment E.2:** Ordinance to Amend the Granite Capay Development Agreement
- Attachment F:** Streambank Stabilization Plan
- Attachment G:** Table 5-1 from the EIR (Draft volume)
- Attachment H:** Conditions of Approval
- Attachment I:** CCAP Area Mining Map

**ATTACHMENT A**

**ORDINANCE CERTIFYING THE ENVIRONMENTAL  
IMPACT REPORT**



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE YOLO COUNTY BOARD OF SUPERVISORS  
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT;  
MAKING FINDINGS OF FACT; ISSUING A STATEMENT  
OF OVERRIDING CONSIDERATIONS; AND ADOPTING A  
MITIGATION MONITORING PLAN FOR THE  
GRANITE ESPARTO LONG-TERM  
OFF-CHANNEL MINING PERMIT**

WHEREAS, the County is proposing to take action to approve the Granite Esparto Long-Term Off-Channel Mining Permit (ZF #2007-071) referred to as "the Project" or "Granite Esparto");

WHEREAS, the Final Environmental Impact Report (SCH #2009022036) ("the FEIR") consisting of the Draft EIR and Response to Comments document has been prepared pursuant to the California Environmental Quality Act ("CEQA" Pub. Res. Code, Section 21000 et seq.) to analyze the environmental effects of the Project;

WHEREAS, an Initial Study and Notice of Preparation were circulated for a 30-day public review and comment period commencing from February 13, 2009 through March 14, 2009;

WHEREAS, the Draft EIR was circulated for a 46-day public review period commencing December 14, 2009 through January 28, 2010;

WHEREAS, the Response to Comments document was released October 21, 2010;

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations ("CEQA Guidelines") which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the subject documents;

WHEREAS on February 25, 2009 and January 19, 2010 the Esparto Community Advisory Committee held public meetings on the project;

WHEREAS, on January 28, 2010 the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft EIR;

WHEREAS, on October 18, 2011 the Esparto Community Advisory Committee CAC voted 3:2 to recommend approval of the project (Off-Site Processing [Sequential Mining] Alternative) to the Planning Commission and Board of Supervisors;

WHEREAS, on October 27, 2011 the Planning Commission held a hearing to receive public testimony, and take action on the project in the form of a recommendation to the Board of Supervisors; the Planning Commission voted \_\_\_\_\_ to recommend \_\_\_\_\_ of the project to the Board of Supervisors;

WHEREAS, during these meetings and hearings oral and documentary evidence was received regarding the adequacy of the FEIR and the merits of the project;

WHEREAS, on November 8, 2011 the Board of Supervisors held a hearing to receive public testimony and take action on the project; the Board of Supervisors voted \_\_\_\_\_ to certify the FEIR as adequate pursuant to Section 15090 of the CEQA Guidelines;

WHEREAS, the Board has reviewed the FEIR prepared for the project, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the Board of Supervisor hearings;

WHEREAS, the FEIR identified certain significant and potentially significant adverse effects on the environment caused by the Project;

WHEREAS, the Board of Supervisors specifically finds that where more than one reason for approving the Off-Site Processing (Sequential Mining) Alternative and rejecting the Project and alternatives is given in the findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Board would have made its decision on the basis of any one of those reasons; and

WHEREAS, the Board desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that can not be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Board believes justify the occurrence of those impacts.

WHEREAS, the Board of Supervisors is required pursuant to CEQA (Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yolo as follows:

1. The Board of Supervisors has independently reviewed and analyzed the FEIR before making the Findings of Fact, issuing the Statement of Overriding Considerations, and adopting the Mitigation Monitoring Plan incorporated herein as Exhibit A; and hereby finds that it has been completed in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the County.

2. The Board of Supervisors hereby certifies that the FEIR has been completed in compliance with CEQA, and adopts the Findings of Fact attached hereto.

3. Based on the information contained in the EIR, the testimony presented at the hearings on the project, and the substantial evidence in the record, revisions to the Project have been incorporated which avoid, eliminate, or substantially lessen all the significant effects of the project, where feasible, as identified in the attached Exhibit. These mitigations/conditions shall be binding upon the applicant and other responsible parties, when the Board approves the project.

4. A Mitigation Monitoring Plan attached hereto as is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR.

5. Other mitigation measures, as identified, have been modified or clarified to ensure feasibility, as discussed in the EIR and/or staff reports, and in Exhibit A.

6. The Board of Supervisors has considered alternatives to the Project as proposed, and concluded based on substantial evidence in the record that the Off-Site Processing (Sequential Mining) Alternative is the preferred project over the Project as proposed and over the other proposed project alternatives, based on the consideration of environmental, social, economic, and other reasons, as discussed in the attached Exhibit.

7. The Board of Supervisors has determined that any remaining unavoidable adverse environmental effects are acceptable due to specific economic, social, or other overriding considerations, as identified in the Statement of Overriding Considerations. The Board of Supervisors hereby adopts the Statement of Overriding Considerations attached hereto.

8. A Notice of Determination shall be filed immediately after final approval of the project.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yolo following a noticed public hearing held this 8th day of November 2011.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

By \_\_\_\_\_  
Matt Rexroad, Chair  
Yolo County Board of Supervisors

Attest:  
Julie Dachtler, Deputy Clerk  
Board of Supervisors

Approved as to Form:  
Robyn Truitt Drivon, County Counsel

By: \_\_\_\_\_  
Deputy (Seal)

By: \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

ATTACHMENT:

**EXHIBIT A** -- FINDINGS OF FACT and STATEMENT OF OVERRIDING CONSIDERATIONS for the GRANITE ESPARTO LONG-TERM OFF-CHANNEL MINING PERMIT

**EXHIBIT A**  
**FINDINGS OF FACT and**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**For the GRANITE ESPARTO**  
**LONG-TERM OFF-CHANNEL**  
**MINING PERMIT**

**SECTION A.**

INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the **GRANITE ESPARTO LONG-TERM OFF-CHANNEL MINING PERMIT** (the Project).

The CEQA Statutes (Public Resources Code Sections 21000, et seq.) and Guidelines (Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report ("EIR") must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, such project that avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record.

The requirements of Sections 15091, 15092, and 15093 as summarized above are all addressed herein. This document is intended to serve as the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines.

## **SECTION B.**

### **LOCATION**

The project is located North side of State Route 16, on the north side of Cache Creek, bounded by CR 87 on the west side, one mile north of the town of Esparto.

### **PROJECT DESCRIPTION**

The project as approved differs from the project as proposed. The approved project is the Off-Site Processing (Sequential Mining) Alternative (Alternative 4) which would prohibit mining at the Esparto site until 2021 or when mining is completed at the Capay site (except for the plant site), whichever occurs later. Mining would initially be restricted to the Capay site where the approved maximum tonnage would be increased (allowing for accelerated mining) by the tonnage approved at the Esparto site. A more detailed summary is provided below.

The project is a new 30-year off-channel mining permit at the Granite Esparto site that will allow for the mining and processing of approximately 1,000,000 tons (a maximum of 870,000 tons sold) annually of sand and gravel from a 313-acre mining area on a 390-acre site. Under this permit, a maximum of 30 million tons will be mined (26.1 million tons sold). The 20 percent exceedence flexibility allowed under Section 10.4-405 of the County Code is approved as a part of this project. This will allow sales of up to 1,044,000 tons in any given year, although ten-year totals and overall totals will remain the same.

No new plant facilities are allowed under this approval. The material from the site will be conveyed to and processed at the adjoining Granite Capay processing plant facilities.

Mining of the Esparto site will not occur until 2021 at the earliest. In the meantime, mining at the Capay site will be accelerated by the tonnage approved at the Esparto site. The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. Pursuant to this approval, these annual permitted extraction amounts will be combined with the annual permitted extraction associated with the Granite Esparto site for a combined annual maximum from either site of 2,244,000 tons (sold).

Mining of the Esparto site will occur in three phases. Phase 1A consists of 38 acres on the southern portion of the site that will be mined the first year of operation to a maximum depth of 75 feet. A total of 536,000 tons is expected to be extracted from this phase. Upon completion, this phase will be used for a new processing plant and two settling ponds, while mining occurs on the rest of the site. This phase will be reclaimed to high value irrigated agriculture.

Phase 1b consists of 69 acres in the northern portion of the site that will be mined subsequent to Phase 1A, for eight years, to a depth of 75 feet. A total of 7.8 million tons is expected to be extracted from this phase. Upon completion this phase will be used for three settling ponds during the remainder of the operation or until the permit expires in 2041. This phase is will be reclaimed to agricultural use. After final grading and re-surfacing with soils, it will be returned to row crop production. The perimeter slopes will be vegetated with native grasses and shrubs.

Phase 2 consists of 195 acres, which will be mined over the next 21 years to a depth of 75 feet. Excavation of 21.7 million tons is expected from this phase. This phase will to be reclaimed to open-water lake (157 acres) with perimeter habitat and wetlands (44 acres). The lake margins (about 5.2 acres of the 157) will provide shallow water habitat consisting of tules, cattails, and rushes. The slopes above the shallow habitat will be planted with riparian woodland trees and shrubs. The higher portions of the slopes will be planted with oak woodlands trees and shrubs.

The three mining phases total 303 acres. The remaining 11 acres are in setbacks from the property boundary. Upon reclamation, proposed berms will be removed from these setbacks and the land area would be reclaimed. Phase 1B (69 acres) would gain five acres of agriculture and Phase 2 (195 acres) would gain six acres of habitat.

The application proposes mining to within 300 feet of the channel bank. In compliance with the CCAP, the project therefore also includes an in-channel stream bank stabilization component that implements the CCRMP/CCIP along the project creek frontage. The proposed Streambank Stabilization Plan (SSP) will result in a smoothing of the northern

bank of Cache Creek for approximately 2,300 feet, extending from the completed Granite Capay stream bank stabilization project, along the frontage of the subject project site, to the Esparto Bridge (CR 87) bridge abutments. The proposed work will smooth the transition from the wider creek width upstream of the bridge to the narrow fixed width at the bridge crossing.

Pursuant to the SSP, a berm will be created using approximately 34,000 cubic yards of fill from the B horizon stripped from the Esparto site. The slope of the berm along the creek bank will be contoured to a gradient of 3:1. A keyway or slot filled with cobbles (natural or broken concrete) will be placed at the toe of the slope, extending to a depth of five feet below the ground surface. Additionally a cobble revetment will be placed from the toe of the slope to a height of five feet above the toe. Willow or mule tail cuttings will be planted within the revetment. The top of the slope will be flat and approximately 12 feet wide. Slopes will be revegetated with native grasses and shrubs.

The project will also establish a terrace between the new creek bank and the existing haul road to the north. Approximately 178,000 cubic yards of fill will be required to fill in the bermed area to create the terrace. The terrace will be established over time using fill obtained over the 30-year period of mining.

With the exception of filling in the new terrace area behind the re-graded bank, the applicant will complete the proposed bank modifications as presented in the approved Streambank Stabilization Plan, as soon as materials become available, no later than 2021, and/or prior to mining within 700 feet of the adjacent high bank, whichever occurs first. The bank stabilization activities will conform to all applicable provisions of the Cache Creek Resources Management Plan and the Cache Creek Improvement Program.

Hours of normal operation for the subject project will be 6:00am to 6:00pm, Monday through Friday, with the occasional need to operate the plant at night to meet contract requirements. The applicant estimates that this might entail up to 40 nights of operation per year.

Proposed site access is the existing driveway/haul road at CR 87 that serves the adjoining Granite Capay operation. The haul route is the same haul route currently approved for the Granite Capay operation. All truck traffic is routed east to the existing driveway on CR 87 just north of the bridge. From that point, with the exception of local deliveries, all trucks are required to travel north of CR 87, east on CR 19, and either north or south on I-505.

## PROJECT OBJECTIVES

The Applicant has defined the overall objective of the project to be as follows:

To secure permitting to mine and process 1 million tons of aggregate (870,000 tons sold) from the project site for a 30-year mining period to supply the demand for



construction aggregate. Construction aggregate is necessary for a broad range of public- and private-sector construction, infrastructure, and maintenance projects. The cost of aggregate is largely dependent on the transportation costs. Therefore, shorter transportation distances afforded by local sources of aggregate contribute to maintaining an adequate supply at a reasonable cost to the consumer while minimizing transport of material.

The Applicant has stated that other objectives for the project are as follows:

- To maximize its ability to provide a secure source of high-quality construction aggregates to meet regional demand for these materials,
- To minimize the impacts of mining on adjacent property owners and the public,
- To maximize the benefits of land dedication to the County, and
- To provide for a diverse range of reclamation uses for mined lands.

The Board of Supervisors has determined that of all the alternatives considered, the Off-Site Processing (Sequential Mining) Alternative best meets these objectives. This is discussed further in Section J (Findings on Alternatives) of these findings.

## **SECTION C.**

### **PROJECT BACKGROUND AND HISTORY**

#### **Cache Creek Area Plan**

The Yolo Board of Supervisors adopted the Cache Creek Area Plan (CCAP) in 1996. The CCAP incorporates the Off-Channel Mining Plan (OCMP) and the Cache Creek Resources Management Plan (CCRMP), which includes the Cache Creek Improvement Program (CCIP), into a comprehensive Specific Plan for the management of natural resources in the lower Cache Creek basin. In support of the CCAP, the County also adopted the Off-Channel Surface Mining Ordinance (Mining Ordinance) and the Surface Mining Reclamation Ordinance (Reclamation Ordinance) which established a system of detailed regulations to implement the comprehensive CCAP. In the same period of time 30-year conditional use permits were granted for five off-channel mining operations at various locations along lower Cache Creek and certain properties were designated Sand and Gravel reserve (SRG) to indicate intent to allow future mining at those sites.

#### **Granite Woodland (Reiff) Property**

The applicant, Granite Construction Company, was not a participant in the development of the CCAP in 1996. Though invited, they declined to participate. Their sole property holding at that time was the Granite Woodland (Reiff) property totaling approximately 115 acres on the north side of Cache Creek with access at the southerly end of CR

95B. At that time the Woodland site was still being excavated, however it was recognized that aggregate resources on the property were essentially exhausted. The OCMP assumed an annual tonnage “allocation” at this property of 420,000 tons mined (OCMP, p. 12) although in the certified OCMP EIR no mining tonnage was specifically assumed to occur at this site beyond 1996 (OCMP EIR, Draft Volume, p. 3-23, Footnote 11). Mining activity at this mine subsequently ceased in 1999 and it operates currently under an approved Interim Mining Plan (IMP) originally approved in 1999, extended in 2004, and extended again in 2009. The current approval is valid for five years through October of 2014.

### **Granite Capay Facility**

In April of 1999, Granite Construction Company purchased the tangible assets, lease agreements, associated vested rights, and 1996 permit of Cache Creek Aggregates from R.C. Collet Company, as well as subsequent other real properties within the mining area. The RC Collet approval was one of the five original off-channel long-term mining permits granted in 1996.

In October of 1999, Granite Construction Company submitted a proposal (Zone File #99-051) known as the “Granite Capay” application, to amend the 1996 approved project A Supplemental Impact Report (2000 SEIR) for the Granite Capay proposal was completed in April of 2000 (SCH #99082098). On June 8, 2000, the Yolo County Planning Commission recommended denial of the project. On March 20, 2001, the applicant withdrew that application.

In January of 2002, Granite Construction Company submitted a new application (Zone File #2001-089) to amend the 1996 approval for the Granite Capay site. A new Supplemental Impact Report (2002 SEIR) was completed in October of 2002 (SCH #99082098). The project was approved by the Board of Supervisors on December 3, 2002 and is currently operating.

The Granite Capay facility is approved for a maximum annual “base” permitted mining of 1,075,269 million tons mined (1,000,000 tons sold) plus the 20 percent exceedence allowed under Section 10.4-405 of the OCSMO of 200,000 tons sold. The maximum total permitted mining activity is 32.28 million tons mined (30.0 million tons sold).

### **Granite Esparto Application**

On October 12, 2007, Granite submitted an application (Zone File #2007-071) requesting approval of the subject new mining facility to excavate, process, and sell sand and gravel from a 313-acre site on 390 acres immediately adjacent to their existing approved Granite Capay operation. The subject application, known as the “Granite Esparto” project was found to be complete on December 24, 2007.

The CEQA Notice of Preparation (NOP) and Initial Study for the project were released on February 13, 2009, beginning the 30-day public review period, which ended on March 14, 2009. A scoping meeting was held before the Esparto Community Advisory Council (ECAC) on February 25, 2009 to obtain public and agency comments on the Initial Study and the scope of the EIR.

The Draft EIR (SCH #2009022036) was circulated on December 14, 2009 for a 46-day period of review and comment by the public and other interested parties, agencies, and organizations. A public meeting was held by the ECAC on January 19, 2010 and by the Planning Commission on January 28, 2010 to discuss the project and receive oral comments on the DEIR. Timely comments on the DEIR were received from eight entities and individuals. An additional six letters were received after the close of the comment period.

On March 8, 2010 and April 12, 2010, the CCAP Technical Advisory Committee (TAC) met to review the requested FHDP and proposed Streambank Stabilization Plan (SSP) for the project. A "Responses to Comments" document was released on October 21, 2010 containing responses to comments on the DEIR, and other information relevant to the project.

On October 29, 2010, the applicant requested that the County suspend the application and all processing activity until further notice. A second public meeting on the project, which was scheduled for November 16, 2010 before the ECAC, was subsequently cancelled.

On April 13, 2011, the applicant requested that processing of the application proceed.

## **SECTION D.**

### **FINAL EIR**

The FEIR for the Granite Esparto project includes the following items:

- 1) Draft EIR (SCH #2009022036) dated December 2009;
- 2) Responses to Comments on the Draft EIR dated October 2010
- 3) Actions taken by the Board of Supervisors, as defined herein, to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures;
- 4) Final Mitigation Monitoring Plan (Attachment B to these Findings)

## RECORD OF PROCEEDINGS

For the purposes of CEQA and the findings hereinafter set forth, the administrative record for the Project consists of those items listed in Section 21167.6(e) of the Public Resources Code (Chapter 1230, Statutes of 1994). Pursuant to the requirements of CEQA Guidelines Section 15091(e) the location and custodian of the documents and other materials, which constitute the record of proceedings upon which these decisions are based, is as follows:

Manager of Natural Resources  
Yolo County Administrator's Office  
625 Court Street, Room 202  
Woodland, CA 95695  
530-666-8061

## SECTION E.

### DISCRETIONARY ACTIONS

The discretionary actions for the proposed project involve the following approvals by the Board of Supervisors of the County of Yolo:

1. **CERTIFY** the Final EIR for the Granite Esparto Mining and Reclamation Project (SCH #2009022036) based on Findings of Fact and a Statement of Overriding Considerations.
2. **APPROVE** Rezoning (ZF# 2007-071) of 1) 286.4 acres of Agricultural Preserve with Sand and Gravel Reserve Combining Zone (A-P/SGR) to Agricultural Preserve with Sand and Gravel Combining Zone (A-P/SG); and 2) 103.6 acres of General Agriculture with Sand and Gravel Reserve Combining Zone (A-1/SGR) to Agricultural with Sand and Gravel Combining Zone (A-1/SG).
3. **APPROVE** a 30-year Off-Channel Mining Permit for aggregate extraction and processing from a 313±-acre mining area on portions of two adjacent parcels (APNs 048-220-015 and 048-220-022) subject to conditions of approval. The maximum annual "base" permitted mining associated with the Esparto site is 1.0 million tons mined (870,000 tons sold). The maximum total permitted mining activity is 30 million tons mined (26.1 million tons sold).
4. **APPROVE** a Reclamation Plan for the proposed mining and processing areas to a combination of reclaimed uses including agriculture, open space, and open lake with associated habitat, subject to conditions of approval.
5. **AUTHORIZE** exceedence of the maximum annual "base" permitted mining tonnage by up to 20 percent as provided in Section 10.4-405 of the OCSMO. This has the effect of increasing the potential annual extraction in any given year from the requested base level of 1

million tons mined (870,000 tons sold) to 1,200,000 tons mined (1,044,000 tons sold) with no change to the running ten-year average or overall permit total.

6. **REMOVE** the existing mining program allocation of 420,000 tons per year from the Granite "Woodland (Reiff) site" (APN 025-350-035) and apply it to the project site.

7. **APPROVE** consolidation of the total permitted tonnage on the Granite Capay site (APNs 048-140-040, 048-220-016, 048-220-018) and the Granite Esparto sites and authorize planning staff to approve all necessary amendments to the Granite Capay entitlements to delay mining of the Granite Esparto site until mining is completed at the Capay site (with the exception of the area under the existing plant facility) and reclamation has commenced. Accelerated mining is allowed at the Granite Capay site provided that total extraction cannot exceed the combined entitlements of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.

The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. Pursuant to this Permit, these annual permitted extraction amounts shall be combined with the annual permitted extraction associated with the subject Granite Esparto site of 870,000 tons (sold) plus the 20 percent exceedence, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold).

8. **AUTHORIZE** execution of a Development Agreement between the County and Granite Construction, which shall include authorization of minor amendments to the existing Capay Development Agreement.

9. **AUTHORIZE** issuance of a Demolition Permit to remove an existing single-family home and various outbuildings, subject to submittal of an application and appropriate fees.

10. **APPROVE** a Streambed Stabilization Plan to allow mining within 700 feet of but no closer than 200 feet of the channel bank, within the stream way influence boundary, as provided in Section 10 4.428(d) of the OCSMO.

11. **AUTHORIZE** issuance of a Flood Hazard Development Permit (FHDP) to implement proposed bank stabilization and the Test 3 boundary along approximately 2,300 linear feet of the north creek bank, extending from County Road 87 (Esparto Bridge) westward, subject to submittal of an application and appropriate fees.

These approvals are made by the Board of Supervisors pursuant to Section 15092 of the CEQA Guidelines. The County is also adopting a "Statement of Overriding Considerations" pursuant to Section 15093 of the CEQA Guidelines.

## **SECTION F.**

### **CONSISTENCY WITH APPLICABLE PLANS, POLICIES, AND REGULATIONS**

As substantiated in the Land Use Section 4.11 of the EIR, the project is consistent with the land use designations and policies of the General Plan; the policies and requirements of the Cache Creek Area Plan; the State Williamson Act; the State Surface Mining and Reclamation Act (SMARA); and other applicable laws and regulations.

As modified by the conditions of approval including the adopted mitigation measures, the project is consistent with the regulatory requirements of the County's mining, reclamation, and in-channel maintenance mining ordinances.

The Board of Supervisors does hereby affirm these findings of consistency

## **SECTION G.**

### **FINDINGS REQUIRED UNDER CEQA**

Public Resources Code (PRC) Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” PRC Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. Inclusion of the adopted mitigation measures in the General Plan as policies and actions are among the "changes or alterations" referenced in this finding. Other “changes and alterations” are discussed herein. For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially

lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency.

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR (CEQA Guidelines Section 15091). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.”

In the process of adopting mitigation, the Board of Supervisors has made a determination regarding whether the mitigation proposed in the EIR is "feasible." In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, correct, or revise those measures. These are discussed herein.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the Board of Supervisors has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the Board of Supervisors has found that specific economic, social, and other considerations support approval of the Project. Those findings are reflected herein in Section M (Significant Effects and Mitigation Measures) below and in Section O (Statement of Overriding Considerations).

## **SECTION H.**

### **MITIGATION MONITORING PLAN**

As required by Public Resources Code Section 21081.6, and Sections 15091(d) and 15097 of the CEQA Guidelines, the County, in adopting these findings, also adopts a Mitigation Monitoring Plan (MMP). The MMP is designed to ensure that, during all phases of the project, the County and any other responsible parties implement the adopted mitigation measures. This plan is contained in Attachment B (Mitigation Monitoring Plan).

Pursuant to Section 15091d of the CEQA Guidelines, all feasible mitigation measures that avoid or substantially lessen the significant effects of the project and that are adopted in these Findings shall become binding on the applicant at the time of approval as conditions on the development and operation of the project.

## **SECTION I.**

### **PROJECT BENEFITS**

The Board of Supervisors finds that the proposed project will create the following benefits for the County of Yolo and County residents (in no order):

#### Environmental Benefits

- Modification of the project to require sequential mining and off-site processing is environmentally superior. Impacts related to aesthetics, agriculture, biological resources, and cultural resources are postponed until 2021 while mining is completed at the Granite Capay site.
- Under the Off-Site Processing (Sequential Mining) Alternative impacts related to air quality and climate change are reduced because the project would not include a second processing facility.
- Sequential mining minimizes site disturbance.
- Highly regulated responsible mining under carefully controlled conditions, with the ability to revoke individual permits at any time after due process, for failure to comply with the terms and conditions of the permit.
- The ability to subject the mining permit to subsequent environmental regulations at ten-year increments.
- Full participation in all County requirements for groundwater quality and quantity monitoring.
- Full mitigation for roadway impacts.
- Use of conveyors to eliminate truck trips.
- Implementation of channel improvements required by the CCRMP/CCIP along the creek frontage adjoining the proposed mining area.



### Economic and Fiscal Benefits

- Sequential mining is more efficient operationally, and makes more sense from a market perspective. It minimizes reclamation bond requirements, is more consistent with current market conditions, and minimizes County exposure in terms of responsibility to reclaim the site in the event of an applicant failure.
- The project will result in a new supply of aggregate materials for use in local and regional public and private construction projects.
- Voluntary payment of a new Unallocated Tons Surcharge of \$0.20 per ton on all tonnage sold annually from either the Capay or Esparto mining operations in excess of 500,000 tons but not exceeding 1,000,000 tons.
- Posting of financial assurances to ensure reclamation to the approved uses and required standards.
- Full reimbursement to the public of all governmental costs associated with oversight of the implementation of the Project.
- Generation of County tax revenue.
- Generation of jobs.
- Generation of direct and indirect economic benefits.
- Continued generation of CCAP fees for funding restoration of Cache Creek and other efforts specified in the County's regulations.
- The ability to subject the mining permit to subsequent changes in fees at ten-year increments.
- Posting of financial assurances to ensure reclamation to the approved uses and required standards.
- Payment of per-ton gravel mining fees.
- Generation of sales tax and property tax.
- Generation of indirect economic impacts.

### General and Social Benefits

- Construction of berms planted with agricultural trees and native vegetation along the east and south sides of the site to shield for aesthetics, noise, and dust. Modification of the proposed mining plan to improve berm design and plantings.
- Voluntary dedication of the 115-acre Woodland "Reiff" Property including construction of a parking area for future public use.
- Voluntary dedication of the 201-acre reclaimed lake and surrounding habitat.

- Voluntary dedication of a trail corridor and 1.5 miles of trail connecting the Capay Open Space Park to CR 87 and including construction of a parking area, interpretive board, portable restroom, and picnic tables.

#### Land Use and Long-Range Planning Benefits

- Consistency with the General Plan, Cache Creek Area Plan, State Williamson Act, State Surface Mining and Reclamation Act (SMARA), and all applicable laws and regulations.
- Mining on land designated and zoned for aggregate extraction.
- Imposition of conditions to ensure that required interim reviews for the subject project are synchronized with those of other mining projects and would continue into the future beyond the current 2026 horizon year of the CCAP.
- Modification of proposed reclamation plans to increase the reclamation of Phase 1a to high value agriculture, and enhance recreation and habitat value of the reclaimed lake in Phase 2.
- Design of the reclaimed lake to allow for future conjunctive uses, like groundwater recharge, along the West Adams Canal.
- Buffers and screening from public viewpoints.
- The proximity of the lake to the West Adams Canal to accommodate future conjunctive uses such as a groundwater recharge program.

## **SECTION J.**

### **FINDINGS ON ALTERNATIVES**

These findings address whether the various alternatives lessen or avoid any of the significant impacts associated with the project and consider the feasibility of each alternative.

The Off Channel Mining Plan (OCMP) Program-level EIR (SCH #95113034) certified in 1996 analyzed possible alternatives to off-channel wet pit mining. Pursuant to Section 15126.6(f) (2) (C) of the CEQA Guidelines, the alternative analysis for the subject project did not repeat the analysis of moving the proposed mining activities outside of the mining area.

Pursuant to Section 15126.6 of the CEQA Guidelines, the Granite Esparto EIR examines four project alternatives, each at a comparative level of detail, consistent with the requirements of CEQA. A discussion of the alternatives assessment is provided in Chapter 6.0 of the Draft EIR. The alternatives that were analyzed are:

- Alternative 1, No Project (Existing Conditions)
- Alternative 2, Reduced Tonnage/Acreage
- Alternative 3, Alternative Location
- Alternative 4, Off-Site Processing (Sequential Mining)

These alternatives cover a comprehensive range of reasonable possibilities in support of the Board of Supervisor’s final action. For the reasons stated below, and particularly as stated in the Statement of Overriding Considerations, the Board of Supervisors finds that adoption and implementation of Alternative 4, Off-Site Processing (Sequential Mining) is appropriate. The Board further determines that no other one or combination of project alternatives would better implement the goals and objectives of the CCAP while providing so many public benefits.

Section 15126.6(f) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- *Project Objectives*
- *Avoid or Substantially Lessen Significant Effects*
- *Site Suitability*
- *Other Plans or Regulatory Limitations*
- *Economic Viability*
- *Availability of Infrastructure*
- *Jurisdictional Boundaries/Regional Context*
- *Property Ownership and Control*
- *Other Reasons for Rejecting as Infeasible (e.g. effects cannot be reasonably ascertained or implementation is remote and speculative)*

Based on impacts identified in the EIR, and other reasons documented below, the Board of Supervisors finds that adoption and implementation of Alternative 4 is the most desirable, feasible, and appropriate action and rejects the project as proposed and the other alternatives as infeasible based on consideration of the relevant factors identified herein. Adoption of Alternative 4 is the superior choice when comparing and balancing land use, policy, economic viability, environmental impact, and public benefits.

A summary of each alternative and its relative characteristics, and documentation of the Board’s findings in support of rejecting the alternative as infeasible are provided below. While the alternatives attempt to reduce impacts to the environment, none achieves the same level of environmental protection, successfully achieves the applicant’s objectives, and provides other public benefits to the same degree as Alternative 4. Therefore, none warrants approval in lieu of Alternative 4. The Board of Supervisors accepts Alternative 4 and rejects the project as proposed and the other alternatives for the reasons outlined below:

### Alternative 1: No Project (Existing Conditions)

Under this alternative, no mining would occur at the proposed new site. The allocation of 420,000 tons per year would remain assigned to the Granite Woodland (Reiff) site, the other requested tonnage (505,859 tons mined) would remain unallocated, and the 115-acre Granite Woodland site would remain under the ownership of the Applicant. Implementation of stream bank stabilization consistent with the Cache Creek Resources Management Plan (CCRMP) along Cache Creek may occur under this scenario, but would not be compelled.

This alternative assumes that agricultural operations would continue on the site which could result in impacts to aesthetics, air quality, biological resources, climate change, cultural resources, hazards, hydrology and water quality, and traffic similar to, but less than, the proposed project. No impacts to geology and soils, land use, or mineral resources are projected with this alternative. The land uses that could continue on the site under this alternative require no discretionary permits and therefore, no mitigation measures would apply under this alternative.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

**Accomplish Project Objectives** -- This alternative fails to accomplish the primary project objective.

**Avoid or Substantially Lessen Impacts** – As described above, this alternative would avoid some of the impacts of the project and would have fewer impacts in some areas. However, because the land uses under this alternative require no discretionary permits, there would be no mitigation measures would apply under this alternative.

**General Plan Consistency** -- This alternative fails to achieve the goals and policies of the CCAP to encourage highly efficient and effective mining at those locations permitted for mining to occur.

**Overriding Public Benefit** – This alternative would not result in achievement of the proposed net gains package. The public benefits to be derived from the proposed net gain package are substantive and support a finding of "overriding consideration" based on the balancing of public objectives described in Section 15021d of the CEQA Guidelines. This alternative would not result in implementation of stream bank stabilization associated with the project.

### Alternative 2: Reduced Tonnage/Acreage

This alternative analyzes a project of reduced intensity. Under this alternative, one half of the requested tonnage would be extracted on a total and annual basis - approximately 500,000 tons mined annually (a maximum of 435,000 tons sold) - assuming about one half the project area (approximately 156 acres) is mined to the full depth of the resource.

Material processing techniques would be the same as for the project. This alternative would not involve mining closer than 700 feet from the stream bank; therefore, implementation of a Streambank Stabilization Plan (SSP) along the north bank of Cache Creek is not assumed as a part of the alternative.

As with the proposed project, mined aggregate would be processed at a new rock processing plant on the southern portion of the reduced mining area. This alternative would be mined in two phases (one fewer phase than the proposed project), beginning with the northeastern corner of the project area. This area (Phase 1) would be reclaimed for agricultural use. Phase 2 would become an open lake surrounded by associated habitat. Under this alternative, the existing residence would not be demolished.

Alternative 2 would have impacts generally similar to the project but less intense. Because less aggregate would be mined and processed, air quality, biology, climate change, geology, hydrology, and traffic impacts would be similar but less intense. Aesthetics impacts would be nearly identical to the proposed project because of the height of the equipment and changes to the site character. Agriculture and cultural resources impacts would be similar but reduced to the proposed project because much of the same land area and acreage of Prime Farmland would be affected. This alternative would meet the basic project objectives but would not meet the project tonnage goal.

Based on the information in the record as summarized above, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

Accomplish Project Objectives -- This alternative fails to fully accomplish the project objectives.

Avoid or Substantially Lessen Impacts – This alternative would not avoid or substantially lessen any of the impacts otherwise expected from implementation of the project.

General Plan Consistency -- This alternative fails to achieve the goals and policies of the CCAP to encourage highly efficient and effective mining at those locations permitted for mining to occur.

Overriding Public Benefit – This alternative would not result in achievement of the proposed net gains package. The public benefits to be derived from the proposed net gain package are substantive and support a finding of "overriding consideration" based on the balancing of public objectives described in Section 15021d of the CEQA Guidelines. This alternative would not result in implementation of stream bank stabilization associated with the project.

### Alternative 3: Alternative Location

This alternative assumes the same requested tonnage as the project but at an alternate SGR zoned site within the CCAP study area. The acreage currently zoned SGR is limited to about 853

acres in the same general area as the project, on both the north and south sides of the creek. This analysis assumes the project would implement creek restoration and/or stabilization measures, pursuant to the CCRMP and CCIP, along the creek banks at the alternative locations as shown on Figure 6-2 in the DEIR.

Material processing techniques would be the same as for the project. As with the proposed project, mined aggregate would be processed at a new on-site rock processing plant; its location would depend on which alternative site was chosen. Mined areas would be reclaimed in a manner similar to the project.

The impacts associated with Alternative 3, Alternate Location, would generally be the same as the proposed project. This alternative could achieve most of the project objectives; however, the Applicant does not own or control the alternative locations and therefore has no ability to carry out the project under this alternative. It is unknown whether the Applicant could reasonably acquire or control these alternative sites. Therefore, pursuant to Section 15126.6(f) (1) of the CEQA Guidelines this alternative may not be feasible.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

**Avoid or Substantially Lessen Impacts –** This alternative would not avoid or substantially lessen the impacts of the project.

**Overriding Public Benefit –** This alternative would not result in achievement of the proposed net gains package. The public benefits to be derived from the proposed net gain package are substantive and support a finding of "overriding consideration" based on the balancing of public objectives described in Section 15021d of the CEQA Guidelines.

#### Alternative 4: Off-Site Processing (Sequential Mining)

This alternative analyzes sequential mining of the existing Granite Capay site first, followed by the adjacent proposed Granite Esparto site. Mining at the proposed Esparto site would be assumed to commence in 2021. Aggregate resources from both sites would be processed at the Granite Capay processing facilities. A new mining plant at the Granite Esparto site would not be included. This alternative assumes that the annual allotment of 1 million tons sold at the Granite Capay site would be increased by 870,000 tons sold annually which would allow for an accelerated pace of mining at each of the sites.

Mined areas of the project site would be reclaimed in the same manner as the proposed project and the SSP would be implemented along the north bank of Cache Creek.

The impacts associated with Alternative 4 are generally the same as the proposed project because Alternative 4 would be implemented on the same site. Biological, cultural, geological, and mineral impacts would be identical to the proposed project. Aesthetics impacts would be reduced because no new processing plant would be constructed, affecting views from County Road 87. Air quality and climate change

impacts may be lower at any given point in time because plant operations would be consolidated at Capay, but cumulative emissions 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. This alternative would achieve the project objectives. This alternative is identified as the environmentally superior alternative

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects the proposed project in favor of this alternative. The Board finds this alternative to be feasible and superior to the project for the following reasons:

**Accomplish Project Objectives** -- This alternative satisfies all of the applicant's project objectives.

**Avoid or Substantially Lessen Impacts** – This alternative best avoids and/or substantially lessens the impacts of the project.

**General Plan Consistency** -- This alternative achieves the goals and policies of the CCAP to encourage highly efficient and effective mining at those locations permitted for mining to occur.

**Overriding Public Benefit** – This alternative would result in achievement of the proposed net gains package. The public benefits to be derived from the proposed net gain package are substantive and support a finding of "overriding consideration" based on the balancing of public objectives described in Section 15021d of the CEQA Guidelines. This alternative would result in implementation of stream bank stabilization proposed as a part of the project.

In summary, the Board of Supervisors finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the Granite Esparto project. The Board of Supervisors finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder achievement of the project objectives.

The Board of Supervisors is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various "economic, social, and other factors." Based on impacts identified in the EIR, and other reasons documented below, the Board of Supervisors finds that adoption and implementation of the Off-Site Processing (Sequential Mining) Alternative as conditioned, is the most desirable, feasible, and appropriate project alternative, and rejects the project as proposed, and other alternatives and other combinations and/or variations of alternatives, as infeasible.

## **SECTION K.**

### **GROWTH INDUCEMENT**

The 1996 EIR analyzed growth inducing impacts associated with mining and reclamation and determined the project would not be growth inducing. The overall amount of mining in the region was established in the 1996 OCMP and is not altered by this request to modify plant operations. The Board of Supervisors hereby affirms the 1996 Findings of Fact relevant to growth inducement and independently concludes that the market for aggregate materials follows growth and therefore accommodates it, but does not lead or induce growth.

## **SECTION L.**

### **CUMULATIVE IMPACTS**

A summary of the tonnages analyzed in the OCMP EIR and approved in the OCMP are provided in Table 5-1 of the DEIR. The OCMP EIR analyzed the potential adverse environmental effects associated with “reasonably foreseeable maximum annual production” in the amount of 7,589,955 tons mined per year (Table 3-1, pages 3-22 to 3-23, OCMP EIR). Ultimately, the County approved an annual allocation of 6,780,000 tons mined countywide with the potential for an additional 913,534 tons mined in any given year associated with the approved 20 percent exceedences, for a total of 7,693,534 tons mined per year. This indicates that the approved allocations to date slightly exceed the total cumulative annual tonnages analyzed in the OCMP EIR by 103,579 tons mined or a little over one tenth of 1 percent. The OCMP EIR analyzed the potential adverse environmental effects associated with a total tonnage over the life of the permits (through 2027) of 179.48 million tons mined. The CCRMP EIR examined another 11.0 million tons associated with maintenance activities in Cache Creek, for a total clearance of 190.48 tons through 2027. Ultimately, the County approved a total of 153.66 million tons, which is considerably less than the amount analyzed in the 1996 EIRs.

The 1996 OCMP EIR concluded that implementation of the Cache Creek Area Plan (CCAP) would mitigate many of the potential cumulative effects, but that impacts would remain significant and unavoidable in the following areas:

- Permanent loss of agricultural land (Impact 4.5-2)
- Temporary loss of agricultural productivity (Impact 4.5-3)
- Cumulative loss of productive agricultural land (Impact 4.5-7)



- Emissions of PM<sub>10</sub> (Impact 4.7-1)
- Emissions of ozone precursors (ROG and NO<sub>x</sub>) (Impact 4.7-2)
- Cumulative impacts to air quality (Impact 4.7-3)
- Increased vehicle trips (Impact 4.8-2)
- Impacts to views and vistas (Impact 4.10-1)

The Granite project would contribute proportionally to these previously identified cumulative impacts and would similarly be responsible for a fair share of the cumulative mitigation measures. Mitigation measures for cumulative impacts identified in the 1996 OCMP EIR were integrated into the adopted CCAP program. The project has been conditioned to be consistent with all program requirements.

Because the Applicant has requested a 30-year permit that would extend beyond the horizon year of the CCAP or the General Plan, the Granite Esparto EIR analyzed the project's potential cumulative impacts beyond 2026. The analysis acknowledges that 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. For the purposes of looking at this future cumulative impact, the EIR assumed 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 into the future through the expiration date of the requested permit (November 2041), with the proposed project contributing incrementally to those impacts.

The EIR analyzed cumulative effects in all impact areas. Modeling was performed for purposes of analysis of air quality emissions, greenhouse gas emissions, and traffic and circulation impacts. Project contributions to cumulative conditions in the following areas of impact were found to be significant and unavoidable: air quality (Impact 4.4-3) and climate change (Impact 5-4).

The Granite Esparto EIR substantiates that the annual tonnage requested by the project is adequately covered by the OCMP cumulative analysis, that the total requested tonnage over the life of the permit is adequately covered by the OCMP and CCRMP cumulative analysis, and that as mitigated the requested 30-year term of the permit is consistent with the synchronized permit period and adaptive management embodied. The Board of Supervisors hereby affirms these findings.

## **SECTION M.**

### **SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Draft EIR identified a number of significant and potentially significant environmental effects (or impacts) that maybe caused in whole or in part by the Project. Some of these

significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be and thus may be significant and unavoidable. For reasons set forth in Section O (Statement of Overriding Considerations), however, the Board of Supervisors has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the Board of Supervisors with respect to the project's significant effects and mitigation measures are set forth in the Final EIR and the Findings of Fact including the table attached to these findings as Attachment A (Findings Table). The findings set forth in Attachment A (Findings Table) are hereby incorporated by reference.

The Findings Table does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Rather, the Findings Table provides a summary description of each impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the Board of Supervisors, and states the findings of the Board of Supervisors regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and associated record (described herein) both of which are incorporated by reference. The Board of Supervisors hereby ratifies, adopts and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The following general findings are made by the Board of Supervisors:

- For all impacts identified as less-than-significant in the EIR, the less-than-significant impact determination is hereby confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.
- For all adopted mitigation measures, the Board of Supervisors hereby directs that the stated mitigation measure (or its equivalent) shall be incorporated into General Plan. The Board of Supervisors finds that each such measure is appropriate and feasible, and will lessen the impact to some degree.

The County has modified the proposed wording of some mitigation measures presented in the EIR. The modifications are for purposes of clarification of the measure and implementation. These clarifications are not considered to constitute "significant new information", as that term is defined in CEQA, unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect

(including a feasible project alternative) that the project's proponents have declined to implement. As analyzed below (CEQA Guidelines Section 15088.5 Analysis), the Board of Supervisors has determined based on substantial evidence in the record that the changes to the mitigation measures serve to clarify, amplify, or make insignificant modifications to an adequate EIR. Therefore, recirculation is not required because of these changes.

The Board has adopted all of the mitigation measures identified in the Findings Table that is attached as Attachment A. Mitigation Measure 4.6-1 identifies a process for documenting project modifications that achieve the County's greenhouse gas emission reduction goals. Since the time this measure was written the County has adopted a Climate Action Plan (CAP) which includes specific procedures for projects to follow to demonstrate compliance with the CAP and consistency with the County General Plan. Therefore, the mitigation measure wording has been revised to reflect this (see Section O, Specific Findings).

Some of the measures identified in the Findings Table may also be within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091a2).

## **SECTION N.**

### **CEQA GUIDELINES SECTION 15088.5 ANALYSIS**

Since the release of the Draft EIR, in response to public comments and continued staff analysis, there have been several modifications to the project, to the EIR, and to the mitigation measures. As recommended for approval, the project has been changed in two ways: 1) staff is recommending adoption of Alternative 4, Off-Site Processing (Sequential Mining) Alternative; and 2) staff is recommending adoption of identified conditions of approval (including the EIR mitigation measures) which will have the effect of modifying the project to ensure consistency with regulatory requirements and minimizing environmental impact to the greatest feasible degree. Alternative 4, as well as the mitigation measures were all discussed in the Draft EIR – this information was not added after release of the DEIR nor after public notice was given.

There have also been changes to the Draft EIR that are documented in Chapter 4 of the Final EIR in strikeout and redline format. These changes were made to clarify, amplify, and provide minor technical corrections to the Draft EIR.

Also, there are additional recommended changes to the mitigation measures that have been made since release of the Final EIR, that serve merely to clarify the measures.

These are documented in Section O of the Findings of Fact. These include revisions to Mitigation Measure 4.6-1 to acknowledge the adoption of the County's Climate Action Plan (CAP), which includes substantially the same thresholds and performance standards as the original measure and includes a more detailed process for determining compliance.

As part of the final approval package for the project, the County has prepared an analysis of whether the thresholds for recirculation as identified in Section 15088.5 of the CEQA Guidelines have been triggered by these changes (see Attachment C, 15088.5 Analysis). The analysis demonstrates that the revisions to the project, the Draft EIR, and the final mitigation measures adopted by the Board of Supervisors fall within the scope of the EIR analysis. The analysis supports the findings that: 1) no new significant environmental impact would result from adoption and implementation of the final General Plan; and 2) a substantial increase in the severity of an environmental impact would not result from adoption and implementation of the final General Plan.

The Board of Supervisors hereby finds that the potential impacts from the project fit within the range of impact analysis contained in the EIR for all of the alternatives. There are no substantial changes in the project or the circumstances under which the project is being undertaken, that necessitate revisions of the EIR. Nor has new information become available. The analysis in Attachment C (15088.5 Analysis) demonstrates that the circumstances, impacts, and mitigation requirements identified in the EIR remain applicable to the project, and support the finding that the project as recommended for approval does not raise any new issues and does not cause the levels of impacts identified in the EIR to be exceeded.

The project as recommended for approval does not result in any new impacts, nor does it cause the level of significance for any previously identified impacts to change. No new mitigation measures are required. The Board of Supervisors hereby determines, based on the standards provide in Section 15088.5 of the CEQA Guidelines, that recirculation of the Granite Esparto Final EIR is not required.

This analysis is attached as Attachment C (15088.5 Analysis) and has been considered by the Board of Supervisors along with the Final EIR, in taking final action on the project.

## **SECTION O.**

### **STATEMENT OF OVERRIDING CONSIDERATIONS**

#### **General Introduction**

As set forth in the preceding sections, the Yolo County Planning Board of Supervisors' approval of the Granite Esparto project will result in significant adverse environmental

effects that cannot be avoided even with the adoption of all feasible mitigation measures and Alternative 4 which is the environmentally superior alternative. There are no feasible project alternatives that would fully mitigate or further lessen the impacts. Despite the occurrence of these effects, however, the Board of Supervisors chooses to approve the project because, in its view, the economic, social, and other benefits that the project will produce will render the significant effects acceptable.

In making this Statement of Overriding Considerations in support of the findings of fact and the project, the Board of Supervisors has considered the information contained in the Final EIR for the project as well as the public testimony and record in proceedings in which the project was considered. The Board of Supervisors has balanced the project's benefits against the unavoidable adverse impacts identified in the Final EIR. The Board of Supervisors hereby determines that the project's benefits outweigh the significant unmitigated adverse impacts.

### **Significant and Unavoidable Impacts**

The EIR identifies the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

- **Impact 4.3-1:** The project would remove 287 acres of Prime or Unique Farmland from production for up to 30 years, permanently converting 202 acres to nonagricultural use.
- **Impact 4.4-2:** The project could violate an air quality standard or contribute substantially to an existing or projected air quality violation (due to fugitive dust emissions).
- **Impact 4.4-3:** The project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (PM<sub>10</sub>).
- **Impact 4.5-1:** Project activities could adversely affect sensitive wildlife species (Swainson's hawk foraging).
- **Impact 4.6-1:** The project would result in net increases in greenhouse gas emissions.
- **Impact 4.6-2:** The project has the potential to conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.
- **Impact 5-4:** The project would contribute to cumulative climate change.

Feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the EIR, and are summarized in the attached table.

The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time that would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, social, and other considerations identified herein support approval of the project despite unavoidable impacts.

### **Specific Findings**

*Project Changes to Avoid or Reduce Impacts* -- Changes or alterations have been made in the project that mitigate, to the most feasible degree, the significant environmental effects of the project, as identified in the Final EIR. These take several forms: 1) the project recommended for approval is Alternative 4, Off-Site Processing (Sequential Mining); and 2) the project recommended for approval includes every identified mitigation measure in the EIR, with the modifications identified below. These modifications provide clarifications of the identified measures for ease of implementation, and do not change the substantive form of the measure in any case.

#### **Mitigation Measure 4.2-1:**

Within one year of approval, 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. Pursuant to Section 10-4.429c of the County Code, 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.

This modification clarifies the timing of implementation and adds a reference to the governing regulation.

#### **Mitigation Measure 4.3-2:**

Until such time as the Williamson Act contract on APN: 048-220-002 has expired, the Applicant cannot impact more than 74 acres of Prime Farmland on that parcel.

This modification adds the assessor parcel number for the referenced property.

#### **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 under company ownership;
- 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.

This modification acknowledges that the measure applies to the vehicles controlled by the applicant.

**Mitigation 4.5-1a:**

NORTHWESTERN POND TURTLE

No earlier than 30 days before ground disturbance begins within each mining unit (DEIR, Figure 3-4, p. 3-11), 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).

This modification clarifies that the surveys must be conducted prior to commencement of mining within each mining unit.

**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.

Within each mining unit (DEIR, Figure 3-4, p. 3-11), 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 31) 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.

This modification clarifies that the surveys must be conducted prior to commencement of mining within each mining unit.

**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. The applicant shall demonstrate consistency and compliance with the County's adopted Climate Action Plan.~~



Since the time the Granite Esparto EIR was written, pursuant to the General Plan adopted in 2009, the County has adopted a Climate Action Plan (CAP), which contains specific measures and targets for reduction of greenhouse gas emissions. These measures and targets are applicable to discretionary projects such as the Granite Esparto project. This modification replaces the text of the original mitigation measure with a requirement to be consistent with the new CAP and to demonstrate compliance with the requirements of the CAP. The revised requirement is equivalent in that it will reduce the significant effect at least to the same degree as the original measure and will create no more adverse effect of its own than would have the original measure.

**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 at the same time (no conflict of simultaneous truck turning movements).

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).

This modification clarifies the intent of the language of the measure.

*Project Benefits Outweigh Unavoidable Impacts* – The remaining significant unavoidable impacts of the project are acceptable in light of the economic, legal, social, technological, and other considerations set forth herein because the benefits of the project (as described in Section I, Project Benefits) outweigh all significant and unavoidable environmental impacts of the project.

*Balance of Competing Goals* -- The Board of Supervisors finds that it is imperative to balance competing goals in approving the project. Remaining significant and unavoidable environmental impacts have not been fully mitigated because of the need to meet

competing concerns, and/or the need to recognize economic, legal, social, technological, and other issues as factors in decision-making. Accordingly, the Board of Supervisors has chosen to accept significant and unavoidable adverse environmental impacts because to eliminate them would unduly compromise important economic, legal, social, technological, and other goals. The Board of Supervisors finds and determines, based on the Final EIR, testimony from the hearings, and other supporting information in the record, that the project will provide for a positive balance of the competing goals and that the benefits to be obtained by the project outweigh the adverse environmental impacts of the project.

## **Overriding Considerations**

In the judgment of the Board of Supervisors, the proposed project and its benefits outweigh its unavoidable significant effects. The following statement identifies the reasons why this is the case. It is the position of the Board of Supervisors that any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Board of Supervisors would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section D (Record of Proceedings).

*Environmental Benefits* -- The record contains substantial evidence showing the project's environmental benefits to the County. Those benefits include, in no particular order:

- Modification of the project to require sequential mining and off-site processing is environmentally superior. Impacts related to aesthetics, agriculture, biological resources, and cultural resources are postponed until 2021 while mining is completed at the Granite Capay site.
- Under the Off-Site Processing (Sequential Mining) Alternative impacts related to air quality and climate change are reduced because the project would not include a second processing facility.
- Sequential mining minimizes site disturbance.
- Highly regulated responsible mining under carefully controlled conditions, with the ability to revoke individual permits at any time after due process, for failure to comply with the terms and conditions of the permit.
- The ability to subject the mining permit to subsequent environmental regulations at ten-year increments.
- Full participation in all County requirements for groundwater quality and quantity monitoring.
- Full mitigation for roadway impacts.
- Use of conveyors to eliminate truck trips.

- Implementation of channel improvements required by the CCRMP/CCIP along the creek frontage adjoining the proposed mining area.

*Economic and Fiscal Benefits* -- The record contains substantial evidence showing the project's economic and fiscal benefits. Those benefits include, in no particular order:

- Sequential mining is more efficient operationally, and makes more sense from a market perspective. It minimizes reclamation bond requirements, is more consistent with current market conditions, and minimizes County exposure in terms of responsibility to reclaim the site in the event of an applicant failure.
- The project will result in a new supply of aggregate materials for use in local and regional public and private construction projects.
- Voluntary payment of a new Unallocated Tons Surcharge of \$0.20 per ton on all tonnage sold annually from either the Capay or Esparto mining operations in excess of 500,000 tons but not exceeding 1,000,000 tons.
- Posting of financial assurances to ensure reclamation to the approved uses and required standards.
- Full reimbursement to the public of all governmental costs associated with oversight of the implementation of the Project.
- Generation of County tax revenue.
- Generation of jobs.
- Generation of direct and indirect economic benefits.
- Continued generation of CCAP fees for funding restoration of Cache Creek and other efforts specified in the County's regulations.
- The ability to subject the mining permit to subsequent changes in fees at ten-year increments.
- Posting of financial assurances to ensure reclamation to the approved uses and required standards.
- Payment of per-ton gravel mining fees.
- Generation of sales tax and property tax.
- Generation of indirect economic impacts.

*General and Social Benefits* -- The record contains substantial evidence showing the project's general and social benefits to the County. Those benefits include, in no particular order:

- Construction of berms planted with agricultural trees and native vegetation along the east and south sides of the site to shield for aesthetics, noise, and dust. Modification of the proposed mining plan to improve berm design and plantings.

- Voluntary dedication of the 115-acre Woodland “Reiff” Property including construction of a parking area for future public use.
- Voluntary dedication of the 201-acre reclaimed lake and surrounding habitat.
- Voluntary dedication of a trail corridor and 1.5 miles of trail connecting the Capay Open Space Park to CR 87 and including construction of a parking area, interpretive board, portable restroom, and picnic tables.

*Land Use and Long-Range Planning Benefits* -- The record contains substantial evidence showing the project’s land use and long-range planning benefits to the County. Those benefits include, in no particular order:

- Consistency with the General Plan, Cache Creek Area Plan, State Williamson Act, State Surface Mining and Reclamation Act (SMARA), and all applicable laws and regulations.
- Mining on land designated and zoned for aggregate extraction.
- Imposition of conditions to ensure that required interim reviews for the subject project are synchronized with those of other mining projects and would continue into the future beyond the current 2026 horizon year of the CCAP.
- Modification of proposed reclamation plans to increase the reclamation of Phase 1a to high value agriculture, and enhance recreation and habitat value of the reclaimed lake in Phase 2.
- Design of the reclaimed lake to allow for future conjunctive uses, like groundwater recharge, along the West Adams Canal.
- Buffers and screening from public viewpoints.
- The proximity of the lake to the West Adams Canal to accommodate future conjunctive uses such as a groundwater recharge program.

## **Conclusion**

The General Plan Final EIR has been prepared pursuant to the CEQA Guidelines. The Board of Supervisors has independently determined that the Final EIR fully and adequately addresses the impacts and mitigations of implementation of the General Plan goals, policies, and actions, and build-out of the General Plan land uses. The number of project alternatives identified and considered in the Final EIR meets the test of "reasonable" analysis and provides the Board of Supervisors with important information from which to make an informed decision. Public hearings were held before the Planning Commission and the Board of Supervisors. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits that the County would achieve from the implementation of the project. The Board of Supervisors has balanced these project benefits and considerations against the significant and unavoidable environmental impacts that would result from the project and has concluded that those impacts are

outweighed by the project benefits. Upon balancing the environmental risk and countervailing project benefits, the Board of Supervisors has concluded that the benefits that the County will derive from the implementation of the project outweigh those environmental risks. The Board of Supervisors hereby determines that the above-described project benefits override the significant and unavoidable environmental impacts of the project.

In sum, the Board of Supervisors finds that any residual or remaining effects on the environment resulting from adoption, implementation, and/or build-out of the 2030 Countywide General plan are acceptable due to the benefits set forth in this Statement of Overriding Considerations.

## ATTACHMENTS

Attachment A, Findings Table  
Attachment B, Mitigation Monitoring Plan  
Attachment C, Section 15088.5 Analysis

# **ATTACHMENT B**

## **FINDINGS TABLE FOR GRANITE ESPARTO EIR FINDINGS OF FACT**

<b>FINDINGS TABLE FOR GRANITE ESPARTO EIR FINDINGS OF FACT</b>		
<b>Environmental Impact (Level of Significance<sup>1</sup>)</b>	<b>Mitigation Measures</b>	<b>Findings of Fact<sup>2</sup></b>
<b>Aesthetics</b>		
Impact 4.2-1: The project could substantially change the existing visual character or quality of the site and its surroundings. (LS)	Mitigation Measure 4.2-1: Within one year of approval, 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. Pursuant to Section 10-4.429c of the County Code, 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.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.2-2: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.2-2: None required.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
<b>Agriculture</b>		
Impact 4.3-1: The project would remove 152 acres of Prime Farmland and 124 acres of Unique Farmland from production for up to 30 years, permanently converting 78 acres of "Prime" and 124 acres of "Unique" to non-agricultural use. (SU)	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.	The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.
	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.	The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time that would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.
Impact 4.3-2: The project would conflict with an existing Williamson Act contract. (LS)	Mitigation Measure 4.3-2: Until such time as the Williamson Act contract on APN: 048-220-002 has expired, the Applicant cannot impact more than 74 acres of Prime Farmland on that parcel.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds,

		based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.3-3: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	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.	The Board of Supervisors finds 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. The Board of Supervisors confirms this impact to be less-than-significant impact. Additional findings are not required.
<b>Air Quality</b>		
Impact 4.4-1: The project could conflict with or obstruct implementation of the applicable air quality plan. (LS)	Mitigation Measure 4.4-1: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.4-2: The project could violate an air quality standard or contribute substantially to an existing or projected air quality violation. (SU)	<p>Mitigation Measure 4.4-2a: The Applicant shall implement these mitigation measures through construction and operation:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• During operating hours, all disturbed soil and unpaved roads shall be adequately watered to keep soil moist.</li> <li>• 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.</li> <li>• 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.</li> <li>• Sweep connecting County roads if visible soil material is carried out from the site; and</li> <li>• 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.</li> </ul>	The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.
	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 Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this



	<p>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;</p> <ul style="list-style-type: none"> <li>• Grid power shall be used instead of diesel generators when the following conditions are feasible: <ul style="list-style-type: none"> <li>• Grid power is available,</li> <li>• Construction is within 100 feet of the grid power source,</li> <li>• Portable electrical cabling is feasible, and</li> <li>• The grid power source is the proper voltage, amperage and can be connected without effect to the entity being supplied by the grid power.</li> </ul> </li> <li>• 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 under company ownership;</li> <li>• 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.</li> <li>• Alternative-fuel-powered equipment (i.e. natural gas, biodiesel, and electric) shall be used when feasible.</li> </ul>	<p>impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.</p>
<p>Impact 4.4-3: The project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard. (SU)</p>	<p>Mitigation Measure 4.4-3: Implementation of Mitigation Measures 4.4-2a and 4.4-2b.</p>	<p>The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.</p>
<p>Impact 4.4-4: The project could expose sensitive receptors to substantial pollutant concentrations. (LS)</p>	<p>Mitigation Measure 4.4-4: None required.</p>	<p>Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.</p>
<p>Impact 4.4-5: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)</p>	<p>Mitigation Measure 4.4-5: None required.</p>	<p>Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.</p>
<p><b>Biological Resources</b></p>		
<p>Impact 4.5-1: Project activities could adversely affect sensitive wildlife species. (SU) for Swainson's hawk foraging; LS for Other</p>	<p>Mitigation Measure 4.5-1a: NORTHWESTERN POND TURTLE No earlier than 30 days before ground disturbance begins within each mining unit (DEIR, Figure 3-4, p. 3-11), surveys for the</p>	<p>For impacts to northwestern pond turtle, the Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or</p>

Species)	<p>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.</p> <p>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).</p>	<p>alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.</p>
	<p>Mitigation Measure 4.5-1b: NESTING MIGRATORY BIRDS, NON-LISTED RAPTORS, AND BURROWING OWLS</p> <p>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.</p> <p>Within each mining unit (DEIR, Figure 3-4, p. 3-11), 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.</p> <p>For burrowing owl, surveys shall be conducted according to the protocols in the guidelines developed by the Burrowing Owl Consortium (SCPBRG 2009).</p> <p>Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) 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</p>	<p>For impacts to nesting migratory birds, non-listed raptors, and burrowing owls, the Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
	<p>Mitigation Measure 4.5-1c: SWAINSON'S HAWK FORAGING</p> <p>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.</p> <p>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</p>	<p>For Swainson's hawk foraging impacts, the Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.</p>

	the impact (e.g. permanent easements for mitigation of permanent loss and termed easements for interim loss).	
	<p><b>SWAINSON'S HAWK NESTING</b>  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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Identify and map all active Swainson's hawk nests.</li> <li>3. If no Swainson's hawk nests are found within 0.25 miles, proceed with mining activity with no further restrictions.</li> <li>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.</li> <li>5. Evaluate visibility from the nest based on distance, line-of-sight (topography, barriers) and nest position in tree.</li> <li>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).</li> <li>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.</li> </ol>	<p>For Swainson's hawk nesting impacts, the Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.</p>
	<p>Mitigation Measure 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</p>	<p>For impacts to bank swallows, the Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.</p>

	slope areas.	
Impact 4.5-2: Project construction could have a significant impact on riparian vegetation and habitat. (LS)	Mitigation Measure 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.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.5-3: Potential to have a substantial adverse effect on federally protected wetlands. (LS)	Mitigation Measure 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.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.5-4: Potential to conflict with local policies or ordinances protecting biological resources. (LS)	Mitigation Measure 4.5-4: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
<b>Climate Change</b>		
Impact 4.6-1: The project would result in new net increases in GHG emissions. (SU)	Mitigation Measure 4.6-1: The Applicant shall demonstrate consistency and compliance with the County's adopted Climate Action Plan.	The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.
Impact 4.6-2: The project has the potential to conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (SU)	Mitigation Measure 4.6-2: Implement Mitigation Measure 4.6-1	The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.
Impact 4.6-3: The project may experience significant adverse physical effects from future effects of Global Climate Change.	Mitigation Measure 4.6-3: Implement Mitigation Measure 4.6-1.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within

(LS)		the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
<b>Cultural Resources</b>		
Impact 4.7-1: Potential to substantially change the significance of a historical resource. (LS)	Mitigation Measure 4.7-1: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.7-2: The project could impact historic sites EC-07-17, -18, and -19 and eleven isolated artifacts. (LS)	Mitigation Measure 4.7-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.7-3: The project could result in impacts to previously undiscovered prehistoric and historic resources and human remains. (LS)	Mitigation Measure 4.7-3: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.7-4: The project could result in impacts to previously undiscovered paleontological resources. (LS)	Mitigation Measure 4.7-4: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.7-5: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.7-5: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
<b>Geology and Soils</b>		
Impact 4.8-1: Groundshaking from earthquakes could damage project facilities and pose a safety risk to site visitors. (LS)	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.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.8-2: The project would have a potential for slope failure or significant erosion. (LS)	Mitigation Measure 4.8-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.8-3: The project would cause exposure to unstable soils. (LS)	Mitigation Measure 4.8-3: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.8-4: The project could disturb or destroy unique geologic features. (LS)	Mitigation Measure 4.8-4: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.8-5: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.8-5: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
<b>Hazards</b>		
Impact 4.9-1: The project could result in exposure of the public or the environment from accidental releases during the routine transport, use, or disposal of petroleum and other hazardous materials during construction, mining, processing, or reclamation. (LS)	Mitigation 4.9-1: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.9-2: Excavation of contaminated soil during mining or reclamation could result in exposure. (LS)	Mitigation 4.9-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.9-3: Demolition and removal of existing site structures may result in exposure to asbestos, lead, or other hazardous building materials. (LS)	Mitigation 4.9-3: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.9-4: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation 4.9-4: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
<b>Hydrology and Water Quality</b>		
Impact 4.10-1: The project could violate water quality standards through discharge of storm water. (LS)	Mitigation Measure 4.10-1: None required	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-2: The project could result in an increase in mercury loading to Cache Creek from erosion of sediments. (LS)	Mitigation Measure 4.10-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-3: Project operational water demands could deplete groundwater supplies. (LS)	Mitigation Measure 4.10-3: None required	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-4: The project could deplete groundwater supplies from backfilling areas with fine sediments. (LS)	Mitigation Measure 4.10-4: None required	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.10-5a: The project would substantially alter the existing drainage pattern of the site or area, resulting in erosion or sedimentation, or result in on or off-site flooding. (LS)	Mitigation Measure 4.10-5a: None required	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-5b: In-stream stabilization structures could contribute to downstream erosion. (LS)	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	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.10-6: The project could create or contribute runoff water exceeding the capacity of planned stormwater drainage or contribute additional sources of polluted runoff. (LS)	Mitigation Measure 4.10-6: None required	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-7a: The project could substantially degrade water quality by pumping groundwater. (LS)	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.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
Impact 4.10-7b: Open water areas created during reclamation could become eutrophic, resulting in degraded water quality. (LS)	Mitigation Measure 4.10-7b: None required	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-7c: Creation of open water surfaces could increase the potential for degradation of water quality by discharge of chemicals (diesel, petroleum, etc. (LS)	Mitigation Measure 4.10-7c: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-7d: Presence of mercury in site soils could result in bioaccumulation of mercury in reclaimed water bodies. (LS)	Mitigation Measure 4.10-7d: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-8: The project would place structures in flood hazard zone. (LS)	Mitigation Measure 4.10-8: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.10-9: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.10-9: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.



<b>Land Use and Planning</b>		
Impact 4.11-1: The project could create substantial incompatibilities between land uses. (LS)	Mitigation Measure 4.11-1: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.11-2: The project could substantially alter the type or intensity of land use within an area. (LS)	Mitigation Measure 4.11-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.11-3: The project would affect the local jobs/housing relationship. (LS)	Mitigation Measure 4.11-3: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.11-4: The Project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.11-4: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
<b>Mineral Resources</b>		
Impact 4.12-1: The project could result in loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (LS)	Mitigation Measure 4.12-1: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.12-2: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.12-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
<b>Traffic and Circulation</b>		
Impact 4.13-1: The project would cause substantial increases in traffic. (LS)	<p>Mitigation Measure 4.13-1: INITIAL IMPROVEMENTS</p> <p>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.</p> <p>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.</p> <p>The intersection of County Road 87/19 shall be modified to accommodate both left and right turning movement radii of large trucks at the same time (no conflict of simultaneous truck turning</p>	<p>The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.</p>

	<p>movements).  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).</p>	
	<p>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</p>	<p>The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.</p>

	<p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	
Impact 4.13-2: The project would add trips to the roadway system. (LS)	Mitigation Measure 4.13-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 4.13-3: The project could substantially conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment. (LS)	Mitigation Measure 4.13-3: Implement Mitigation Measure 4.13-1.	The Board of Supervisors hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the County to impose. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
<b>CEQA Considerations</b>		
Impact 5-1: The annual tonnage requested by the project is adequately covered by the	Mitigation Measure 5-1: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.

OCMP cumulative analysis. (LS)		
Impact 5-2: The total requested tonnage over the life of the permit is covered by the OCMP and CCRMP cumulative analysis. (LS)	Mitigation Measure 5-2: None required.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 5-3: The requested 30-year term of the permit may be determined to be inconsistent with the successful implementation of the OCMP. (LS)	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.	Less-than-significant impact determination is confirmed by the Board of Supervisors. Additional findings are not required.
Impact 5-4: The project would contribute to cumulative climate change. (SU)	Mitigation Measure 5-4: Implement Mitigation Measure 4.6-1.	The Board of Supervisors hereby directs that the stated mitigation measures must be incorporated into the conditions of approval for the project. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time, which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

<sup>1</sup> Significance after mitigation. LS = Less-than-significant effect. SU = Significant and unavoidable effect.

<sup>2</sup> The findings identified in this column rely for evidentiary support on the EIR for this project, entitled Granite Esparto Mining and Reclamation Project EIR. This EIR was found to have been completed in full compliance with the California Environmental Quality Act (CEQA), and the information in the EIR was independently reviewed and evaluated by the Yolo County Board of Supervisors, in the course of reaching a decision regarding the subject project.

The EIR contains a Table of Contents that can be used to locate specific information about any particular topic or area of impact. Additionally, the Response to Comments document includes additional clarification and amplification of parts of the DEIR analysis.

As related to each specified numbered impact (column 1) and related mitigation measure(s) (column 2), the information provided in the EIR, as well as other information that comprises the record for this project, were used to substantiate the identified findings of fact and provide an analytical route to reach the stated conclusion. The facts and analysis contained in the EIR are not repeated in these findings of fact, but may be referenced in more detail using the EIR Table of Contents.

**ATTACHMENT C**  
**MITIGATION MONITORING PLAN**

## 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:**

Within one year of approval, 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. Pursuant to Section 10-4.429c of the County Code, 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:** Within one year of approval and prior to commencement of grading or any physical modifications of the site, whichever occurs first.

**Responsibility for Oversight:** Natural Resources Coordinator/County Planning.

**Implementation of Mitigation Measure:** As described in the measure.

**Responsibility for Implementation:** Applicant.

**Check off 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.

**Check off 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.

**Check off Date/Initials/Notes:**

**Mitigation Measure 4.3-2:**

Until such time as the Williamson Act contract on APN: 048-220-002 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.

**Check off 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:** Staff has recommended that the Board make the finding of substantial consistency. The Board of Supervisors will take a final action on November 8, 2011 in conjunction with taking final action on the project, and if necessary, the Development Agreement and conditions of approval will be modified accordingly.

**Responsibility for Implementation:** Not applicable.

**Check off Date/Initials/Notes:**

**Mitigation Measure 4.4-2a:**

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

**Check off 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 under company ownership;
- 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

**Check off Date/Initials/Notes:**

**Mitigation Measure 4.5-1a:**

**NORTHWESTERN POND TURTLE**

No earlier than 30 days before ground disturbance begins within each mining unit (DEIR, Figure 3-4, p. 3-11), 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:** Prior to commencing work within each mining unit as depicted on Figure 3-4 of the DEIR (p. 3-11), 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. This measure shall be undertaken for each mining unit.

**Responsibility for Implementation:** Applicant

**Check off Date/Initials/Notes:**

**Mitigation Measure 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.

Within each mining unit (DEIR, Figure 3-4, p. 3-11), 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 31) 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, 30-days prior to commencing work within each mining unit as depicted on Figure 3-4 of the DEIR (p. 3-11), surveys for nesting migratory birds, non-listed raptors, and burrowing owls shall commence 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. This measure shall be undertaken for each mining unit.

**Responsibility for Implementation:** Applicant

**Check off Date/Initials/Notes:**

**Mitigation Measure 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.

**Check off Date/Initials/Notes:**

**Mitigation Measure 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

**Check off 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

**Check off Date/Initials/Notes:**

**Mitigation Measure 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

**Check off Date/Initials/Notes:** This mitigation measure was satisfied with submittal of a revised report entitled "Jurisdiction Waters and Wetland Delineation, Granite Esparto Property", dated October 2007, revised January 2010, prepared by TRC Consulting Biologists.

**Mitigation Measure 4.6-1:**

The Applicant shall demonstrate consistency and compliance with the County's adopted Climate Action Plan.

**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 County's adopted Climate Action Plan (CAP)...

**Responsibility for Implementation:** Applicant

**Check off 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

**Check off 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 effects 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

**Check off Date/Initials/Notes:** This mitigation measure has been satisfied. The TAC reviewed the proposed Streambank Stabilization Plan for consistency with the Test 3 cross-section, CCIP, and CCRMP on April 12, 2010 and found it to be consistent and satisfactory. As requested by the TAC, the applicant subsequently submitted digital and hard copies of the revised modeling and report entitled "Granite Construction Company, Off-Channel Mining and Reclamation, Cache Creek Hydraulics Study" dated November 15, 2007 revised May 28, 2010, prepared by Cunningham Engineering.

**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

**Check off 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 at the same time (no conflict of simultaneous truck turning movements).

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:** Staff has recommended adoption of Mitigation Measure 5-3c. A decision will be made by the Board of Supervisors on November 8, 2011 in conjunction with taking final action on the project, and if necessary, the Development Agreement and conditions of approval will be modified accordingly.

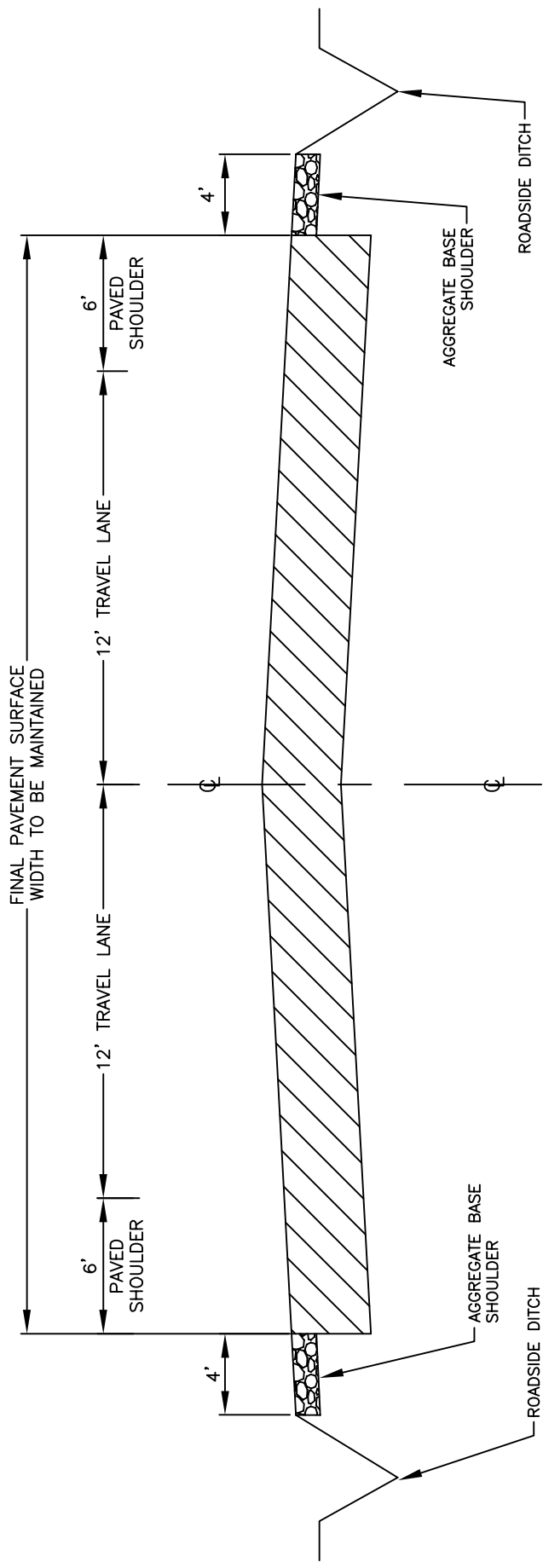
**Responsibility for Implementation:** Applicant.

**Check off Date/Initials/Notes:**

## **ATTACHMENT D**

### **EXHIBIT 1: COUNTY ROAD 87 INITIAL IMPROVEMENTS DIAGRAM**

EXHIBIT #1



COUNTY ROAD 87  
INITIAL IMPROVEMENTS

NTS

# **ATTACHEMENT E**

## **State CEQA Guidelines Section 15088.5**

**State CEQA Guidelines Section 15088.5 -- Recirculation of an EIR Prior to Certification**

<b>REQUIREMENT</b>	<b>RESPONSE</b>
<p><i>(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.</i></p>	<p>As recommended for approval, the project has been changed in two ways: 1) staff is recommending adoption of Alternative 4, Off-Site Processing (Sequential Mining) Alternative; and 2) staff is recommending adoption of identified conditions of approval (including the EIR mitigation measures) which will have the effect of modifying the project to ensure consistency with regulatory requirements and minimizing environmental impact to the greatest feasible degree. Alternative 4, as well as the mitigation measures were all discussed in the Draft EIR – this information was not added after release of the DEIR nor after public notice was given.</p> <p>There have also been changes to the Draft EIR that are documented in Chapter 4 of the Final EIR in strikeout and redline format. These changes were made to clarify, amplify, and provide minor technical corrections to the Draft EIR</p> <p>Also, there are additional recommended changes to the mitigation measures that have been made since release of the Final EIR, that serve merely to clarify the measures. These are documented in Section O of the Findings of Fact. These include revisions to Mitigation Measure 4.6-1 to acknowledge the adoption of the County’s Climate Action Plan (CAP), which includes substantially the same thresholds and performance standards as the original measure and includes a more detailed process for determining compliance.</p> <p>As evidenced herein, none of these changes triggers the requirement to recirculate the EIR.</p>
<p><i>As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information.</i></p>	<p>Modification of the project pursuant to Alternative 4 constitutes a change to the project as proposed, but this alternative was identified pursuant to CEQA requirements and analyzed in the Draft EIR. Recommended changes to the mitigation measures serve merely to clarify the measures. The revisions to Mitigation Measure 4.6-1 acknowledge the adoption of the County’s Climate Action Plan (CAP), which includes substantially the same thresholds and performance standards as the original measure and includes a more detailed process for determining compliance.</p>
<p><i>New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.</i></p>	<p>As explained above all information relative to recommended changes to the project was analyzed in the Draft EIR and available for public review and comment. Furthermore, these modifications would result in a lessening of impacts from implementation of the project. The applicant has agreed to modify the project consistent with the recommendation.</p>

	Recommended changes to the mitigation measures serve merely to clarify the measures. The revisions to Mitigation Measure 4.6-1 acknowledge the adoption of the County's Climate Action Plan (CAP), which includes substantially the same thresholds and performance standards as the original measure and includes a more detailed process for determining compliance.
<p><i>"Significant new information" requiring recirculation include, for example, a disclosure showing that:</i></p> <p><i>(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.</i></p>	The recommended changes to the project do not result in new impacts or new mitigation measures. Rather, the changes satisfy the requirements of CEQA Guidelines Section 15021 and 15091(a)(1) relating to the duty of public agencies to avoid or minimize environmental damage where feasible. Recommended changes to the mitigation measures serve merely to clarify the measures. The revisions to Mitigation Measure 4.6-1 acknowledge the adoption of the County's Climate Action Plan (CAP), which includes substantially the same thresholds and performance standards as the original measure and includes a more detailed process for determining compliance.
<p><i>(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.</i></p>	The recommended changes to the project do not result increase the severity of an impacts. Rather, the changes result in a lessening of identified impacts. The modifications to the mitigation measures merely serve to clarify the measures.
<p><i>(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.</i></p>	The recommended changes to the project involve adoption of an identified feasible alternative to the project as proposed. The project applicant has agreed to implement the alternative project.
<p><i>(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)</i></p>	No such conclusion has been reached.
<p><i>(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.</i></p>	The modifications to the mitigation measures serve to clarify, amplify, and/or make insignificant modifications. The text of Mitigation Measure 4.6-1 is replaced with updated language that references the County's recently adopted Climate Action Plan (CAP). The Mitigation Monitoring Plan (MMP) for the project included as Chapter 5.0 of the Final EIR acknowledged that this would be an appropriate outcome for implementation of the measure.
<p><i>(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.</i></p> <p><i>(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.</i></p>	The recommended changes to the project and clarifications to the mitigation measures do not trigger recirculation and therefore these requirements are not applicable.
<p><i>(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.</i></p>	The entire record of proceeding, including these finding of fact, provide substantial evidence in support of the conclusion that recirculation is not triggered by the recommended changes to the

	project or the clarifications to the mitigation measures.
<p><i>(f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. Following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.</i></p> <p><i>(1) When the EIR is substantially revised and the entire EIR is recirculated, the lead agency may require that reviewers submit new comments and need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either within the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR. The lead agency shall send directly to every agency, person, or organization that commented on the prior draft EIR a notice of the recirculation specifying that new comments must be submitted.</i></p> <p><i>(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.</i></p> <p><i>(g) When recirculating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.</i></p>	<p>The recommended changes to the project and clarifications to the mitigation measures do not trigger recirculation and therefore these requirements are not applicable.</p>

**ATTACHMENT F**  
**REZONING ORDINANCE**



**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE APPROVING A ZONING CHANGE**  
**FOR PROPERTIES (PORTIONS OF APN: 048-220-015 and 048-220-022) ZONED**  
**AGRICULTURAL PRESERVE WITH SAND AND GRAVEL RESERVE COMBINING ZONE (A-**  
**P/SGR) TO AGRICULTURAL PRESERVE WITH SAND AND GRAVEL COMBINING ZONE**  
**(A-P/SG) AND GENERAL AGRICULTURE WITH SAND AND GRAVEL RESERVE**  
**COMBINING ZONE (A-1/SGR) TO AGRICULTURAL WITH SAND AND GRAVEL**  
**COMBINING ZONE (A-1/SG)**

The Board of Supervisors ("Board") of the County of Yolo, State of California, ORDAINS AS FOLLOWS:

**Section 1. Purpose and Findings.**

The purpose of this Ordinance is to rezone certain real properties from Agricultural Preserve with Sand and Gravel Reserve Combining Zone (A-P/SGR) to Agricultural Preserve with Sand and Gravel Combining Zone (A-P/SG) and General Agriculture with Sand and Gravel Reserve Combining Zone (A-1/SGR) to Agricultural with Sand and Gravel Combining Zone (A-1/SG), as shown on the maps attached as Exhibits A, which is incorporated herein by this reference. Following the effective date of this Ordinance, the parcels shown on Exhibits A shall be rezoned Agricultural Preserve with Sand and Gravel Combining Zone (A-P/SG) and Agricultural with Sand and Gravel Combining Zone (A-1/SG). The Board of Supervisors finds that this rezoning promotes policies in California law and the Yolo County General Plan relating to the production and conservation of mineral resources, and that the rezoning is otherwise consistent with public health, safety, and welfare.

**Section 2. Amendment of County Zoning Map.**

The Zoning Map of the County of Yolo (which is incorporated by reference in Section 8-2.3001 of the Yolo County Code), and incorporated herein by this reference, is amended by the re-designation of certain lands as reflected on the Exhibits identified in Section 1 of this Ordinance.

**Section 3. Principal, Accessory, and Conditional Uses.**

Provisions of the Yolo County Code governing Principal, Accessory, and Conditional uses on the parcels affected by this Ordinance are as provided for by Yolo County Code Title 8, Chapter 2, Article 4, Agricultural Preserve (A-P) zone and by Yolo County Code Title 8, Chapter 2, Article 6, Agricultural (A-1) zone..

**Section 4. Severability.**

If any section, sub-section, sentence, clause, or phrase of this ordinance or any Attachments is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

**Section 5. Effective Date.**

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo and, after a noticed public hearing, said Board adopted this Ordinance on the 8<sup>th</sup> day of November, 2011 by the following vote;

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By \_\_\_\_\_  
Matt Rexroad, Chair  
Yolo County Board of Supervisors

ATTEST:  
\_\_\_\_\_, Clerk  
Board of Supervisors

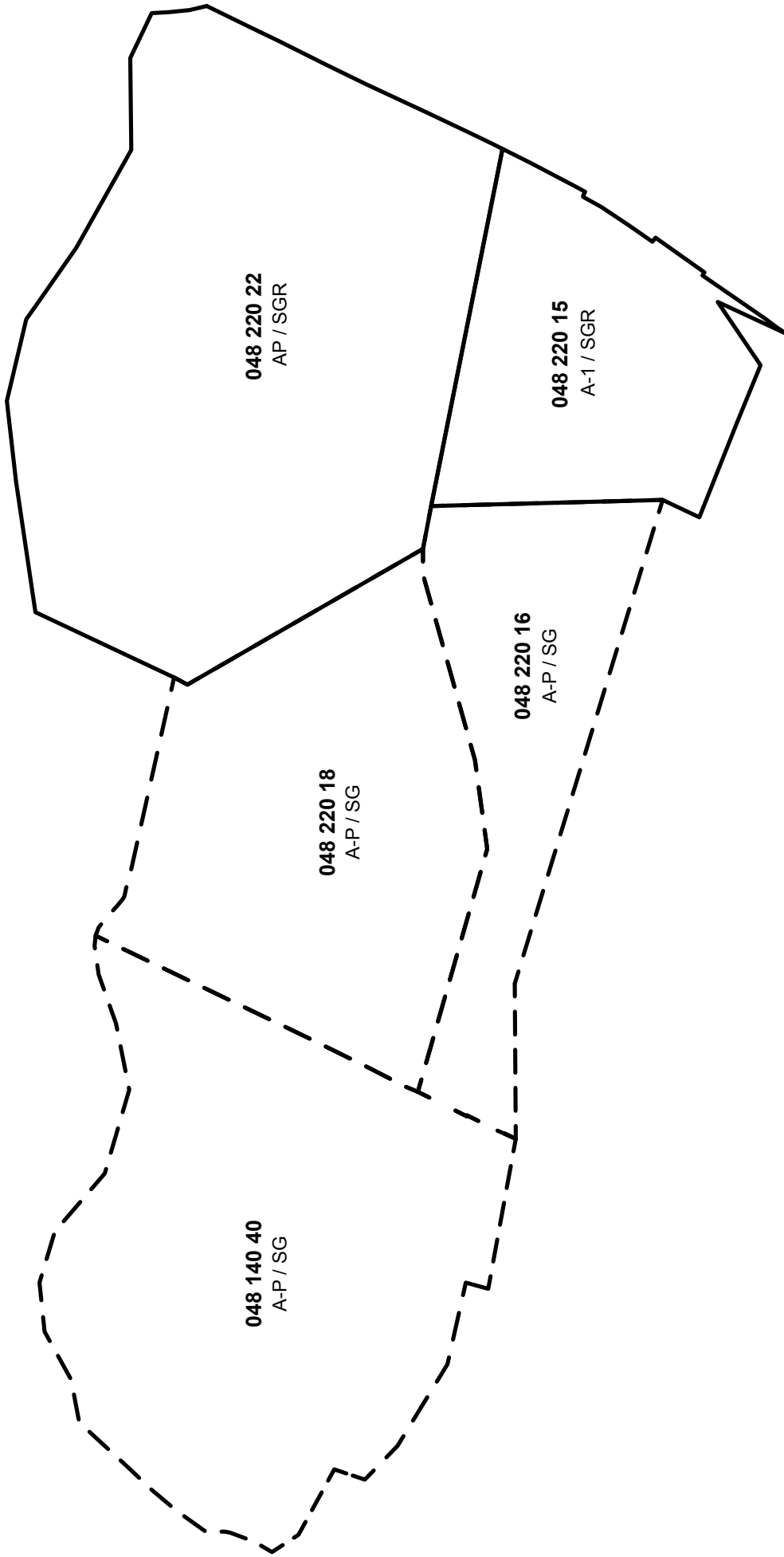
By \_\_\_\_\_  
Deputy (Seal)

APPROVED AS TO FORM;  
Robyn Truitt Drivon, County Counsel


By \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

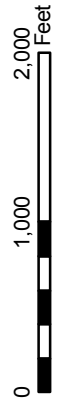
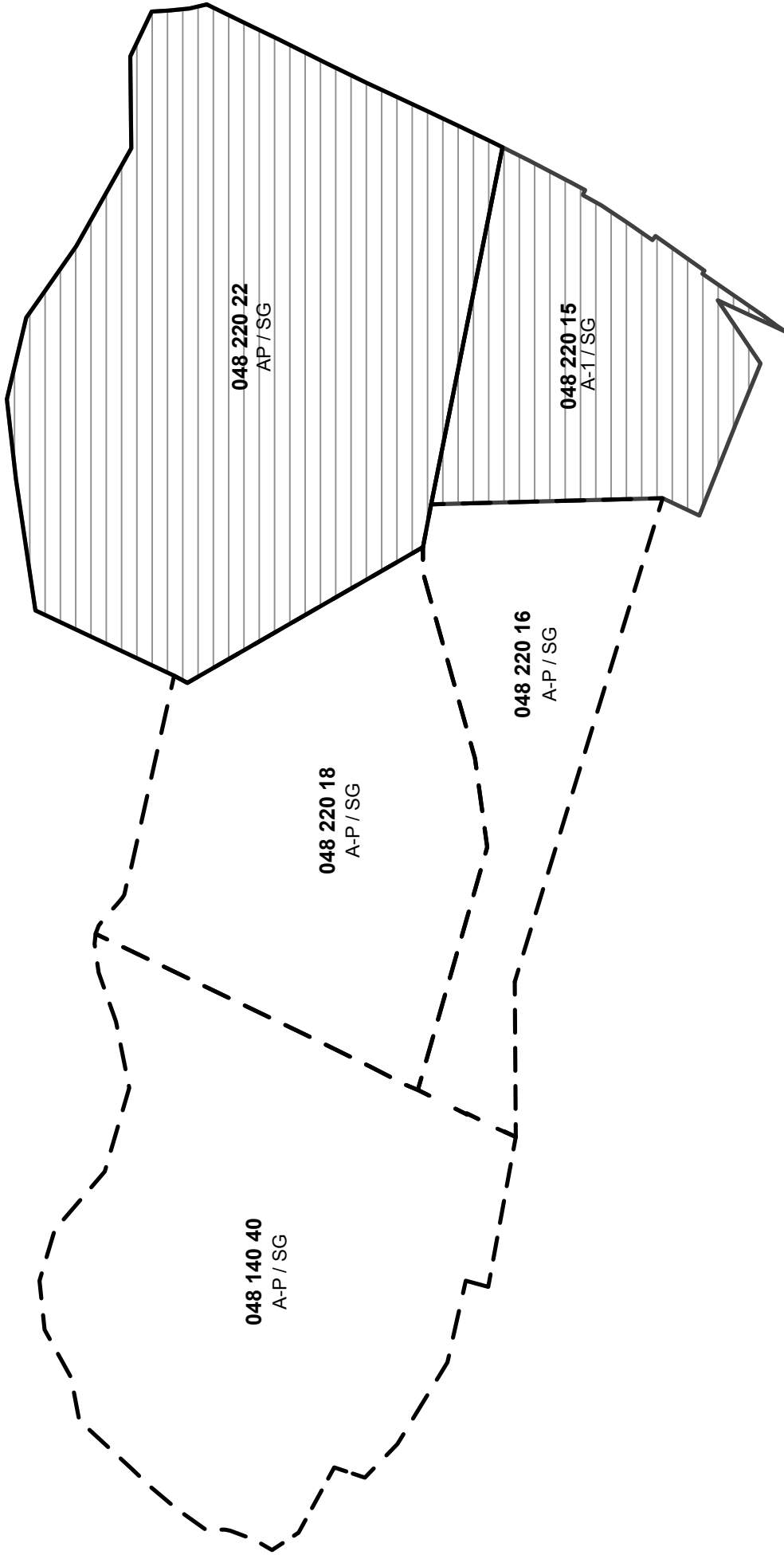
Exhibits A – Map

**ATTACHMENT G**  
**ZONING DIAGRAM**



# Exhibit A: Current Zoning 1 of 2

 Esparto Project Parcels



# Exhibit A: Proposed Re-Zoning

2 of 2



**ATTACHMENT H**

**MINING PLAN**

**GENERAL NOTES:**

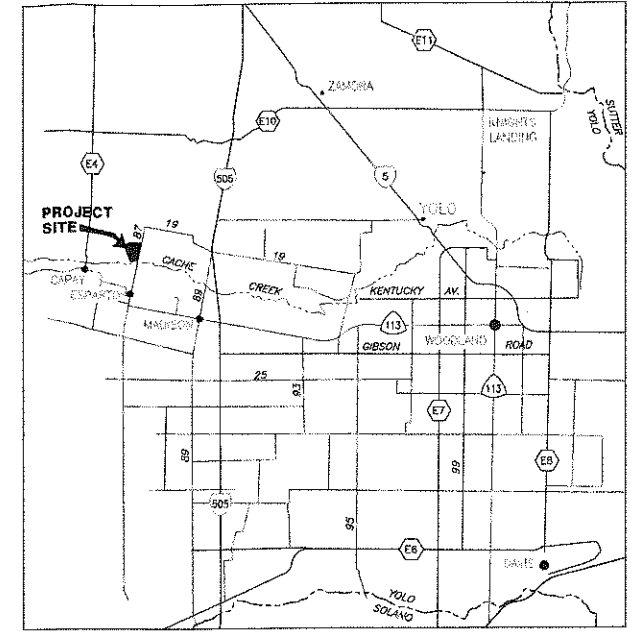
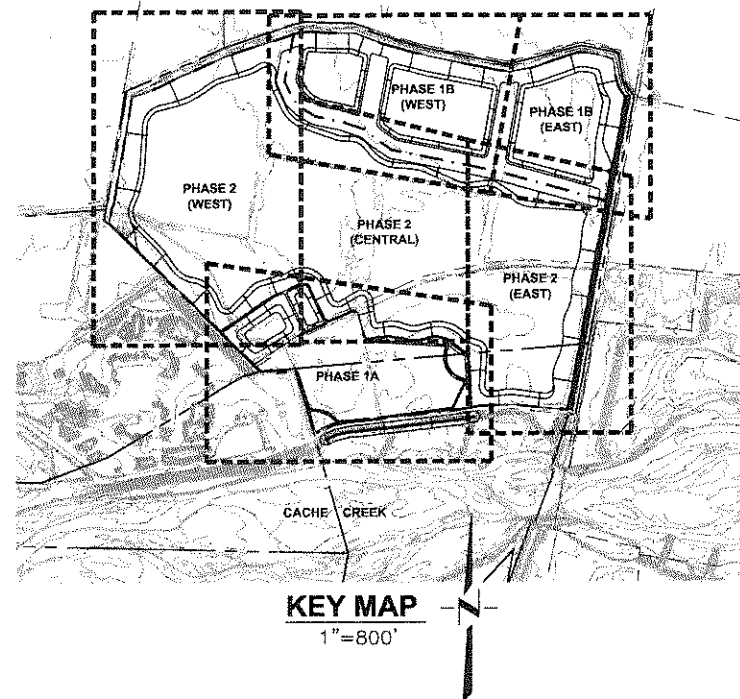
- ALL WORK SHALL CONFORM TO THE YOLO COUNTY OFF-CHANNEL MINING ORDINANCE, THE PROJECT SPECIFIC CONDITIONS OF APPROVAL, THE PROJECT STORM WATER POLLUTION PREVENTION PLAN (SWPPP), THE SURFACE MINING AND RECLAMATION ACT (SMARA), OSHA, MSHA, AND OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
- EXISTING TOPOGRAPHY BASED ON AERIAL TOPOGRAPHY FLOWN MAY 2007; VERIFY EXISTING CONDITIONS PRIOR TO COMMENCING MINING.
- ANY WORK THAT NEEDS TO BE PERFORMED WITHIN PG&E'S OR ANY OTHER UTILITY COMPANY'S EASEMENT WILL REQUIRE A CONSENT AGREEMENT FROM THE APPROPRIATE UTILITY COMPANY. USE CAUTION WHEN OPERATING ANY VEHICLES OR EQUIPMENT NEAR OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. COMPLY WITH ALL CONDITIONS LISTED IN THE CONSENT AGREEMENT.
- THE DEPTH OF MINING AND THE LIMIT-OF-MINING LINES ARE ONLY APPROXIMATE, AND ARE SUBJECT TO CHANGE BASED ON THE AMOUNT AND QUALITY OF MATERIAL UNCOVERED, AND THE ABILITY OF THE PRODUCER TO MEET THE RECLAMATION REQUIREMENTS. THE FORESEEABLE ESTIMATE OF VARIATION IS +/- 10' IN MINING DEPTH, AND +/- 20% OF AREA FOR EACH TYPE OF RECLAMATION.
- CROSS SECTIONS ALONG THE BOUNDARY OF EACH PHASE ARE DEPICTED AS THEY WILL OCCUR SEQUENTIALLY. DUAL PROPOSED MINING CONFIGURATION ALONG PHASE BOUNDARIES ARE SHOWN ON THE PERTINENT SHEET DEPICTING THE PHASE THAT WILL BE MINED AT A LATER DATE RELATIVE TO THE ADJACENT PHASE.
- HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KAPPL AND ASSOCIATES, INC. DATED JULY 2007.
- MAXIMUM INCLINATION OF MINING SLOPES ABOVE AN ELEVATION OF 5' BELOW THE SUMMER LOW GROUNDWATER LEVEL TO BE 2:1 (H:V). SLOPES LOCATED BELOW THIS 2:1 INCLINATION REQUIREMENT ZONE MAY BE INCLINED AT A MAXIMUM OF 1.5:1 (H:V) EXCEPT ON SLOPES ADJACENT TO THE ADAMS CANAL AND COUNTY ROAD 87.
- ADJACENT TO ADAMS CANAL, THE MAXIMUM INCLINATION OF MINING SLOPES ABOVE AN ELEVATION OF 5' BELOW THE SUMMER LOW GROUNDWATER LEVEL TO BE 3:1 (H:V). SLOPES LOCATED BELOW THIS 3:1 INCLINATION REQUIREMENT ZONE MAY BE INCLINED AT A MAXIMUM OF 1.5:1 (H:V).
- ADJACENT TO COUNTY ROAD 87, THE MAXIMUM INCLINATION OF MINING SLOPES TO BE 2:1 (H:V).
- PROVIDE PROTECTION TO WET PIT AREAS FROM STORMWATER AND/OR AGRICULTURAL RUNOFF THROUGH THE PLACEMENT OF BERMS AND/OR SWALES AS INDICATED ON THESE DRAWINGS. (THIS NOTE MAY NOT APPLY OR BE REQUIRED IF EXISTING TOPOGRAPHY PREVENTS SURFACE RUNOFF FROM ENTERING ANY OF THE MINING EXCAVATIONS THAT EXPOSE GROUNDWATER.)
- IF HUMAN SKELETAL REMAINS ARE ENCOUNTERED DURING EXCAVATION, ALL WORK WITHIN SEVENTY-FIVE (75) FEET SHALL IMMEDIATELY STOP, AND THE COUNTY CORNER SHALL BE NOTIFIED WITHIN TWENTY-FOUR (24) HOURS. IF ANY CULTURAL RESOURCES, SUCH AS CHIPPED OR GROUND STONE, HISTORIC DEBRIS, BUILDING FOUNDATIONS, OR PALEONTOLOGICAL MATERIALS ARE ENCOUNTERED DURING EXCAVATION, THEN ALL WORK WITHIN SEVENTY-FIVE (75) FEET SHALL IMMEDIATELY STOP AND THE DIRECTOR SHALL BE NOTIFIED AT ONCE. ANY CULTURAL RESOURCES FOUND ON THE SITE SHALL BE RECORDED BY A QUALIFIED ARCHAEOLOGIST AND THE INFORMATION SHALL BE SUBMITTED TO THE COUNTY.
- HYDRAULIC INFORMATION SHOWN ON THESE PLANS BASED ON AN UPDATED HYDRAULIC REPORT PREPARED BY CUNNINGHAM ENGINEERING OCTOBER 2007.
- DURING OPERATIONS, THE SITE SHALL BE KEPT FREE OF DEBRIS AND MAINTAINED IN A NEAT AND ORDERLY MANNER SO AS NOT TO CREATE ANY HAZARDOUS OR UNSAFE CONDITIONS. WASTE DEBRIS SHALL BE STOCKPILED AND STUMPS, BRUSH, OR OTHER DEBRIS RESULTING FROM EXCAVATION AND/OR PROCESSING SHALL BE PROPERLY DISPOSED.
- UNNECESSARY PERSONNEL SHALL BE EXCLUDED FROM OFF-CHANNEL EXCAVATIONS. OPEN PITS SHALL BE FENCED WITH A FOUR STRAND BARBED WIRE FENCE OR THE EQUIVALENT FROM THE COMMENCEMENT OF EXCAVATION. FENCING MAY ENCLOSE THE PROPERTY OF WHICH THE MINING SITE IS A PART, THE MINING SITE, OR BOTH. IN ADDITION, SIGNS SHALL BE INSTALLED AT THE PROJECT SITE BOUNDARIES AND ACCESS ROAD, INDICATING THAT THE EXCAVATION AREA IS A DANGER ZONE.



# OFF-CHANNEL MINING PLAN

## ESPARTO PLANT, YOLO COUNTY CALIFORNIA

OCTOBER 2007



VICINITY MAP  
NTS

**ABBREVIATIONS:**

AC	ACRES
AG	AGRICULTURAL
AGR	AGGREGATE
APN	ASSESSOR'S PARCEL NUMBER
AVS	AVERAGE
CORMP	CACHE CREEK RESOURCE MANAGEMENT PLAN
CFR	CODE OF FEDERAL REGULATIONS
CL	CENTER LINE
CMP	CORRUGATED METAL PIPE
CY	CUBIC YARDS
E	EAST
ELEV	ELEVATION
FG	FINISH GRADE
FL	FLOW LINE
FT	FEET
GB	GRADE BREAK
GW	GROUND WATER
H	HORIZONTAL
IR	IRRIGATION
MSHA	MINES SAFETY AND HEALTH ADMINISTRATION
MW	MONITOR WELL
N	NORTH
NO.	NUMBER
OG	ORIGINAL GROUND ELEVATION
OSHA	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
PC	POINT OF CURVATURE
PRC	POINT OF REVERSE CURVATURE
PL	PROPERTY LINE
PYMT	PAVEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
RECL.	RECLAMATION
S	SLOPE
STL	STEEL
S&G	SAND AND GRAVEL
TYP	TYPICAL
V	VERTICAL
W	WEST
W/YR	WITH YEAR

**INDEX TO SHEETS:**

- VICINITY MAP, LEGEND, ABBREVIATIONS, INDEX AND GENERAL NOTES
- OVERALL MINING SITE PLAN
- MINING PLAN - PHASE 1A
- MINING PLAN - PHASE 1B (WEST)
- MINING PLAN - PHASE 1B (EAST)
- MINING PLAN - PHASE 2 (WEST)
- MINING PLAN - PHASE 2 (CENTRAL)
- MINING PLAN - PHASE 2 (EAST)
- MINING PLAN CROSS SECTIONS
- MINING PLAN CROSS SECTIONS
- MINING PLAN CROSS SECTIONS
- MINING PLAN CROSS SECTIONS
- MINING PLAN CROSS SECTIONS
- MINING PLAN CROSS SECTIONS

**LEGEND:**

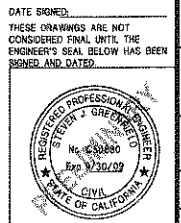
HORIZ. VERT. CONTROL		EXISTING ELEV.		176.0
HORIZONTAL CONTROL		PROPOSED ELEV.		172
VERTICAL CONTROL		HORIZONTAL TO VERTICAL SLOPE		2:1
BENCHMARK		TEST BORINGS		X #1, CFCO-1
POWER POLE		EXISTING PROPERTY LINE		
CONCRETE OR BUILDING		EXISTING EASEMENT LINE		
DIRT ROAD		HIGH GROUND WATER ELEV.		175 GW
PAVED ROAD		LOW GROUND WATER ELEV.		(165 GW)
FENCE		PROPOSED PHASE LINE		
TREES		TEST 3 LINE		
GROUND COVER		PROPOSED BERM		
WATER		SLOPE		TOP OF SLOPE GRADE BREAK TOE OF SLOPE
EXISTING GROUND CONTOUR		CROSS SECTION NUMBER		1 1
PROPOSED MINING DEPTH CONTOUR		STR/LAMBDA STABILIZATION PROJECT (PER CORMP)		
PREDICTED 100 YR. FLOODED LINE (SEE HYDRAULIC REPORT OCTOBER 2007)				
INTERIM MINING SLOPES (AS NOTED)				
MONITOR WELL AND ELEVATION				MW1 ELEV. 176.0
WELL AND ELEVATION				WELL ELEV. 176.0

**BENCHMARK:**

EXISTING TOPOGRAPHY BASED ON AERIAL TOPOGRAPHY FLOWN MAY 2007 PROVIDED BY STEWART GEOLOGICALS, INC. YOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007. HORIZONTAL AND VERTICAL CONTROL FOR THE AERIAL TOPOGRAPHY IS BASED ON A CONTROL NETWORK TIED BY ANDREAC, INCORPORATED TO A NETWORK OF PUBLISHED BENCHMARKS. THE VERTICAL DATUM IS NAVD83.

**DRAWING STATUS:**

- PLAN REVIEW SET
- PERMIT SET



DESIGNED BY: N.C.  
DRAWN BY: S.M.  
CHECKED BY: S.C.  
SCALE: AS NOTED

NO. DATE REVISIONS BY APPROV.

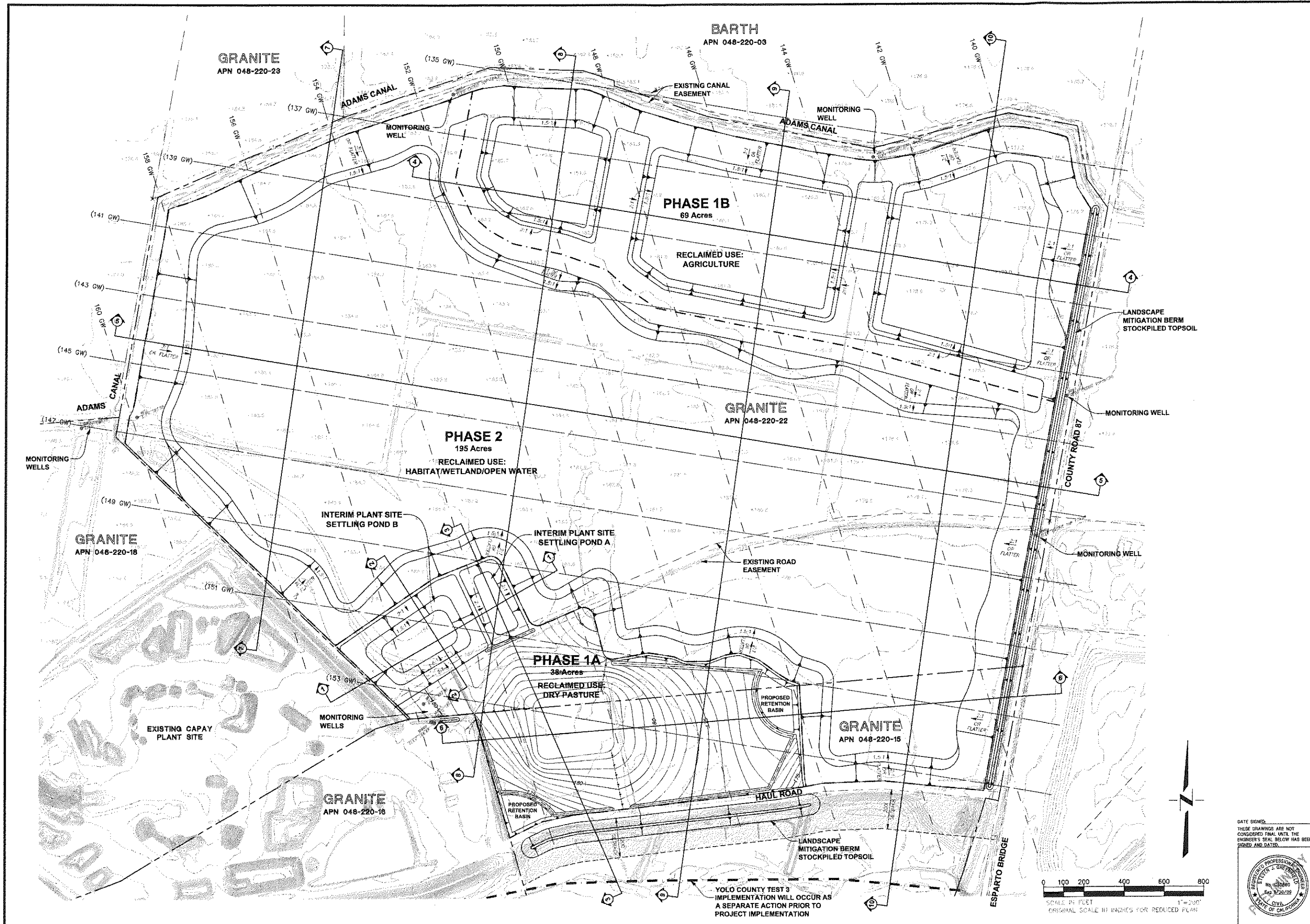
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Sacramento Office  
2100 20th Street, Suite 200  
Sacramento, CA 95833  
916.455.2305

**CUNNINGHAM ENGINEERS**

**GRANITE CONSTRUCTION MINING PLAN**  
VICINITY MAP, LEGEND, ABBREVIATIONS, INDEX AND GENERAL NOTES

DATE SIGNED: 10/12/07  
THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.

SHEET 1 OF 13  
DATE: 10/12/07  
JOB NO: 953.02



DESIGNED BY: <b>INC</b>	APPROVED: _____
DRAWN BY: <b>SM</b>	BY: _____
CHECKED BY: <b>SG</b>	REVISIONS: _____
SCALE: <b>1" = 200'</b>	NO. DATE: _____

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 Corporate Office: 7040 Stafford Street, Suite 200, Sacramento, CA 95826, (916) 455-2205

**GRANITE CONSTRUCTION MINING PLAN**  
**OVERALL MINING SITE PLAN**

DATE SIGNED: \_\_\_\_\_  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.

DATE: **10/12/07**

JOB NO: **963.02**

SHEET **2** OF **13**

SCALE: 1" = 200'  
 ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



**PHASE 2 (WEST)  
(SEE SHEET 6)**

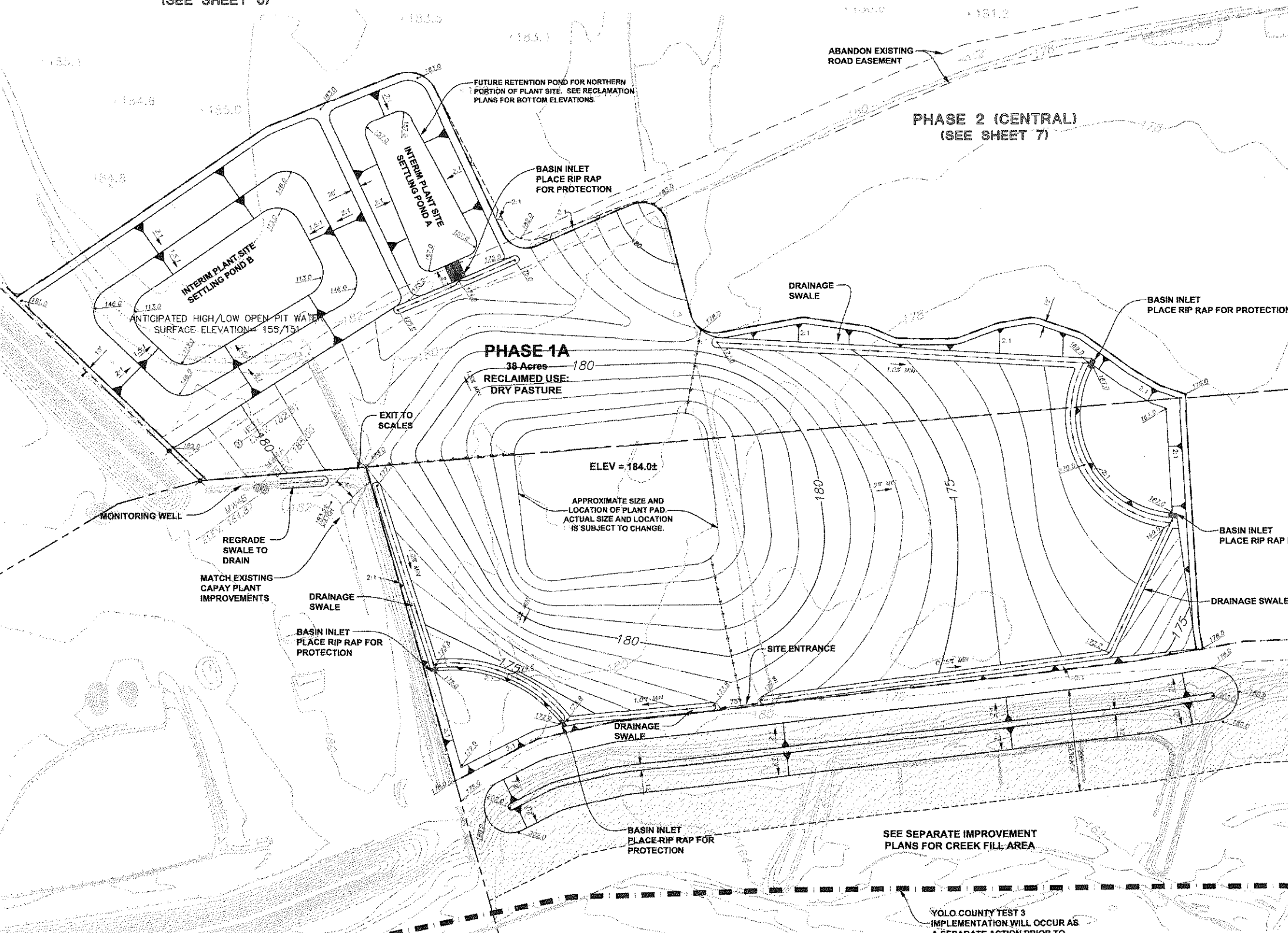
**PHASE 2 (CENTRAL)  
(SEE SHEET 7)**

**PHASE 1A  
38 Acres**

RECLAIMED USE:  
DRY PASTURE

ELEV = 184.0±

APPROXIMATE SIZE AND  
LOCATION OF PLANT PAD.  
ACTUAL SIZE AND LOCATION  
IS SUBJECT TO CHANGE.



**NOTES**

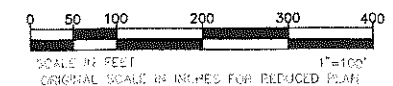
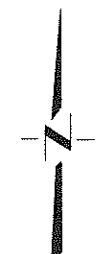
1. PROPOSED PLANT SITE ELEVATIONS MAY INCREASE UP TO A MAXIMUM OF 2'; HOWEVER, PROPOSED 18' DIFFERENTIAL BETWEEN PLANT PAD ELEVATION AND TOP OF LANDSCAPED MITIGATION BERMS SHALL REMAIN CONSTANT.
2. RETENTION BASIN BOTTOM GRADE ELEVATIONS SHALL MAINTAIN 18' OR GREATER ABOVE THE AVERAGE HIGH GROUND WATER ELEVATIONS AND THE OVERALL PLANT SITE SHALL HOLD A SLOPE OF 1.5% FROM THE PLANT PAD TO THE SURROUNDING PROPOSED RETENTION BASINS, AS SHOWN. PLANT PAD SHALL HOLD A CONSTANT GRADE ELEVATION, FOR THE EASE OF TRUCK ACCESSIBILITY.
3. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
4. EXACT SIZE & CONFIGURATION OF THE PLANT PAD IS YET TO BE DETERMINED. THE PAD WILL BE SITUATED HORIZONTALLY WITHIN THE BOUNDARIES OF PHASE 1A.
5. BOTTOM MINING ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.
6. CONTOUR INTERVAL FOR EXISTING TOPOGRAPHY EQUALS 2'. CONTOUR INTERVAL FOR PROPOSED MINING PLAN EQUALS 1'.

DESIGNED BY: INC.	SM	SG	SCALE
DRAWN BY:			1" = 100'
CHECKED BY:			
DATE:			
NO.			
DATE:			
REVISIONS			
BY:			
APPD.			

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**GRANITE CONSTRUCTION  
MINING PLAN  
PHASE 1A**

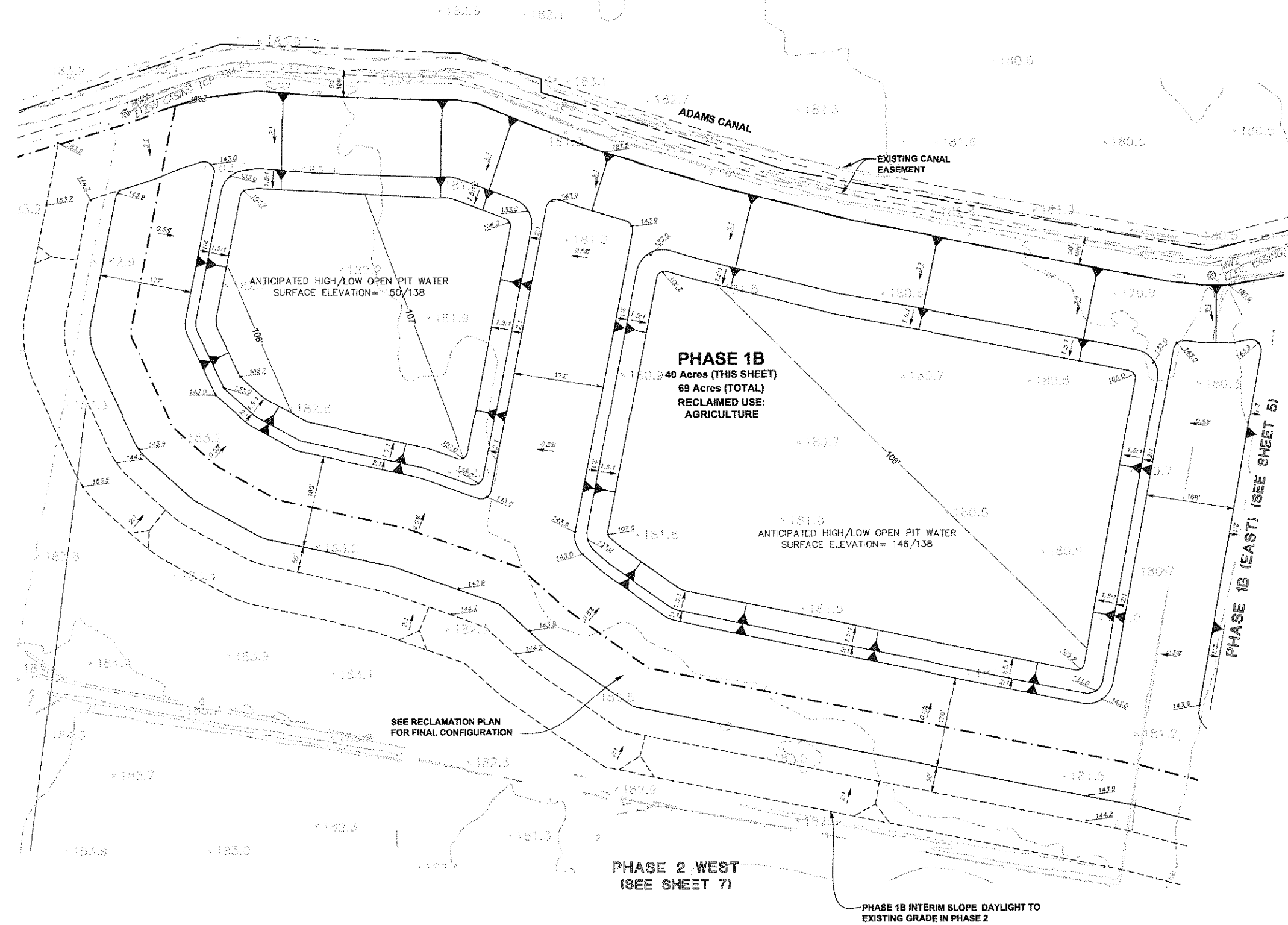


DATE SIGNED:  
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ENGINEER'S SEAL BELOW HAS BEEN  
SIGNED AND DATED.

SHEET  
**3**  
OF  
**13**  
DATE: 10/12/07  
JOB NO: 963.02

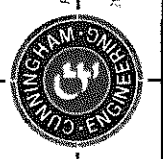
**NOTES**

- 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
- BOTTOM MINING ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.



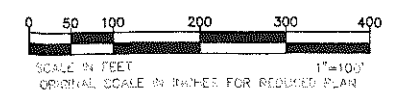
NO.	DATE	REVISIONS	BY	APPRO.

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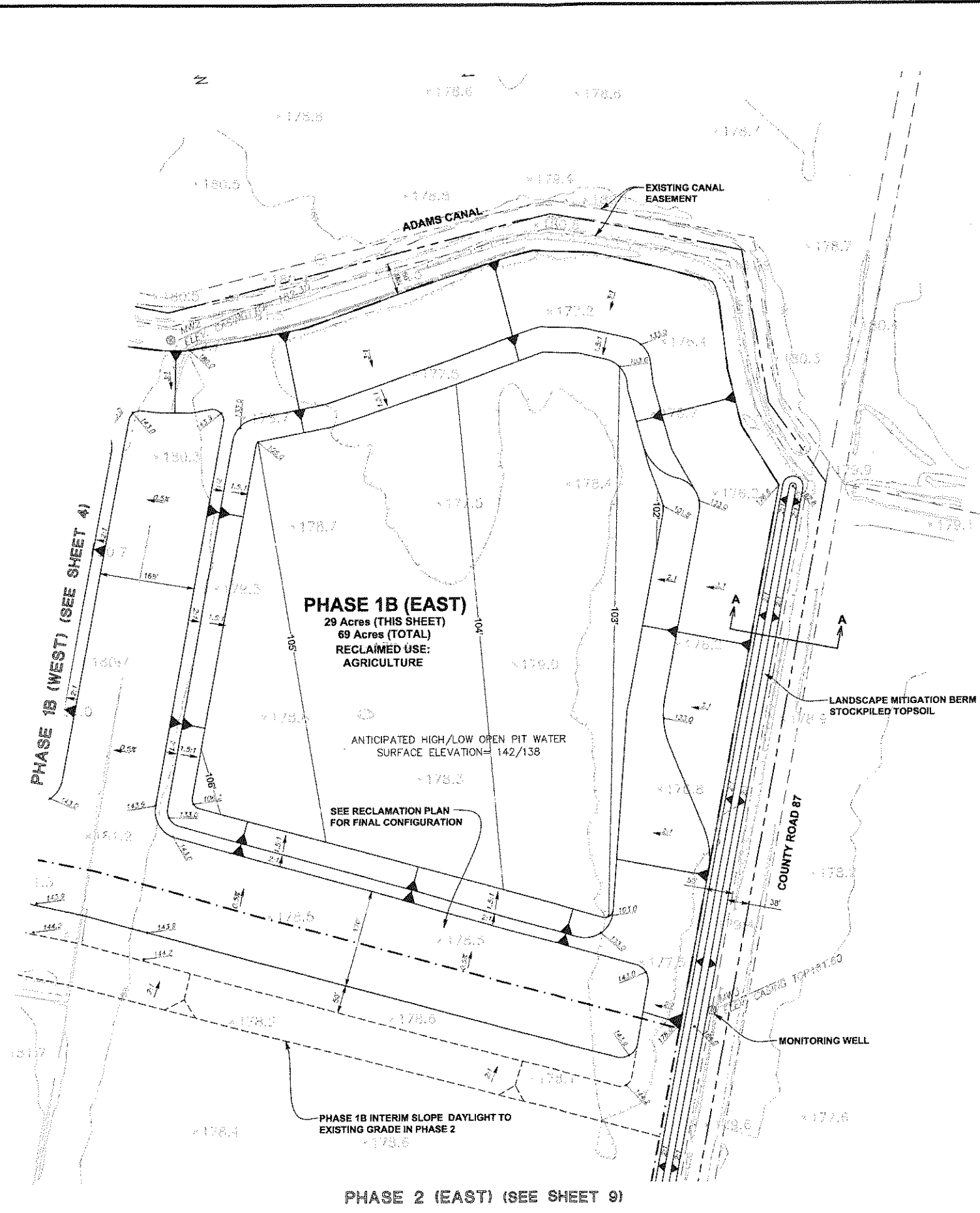
**GRANITE CONSTRUCTION  
 MINING PLAN  
 PHASE 1B (WEST)**

SHEET  
**4**  
 OF  
**13**  
 DATE: 10/12/07  
 JOB NO: 963.02



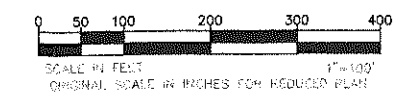
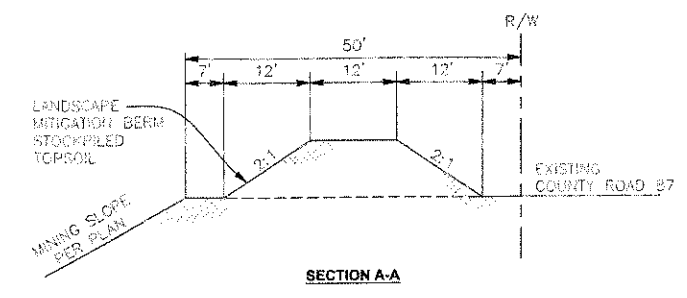
DATE SIGNED: \_\_\_\_\_  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.





**NOTES**

- 1'-2" BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
- BOTTOM MINING ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.



DATE SIGNED: \_\_\_\_\_  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.

DESIGNED BY	NC	SCALE	1" = 100'
DRAWN BY	SM		
CHECKED BY	SC		
NO.	DATE	REVISIONS	
BY	APPD.		

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**GRANITE CONSTRUCTION MINING PLAN**  
**PHASE 1B (EAST)**

SHEET **5** OF **13**  
 DATE: 10/12/07  
 JOB NO: 963.02

PHASE 1B  
(SEE SHEET 4)

MATCH LINE - PHASE 2 (CENTRAL) (SEE SHEET 7)

PHASE 1A  
(SEE SHEET 3)

**PHASE 2 (WEST)**  
77 Acres (THIS SHEET)  
195 Acres (TOTAL)  
RECLAIMED USE:  
HABITAT/WETLAND/OPEN WATER

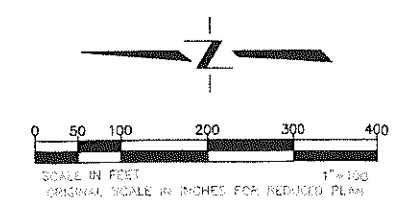
ANTICIPATED HIGH/LOW OPEN PIT WATER  
SURFACE ELEVATION= 150/144

ADAMS CANAL  
EXISTING CANAL  
EASEMENT

ADAMS CANAL

**NOTES**

- 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
- BOTTOM MINING ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPOSITS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.



DATE SIGNED:  
THESE DRAWINGS ARE NOT  
CONSIDERED FINAL UNTIL THE  
ENGINEER'S SEAL BELOW HAS BEEN  
SIGNED AND DATED.



**GRANITE CONSTRUCTION  
MINING PLAN  
PHASE 2 (WEST)**

SHEET  
6  
OF  
13

DATE: 10/12/07

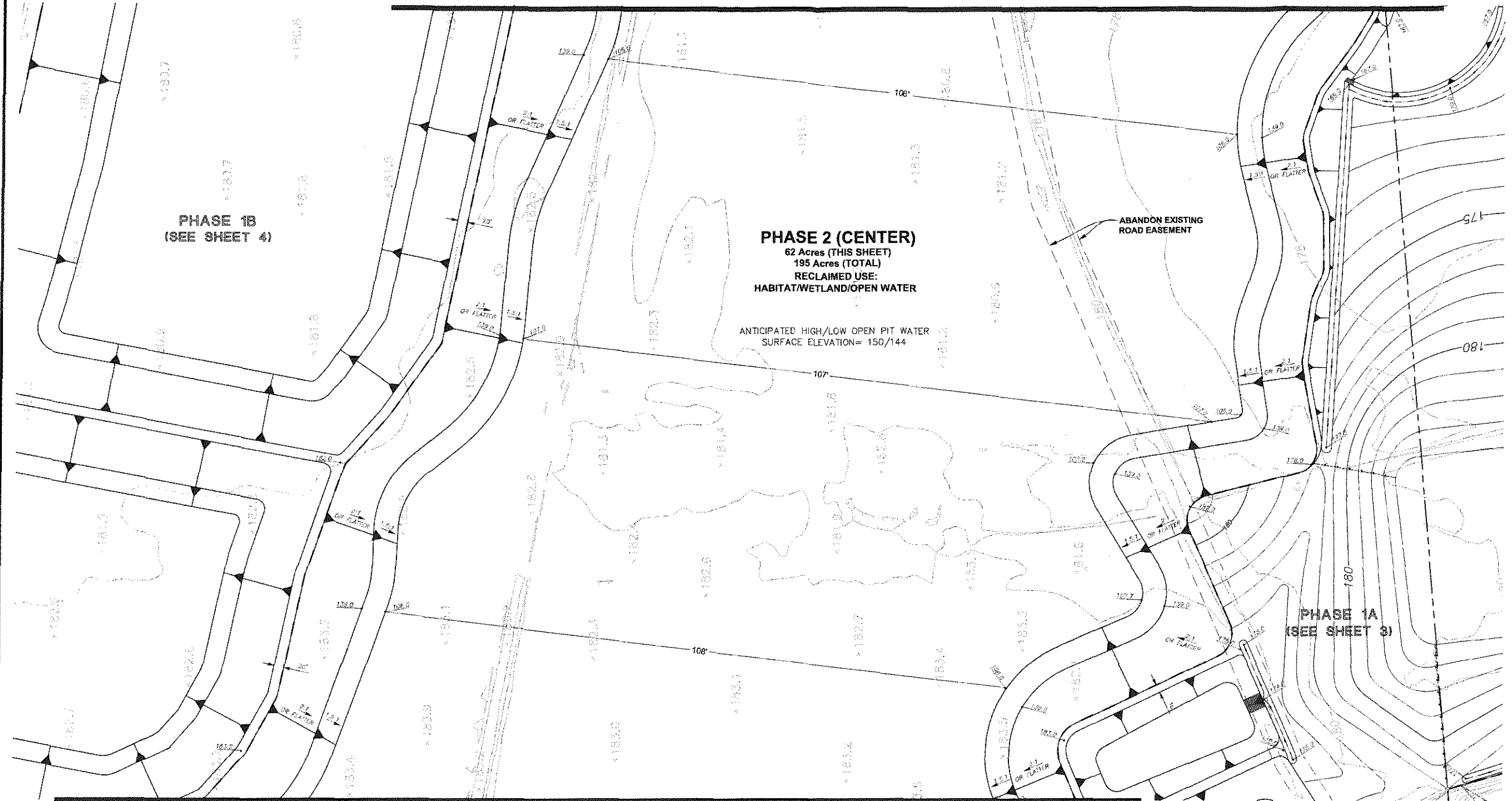
JOB NO: 963.02

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1529 15th Street  
Sacramento, CA 95818  
(916) 445-3036



NO.	DATE	REVISIONS	BY	APPROVED	DESIGNED BY	DRAWN BY	CHECKED BY	SCALE
					JIG	SM	SG	1" = 100'

MATCH LINE - PHASE 2 (EAST) (SEE SHEET 8)



PHASE 1B  
(SEE SHEET 4)

PHASE 2 (CENTER)  
62 Acres (THIS SHEET)  
195 Acres (TOTAL)  
RECLAIMED USE:  
HABITAT/WETLAND/OPEN WATER

ANTICIPATED HIGH/LOW OPEN PIT WATER  
SURFACE ELEVATION= 150/144

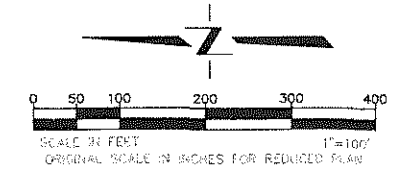
ABANDON EXISTING  
ROAD EASEMENT

PHASE 1A  
(SEE SHEET 3)

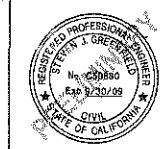
MATCH LINE - PHASE 2 (WEST) (SEE SHEET 6)

**NOTES**

- 3. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
- 5. BOTTOM MINING ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.

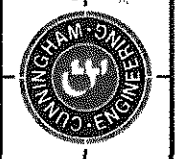


DATE SIGNED:  
THESE DRAWINGS ARE NOT  
CONSIDERED FINAL UNTIL THE  
ENGINEER'S SEAL BELOW HAS BEEN  
SIGNED AND DATED.



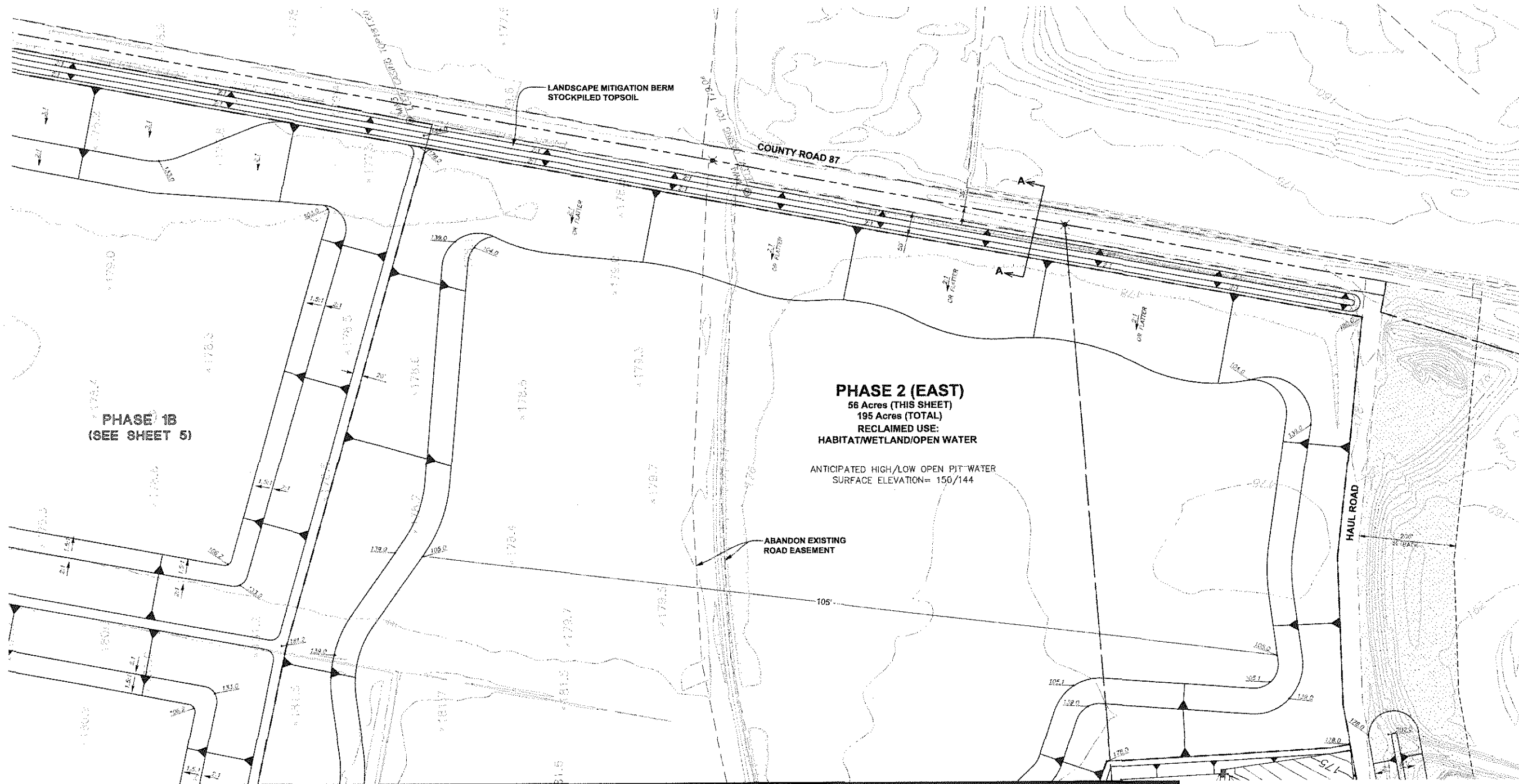
NO.	DATE	REVISIONS	BY	APPD.	DESIGNED BY	DRAWN BY	CHECKED BY	SCALE
								1" = 100'

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East, CA 95618  
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**GRANITE CONSTRUCTION  
MINING PLAN  
PHASE 2 (CENTRAL)**

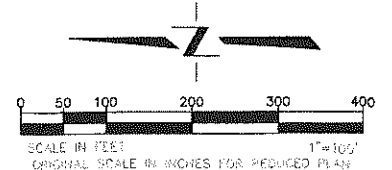
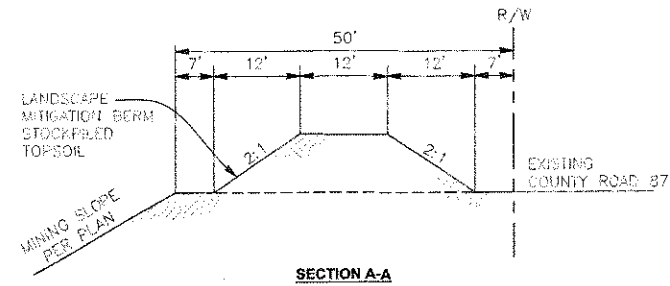
SHEET  
**7**  
OF  
**13**  
DATE: 10/12/07  
JOB NO: 963.02



PHASE 2 (CENTRAL) (SEE SHEET 7)

**NOTES**

- 1'-2' BERMS TO BE ADDED ALONG PHASE LINE BORDERS BETWEEN RECLAIMED HABITAT/OPEN WATER AND AGRICULTURAL LAND, AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
5. BOTTOM MINING ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.



DATE SIGNED:  
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 ENGINEER'S SEAL BELOW HAS BEEN  
 SIGNED AND DATED.

DESIGNED BY: NC	APPROVED BY:	DATE:	NO.:
DRAWN BY: SM	BY:	DATE:	NO.:
CHECKED BY: SG	REVISIONS:	DATE:	NO.:
SCALE: 1" = 100'			

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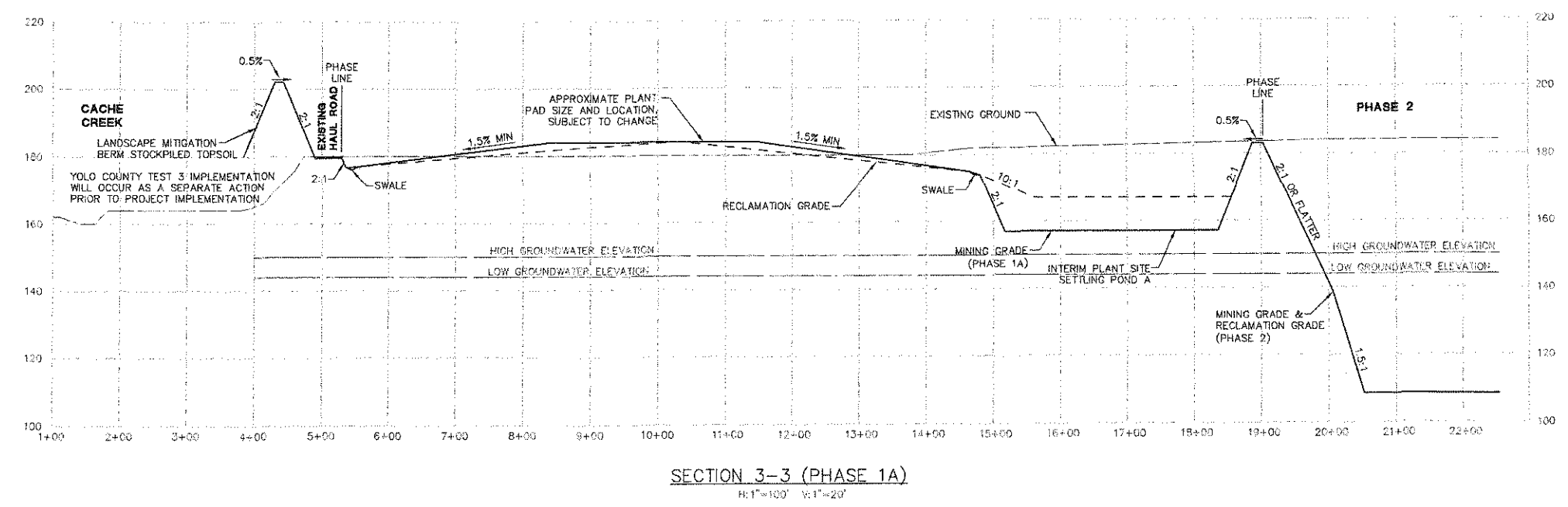
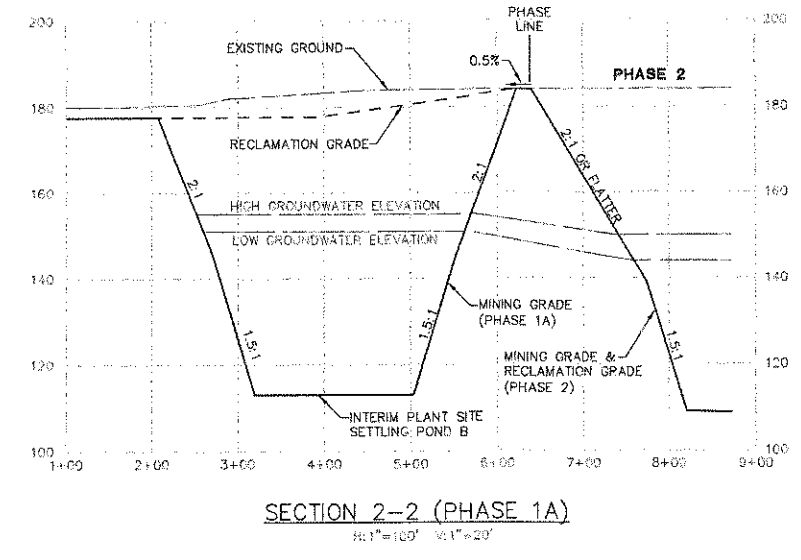
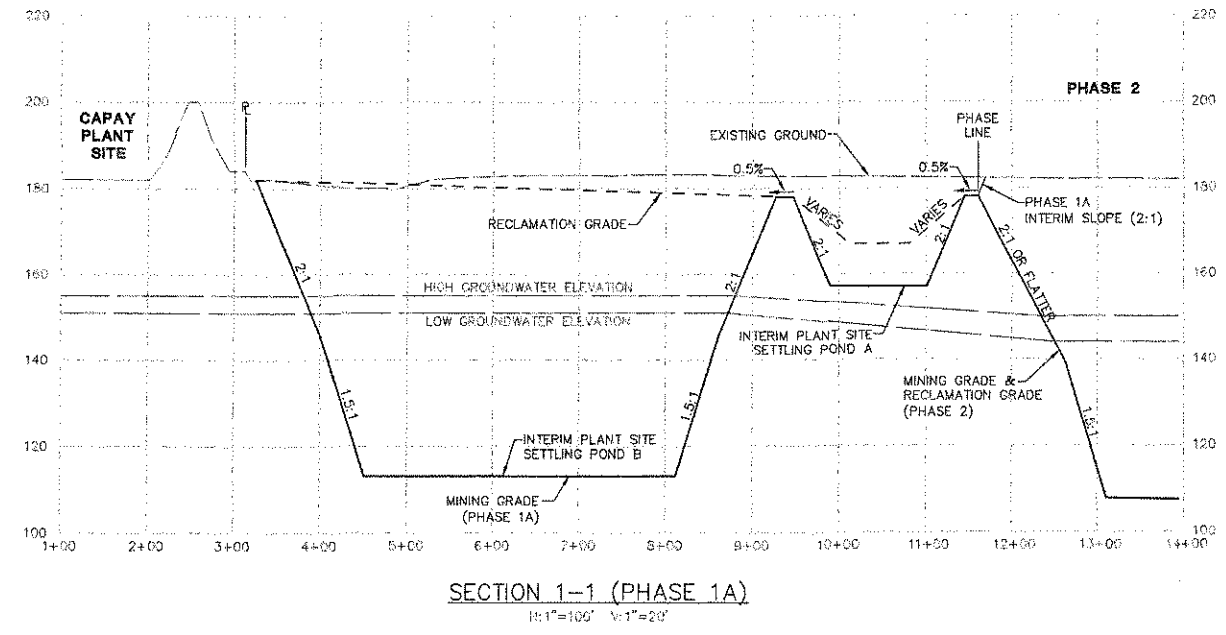
**GRANITE CONSTRUCTION MINING PLAN PHASE 2 (EAST)**

SHEET 8 OF 13

DATE: 10/12/07

JOB NO: 963.02

**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED ON ALTIMETRIC TOPOGRAPHY FROM MAY 2007, PROVIDED BY STEWART TOPOGRAPHICS VIA YOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KUHIL & ASSOCIATES, INC. DATED JULY 2007.



DATE SIGNED:  
 THESE DRAWINGS ARE NOT  
 CONSIDERED FINAL UNTIL THE  
 ENGINEER'S SEAL BELOW HAS BEEN  
 SIGNED AND DATED.

DESIGNED BY: N.C.  
 DRAWN BY: S.M.  
 CHECKED BY: S.G.  
 SCALE: AS NOTED

APPROVED BY: [Signature]

NO. DATE REVISIONS

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 Sacramento, CA 95833  
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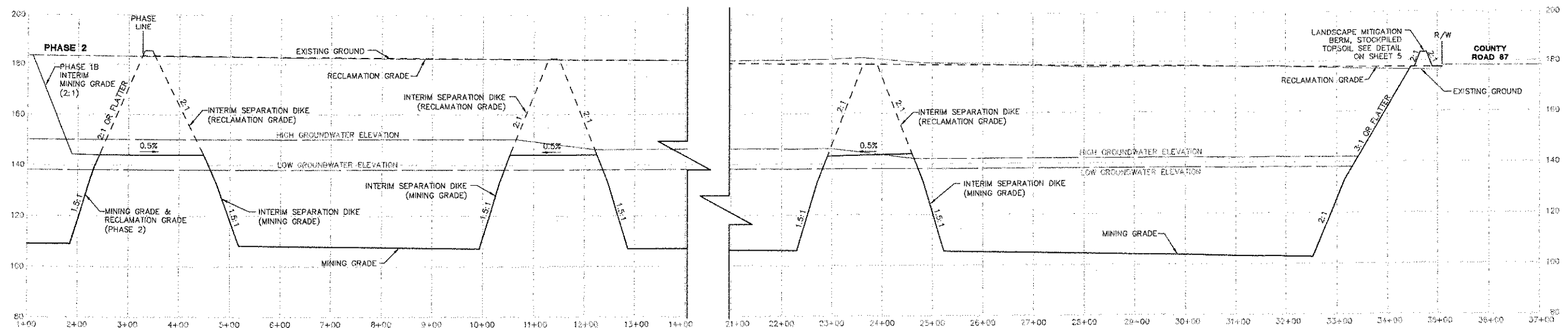
San Francisco Office  
 2940 Spalding Street, Suite 350  
 Emeryville, CA 94608  
 (415) 798-2828

**GRANITE CONSTRUCTION  
 MINING PLAN  
 CROSS SECTIONS**

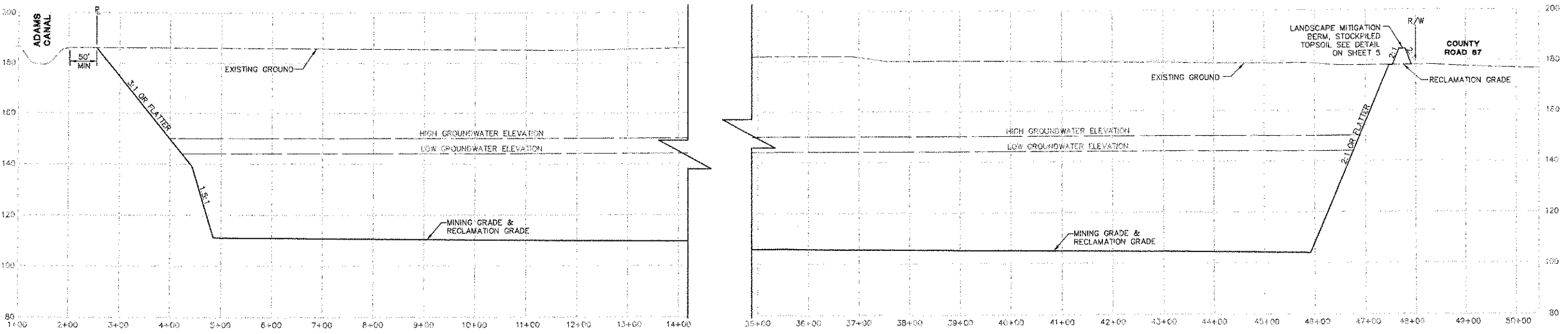
SHEET  
**9**  
 OF  
**13**

DATE: 10/30/07  
 JOB NO: 963.02

**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007. PROVIDED BY STEWART GEOTECHNOLOGICAL MATERIAL COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 18, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KUHLE & ASSOCIATES, INC. DATED JULY 2007.



**SECTION 4-4 (PHASE 1B)**  
 H:V=100' V:1"=20'



**SECTION 5-5 (PHASE 2)**  
 H:V=100' V:1"=20'

DESIGNED BY	NJC
DRAWN BY	SM
CHECKED BY	SG
SCALE	AS NOTED
APPD.	
BY	
REVISIONS	
NO.	DATE

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 San Francisco, CA 94103  
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 (415) 748-1035



**GRANITE CONSTRUCTION  
 MINING PLAN  
 CROSS SECTIONS**

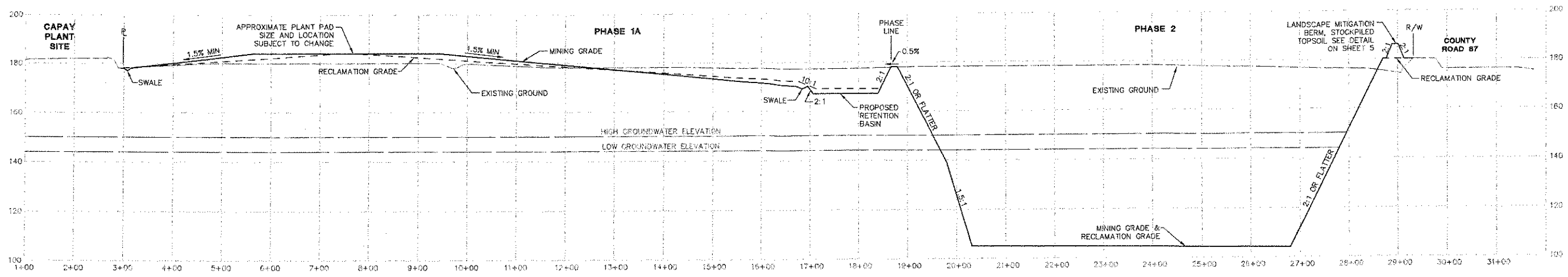
DATE SIGNED:  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



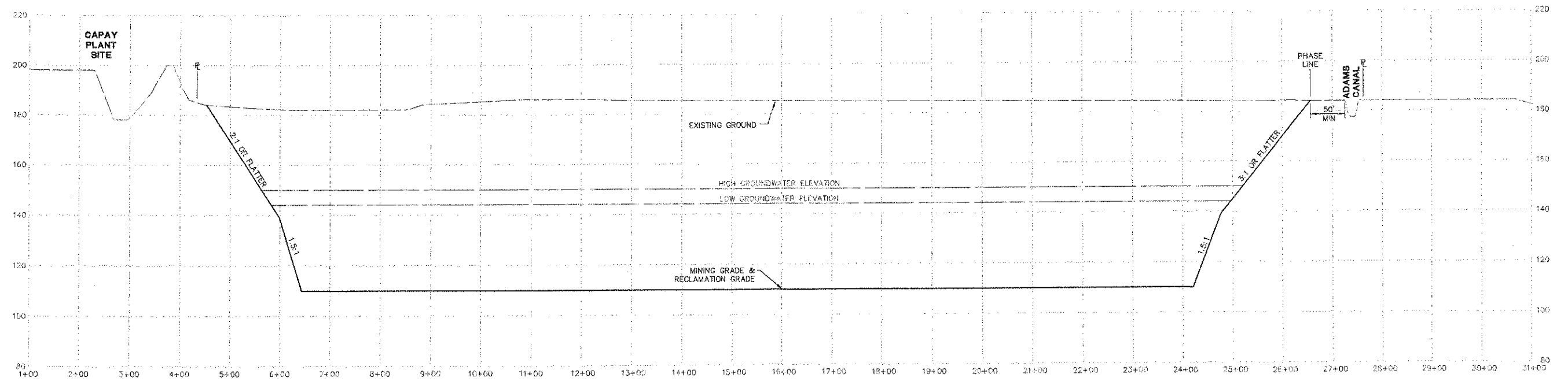
SHEET  
**10**  
 OF  
**13**  
 DATE: 10/30/07  
 JOB NO: 963.02



**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007, PROVIDED BY STEWART GEOTECHNOLOGIES VIA TOLU COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KUHL & ASSOCIATES, INC. DATED JULY 2007.



SECTION 6-6 (PHASE 1A & PHASE 2)  
 H:1"=100' V:1"=20'

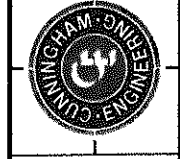


SECTION 7-7 (PHASE 2)  
 H:1"=100' V:1"=20'

DESIGNED BY: NIC  
 DRAWN BY: SM  
 CHECKED BY: SQ  
 SCALE:  
 AS NOTED

NO.	DATE	REVISIONS

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**GRANITE CONSTRUCTION  
 MINING PLAN  
 CROSS SECTIONS**

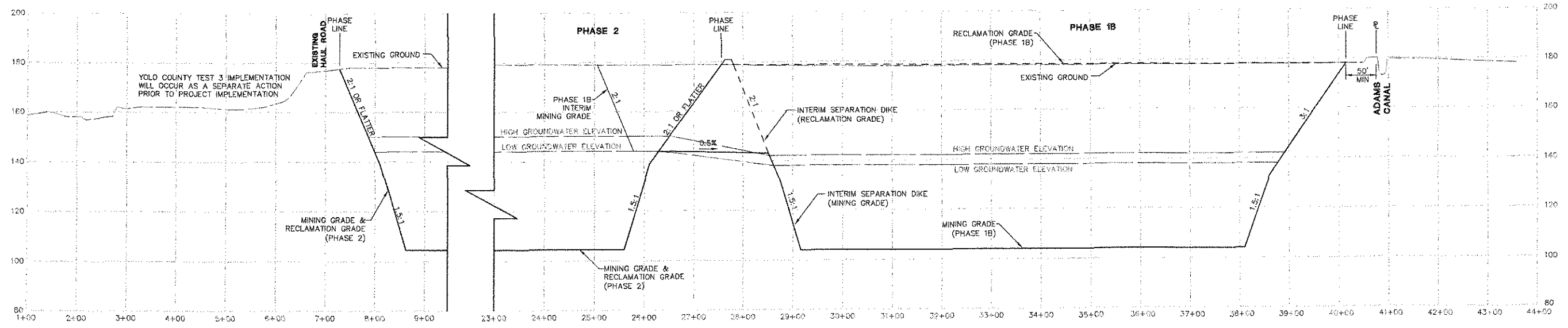
DATE SIGNED:  
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SHEET  
 11  
 OF  
 13  
 DATE: 10/30/07  
 JOB NO.: 963.02



**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007, PROVIDED BY STEWART GEOGRAPHICS MA YOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE HINLE & ASSOCIATES, INC. DATED JULY 2007.



SECTION 10-10 (PHASE 1B & PHASE 2)  
 H: 1" = 100' V: 1" = 20'

DESIGNED BY	MC
DRAWN BY	SM
CHECKED BY	SG
SCALE	AS NOTED
APPROVED BY	
BY	
REVISIONS	
NO.	DATE

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 Sacramento, CA 95833  
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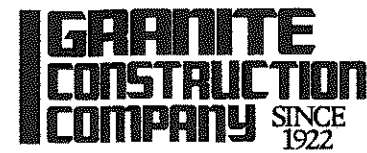
**GRANITE CONSTRUCTION  
 MINING PLAN  
 CROSS SECTIONS**

DATE SIGNED:  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



SHEET  
**13**  
 OF  
**13**  
 DATE: 10/30/07  
 JOB NO: 963.02

**ATTACHMENT I**  
**RECLAMATION PLAN**



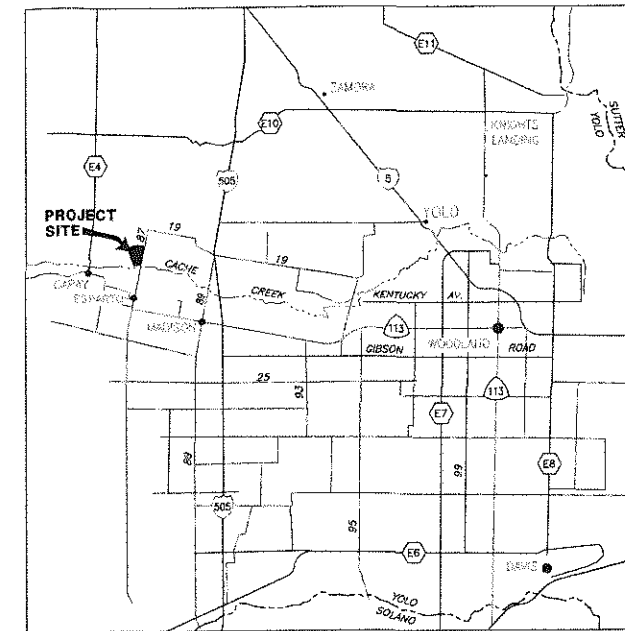
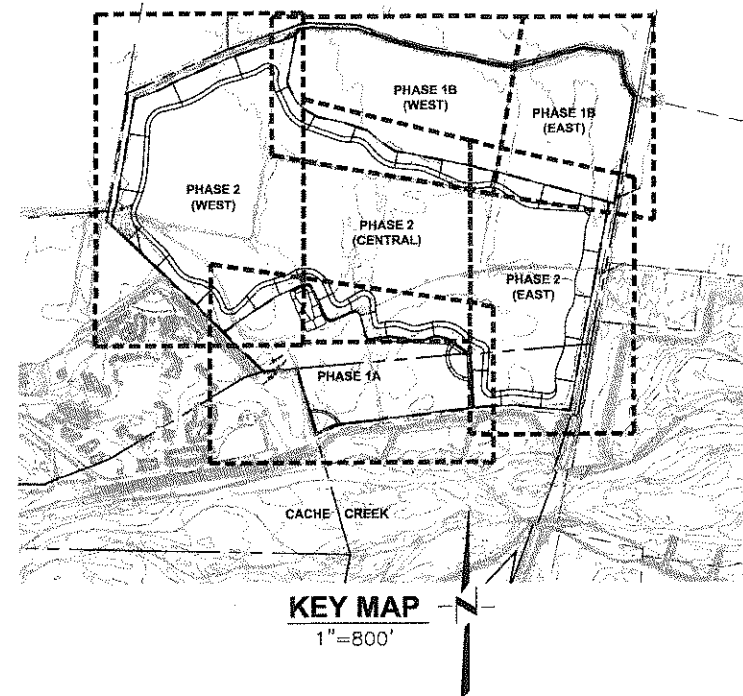
# OFF-CHANNEL RECLAMATION PLAN

## ESPARTO PLANT, YOLO COUNTY CALIFORNIA

OCTOBER 2007

### GENERAL NOTES:

- ALL WORK SHALL CONFORM TO THE YOLO COUNTY OFF-CHANNEL MINING ORDINANCE, THE PROJECT SPECIFIC CONDITIONS OF APPROVAL, THE PROJECT STORM WATER POLLUTION PREVENTION PLAN (SWPPP), THE SURFACE MINING AND RECLAMATION ACT (SMARA), OSHA, MSDHA, AND OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
- EXISTING TOPOGRAPHY BASED ON AERIAL TOPOGRAPHY FLOWN MAY 2007. VERIFY EXISTING CONDITIONS PRIOR TO COMMENCING MINING.
- ANY WORK THAT NEEDS TO BE PERFORMED WITHIN POSES OF ANY OTHER UTILITY COMPANY'S EASEMENT WILL REQUIRE A CONSENT AGREEMENT FROM THE APPROPRIATE UTILITY COMPANY. USE CAUTION WITH OPERATING ANY VEHICLES OR EQUIPMENT NEAR OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. COMPLY WITH ALL CONDITIONS LISTED IN THE CONSENT AGREEMENT.
- THE DEPTH OF MINING AND THE LIMIT-OF-MINING LINES ARE ONLY APPROXIMATE, AND ARE SUBJECT TO CHANGE BASED ON THE AMOUNT AND QUALITY OF MATERIAL AVAILABLE, AND THE ABILITY OF THE PRODUCER TO MEET THE RECLAMATION REQUIREMENTS. THE FORESEEABLE ESTIMATE OF VARIATION IS +/- 10' IN MINING DEPTH AND +/- 20% OF AREA FOR EACH TYPE OF RECLAMATION.
- RECLAMATION INFORMATION SHOWN ON THESE PLANS IS FOR LAYOUT PURPOSES ONLY. REFER TO AGRICULTURE AND BIOLOGICAL RECLAMATION PLANS FOR ADDITIONAL DETAILS.
- HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KUMH AND ASSOCIATES, INC. DATED JULY 2007.
- MAXIMUM INCLINATION OF MINING AND RECLAMATION SLOPES ABOVE AN ELEVATION OF 0' BELOW SUMMER LOW GROUNDWATER LEVEL TO BE 2:1 (H:V). SLOPES LOCATED BELOW THIS 2:1 INCLINATION REQUIREMENT ZONE MAY BE INCLINED AT A MAXIMUM OF 1.5:1 (H:V) EXCEPT ON SLOPES ADJACENT TO THE ADAMS CANAL AND COUNTY ROAD 87.
- ADJACENT TO ADAMS CANAL, THE MAXIMUM INCLINATION OF MINING AND RECLAMATION SLOPES ABOVE AN ELEVATION OF 0' BELOW THE SUMMER LOW GROUNDWATER LEVEL TO BE 3:1 (H:V). SLOPES LOCATED BELOW THIS 3:1 INCLINATION REQUIREMENT ZONE MAY BE INCLINED AT A MAXIMUM OF 1.5:1 (H:V).
- ADJACENT TO COUNTY ROAD 87, THE MAXIMUM INCLINATION OF MINING SLOPES TO BE 2:1 (H:V).
- PROVIDE PROTECTION TO WET PIT AREAS FROM STORMWATER AND/OR AGRICULTURAL RUNOFF THROUGH THE PLACEMENT OF BERMS AND/OR BARRIERS AS INDICATED ON THESE DRAWINGS. (THIS NOTE MAY NOT APPLY OR BE REQUIRED IF EXISTING TOPOGRAPHY PREVENTS SURFACE FLOWOFF FROM ENTERING ANY OF THE MINE) EXCAVATIONS THAT EXPOSE GROUNDWATER.)
- HYDRAULIC INFORMATION SHOWN ON THESE PLANS BASED ON AN UPDATED HYDRAULIC REPORT PREPARED BY CUNNINGHAM ENGINEERING OCTOBER 2007.
- THE SHOWING OF FINAL SLOPES, THE REPLACEMENT OF SOIL, AND ASSOCIATED EROSION CONTROL MEASURES SHALL TAKE PLACE PRIOR TO NOVEMBER 1 IN AREAS WHERE MINING HAS BEEN COMPLETED. TO INCREASE EROSION, ALL SLOPES ABOVE THE GROUNDWATER LEVEL SHALL BE SEEDING WITH A DROUGHT-TOLERANT MIX OF NATIVE AND NON-NATIVE GRASS SPECIES, AS SOON AS IS PRACTICAL AFTER GRADING AND PRIOR TO NOVEMBER 1. THE GRASS SEED MIX SHALL BE SEED FREE.



VICINITY MAP  
NTS

### ABBREVIATIONS:

AC	ACRES
AG	AGRICULTURAL
AGG	AGGREGATE
APN	ASSESSOR'S PARCEL NUMBER
AVC	AVSPACE
CCRMP	CACHE CREEK RESOURCE MANAGEMENT PLAN
CFR	CODE OF FEDERAL REGULATIONS
CL	CENTER LINE
CMP	CORRUGATED METAL PIPE
CY	CUBIC YARDS
E	EAST
ELEV	ELEVATION
FG	FINISH GRADE
FL	FLOW LINE
FT	FEET
GB	GRADE BREAK
GW	GROUND WATER
H	HORIZONTAL
MSHA	MINING SAFETY AND HEALTH ADMINISTRATION
MW	MONITOR WELL
N	NORTH
NO.	NUMBER
OG	ORIGINAL GROUND ELEVATION
OSHA	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
PC	POINT OF CURVATURE
PRC	POINT OF REVERSE CURVATURE
PL	PROPERTY LINE
PVMT	PAVEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
RECL.	RECLAMATION
S	SLOPE
STL	STEEL
S&G	SAND AND GRAVEL
TYP	TYPICAL
V	VERTICAL
W	WEST
W/YR	WITH YEAR

### BENCHMARK:

EXISTING TOPOGRAPHY BASED ON AERIAL TOPOGRAPHY FLOWN MAY 2007 PROVIDED BY STEWART TECHNOLOGIES VIA YOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 10, 2007. HORIZONTAL AND VERTICAL CONTROL FOR THE AERIAL TOPOGRAPHY IS BASED ON A CONTROL NETWORK TIED BY ANDREWS, INCORPORATED TO A NETWORK OF PUBLISHED BENCHMARKS. THE VERTICAL DATUM IS NAVD83.

### LEGEND:

HORIZ. VERT. CONTROL		EXISTING ELEV.	
HORIZONTAL CONTROL		PROPOSED ELEV.	
VERTICAL CONTROL		HORIZONTAL TO VERTICAL SLOPE	
BENCHMARK		TEST BORINGS	
POWER POLE		EXISTING PROPERTY LINE	
CONCRETE OR BUILDING		EXISTING EASEMENT LINE	
DIRT ROAD		HIGH GROUND WATER ELEV.	
PAVED ROAD		LOW GROUND WATER ELEV.	
FENCE		PROPOSED PHASE LINE	
TREES		TEST 3 LINE	
GROUND COVER		PROPOSED BERM	
WATER		SLOPE	
EXISTING GROUND CONTOUR		CROSS SECTION NUMBER	
PROPOSED MINING DEPTH CONTOUR		STREAMBANK STABILIZATION PROJECT (PER CCRMP)	
PREDICTED 100 YR. FLOOD LINE (SEE HYDRAULIC REPORT OCTOBER 2007)			
MONITOR WELL AND ELEVATION			
WELL AND ELEVATION			
ANTICIPATED HIGH/LOW LAKE SURFACE			

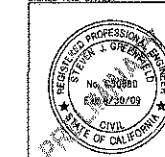
### INDEX TO SHEETS:

- VICINITY MAP, LEGEND, ABBREVIATIONS, INDEX AND GENERAL NOTES
- OVERALL MINING SITE PLAN
- RECLAMATION PLAN - PHASE 1A
- RECLAMATION PLAN - PHASE 1B (WEST)
- RECLAMATION PLAN - PHASE 1B (EAST)
- RECLAMATION PLAN - PHASE 2 (WEST)
- RECLAMATION PLAN - PHASE 2 (CENTRAL)
- RECLAMATION PLAN - PHASE 2 (EAST)
- RECLAMATION PLAN CROSS SECTIONS
- RECLAMATION PLAN CROSS SECTIONS
- RECLAMATION PLAN CROSS SECTIONS
- RECLAMATION PLAN CROSS SECTIONS
- RECLAMATION PLAN CROSS SECTIONS

### DRAWING STATUS:

- PLAN REVIEW SET
- PERMIT SET

DATE SIGNED:  
THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



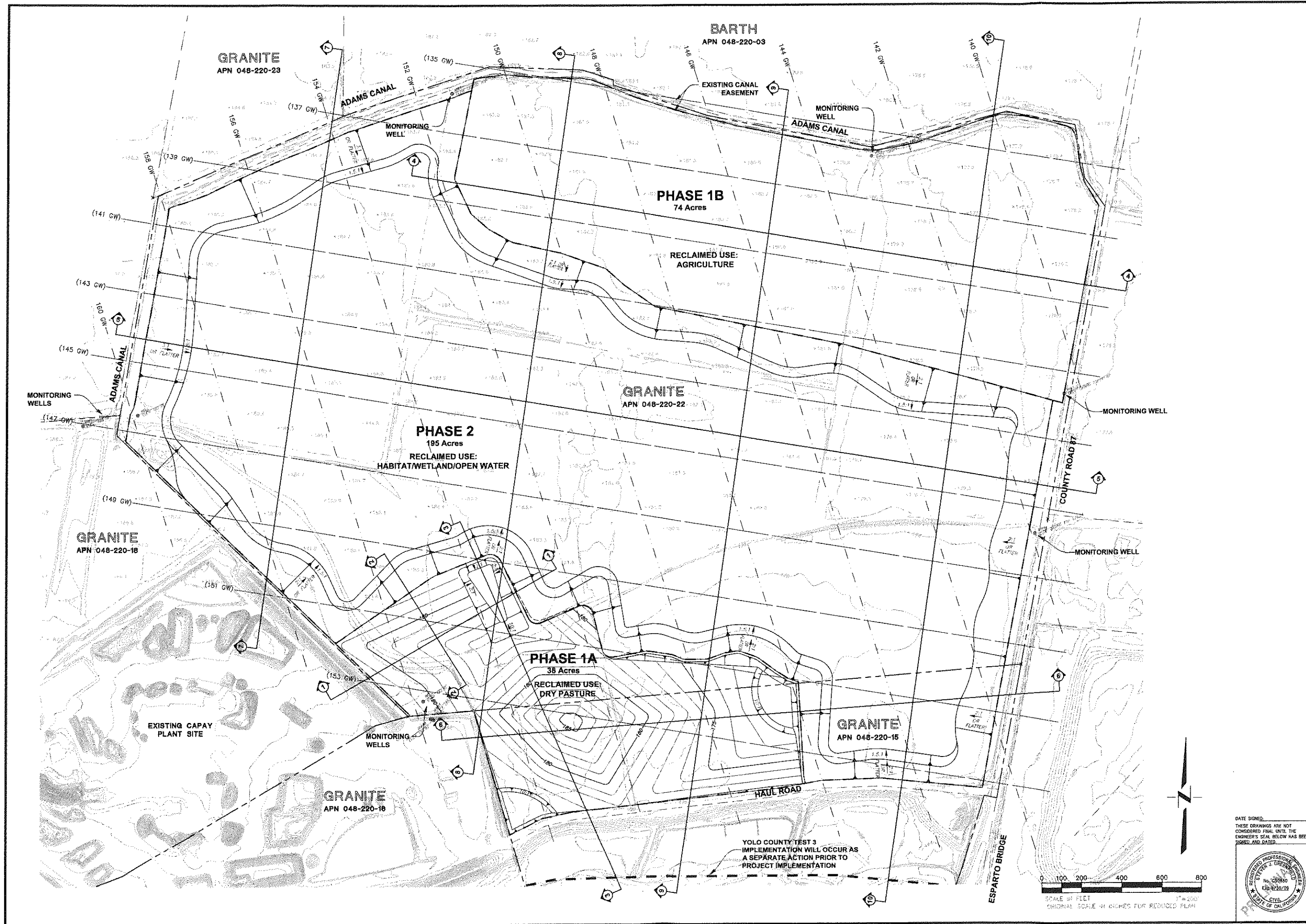
SHEET  
1  
OF  
13  
DATE: 10/12/07  
JOB NO: 963.02

GRANITE CONSTRUCTION  
RECLAMATION PLAN  
VICINITY MAP, LEGEND, ABBREVIATIONS,  
INDEX AND GENERAL NOTES

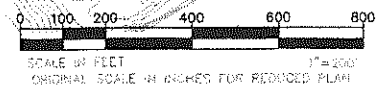


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916.455.2016

DESIGNED BY	NO
DRAWN BY	SM
CHECKED BY	SG
SCALE	AS NOTED
NO.	DATE
REVISIONS	
BY	
DATE	



YOLO COUNTY TEST 3  
IMPLEMENTATION WILL OCCUR AS  
A SEPARATE ACTION PRIOR TO  
PROJECT IMPLEMENTATION



DATE SIGNED: 10/12/07  
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PLACED AND DATED.



DESIGNED BY: N.C.	APPROVED BY:	REVISIONS:	DATE:	NO.:
DRAWN BY: S.M.	BY:			
CHECKED BY: S.G.				
SCALE: 1" = 200'				

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2300 20th Street, Suite 300  
Sacramento, CA 95818  
(916) 457-2322  
Fax: (916) 457-2323  
Davis Office  
2840 Spalton Street, Suite 200  
Davis, CA 95608  
(530) 756-7036

**CUNNINGHAM ENGINEERS**

**GRANITE CONSTRUCTION  
RECLAMATION PLAN  
OVERALL MINING SITE PLAN**

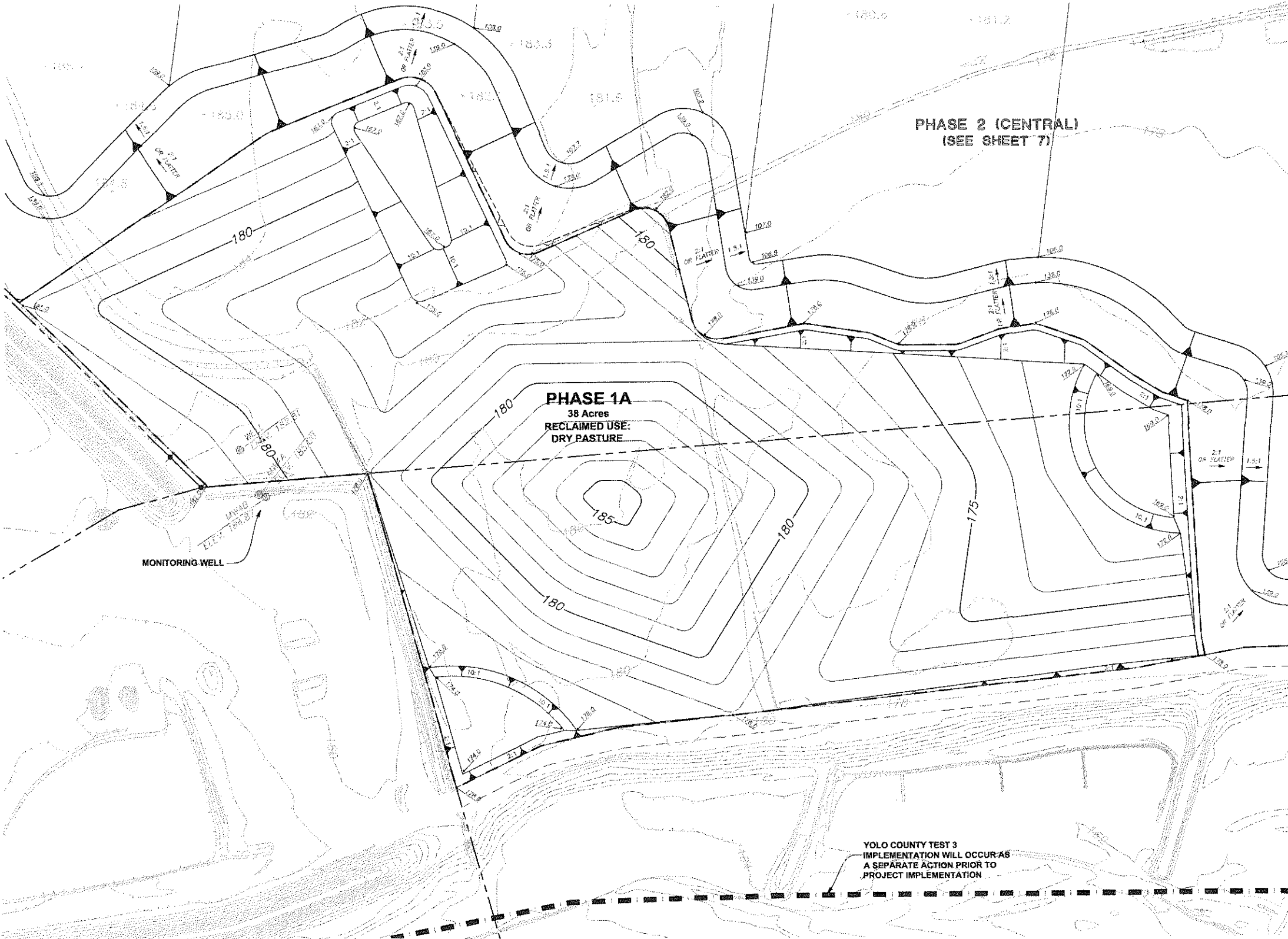
SHEET  
**2**  
OF  
**13**

DATE: 10/12/07  
JOB NO: 963.02

**PHASE 2 (WEST)**  
(SEE SHEET 6)

**PHASE 2 (CENTRAL)**  
(SEE SHEET 7)

**PHASE 1A**  
38 Acres  
RECLAIMED USE:  
DRY PASTURE

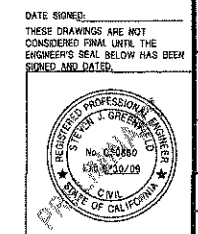


- NOTES**
1. PHASE 1A TO RECEIVE APPROXIMATELY TWO FEET OF FILL AND BE REGRADED AS SHOWN.
  2. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
  3. BOTTOM ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUMES BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.
  4. CONTOUR INTERVAL FOR EXISTING TOPOGRAPHY EQUALS 2'. CONTOUR INTERVAL FOR PROPOSED RECLAMATION PLAN EQUALS 1'.

**GRANITE CONSTRUCTION  
RECLAMATION PLAN  
PHASE 1A**

DESIGNED BY: NC	APPROVED BY:
DRAWN BY: SM	PROVIDED BY:
CHECKED BY: SG	NO. DATE:
SCALE: 1" = 100'	

SHEET  
**3**  
OF  
**13**  
DATE: 10/12/07  
JOB NO: 963.02

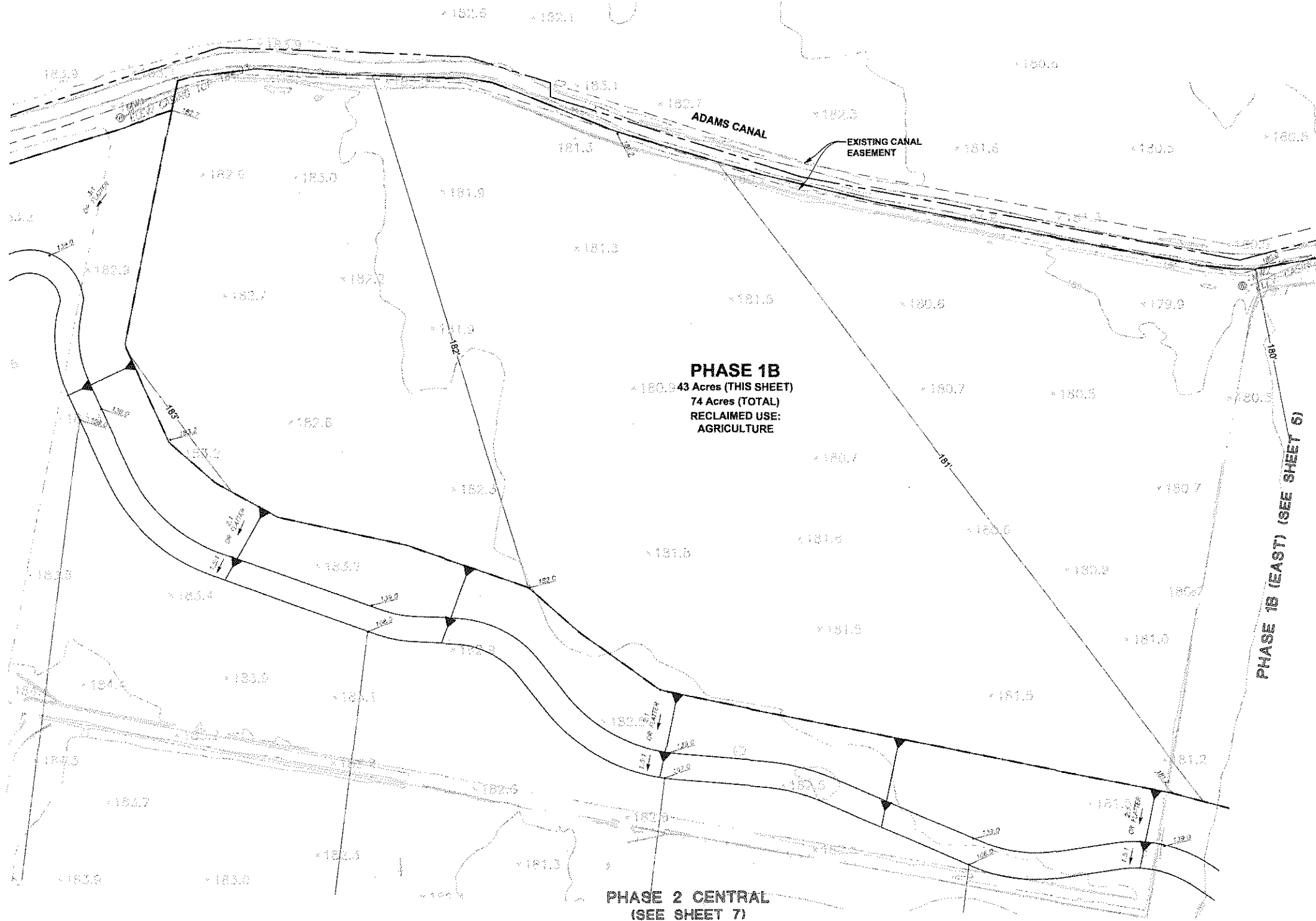


YOLO COUNTY TEST 3  
IMPLEMENTATION WILL OCCUR AS  
A SEPARATE ACTION PRIOR TO  
PROJECT IMPLEMENTATION

MONITORING WELL

**NOTES**

1. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREA.
2. BOTTOM ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUMING BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.



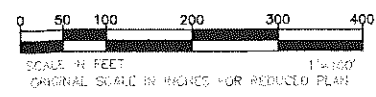
NO.	DATE	REVISIONS	BY	APPD.

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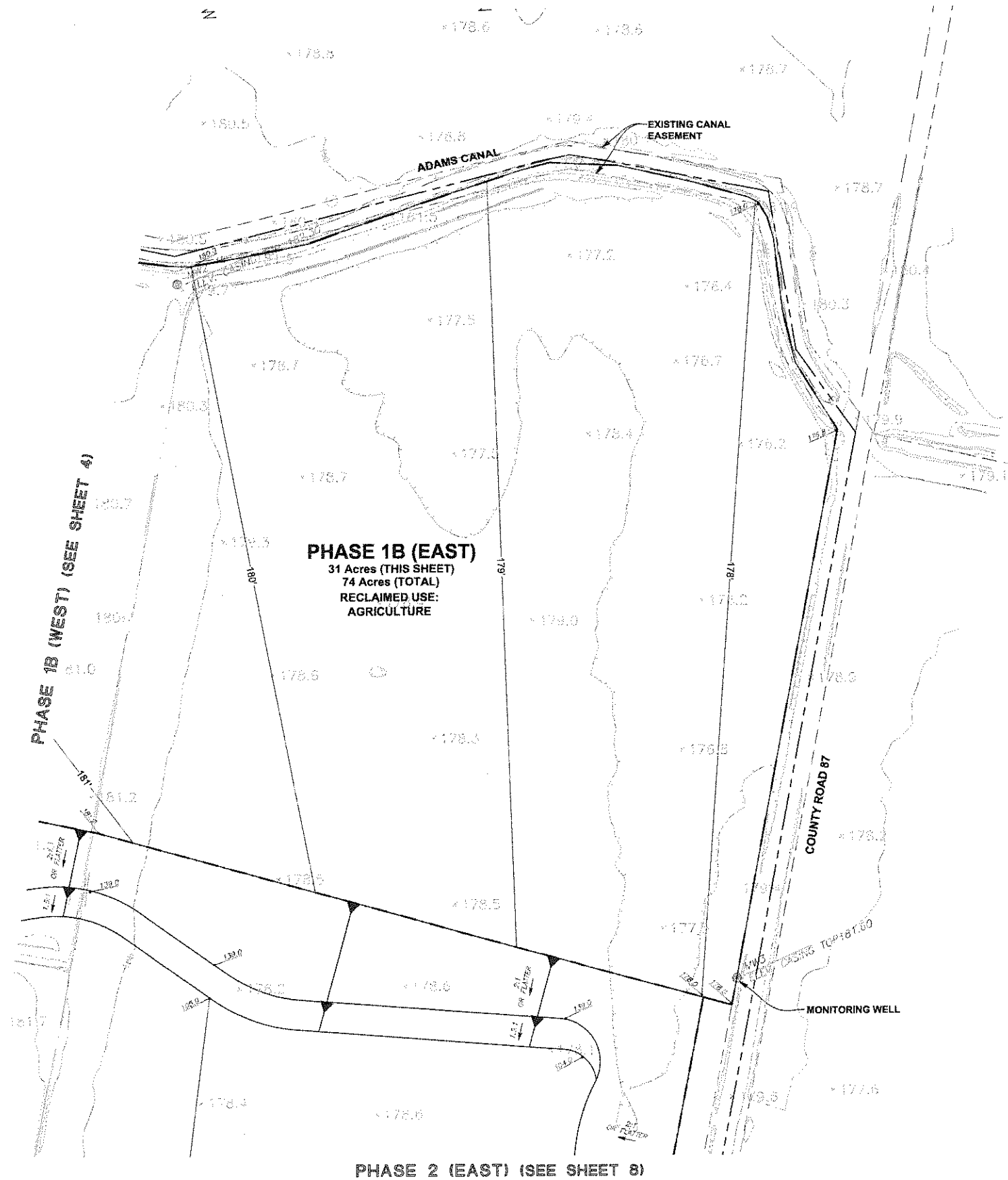
**GRANITE CONSTRUCTION  
 RECLAMATION PLAN  
 PHASE 1B (WEST)**

DATE SIGNED: \_\_\_\_\_  
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 ENGINEER'S SEAL BELOW HAS BEEN  
 SIGNED AND DATED.



SHEET  
**4**  
 OF  
**13**  
 DATE: 10/12/07  
 JOB NO: 963.02





**NOTES**

1. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
2. BOTTOM ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.

DESIGNED BY	ING
DRAWN BY	SM
CHECKED BY	SG
SCALE	1" = 100'

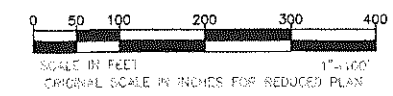
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**GRANITE CONSTRUCTION  
 RECLAMATION PLAN  
 PHASE 1B (EAST)**

SHEET	5
OF	13
DATE:	10/12/07
JOB NO:	963.02

DATE SIGNED: \_\_\_\_\_  
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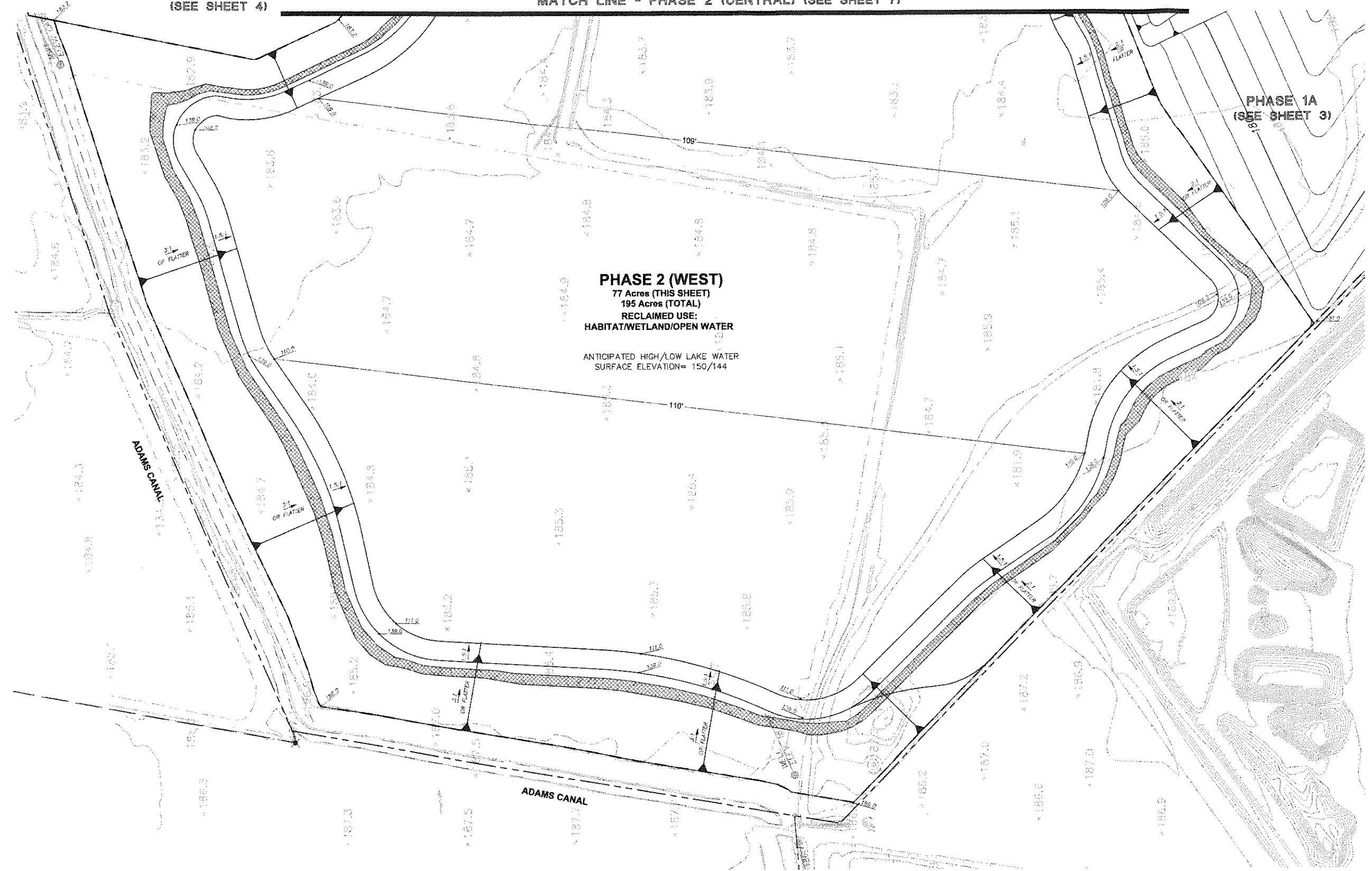
PHASE 1B  
(SEE SHEET 4)

MATCH LINE - PHASE 2 (CENTRAL) (SEE SHEET 7)

PHASE 1A  
(SEE SHEET 3)

**PHASE 2 (WEST)**  
77 Acres (THIS SHEET)  
195 Acres (TOTAL)  
RECLAIMED USE:  
HABITAT/WETLAND/OPEN WATER


ANTICIPATED HIGH/LOW LAKE WATER  
SURFACE ELEVATION= 150/144



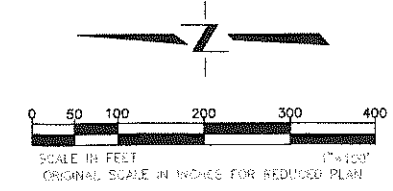
**NOTES**

- 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
- BOTTOM ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.

**LEGEND**

 SHALLOW WATER HABITAT MEASURED ALONG THE SLOPE BETWEEN HIGH AND LOW WATER

SHALLOW WATER HABITAT (ACRE)	5.16
HIGH WATER PERIMETER (FT)	13,300
HIGH WATER LEVEL (FT)	150
LOW WATER LEVEL (FT)	144
OPEN WATER SURFACE (ACRE)	166.4



DATE SIGNED: THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL, BELOW HAS BEEN SIGNED AND DATED.



DESIGNED BY: NC	APPROVED BY:
DRAWN BY: SIM	REVISIONS:
CHECKED BY: SG	NO. DATE:
SCALE: 1" = 100'	

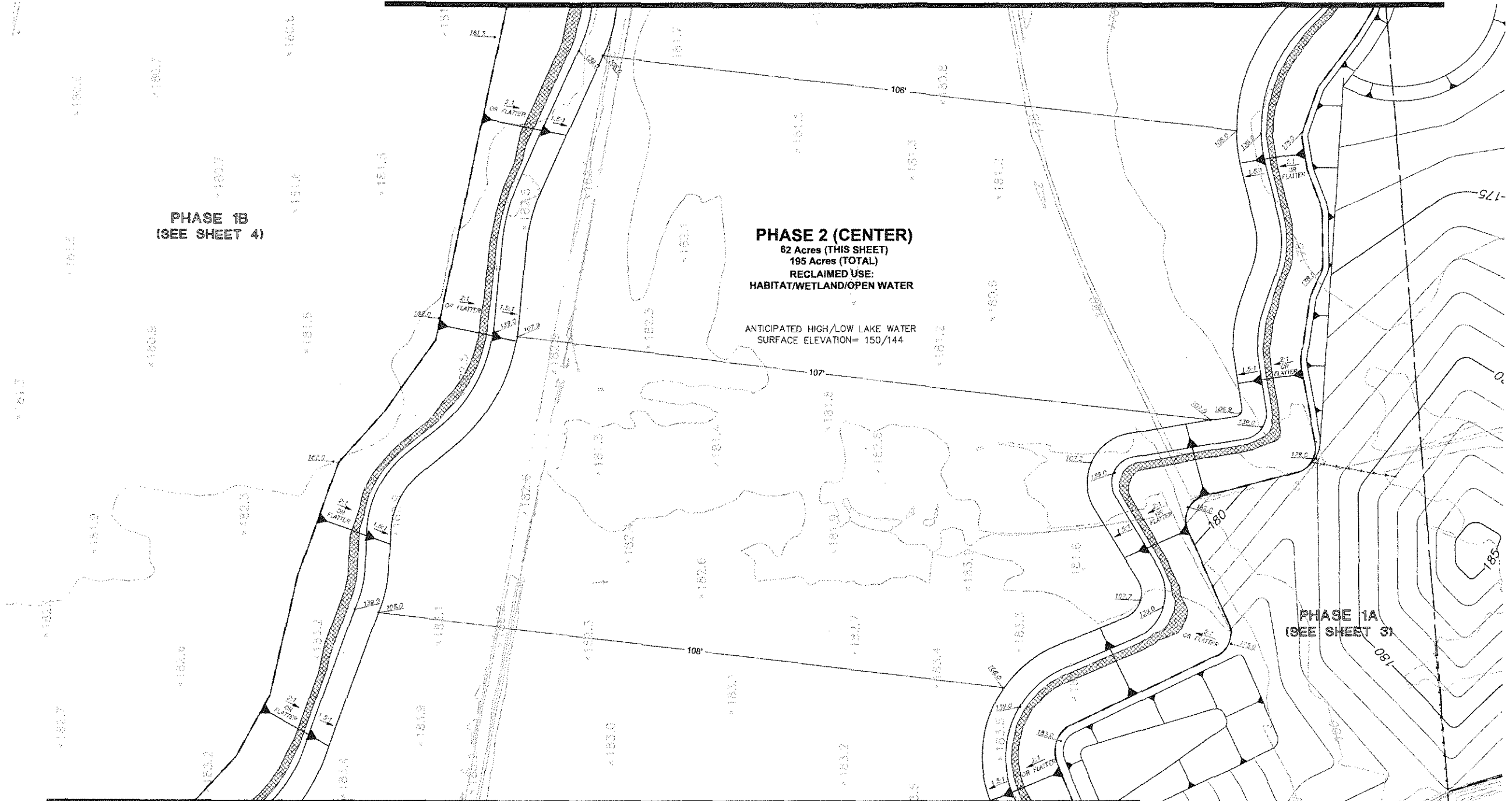
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200 20th Street, Suite 700  
Sacramento, CA 95818  
(916) 453-7008  
Corporate Office  
2540 Zanker Road, Suite 200  
Davis, CA 95618  
(530) 756-7915



**GRANITE CONSTRUCTION  
RECLAMATION PLAN  
PHASE 2 (WEST)**

SHEET	6
OF	13
DATE:	10/12/07
JOB NO.:	963.02

MATCH LINE - PHASE 2 (EAST) (SEE SHEET 8)



MATCH LINE - PHASE 2 (WEST) (SEE SHEET 6)

**NOTES**

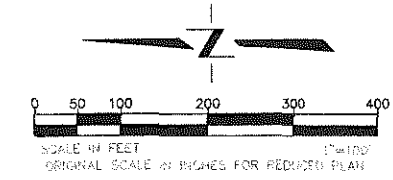
1. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
2. BOTTOM ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.

**LEGEND**



SHALLOW WATER HABITAT  
MEASURED ALONG THE SLOPE BETWEEN  
HIGH AND LOW WATER

SHALLOW WATER HABITAT (ACRE)	5.16
HIGH WATER PERIMETER (FT)	13,300
HIGH WATER LEVEL (FT)	150
LOW WATER LEVEL (FT)	144
OPEN WATER SURFACE (ACRE)	166.4



DATE SIGNED:  
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SEEN AND DATED.



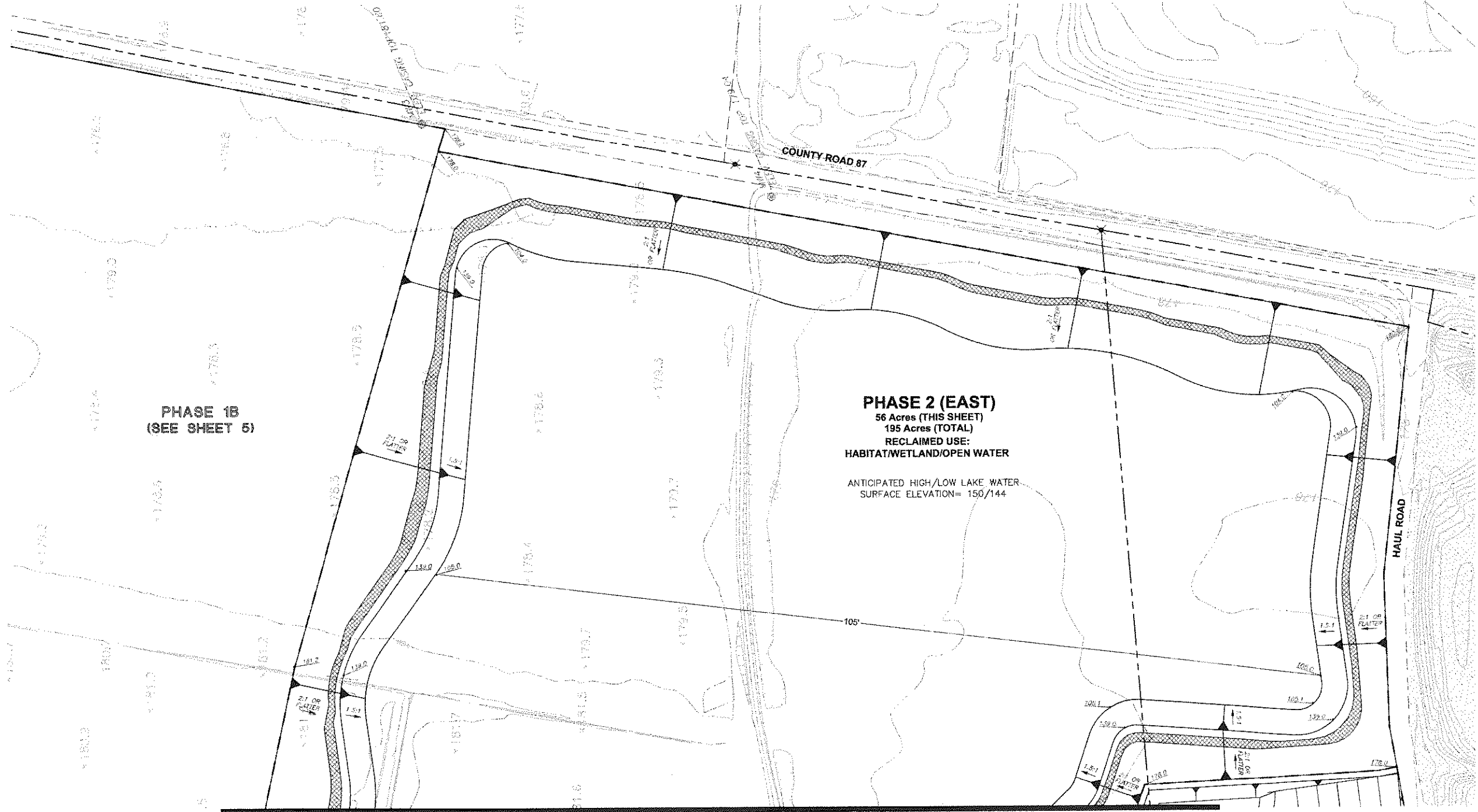
**GRANITE CONSTRUCTION  
RECLAMATION PLAN  
PHASE 2 (CENTRAL)**

SHEET  
**7**  
OF  
**13**  
DATE: 10/12/07  
JOB NO: 963.02



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• Corporate Office  
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Sacramento, CA 95833  
916.459.2025  
916.459.2026

DESIGNED BY	NC
DRAWN BY	SM
CHECKED BY	SG
SCALE	1" = 100'
NO.	DATE
REVISIONS	BY
APPROVED	BY



PHASE 2 (CENTRAL) (SEE SHEET 7)

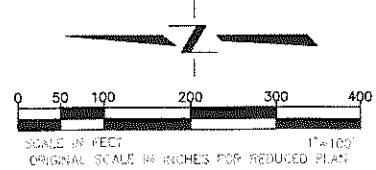
**NOTES**

1. 1'-2' BERMS TO BE ADDED ALONG PHASE LINES AS NECESSARY TO KEEP SURFACE DRAINAGE FROM ENTERING INTO THE DESIGNATED OPEN WATER AREAS.
2. BOTTOM ELEVATIONS ARE ±10' DEPENDING ON ACTUAL BOTTOM OF GRAVEL DEPTHS. ELEVATIONS SHOWN ON PLAN ASSUME BOTTOM OF GRAVEL TO BE 75' BELOW EXISTING GROUND.

**LEGEND**

SHALLOW WATER HABITAT MEASURED ALONG THE SLOPE BETWEEN HIGH AND LOW WATER

SHALLOW WATER HABITAT (ACRE)	5.16
HIGH WATER PERIMETER (FT)	13,300
HIGH WATER LEVEL (FT)	150
LOW WATER LEVEL (FT)	144
OPEN WATER SURFACE (ACRE)	166.4



DATE SIGNED:  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



**GRANITE CONSTRUCTION RECLAMATION PLAN**  
**PHASE 2 (EAST)**

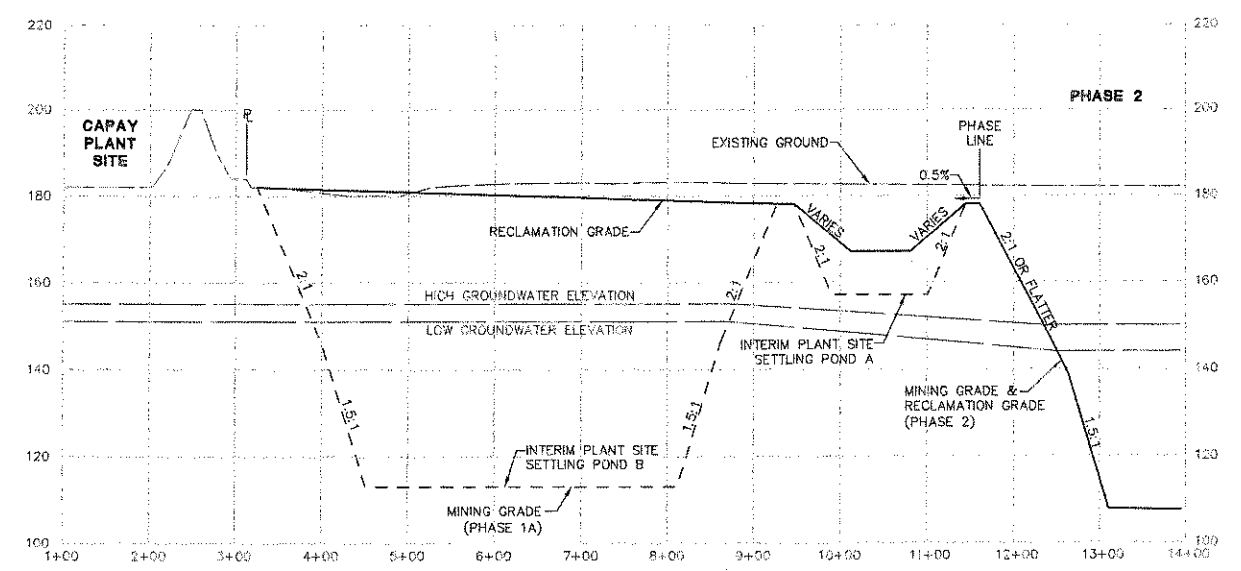
SHEET **8** OF **13**  
 DATE: 10/12/07  
 JOB NO: 963.02



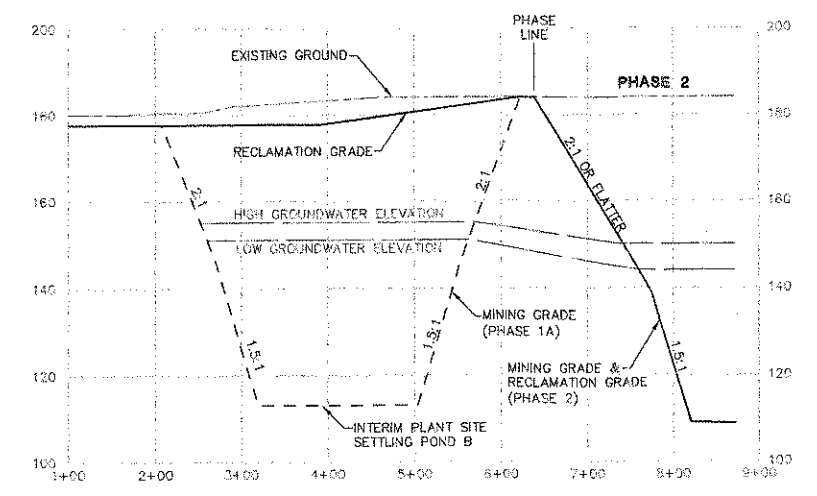
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 2300 26th Street, Suite 1300  
 Sacramento, CA 95833  
 (916) 455-2026

DESIGNED BY	NC
DRAWN BY	SM
CHECKED BY	SK
SCALE	1" = 100'
NO.	DATE
REVISIONS	BY
APPRO.	BY

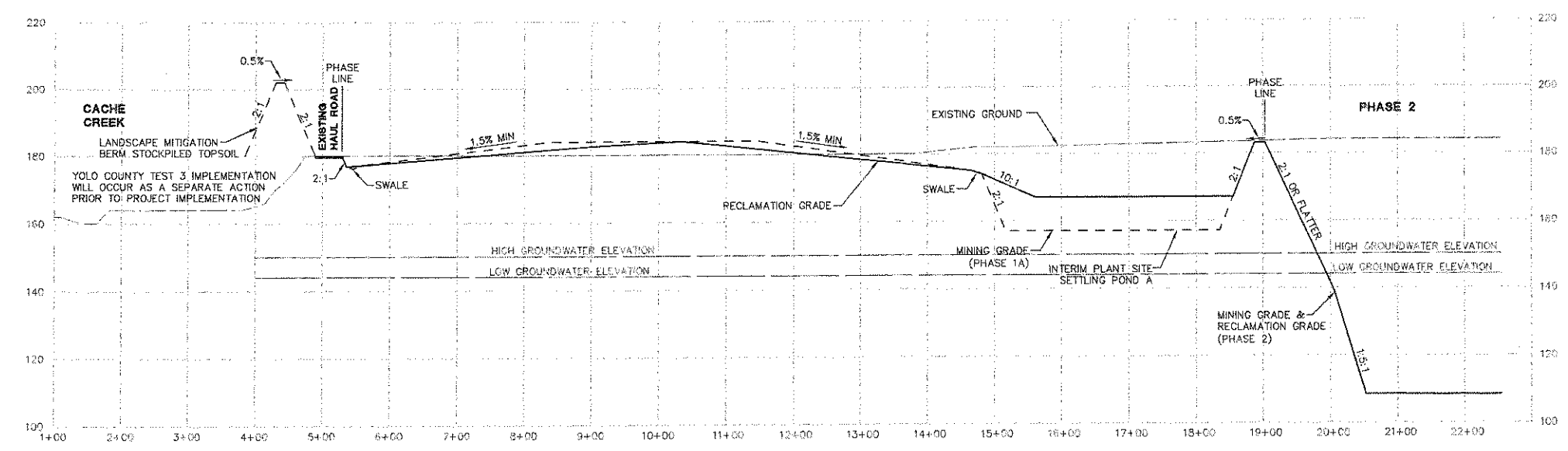
**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007, PROVIDED BY STEWART GEOTECHNOLOGIES VIA YOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 18, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE FUMI & ASSOCIATES, INC. DATED JULY 2007.



SECTION 1-1 (PHASE 1A)  
 H:1"=100' V:1"=20'



SECTION 2-2 (PHASE 1A)  
 H:1"=100' V:1"=20'



SECTION 3-3 (PHASE 1A)  
 H:1"=100' V:1"=20'

DATE SIGNED: \_\_\_\_\_  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



**GRANITE CONSTRUCTION RECLAMATION PLAN CROSS SECTIONS**

SHEET **9** OF **13**  
 DATE: 10/30/07  
 JOB NO: 963.02

DESIGNED BY: JLC  
 DRAWN BY: SM  
 CHECKED BY: SC  
 SCALE: AS NOTED

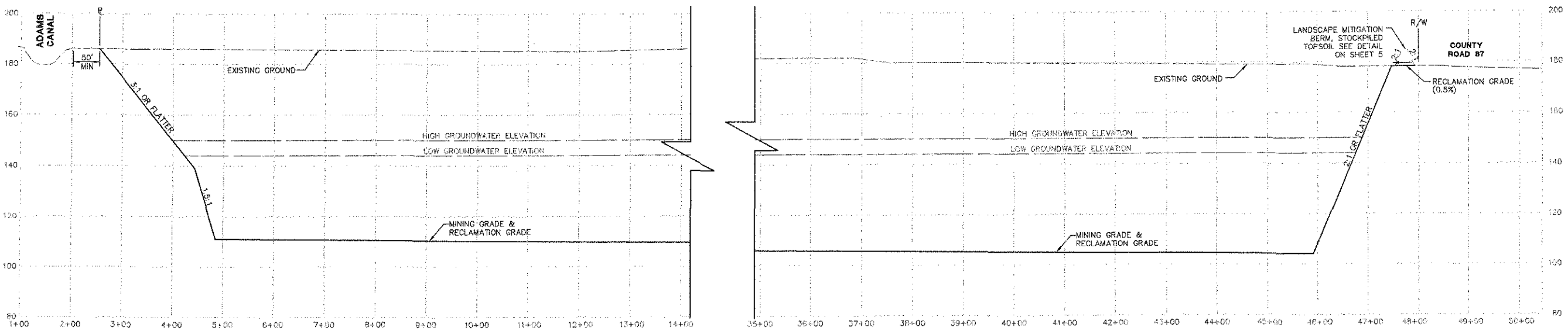
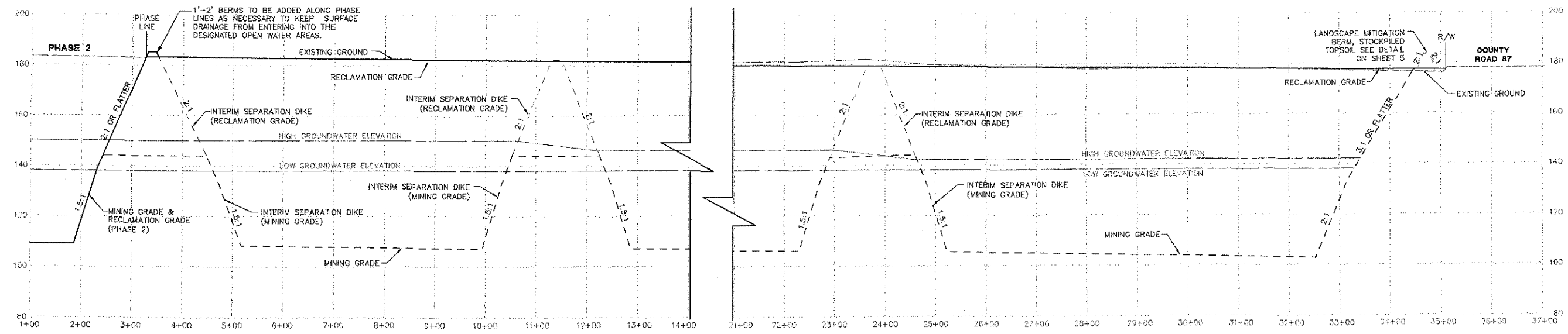
APPROVED BY: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 NO. DATE: \_\_\_\_\_

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 2100 20th Street, Suite 1000  
 Sacramento, CA 95811  
 (916) 455-2576

Corporate Office  
 2540 Jellison Street, 2nd Fl.  
 Livermore, CA 94550  
 (925) 455-2576

ENGINEERING  
 CIVIL  
 LANDSCAPE ARCHITECTURE

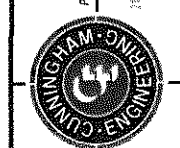
**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING TOPOGRAPHY BASED AERIAL TOPOGRAPHY ELOWR MAP 2007. PROVIDED BY STEWART GEOTECHNOLOGIES VIA TULO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE HUNT & ASSOCIATES, INC. DATED JULY 2007.



DESIGNED BY	NC
DRAWN BY	SM
CHECKED BY	SG
SCALE	AS NOTED

NO.	DATE	REVISIONS

CEWEST.COM  
 Project Planning • Civil Engineering • Landscape Architecture  
 a Corporate Office  
 2800 Sutter Street, Suite 200  
 Sacramento, CA 95833  
 (916) 455-2026  
 a Sacramento Office  
 1805 29th Street, Suite 100  
 Sacramento, CA 95833  
 (916) 455-2026



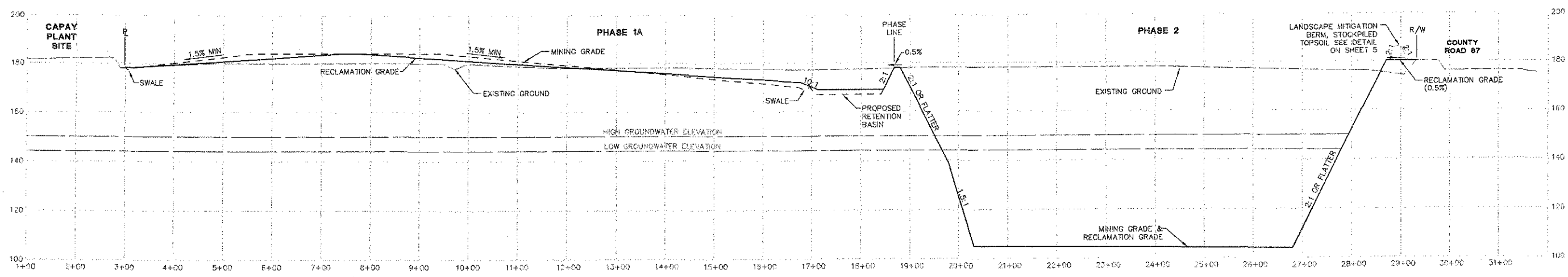
**GRANITE CONSTRUCTION  
 RECLAMATION PLAN  
 CROSS SECTIONS**

DATE SIGNED:  
 THESE DRAWINGS ARE NOT  
 CONSIDERED FINAL UNTIL THE  
 ENGINEER'S SEAL BELOW HAS BEEN  
 SIGNED AND DATED.

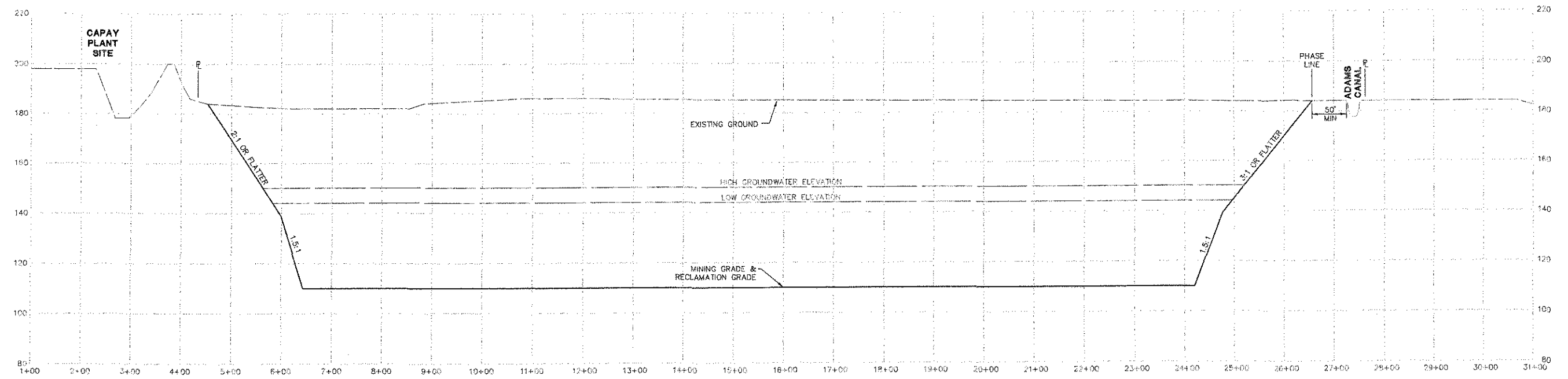


SHEET  
**10**  
 OF  
**13**  
 DATE: 10/30/07  
 JOB NO: 963.02

**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007. PROVIDED BY STEWART GEOTECHNOLOGIES VIA TOLDO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KUNL & ASSOCIATES, INC. DATED JULY 2007.



**SECTION 6-6 (PHASE 1A & PHASE 2)**  
 H:1"=100' V:1"=20'



**SECTION 7-7 (PHASE 2)**  
 H:1"=100' V:1"=20'

DESIGNED BY	NC
DRAWN BY	SM
CHECKED BY	SG
SCALE	AS NOTED

APPROVED BY	
REVISIONS	
NO.	DATE

CECWEST.COM  
 Project Planning • Civil Engineering • Landscape Architecture  
 Sacramento Office  
 2400 20th Street, Suite 200  
 Sacramento, CA 95833  
 (916) 485-7005



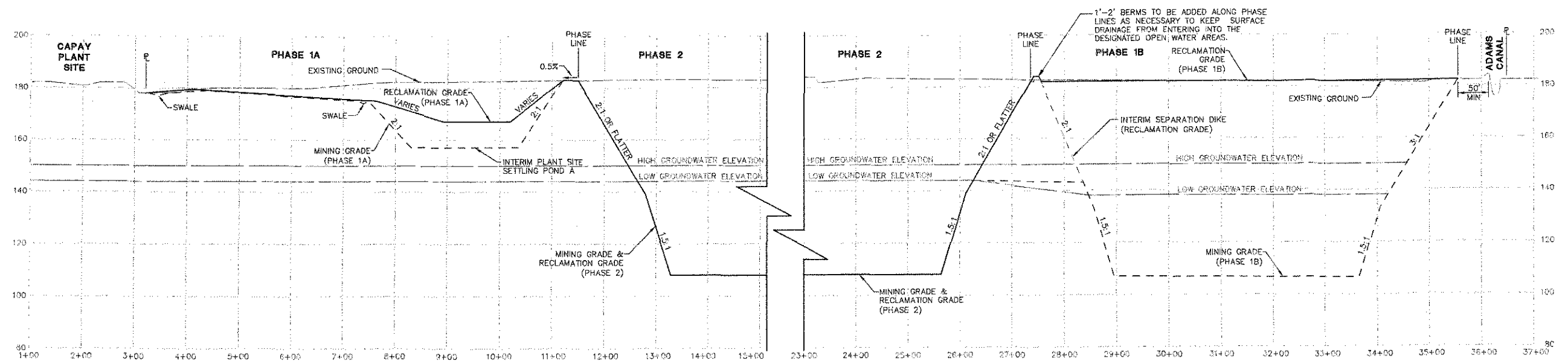
**GRANITE CONSTRUCTION  
 RECLAMATION PLAN  
 CROSS SECTIONS**

DATE SIGNED: \_\_\_\_\_  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.

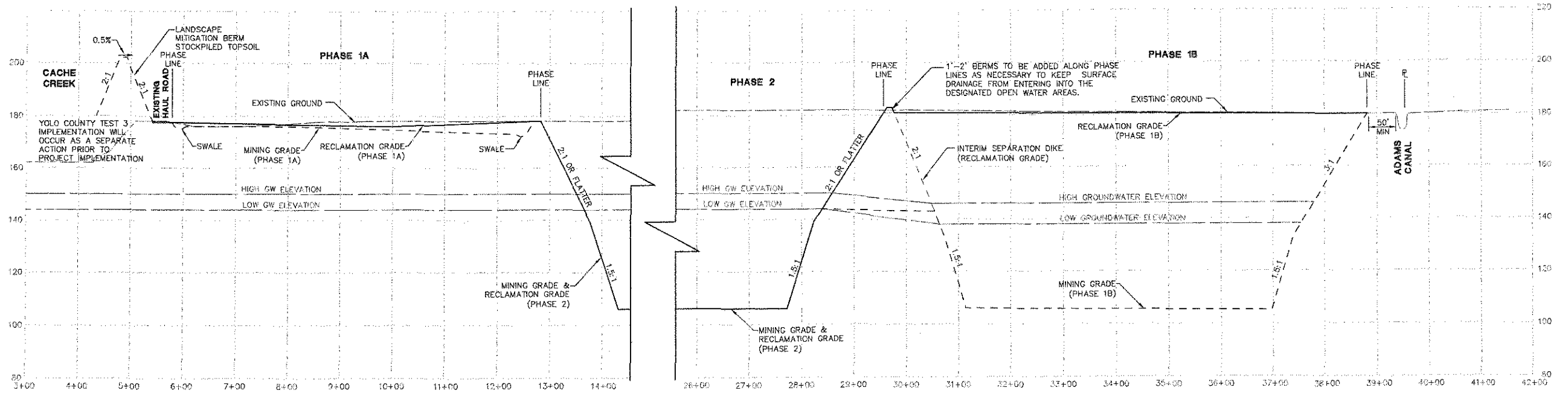


SHEET	11
OF	13
DATE:	10/30/07
JOB NO:	963.02

**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007. PROVIDED BY STEWART GEOTECHNOLOGIES VIA TOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 14, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE PUNL & ASSOCIATES, INC. DATED JULY 2007.



SECTION 8-8 (PHASE 1A, 1B, & PHASE 2)  
 H: 1"=100' V: 1"=20'



SECTION 9-9 (PHASE 1A, 1B, & PHASE 2)  
 H: 1"=100' V: 1"=20'

DESIGNED BY:	NC
DRAWN BY:	SM
CHECKED BY:	SG
SCALE:	AS NOTED

APPROVED BY:	
DATE:	
NO.:	
REVISIONS:	

CECMEST.COM  
 Project Planning • Civil Engineering • Landscape Architecture  
 Sacramento Office  
 222 1/2 St. Street, Suite 100  
 Sacramento, CA 95818  
 (916) 475-5075



**GRANITE CONSTRUCTION  
 RECLAMATION PLAN  
 CROSS SECTIONS**

DATE SIGNED:  
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 ENGINEER'S SEAL BELOW HAS BEEN  
 SIGNED AND DATED.



SHEET  
 12  
 OF  
 13  
 DATE: 10/30/07  
 JOB NO: 963.02

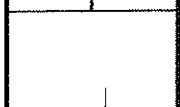


**NOTE:**  
 1. ELEVATIONS AND DISTANCES ARE APPROXIMATE. EXISTING GROUND BASED AERIAL TOPOGRAPHY FROM MAY 2007. PROVIDED BY STEWART GEOTECHNOLOGIES VIA YOLO COUNTY AND INFORMATION PROVIDED BY GRANITE CONSTRUCTION COMPANY ON AUGUST 16, 2007.  
 2. HIGH AND LOW AVERAGE GROUNDWATER ELEVATIONS BASED ON GROUNDWATER MAPS BY WALLACE KUNL & ASSOCIATES, INC. DATED JULY 2007.

DESIGNED BY: INC.  
 DRAWN BY: SIM  
 CHECKED BY: SC  
 SCALE  
 AS NOTED

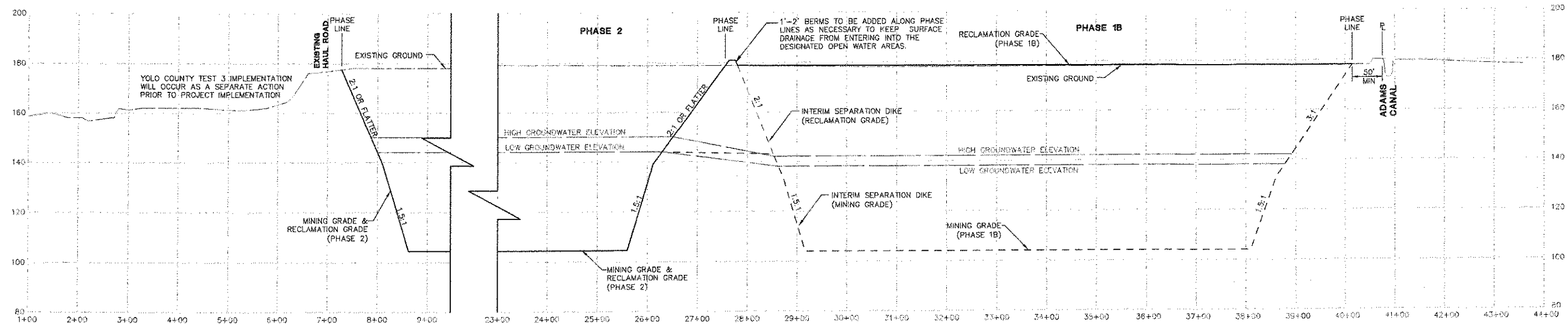
NO.	DATE	REVISIONS	BY	APPD.

CECWEST CON  
 Project Planning • Civil Engineering • Landscape Architecture  
 Sacramento Office  
 2700 2nd Street, 2nd Floor  
 Sacramento, CA 95811  
 (916) 442-2200  
 Fax: (916) 442-2205  
 www.cecwest.com



**GRANITE CONSTRUCTION  
 RECLAMATION PLAN  
 CROSS SECTIONS**

SHEET  
**13**  
 OF  
**13**  
 DATE: 10/30/07  
 JOB NO: 963.02



**SECTION 10-10 (PHASE 1B & PHASE 2)**  
 H: 1"=100' V: 1"=20'

DATE SHOWN:  
 THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



**ATTACHMENT J**  
**DEVELOPMENT AGREEMENT ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YOLO  
ENTERING INTO A DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE COUNTY OF YOLO  
AND GRANITE CONSTRUCTION COMPANY  
RELATIVE TO THE PROJECT KNOWN AS  
THE GRANITE ESPARTO LONG-TERM  
OFF-CHANNEL MINING PERMIT**

The Board of Supervisors of the County of Yolo, State of California, does hereby ordain as follows:

1. Purpose and Findings. Granite Construction Company (“Developer”) has submitted an application for the Granite Esparto Long-Term Off-Channel Mining Permit Project together with an associated development agreement. The proposed Development Agreement is attached to this Ordinance.

In adopting this Ordinance, the Board of Supervisors finds that the Granite Esparto Long-Term Off-Channel Mining Permit Project (Project) has been found by the Board to be consistent with the objectives, policies, general land uses, and programs specified in the General Plan and Cache Creek Area Plan. The Board further finds that the Project: (a) is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located; (b) is in conformity with and will promote public convenience, general welfare, and good land use practice; (c) will not be detrimental to the health, safety, and general welfare; (d) will not adversely affect the orderly development of the property or the preservation of property values. Lastly, the Board finds that the Project will meet the intent of Section 8.10.202(a) of the County Code (Development Agreement Ordinance) which requires that the County gain public benefits beyond those already forthcoming through conditions and mitigations on project approval, in consideration for entering into a development agreement.

2. Approval of Development Agreement. The attached Agreement entitled “Development Agreement By and Between the County of Yolo and Granite Construction Company Relative to the Project Known as the Granite Esparto Long-Term Off-Channel Mining Permit” is hereby approved by this Ordinance. As required by Section 8-10.403 of the County Code, the Agreement is attached and the full text of the Agreement is hereby incorporated by reference.

3. Force and Effect. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen days from the passage thereof, shall be published by title and number only in the Daily Democrat together with the names of the members of the Board of Supervisors voting for and against the same.

4. Recordation. Pursuant to Section 8-10.501 of the County Code, within ten (10) days after the County executes a development agreement, the Clerk of the Board shall record with the County Clerk/Recorder a copy of the Agreement and Amendment, which shall describe the land subject thereto.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yolo following a noticed public hearing held this 8th day of November 2011.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

By \_\_\_\_\_  
Matt Rexroad, Chair  
Yolo County Board of Supervisors

Attest:  
Julie Dachtler, Deputy Clerk  
Board of Supervisors

Approved as to Form:  
Robyn Truitt Drivon, County Counsel

By: \_\_\_\_\_  
Deputy (Seal)

By: \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

ATTACHMENT: Granite Esparto Development Agreement

**AGREEMENT NO. \_\_\_\_\_**

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE COUNTY OF YOLO AND  
GRANITE CONSTRUCTION COMPANY  
RELATIVE TO THE PROJECT  
KNOWN AS THE GRANITE ESPARTO LONG-TERM  
OFF-CHANNEL MINING PERMIT**

This Development Agreement is made and entered into this 8th day of November, 2011, by and between the County of Yolo (the "County"), a political subdivision of the State of California, and Granite Construction Company (hereinafter "Developer" and "Property Owners" or "Lessors"). As used herein, "Developer" includes any successor in interest to the original Developer and "Property Owners" or "Lessors" includes any successor in interest to the original Property Owners or Lessors.

**RECITALS:**

I. To strengthen the public land use planning and development process, to encourage private participation in the process, to reduce the economic risk of development, and to provide maximum utilization of resources, the Legislature enacted Government Code Section 65864 *et seq.*, (the "Development Agreement Statute"). The Development Agreement Statute authorizes County to enter into an agreement with any person with a legal or equitable interest in real property, regarding the development of such property.

II. Pursuant to Government Code Section 65865, County has implemented the Development Agreement Statute by adding Chapter 10 to Title 8 of its County Code, which establishes procedures and requirements for consideration of development agreements for non-residential projects. This Development Agreement has been processed, considered, and executed in accordance with the County Code provisions.

III. Developer has a legal or equitable interest in that certain real property depicted in Exhibit "A," located in the unincorporated area of the County of Yolo, and desires to create thereon the development project as hereinafter more fully described. Developer's interest in the property grants the exclusive right to mine and transport gravel and to perform other related activities on the subject property in accordance with the Permit approved for the property and with this Agreement.

IV. Property Owners or Lessors is the owner of, or otherwise holds an interest in, that certain real property depicted in Exhibit "A," located in the unincorporated area of the County of Yolo.

V. This Development Agreement relates to the development project known as the GRANITE ESPARTO LONG-TERM OFF-CHANNEL MINING PERMIT, an aggregate

mining development consisting of off-channel aggregate extraction in two phases totaling ±313 acres located north of Cache Creek, between County Roads 85 and 87.

The approximate phasing, acreage, and maximum depth of mining at each site is approved as follows:

Phase 1A	±38 acres	26-75 feet
Phase 1B	±69 acres	75 feet
Phase 2	±195 acres	75 feet

The total tonnage that would be mined at this site is 30 million tons (26.1 million tons sold). The annual permitted extraction associated with the Esparto site is 870,000 tons (sold weight), which may be exceeded by 20 percent to 1,044,000 tons (sold weight) in any one year. The annual permitted extraction associated with the Granite Capay site is 1,000,000 tons (sold weight), which may also be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year. Pursuant to this Permit, these annual permitted extraction amounts shall be combined, so that the total maximum annual permitted extraction authorized by this Agreement from either site is 2,244,000 tons (sold weight).

Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

The three phases will be reclaimed to the following uses:

Phase 1A	±38 ac agric	±0 ac habitat	±0 ac public lake
Phase 1B	±74 ac agric	±0 ac habitat	±0 ac public lake
Phase 2	±0 ac agric	±44 ac habitat	±157 ac public lake
Total	±112 ac agric	±44 ac habitat	±157 ac public lake

All mining and reclamation must be consistent with and pursuant to the Cache Creek Area Plan including the mining and reclamation ordinances, and subject to the conditions of approval imposed on the project, including adopted mitigation measures from the EIR, as documented in Exhibit B.

With the exception of filling in the new terrace area behind the re-graded bank, the applicant shall complete the proposed bank modifications as presented in the approved Streambank Stabilization Plan, as soon as materials become available, no later than 2021, and/or prior to mining within 700 feet of the adjacent high bank, whichever occurs first. The bank stabilization activities shall conform to all applicable provisions of the Cache Creek Resources Management Plan and the Cache Creek Improvement Program.

As a component of the project, the Developer has voluntarily included the following "net gain" items (described in more detail in Section 2.2.8 of this Agreement:

- Dedication of 115-acre Granite Woodland "Reiff" Property (APN 025-350-035) including existing improvements and a gravel parking area.

- Dedication of 157-acre reclaimed lake and 44-acres of immediately adjacent shoreline habitat.
- Dedication of 121-acre trail corridor, 8,000 feet of constructed trail, and a gravel parking area with specified improvements.
- Payment of a new surcharge of \$0.20 per ton on all tonnage sold annually from either the Project Site or the Granite Capay mining operations in excess 500,000 tons but not exceeding 1,000,000 tons.
- Designation of the Project Site and the Granite Capay Site as the “Place of Sale” for the purposes of calculating the Project’s sales tax obligations.

Additionally, as a component of the project, the Developer has voluntarily agreed to enter into this Agreement with the County which contractually recognizes and ensures completion of the net gain items, removal of the mining program allocation from the Granite Woodland “Reiff” site, consolidation of the tonnage approved for the Project Site with the tonnage approved at the Granite Capay site, delay of mining at the Project Site until November 2021, approval of accelerated mining at the Granite Capay site, processing of tonnage from the Project Site at the Granite Capay Plant, and funding of various programs and activities pursuant to the Gravel Mining Fee Ordinance.

The application (ZF #2007-071) to formally initiate the procedures for County approval of the Granite Esparto Long-Term Off-Channel Mining Permit was filed on October 12, 2007 and determined to be complete on December 24, 2007.

VI. On November 8, 2011, the Board of Supervisors took the following actions to provide Developer and Property Owners the lawful right and entitlement to engage in the activity generally described in paragraph V above, and specifically described in the approvals identified below.

1. **APPROVED** Rezoning (ZF# 2007-071) of: 1) 286.4 acres of Agricultural Preserve with Sand and Gravel Reserve Combining Zone (A-P/SGR) to Agricultural Preserve with Sand and Gravel Combining Zone (A-P/SG); and 2) 103.6 acres of General Agriculture with Sand and Gravel Reserve Combining Zone (A-1/SGR) to Agricultural with Sand and Gravel Combining Zone (A-1/SG). See Rezoning Ordinance, Attachment B.
2. **APPROVED** a 30-year Off-Channel Mining Permit for aggregate extraction and processing from a 313±-acre mining area on portions of two adjacent parcels (APNs 048-220-015 and 048-220-022) subject to conditions of approval. The maximum annual “base” permitted mining associated with the Esparto site is 1.0 million tons mined (870,000 tons sold). The maximum total permitted mining activity is 30 million tons mined (26.1 million tons sold). See Resolution of Approval, Attachment C; Proposed Mining Plans, Attachment D.1; and Conditions of Approval, Attachment H.
3. **APPROVED** a Reclamation Plan for the proposed mining and processing areas to a combination of reclaimed uses including agriculture, open space, and open

lake with associated habitat, subject to conditions of approval. See Resolution of Approval, Attachment C and Proposed Reclamation Plans, Attachment D.2.

4. **AUTHORIZED** exceedence of the maximum annual “base” permitted mining by up to 20 percent as provided in Section 10.4-405 of the OCSMO. This has the effect of increasing the potential annual extraction in any given year from the requested base level of 1 million tons mined (870,000 tons sold) to 1,200,000 tons mined (1,044,000 tons sold) with no change to the running ten-year average or overall permit total.
5. **REMOVED** the existing mining program allocation of 420,000 tons per year from the Granite “Woodland (Reiff) site” (APN 025-350-035) and apply it to the project site.
6. **APPROVED** consolidation of the total permitted tonnage on the Granite Capay site (APNs 048-140-040, 048-220-016, 048-220-018) and the Granite Esparto sites and authorize planning staff to approve all necessary amendments to the Granite Capay entitlements to delay mining of the Granite Esparto site until mining is completed at the Capay site (with the exception of the area under the existing processing facility) and reclamation has commenced. Accelerated mining is allowed at the Granite Capay site provided that total extraction cannot exceed the combined entitlements of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.

The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. Pursuant to this Permit, these annual permitted extraction amounts shall be combined with the annual permitted extraction associated with the subject Granite Esparto plant of 870,000 tons (sold) plus the 20 percent exceedence, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold).

7. **AUTHORIZED** execution of a Development Agreement between the County and Granite Construction, which shall include authorization of minor amendments to the existing Capay Development Agreement. See Ordinance to Approve the Granite Esparto Development Agreement, Attachment E.1 and Ordinance to Amend the Granite Capay Development Agreement, Attachment E.2.
8. **AUTHORIZED** issuance of a Demolition Permit to remove an existing single-family home and various outbuildings, subject to submittal of an application and appropriate fees.
9. **APPROVED** a Streambed Stabilization Plan to allow mining within 700 feet of but no closer than 200 feet of the channel bank, within the streamway influence boundary, as provided in Section 10-4.428(d) of the OCSMO. See proposed Streambank Stabilization Plan, Attachment F.



10. **AUTHORIZED** issuance of a Flood Hazard Development Permit (FHDP) to implement proposed bank stabilization and the Test 3 boundary along approximately 2,300 linear feet of the north creek bank, extending from County Road 87 (Esparto Bridge) westward, subject to submittal of an application and appropriate fees.

The above referenced legislative actions and the administrative approvals are, for convenience, collectively referred to as the "Permit," and are attached as Exhibit B.

VII. In support of the above Permit and in accordance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 *et seq.*), State CEQA Guidelines, and County CEQA Guidelines, County, on November 8, 2011, certified as adequate and complete an environmental impact report (SCH #2009022036) entitled "Environmental Impact Report for the Granite Esparto Mining and Reclamation Project."

VIII. On November 8, 2011, following a duly noticed public hearing, the County Board of Supervisors, in accordance with Section 8-10.400 of the County Code, adopted Ordinance No. [REDACTED] executing this Development Agreement.

IX. The principal reasons that have been given for entering into this Agreement are: 1) to contractually recognize and ensure implementation of the voluntary net gains included by Developer as a part of their application; 2) to contractually recognize and ensure execution of the land and easement dedications offered by Developer as a part of their application; 3) to contractually memorialize and vest all terms and conditions of the Permit including the payment fees per ton sold in support of the Cache Creek Area Plan; 4) to contractually attest to Developer's and Property Owners' voluntary relinquishment of all rights to mine the Granite Woodland Reiff property, in perpetuity, as consideration to the County in exchange for the rights granted by the Permit which allow Developer to mine off-channel; and 5) to assure that all aggregate processing plants and facilities are removed and the plant site reclaimed in accordance with the approved Permit and the Area Plan at the conclusion of this Permit, unless the Board grants a new permit prior to the expiration of this Permit, or extends this Permit.

X. This Agreement will eliminate uncertainty in planning; and, by virtue of implementing the Off-Channel Mining Plan ("OCMP") and Cache Creek Resources Management Plan ("CCRMP"), provide for substantial economic, environmental, and other benefits to the people of Yolo County, and assist in obtaining the most effective utilization of important resources within the County at the least economic and environmental cost to its citizens. In consideration of these benefits to the County and the public benefits that are related to the Project, Developer and Property Owners shall receive the assurances that the Subject Property can be developed pursuant to the Permit. Developer and Property Owners acknowledge that the execution of this Agreement by County is material consideration for the covenants and agreements of Developer and Property Owners herein.

NOW, THEREFORE, the parties hereto agree as follows:

## **AGREEMENT:**

### **ARTICLE 1. GENERAL PROVISIONS**

**Section 1.1. Definitions.** As used in this Agreement, the following terms, phrases, and words shall have the meanings and be interpreted as set forth in this Section.

**Section 1.1.1** "Adopting Ordinance" means Ordinance No. [REDACTED] of the County of Yolo, approved November 8, 2011 following a noticed public hearing, which approves this Development Agreement and Capay Development Agreement Amendment as required by Government Code Section 65867.5 and County Code Chapter 10, Art. 402.

**Section 1.1.2** "Agreement" means this Development Agreement by and between the County of Yolo and Granite Construction Company.

**Section 1.1.3** "Approval Conditions" means the terms and conditions of approval attached to the Permit by action of the Board.

**Section 1.1.4** "Area Plan" means the Cache Creek Area Plan ("CCAP"), which is comprised of the Off-Channel Mining Plan ("OCMP") including the Off-Channel Surface Mining Ordinance and the Surface Mining Reclamation Ordinance, and the Cache Creek Resources Management Plan ("CCRMP") including the Cache Creek Improvement Program ("CCIP").

**Section 1.1.5** "Board" means the duly elected Board of Supervisors of Yolo County.

**Section 1.1.6** "Commission" means the duly appointed Planning Commission of Yolo County.

**Section 1.1.7** "County Code" means the County Code of Yolo County.

**Section 1.1.8** "Creek" means those portions of Cache Creek within the boundaries of the Cache Creek Area Plan.

**Section 1.1.9** "Developer" means Granite Construction Company, its assignee(s) or successor(s) in interest.

**Section 1.1.10** "Director" means Director of the Community Development Agency, County of Yolo, or his designee, or as otherwise amended by County Code.

**Section 1.1.11** "Effective Date" means the date of approval, November 8, 2011.

**Section 1.1.12** "General Plan" means the General Plan, including text and maps, of the County of Yolo.

**Section 1.1.13** "Permit" means the permits and other entitlements approved as described in Paragraph VI of the Recitals and attached as Exhibit B.

**Section 1.1.14** "Project" means use of the rights granted to the Subject Property pursuant to the Permit including incorporated exhibits thereto.

**Section 1.1.15** "Property Owner(s)" or "Lessor(s)" means the owner(s) of or other holder(s) of a legal interest in Assessor Parcels 048-220-022 and 048-220-015.

**Section 1.1.16** "Subject Property" means the real property depicted in Exhibit A.

**Section 1.2 Additional Defined Terms**. If any of this Agreement's capitalized terms are not defined above, then such terms shall have the meaning otherwise ascribed to them in this Agreement.

**Section 1.3 Citation**. This Agreement shall be known as and may be cited as the GRANITE ESPARTO LONG-TERM OFF-CHANNEL MINING PERMIT Development Agreement.

**Section 1.4 Parties to Agreement**. The parties to this Development Agreement are the County of Yolo and Granite Construction Company.

**Section 1.5 Subject Property**. The property subject to this Agreement is depicted in Exhibit A hereto and made part of this Agreement.

**Section 1.6 Term of Agreement**. Subject to the interim reviews described in Section 7.2 of this Agreement, this Agreement shall commence upon the Effective Date, and shall be in force for a period coterminous with the Permit thereafter unless extended or terminated as provided herein.

**Section 1.7 Consistency With General Plan**. In granting the Permit described herein, the Board expressly found that the Permit is consistent with the text and maps of the County General Plan.

**Section 1.8 Amendment to Agreement**. This Agreement may be amended by mutual consent of the parties in writing in accordance with the provisions of Government Code Section 65868 and County Code Sections 8-10.601 through 8-10.602.

**Section 1.9 Assignment**. Developer and Property Owners have the right to sell, assign, or transfer property subject to this Agreement. The conditions and covenants set forth herein shall run with the land and the benefits and burdens of this Agreement shall bind and inure to the successors of the parties. Developer and Property Owners shall provide County with written notice of any sale, assignment or transfer of any of the Subject Property within thirty (30) days after such sale, assignment or transfer.

**Section 1.10 Recordation of Agreement.** The Clerk of the Board shall, within ten (10) days after the Effective Date of this Agreement, record a copy of the Agreement with the County Recorder, County of Yolo.

**Section 1.11 Applicable Law and Attorneys' Fees.** This Agreement shall be construed and enforced in accordance with the laws of the State of California. If any arbitration, quasi-judicial or judicial special proceeding, or action is commenced by either party for breach of this Agreement to test the validity hereof, or to enforce any provision, the prevailing party shall be entitled to reasonable attorneys' fees, costs, expert witness fees, and such other costs as may be fixed by the court or person(s) deciding the issue except that the County shall not be required to pay such fees or expenses.

**Section 1.12 Invalidity of Agreement.** If this Agreement, in its entirety, is determined by a court to be entirely invalid or unenforceable, then this Agreement shall be deemed terminated as of the date of entry of final judgment. County shall record a notice of termination as provided in Section 8-10.501 of the County Code.

**Section 1.13 Invalidity of Provisions of Agreement.** If any provision of this Agreement shall be finally adjudicated by a court to be invalid and unenforceable, the remainder of the Agreement shall stay in effect. However, if a court determines that any fee, assessment, or charge described herein is invalid, this Agreement shall terminate and the permits described herein shall be rescinded unless the operator agrees in writing to continue providing funds equal to those in existence prior to the initiation of litigation challenging any fee, assessment, or charge described herein.

**Section 1.14 Future State and Federal Laws.** If future state and federal laws or regulations render any provision of this Agreement invalid or unenforceable, such provisions shall, in the discretion of the Board, be modified or suspended as may be necessary to comply with such state or federal laws and regulations, and the remainder of the Agreement shall continue in full force and effect.

## **ARTICLE 2. GENERAL CONSIDERATIONS, OBLIGATIONS OF DEVELOPER AND COUNTY, VESTING**

**Section 2.1 General Considerations.** Each party in lawful consideration of the other party's voluntary acceptance of the terms herein assures the other party that the Subject Property can be developed consistent with the Permit. It is agreed that the development of the Subject Property is a private development project by Developer and that no partnership or joint venture between the parties is created by this Agreement; County has no interest herein except as is authorized by applicable law in the exercise of its governmental functions.

As documented by this Agreement and the terms and conditions of the County's approval, it is intended that all mining rights held in the Creek be discontinued, and exchanged for rights to mine in the off-channel areas. In-stream commercial mining would cease, however, "maintenance mining" pursuant to the Area Plan (specifically the

CCRMP and CCIP and any subsequent implementing ordinances) would be allowed to take place with County approval.

## **Section 2.2 Obligations of Developer.**

**Section 2.2.1 Consideration.** The Parties acknowledge and agree that County's agreement to perform and abide by the obligations of County set forth herein, including the issuance of the Permit, is material consideration for Developer's agreement to perform and abide by the obligations of Developer set forth herein.

**Section 2.2.2 Waiver Re: "Nexus" Challenge.** Developer agrees, and knowingly and specifically waives its right or rights to challenge by any legal action or other proceeding, at any time during the term of the Agreement, whether or the extent to which there is a nexus, rough proportionality, or reasonable relationship between any obligation of Developer created by the Permit or by this Agreement, whether alone or aggregated, with any or all of the other obligations, benefits, entitlements, or rights conferred upon Developer by the Permit or this Agreement.

**Section 2.2.3 Waiver Re: Challenge To Fees.** Developer agrees, and knowingly and specifically waives its right or rights to challenge by any legal action or other proceeding, at any time during the term of the Agreement, County's ability to impose any fee, assessment, or charge as described herein.

**Section 2.2.4 Relinquishment Of In-Channel Rights.** Developer agrees to relinquish any and all in-channel rights to extract aggregate in accordance with Article 3 of this Agreement.

**Section 2.2.5 Compliance With Area Plan.** Developer hereby agrees to mine and/or process materials only pursuant to the provisions contained in the Area Plan and Permit.

**Section 2.2.6 Application Of Area Plan To Other Leases.** For all valid leases to which the Developer is a signatory, where the property included within the lease is within the Area Plan, but is not a part of the Subject Property addressed by this Agreement, prior to the effective date of this Agreement the Developer shall either:

(i) provide County with an indemnification against claims of vested rights for mining activities on land which the developer leases and which is not part of the Subject Property, in a form acceptable to County; or

(ii) amend the existing lease or leases, or execute a new lease or leases containing a provision agreeing to mine and/or process materials only pursuant to the provisions contained in the Area Plan.

For all leases to which the Developer becomes a signatory in the future, where the property included within the lease is within the Area Plan, but is not a part of the Subject Property addressed by this Agreement, the Developer lease shall contain a

provision agreeing to mine and/or process materials only pursuant to the provisions contained in the Area Plan.

Developer attests, by and through this Agreement, that it is a party to no other leases within the Area Plan affecting fee title and mineral development beyond those referenced in the foregoing paragraph, wherein Developer agrees to mine and/or process materials only pursuant to provisions contained in the Area Plan.

Developer shall provide the County with a signed statement attesting to and describing compliance with this Section within 30 days of the effective date of this Agreement. Should Developer become a party to a lease within the Area Plan after the effective date of this Agreement, Developer shall provide County with a signed statement attesting to and describing compliance with this Section within 30 days of the effective date of the subsequent lease or at the next annual Permit review, whichever is later.

**Section 2.2.7 Acceptance Of Materials Only If In Compliance With Area Plan.** Developer agrees not to accept material from any source or location within the Cache Creek Mineral Resource Zone ("MRZ") unless it was mined, and will be processed, in compliance with the Area Plan. The intent of this section is to preclude all operators from processing aggregate resources removed from within the Cache Creek Mineral Resource Zone that were mined under regulations other than those contained in the Area Plan (except for stockpiles resulting from extraction occurring prior to the effective date of this Agreement).

**Section 2.2.8 Net Gains and Dedications.** In accordance with Section 10-4.502(i) of the County Code [Off-Channel Surface Mining Ordinance, Applications: Contents] and in accordance with Action 7.4-1 of the OCMP of the Area Plan and Action 5.4-1 of the CCRMP of the Area Plan, Developer has offered as a part of Project, and County has accepted, the following voluntary net gains and dedications. County and Developer agree that the items described herein are a voluntary contribution beyond that which the County could otherwise require of Developer as a part of project approval.

- 1) Dedication of Granite Woodland "Reiff" Property (see Exhibit C) – Any and all rights/permits to mine, operate plants, and/or process materials, associated with this property are extinguished. The 115-acre Granite Woodland property (APN 025-350-035) shall be dedicated in fee to the County no later than October 2014. All existing wells, electrical infrastructure, fencing, and the entry gate at CR 95B would be included in the dedication. The Developer shall reclaim the property to the requirements of the 1980 Reclamation Plan, which includes site grading, redistribution of topsoils, soil amendment, and seeding of the site. The Developer shall install, at its sole cost and expense, a gravel parking area totaling approximately 3.5 acres in the northeastern corner of the site as depicted on Exhibit C.

For a ten-year period following the Permit approval date, the Developer shall retain the right to utilize the Woodland property for possible future Swainson's hawk mitigation. This shall entail reservation of access rights to allow Developer to plant

vegetation on the property for which Developer has the right to seek mitigation credit from the state Department of Fish and Game and/or other appropriate authorities.

The County shall agree during that period to placement of a habitat easement on the site for Swainson's hawk habitat mitigation provided there are no material resulting restrictions on current or future public use of the land, no material restrictions on trails through the property, no material restrictions on current or future riparian restoration of the lowlands, and no adverse implications for ongoing maintenance and operation of the property once dedicated.

The County shall agree to not oppose Developer's efforts to secure Swainson's hawk mitigation credit; however, the County shall have approval authority over proposed plantings and/or site modifications and easement language necessary to achieve mitigation credit. The purpose of giving the County review and approval is expressly for the purpose of ensuring that the plantings/modifications are consistent with County use and maintenance of, and public access over, the site. If the County determines the proposed plantings/modifications would be detrimental to those interests then approval of Developer's mitigation proposal shall be withheld.

The mechanism for dedication would be an Irrevocable Offer of Dedication (IOD) to the County which would allow the County to take the dedication of the property at that time or postpone it (at the County's discretion) for a maximum period extending through November 2021. The IOD would stay in effect until that time after which it would expire. Upkeep of the property would remain the responsibility of Granite Construction until the County accepts the property.

2) Dedication of Reclaimed Lake and Surrounding Habitat Area (see Exhibit D) – The reclaimed 157-acre open water lake and 44 acres of immediately adjacent shoreline habitat shall be dedicated in fee to the County within five years following completion of mining or the term of the permit (November 2041) whichever occurs first. The dedication shall include a 20-foot wide unrestricted public access from the dedication area across the project access road to the proposed creek trail dedication described below. Granite would retain an easement to provide vehicular access along the West Adams Canal, along the north edge of the lake to the Stephens Property (APN 048-220-023) and an easement to the agricultural well located at the most northeasterly point of the edge of the lake habitat.

The County agrees to consider the use of the Stephens' family name in association with the naming of the dedicated areas and/or related public amenities.

All parties agree that this dedication obligation will not preclude consideration by the County of any future application by Developer to conduct additional mining activity within the reclaimed lake area prior to actual dedication. All parties agree that such future application would trigger new separate net gains obligations and Developer could not rely upon the net gains package described herein for that purpose.

3) Dedication of Trail Corridor and Trail (see Exhibit E) -- Property totaling approximately 121 acres (portions of APN's 048-220-015, 048-220-016, and 048-140-40) extending from the Capay Open Space Park on the west to CR 87 on the east, on the north side of Cache Creek, shall be dedicated in fee to the County within five years of the Permit approval date.

The Developer shall install, at its sole cost and expense, a trail roughly 8,000 foot long and ten feet wide extending from the existing Capay Open Space Park trail to CR 87. The trail shall be constructed by Developer in the field and shall not require the preparation or approval of formal engineering designs or plans. The trail shall be constructed of native surface materials and shall include fencing (minimum three-strand hog wire). Developer shall install a gravel parking area totaling approximately 5,000 square feet (sized to accommodate approximately 20 vehicles) at the southwest corner of the intersection of the project access road and CR 87. Included as a part of the completed parking lot improvements would be one interpretive board, one portable restroom, and three picnic tables; these improvements shall meet County specifications.

The Developer shall have the right to reserve easements and encroachments on the property necessary to allow implementation of bank stabilization and reclamation work required of the project.

4) Unallocated Tons Surcharge – The Developer shall pay an additional new surcharge of \$0.20 per ton on all tonnage sold annually from either the Capay or Esparto mining operations in excess 500,000 tons but not exceeding 1,000,000 tons (see table below):

<b>Tons Sold Annually From Combined Mining Operations</b>	<b>Applicable Per-Ton Fee</b>	<b>Per-Ton Fee Amount Based on 2011 Fees</b>
0 to 500,000 tons	Ordinance Base Fee	\$0.526 ton*
500,000 to 1,000,000 tons	Ordinance Base Fee + Unallocated Tons Surcharge	\$0.726 ton*
1,000,000-1,200,000 tons	Ordinance Base Fee + Ordinance Surcharge	\$0.726 ton*
1,200,000- 2,070,000 tons	Ordinance Base Fee	\$0.526 ton*
2,070,000-2,244,000 tons	Ordinance Base Fee + Ordinance Surcharge	\$0.726 ton*

\* Based on the 2011 fees (subject to change pursuant to Gravel Mining Fee Ordinance)

This new surcharge shall be available for use by the County for any legitimate activity under the Area Plan; funding shall not be restricted to any particular single funding category specified in the Gravel Mining Fee Ordinance.

The new surcharge shall go into effect on January 1, 2012. The County shall begin collecting revenues from the surcharge, if applicable, in 2013. The new surcharge shall terminate December 31, 2026. The Developer shall also continue to be subject to the terms and conditions of the existing Gravel Mining Fee Ordinance (Ordinance No. 1357), including any modifications of the Ordinance in the future.



5) Sales Tax Place of Sale -- To the extent permitted by federal, state, and local law and upon approval of the Project, Developer shall designate the Project Site and the Granite Capay Site as the "Place of Sale" for the purposes of designating the retail sales location and calculating the sales tax obligations for both sites.

The design of reclaimed habitat is already subject to County approval pursuant to the conditions of approval. The design of all additional restored habitat included as a part of Developer's net gain shall also be subject to County approval. Developer agrees that designs for proposed habitat restoration shall be provided to the County for review and administrative approval, which review and approval shall not take greater than thirty (30) days to complete. Developer will assume maintenance and monitoring responsibilities of all vegetation and habitat installed in the reclamation and the aforementioned net gain areas for a period of five years. All monitoring results shall be provided to the County together with other required annual reports.

### **Section 2.2.9 Process for Dedications of Fee Title and Access Easements.**

(i) Escrow and Hearing. Within 30 days of completion and acceptance reclamation, and/or completion of areas to be dedicated, the Developer and/or Property Owner shall open an escrow account, for the purpose of dedicating in fee, by grant deeds, the properties to the County or its designee, with a title company that maintains an office in Yolo County. Instructions of the escrow shall include but not be limited to: (a) the release of the financial assurances bond held by Yolo County and the State of California; (b) the transfer of the property to be dedicated to the County or its designee free and clear of all liens and encumbrances, except those already in existence on November 8, 2011;

The Board of Supervisors shall schedule and notice a public hearing for the purposes of accepting any dedication and shall at the conclusion of the hearing designate an entity, if other than the County, to which the dedication shall be made. In addition, the Board, with the concurrence of the Developer, shall define any other conditions of the dedication that shall be made a part of the escrow.

(ii) Reservation of Rights. Except as required to fulfill the terms of this Agreement, the property owner and the developer shall convey all rights and fee title to the property to the County or its designee free of all restrictions, encumbrances, and liens other than those in effect as of the Effective Date of this Agreement.

Additionally, all property conveyed to the County shall be free of any and all toxic substances and contaminants as defined by the Health and Safety Code or its equivalent. If any cleanup of the property is required, pursuant to Section 2.2.9 (ii), the Developer covenants and agrees that at its sole cost and expense, the Developer shall remove and dispose of all toxic substances and/or contamination, prior to transfer of the property to the County or its designee. In the event that such cleanup and removal is not commenced or completed in a timely manner, the County may immediately commence and timely complete such cleanup and removal, at the Developer's expense. The obligation of Developer to clean and remove toxic substances shall be deemed

discharged only after the County is notified in writing by the appropriate governmental agency(ies) that no further action (cleanup and/or removal) is required.

(iii) County Commitments Regarding Dedicated Land. The County agrees that it will not lease, sell, rent, or otherwise use the property for the purposes of further commercial aggregate mining or processing. The County further warrants that County's ownership and use of dedicated land will not adversely affect the Developer's ability to mine pursuant to this Agreement.

(iv) Lot Line Adjustment. The boundaries of the property to be dedicated shall be established via lot line adjustment, or other appropriate mechanism of State law in force at the time of transfer. The developer and/or property owner shall be responsible for all costs associated with establishing the dedicated property as a separate and distinct lot with documented (surveyed) boundaries, with the exception of County fees, which shall be the responsibility of the County.

(v) Due Diligence at Time of Transfer. The County shall be given access for staff and consultants, for at least 45 days during the period of escrow, for the purposes of performing various site assessments to verify the suitability of the property for public conveyance. Adverse results shall be subject to Section 6.5 of this Agreement and any other applicable section.

(vi) Appraisal. The Developer and/or Property Owner shall be responsible for the costs of establishing value at the time of dedication.

**Section 2.2.9.1 Failure to Comply With Net Gain Provisions.** Subject to the specific terms of this Agreement and the Permit, Developer may continue mining in subsequent phase(s) of the Project prior to completion of reclamation of a prior phase and/or prior to dedication of a net gain for a prior phase as described herein. However, if Developer proceeds with a subsequent phase prior to the conclusion of reclamation and/or dedication of a net gain, dedication of the net gain pursuant to Sections 2.2.8 and 2.2.9 shall be made immediately after reclamation and monitoring. Developer's failure to comply with Sections 2.2.8 and 2.2.9 in a timely manner shall constitute a breach and invoke the provisions of Section 6 herein.

**Section 2.2.10 Cessation and Reclamation of Plant/Facilities Site(s).** In accordance with Action 2.4-13 of the OCMP of the Area Plan, Developer hereby agrees and attests that all on-site plants and facilities associated with the Granite Capay site shall cease operation and be removed and reclaimed within two years following the conclusion of this Granite Esparto Permit, unless County grants a new permit to mine additional aggregates deposits prior to the expiration of this Permit or extends this Permit under a subsequent action by the Board of Supervisors.

Developer further agrees and attests that the Granite Capay Project plant/facilities site shall thereupon be reclaimed in accordance with the approved Permit and the Area Plan. Existing financial assurances for the plant/facilities site shall be adjusted within a reasonable period of time to reflect the estimated costs of reclamation in accordance with the approved Permit and the Area Plan.

**Section 2.2.11 Fees.** Developer shall be required to timely pay fees to the County as set forth in Section 4.4. If the payment of any fee (under penalty or otherwise) is later than 60 days from the date due, this shall be a material breach of this Agreement, and revocation proceedings shall be commenced in compliance with Sections 10-4.1105 through 10-4.1110 of the County Code (Off-Channel Surface Mining Ordinance, Violations).

**Section 2.2.12 Lack of Compliance.** Developer's failure to comply with Sections 2.2.1 through 2.2.11 shall constitute a material breach of the Agreement, for which County may proceed in accordance with Article 6 of this Agreement.

**Section 2.3 Obligations of Property Owners.** Property Owners, if different from Developer, shall have no obligations under this Agreement other than to agree that any and all mining and/or processing of materials on the Subject Property shall be conducted only pursuant to the provisions contained in the Off-Channel Mining Plan ("OCMP") and the Cache Creek Resources Management Plan ("CCRMP").

**Section 2.4 Obligations of County.** The Parties acknowledge and agree that Developer's agreement to perform and abide by the obligations of Developer set forth herein is material consideration for County's agreement to perform and abide by the obligations of County set forth herein, including issuance of the Permit.

**Section 2.5 Additional Rights of the Parties.** In addition to any other rights or remedies specified herein, either party may institute legal proceedings to cure, correct or remedy any breach, or to specifically enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of the provisions of this Agreement, in accordance with Government Code Section 65865.4.

**Section 2.6 Vesting of Developer's Rights.** County agrees that the right to develop the Subject Property in a manner consistent with the Permit is vested in Developer by this Agreement without further action of Developer or action or approval of County for the period of the Permit approval. After the period of Permit approval expires, Developer's vested right, as described herein, expires, whether or not use is made partially or fully, under the term of the Permit.

### **ARTICLE 3. RELINQUISHMENT OF IN-CHANNEL RIGHTS**

**Section 3.1 Abandonment.** Effective on the date specified in Section 3.2 Developer hereby abandons any and all rights that Developer has, including permits, allocations and other entitlements issued by, or recognized by, the County, State, or Courts, allowing aggregate extraction on the real property within the active channel of Cache Creek, as defined by the Cache Creek Resources Management Plan ("CCRMP"). Developer acknowledges that the abandonment of the rights, permits, allocations, and other entitlements extinguishes in perpetuity any right held by signatories, including rights created by the permits, allocations, and other entitlements,

to conduct aggregate extraction operations within the active channel of Cache Creek, subject to the provisions of the CCRMP.

Developer agrees not to conduct or cause to have conducted, any mining-related activities in the active channel except pursuant to any future entitlements for that purpose as may be authorized under the CCRMP. It is expressly understood that Developer may continue to enter the active channel to maintain flood protection, perform reclamation activities, and restore wildlife habitat pursuant to the terms of the Permit and this Agreement as allowed by the County under the provisions of the CCRMP and for the sole purpose of channel restabilization and creek restoration as envisioned under the CCRMP.

**Section 3.2 Effective Date of Relinquishment.** Developer's covenants and relinquishment of rights under Section 3.1 shall be effective immediately upon commencement of use under the Permit issued in connection with this Agreement and related entitlements and approvals. The Developer must certify in writing that mining under the Permit has commenced. Written notification of commencement and confirmation of relinquishment shall be received by the County within three days of mining commencement. Litigation or referendum on the Permit or Agreement shall stay this period pending final resolution of the matter. Notwithstanding the effective date of relinquishment of rights as established herein, the Developer expressly agrees and affirms that it will undertake no mining within the Cache Creek channel boundary as defined in the Area Plan, except for excavation consistent with the Area Plan.

**Section 4.1 Permitted Uses and Development Standards.** The permitted uses, the intensity of use, the maximum area and depth of mining, provisions for reservation and dedication of land for public purposes, the construction, installation and extension of improvements, and other conditions of development of the Subject Property shall be those set forth in the Permit and Applicable Law.

**Section 4.2 Applicable Law.**

**Section 4.2.1** As used in this Agreement regarding the Subject Property, the term "Applicable Law" shall mean and include all of the following:

- (i) The ordinances, resolutions, rules, regulations, official policies, standards and specifications in force upon the Effective Date;
- (ii) the terms and conditions of the Permit;
- (iii) this Agreement.

To the extent permitted by law, this Agreement shall be binding on any existing city or governmental agency or newly incorporated city or newly created governmental agency with jurisdiction over the Subject Property during the term of this Agreement.

**Section 4.2.2** In the event of a conflict between this Agreement and the Permit, this Agreement will control.

**Section 4.2.3** Notwithstanding Section 4.2.1(i) above, Developer shall be subject to all duly adopted amendments to the Cache Creek Area Plan (CCAP); mining, reclamation, and in-channel maintenance ordinances of the County; and shall not be “grandfathered” or exempt from the gravel mining fee ordinance, through the term of this permit (November 2041) and any subsequent extensions.

**Section 4.3 Further Discretionary Actions.** Nothing herein shall limit the authority of County to exercise its constitutional, legislative and/or administrative authority to adopt and to enforce ordinances and other forms of regulation, particularly as it may apply to County's exercise of its legislative, administrative, and enforcement powers to protect public health and safety from any condition which is found to create immediate and/or unreasonable risk of injury, and/or which would constitute a nuisance.

**Section 4.4 Fees.** Developer shall be subject to the fees and surcharges outlined in this Agreement and shall not be “grandfathered” or exempt from amendments to the gravel mining fee ordinance that the County may adopt in the future. Developer acknowledges that the County may utilize per-ton fees for operation and maintenance of properties acquired/dedicated through the CCAP. Developer agrees that it will not object to the County's use of fees for property operation and maintenance provided that sufficient amounts will always be maintained for ongoing permit administration.

**Section 4.4.1 CCRMP Implementation (Creek Restabilization) Fee.** In accordance with the Gravel Mining Fee Ordinance (Ord. No. 1357, Chapter 11, Title 8 of the County Code), Developer shall pay to County a CCRMP Implementation Fee as determined by Section 8-11.01, per ton of aggregate material sold by Developer at the Permit facility (including aggregate material sold or transferred to affiliates or subsidiaries) within the approved annual permitted production. County shall use this fee to implement the CCRMP.

**Section 4.4.2 Credit.** Pursuant to Section 8-11.09 (Credits for In-Lieu Work) of the Gravel Mining Fee Ordinance Developer may, at the County's sole discretion, receive a credit against the CCRMP Implementation Fee for contributions of labor, equipment, or materials, beyond the requirements of the Approval Conditions, by Developer for the implementation of the CCRMP. Before any contribution of equipment, labor, or materials pursuant to this Section (Section 4.4.2), the Community Development Director and Developer will agree on the amount of the credit, method used to calculate it, and the period in which it may be taken, as allowed by other local requirements including the Gravel Mining Fee Ordinance. Any disagreement between the Community Development Director and Developer shall be directly appealable to the Board.

**Section 4.4.3 Maintenance and Remediation Fee.** In accordance with the Gravel Mining Fee Ordinance, Developer shall pay to County a Maintenance and Remediation Fee as determined by Section 8-11.01, per ton of aggregate material sold by Developer at the Permit facility (including aggregate material sold or transferred to affiliates or subsidiaries) within the approved annual permitted production. County shall use this fee for those purposes and in the manner described in Section 10-4.803 (Mining Ordinance) of the County Code.

**Section 4.4.4 OCMP Administration Fee.** In accordance with the Gravel Mining Fee Ordinance, Developer shall pay to County an OCMP Administration Fee as determined by Section 8-11.01, per ton of aggregate material sold by Developer at the Permit facility (including aggregate material sold or transferred to affiliates or subsidiaries) within the approved annual production. County shall use this fee to implement the OCMP, administer the Permit, and administer this Agreement.

**Section 4.4.5 Cache Creek Conservancy Contribution (Habitat Restoration) Fee.** In accordance with the Gravel Mining Fee Ordinance, Developer shall pay to the Cache Creek Conservancy a sum as determined by Section 8-11.01, per ton of aggregate material sold by Developer at the Permit facility (including aggregate material sold or transferred to affiliates or subsidiaries) within the approved annual production. The Cache Creek Conservancy shall use this fee for habitat restoration and enhancement along Cache Creek between Capay Dam and the Town of Yolo, consistent with and as envisioned in the CCRMP.

**Section 4.4.6 Twenty Percent Production Exception Surcharge.** In accordance with the Gravel Mining Fee Ordinance, Developer shall pay to County a Production Exception Surcharge as determined by Section 8-11.01 per ton of aggregate sold by Developer at the Permit facility (including aggregate material sold or transferred to affiliates or subsidiaries), in excess of approved annual permitted production of 870,000 tons sold but not exceeding 20 percent (1,044,000 tons sold). This "20 percent exception" is allowed to meet temporary market demand, so long as the average of any ten consecutive years of production does not exceed 8,700,000 tons sold. County shall use 50 percent of this fee to supplement the CCRMP Implementation Fund, and the remaining 50 percent to supplement the Maintenance and Remediation Fund, pursuant to Section 10-4.405 of the Off-Channel Mining Ordinance.

**Section 4.5 Sequence of Phasing.** This Agreement contains the requirement that Developer must initiate or complete development of the Subject Property in substantial accordance with the sequencing of phasing approved as a part of the terms and conditions of the Permit.

Developer agrees that substantial deviation from the sequence of phasing, as defined by County, constitutes a change in the Project that would necessitate amendment of the Permit.

The Agreement shall terminate coterminously with the Permit, without regard to the amount of material actually mined, or sold, if any, and Developer shall thereafter have no vested right or rights to continue mining under the Permit, unless extended by County prior to the termination of the Permit. This includes the rights relinquished pursuant to Article 2 of this Agreement, on or about the Subject Property. Property Owners/Lessors, by becoming signatories to this Agreement, have waived any claim they may have to a vested right to mine, except those rights vested under this Agreement. Rights to operate all aggregate processing plants and facilities shall also conclude at the time of termination, unless extended by County prior to the termination of the Permit.

## **ARTICLE 5. ENTITLEMENT AND PERMIT PROCESSING, INSPECTIONS**

**Section 5.1 County Processing and Review.** County agrees it will accept for processing and expeditious review and action any complete applications for amendments of the Permit or other entitlements needed to implement the Permit.

**Section 5.2 Cooperation Between County and Developer.** County shall cooperate in good faith with Developer in securing all permits that may be required for the development and operation of the Project.

In addition, Developer shall agree to continue to cooperate with County to permit County access to assessor information necessary to confirm tonnage information pursuant to the State Revenue and Tax Code.

## **ARTICLE 6. BREACH OF AGREEMENT, ENFORCEMENT, TERMINATION, INDEMNIFICATION, RELEASE**

**Section 6.1 Breach.** Failure or delay by either party to perform any provision of this Agreement shall constitute a breach of the Agreement, provided, however, any breach by a successor-in-interest shall not be considered a breach by Developer or any other non-breaching successor-in-interest of Developer. In the event of breach, the party alleging such breach shall give the other party not less than thirty (30) days' notice in writing specifying the nature of the alleged breach and the manner in which the alleged breach may be cured. If the breach is not cured prior to the expiration of the notice, or, in the case of a breach which cannot be cured within 30 days, if the breaching party does not diligently commence to cure the breach within said 30 days and cause the breach to be cured in the least time reasonably feasible, the Board of Supervisors shall, within the next thirty (30) days, convene a hearing to consider and review the matter of the alleged breach. Evidence received during the hearing may be taken under oath, and any decision of the Board shall be based upon substantial evidence in the record.

The party alleging the breach may give written notice of termination to be effective thirty (30) days thereafter, or institute legal proceedings as provided in Section 8-10.802 of the County Code.

**Section 6.2 Enforcement of Permit Provisions.** Nothing in this Agreement shall limit County's ability to enforce the provisions of the Permit, this Agreement, or Applicable Law, as provided in Government Code Section 65865.4.

**Section 6.3 Termination Prior to Completion of Development.** In the event this Agreement terminates prior to the Permit termination date, for any reason, Developer shall have paid all fees in full and shall have performed all reclamation activities relating to mining that occurred through the point of termination, in accordance with this Agreement prior to termination.

**Section 6.4 Termination of Agreement or Provision of Agreement By Law.**

In the event of any termination of this Agreement, or provision thereof, as a result of actions described in Sections 1.12 and 1.13 of this Agreement, the provisions of Article 3 (Relinquishment of In-Channel Rights) shall be deemed rescinded, provided Developer has not commenced mining, as defined by County, under the Permit.

**Section 6.5 Indemnification.** Developer agrees to indemnify, defend, and hold harmless County and its agents from and against any and all loss, cost, expense (including, but not limited to, attorneys' fees and court costs), damage, injury, liability, cause of action, or claim of any kind or character to any person or property (collectively, "Losses") related to, arising out of, or resulting from, directly or indirectly, any act, negligence, willful misconduct, or breach of any agreement of Developer or its officers, directors, affiliates, employees, agents, licensees, invitees, contractors or subcontractors, or by any one or more persons directly or indirectly employed by, or acting on behalf of or as agent for Developer or any of Developer's contractors or subcontractors ("Developer Related Parties") relating to, directly or indirectly, development of the Subject Property pursuant to this Agreement, including, but not limited to, any Losses arising from or caused by: (i) the approval of this Agreement; (ii) any use of the Subject Property; (iii) any construction on the Subject Property by Developer or Developer Related Parties; (iv) any defect in the design or construction of, or materials used in, the development of the Subject Property pursuant to this Agreement; (v) any defect in soils or in preparation of soils or in the design and accomplishment of grading; (vi) any contamination of the soils, surface water, or groundwater on or below the Subject Property, by any Hazardous Substance, as defined in Section 6.6, or any other impact or contamination that results in, or is alleged to result in, a nuisance; (vii) any violation or alleged violation by Developer or Developer related parties of any law existing as of the date of this Agreement or hereinafter enacted; or (viii) the breach of any covenant or the inaccuracy or incorrectness of any representation and warranty of Developer to County under this Agreement.

**Section 6.6 Release.** Developer, on behalf of itself and its successors and assigns, waives its right to recover from, and forever releases and discharges, County and County's agents from any and all demands, claims, legal or administrative proceedings, losses, liabilities, damages, penalties, fines, liens, judgments, costs or expenses whatsoever (including, without limitation, attorneys' fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise on account of or in any way be connected with: (i) the physical condition of Subject Property (including, without limitation, the grading and slope conditions thereof and any drainage problems, whether caused by flood, surface or underground water, or any other condition, affecting or relating to the Subject Property); and (ii) the presence in, on, or about the Subject Property or any surrounding property of any Hazardous Substance caused by the Developer's permitted activities. As used herein, Hazardous Substance means any substance, material, or waste that is designated, classified, or regulated as being "toxic" or "hazardous" or a "pollutant," or which is similarly designated, classified, or regulated, under any law regulating Hazardous Substances.



## **ARTICLE 7. REVIEW**

**Section 7.1 Annual Review.** Developer shall, as a part of compliance with Section 10-4.701 *et seq.* of the County Code related to Annual Reviews, submit evidence of compliance with all terms of this Agreement pursuant to Government Code Section 65865.1, Chapter 10, Section 7000 of the County Code, and Article 7 (Annual Reports) of Chapter 4 (Off-Channel Surface Mining Ordinance) of the County Code commencing with Section 10-4.701.

**Section 7.2 Interim Review.** Pursuant to Section 10-4.605 of the County Code, and per this Agreement, the Interim Review dates for the Granite Capay permit and this Granite Esparto Permit shall be synchronized with the interim review dates of the County's other long-term mining permits on Cache Creek which will occur by January 1, 2017 and January 1, 2027; plus additional new interim reviews that will occur by January 1, 2037, and by the 30<sup>th</sup> anniversary of the Effective Date in 2041. Notwithstanding the provisions of Section 2.6 of this Agreement, in conjunction with these Interim Reviews, the County may, at its sole discretion subject only to the paragraph below, amend the Permit pertaining to the Development of the Property and schedule public hearings for the purpose of considering and enacting amendments to the Permit pursuant to Section 10-4.605 (Interim Permit Review) of the County Code (Off-Channel Surface Mining Ordinance).

Notwithstanding the provisions of Section 10-4.605 (Interim Permit Review) of the Mining Ordinance, the right to mine this Project to a specified maximum tonnage on specified acreage to a specified maximum depth as outlined in this Permit, is vested with the property pursuant to this Agreement. In addition, the right to continue processing material at the Granite Capay plant site for the duration of this Permit along with the right to complete mining of the area under the plant's footprint during the term of this Permit is further vested, so long as the regulatory requirements, conditions of approval, and CCAP performance standards (e.g. Section 10-4.417 of the Mining Ordinance relating to groundwater monitoring programs, Section 10-5.517 of the Reclamation Ordinance relating to mercury bioaccumulation in wildlife, etc.) are met, and so long as there is no threat to public health or safety and the operation in and of itself does not pose a public hazard or public nuisance.

## **ARTICLE 8. NOTICES & TERMINATION UPON COMPLETION OF DEVELOPMENT**

**Section 8.1 Notices.** Notices, demands, correspondence, and other communication between County and Developer shall be sufficiently given if dispatched by prepaid first-class mail as follows:

**To County:**

Manager of Natural Resources  
County Administration Office  
County of Yolo  
625 Court Street Room 202  
Woodland, CA 95695

County Counsel  
County of Yolo  
625 Court Street, Room 202  
Woodland, CA 95695

**To Developer:**

Granite Construction Company  
Attn: Jordan Main  
P.O. Box 15287  
Sacramento, Ca. 95851

A party may, from time to time, advise the other party of a new address for notices, demands, or correspondence.

**Section 8.2 Termination Upon Completion of Development.** This Agreement shall terminate conterminously with the Permit, in accordance with Section 1.6 of this Agreement, and the Developer waives any and all vested rights to continue mining. Property Owner/Lessor has also waived any claim they may have to a vested right to mine. Upon termination of this Agreement, the County shall record a notice of such termination in a form satisfactory to the County Counsel that the Agreement has been terminated.

**Section 8.3 Representation by Counsel.** Each Party specifically affirms that they have received and read a complete copy of this Agreement dated November 8, 2011, that each Party was represented by counsel, and that they fully understand the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

/

/

/

/

/

\_\_\_\_\_  
Jordan Main, Valley Region Resource Manager  
Granite Construction Company

-----ACKNOWLEDGEMENT-----

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ (date) before me \_\_\_\_\_  
(Notary Public), personally appeared

\_\_\_\_\_  
personally known to me (or proved to me on the basis of satisfactory evidence) to be  
the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public Signature (SEAL)

Title or Type of Document \_\_\_\_\_

Date of Document \_\_\_\_\_ Number of Pages \_\_\_\_\_

(SEAL)

COUNTY OF YOLO, a political  
subdivision of the State of California

ATTEST:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

-----ACKNOWLEDGEMENT-----

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ (date) before me \_\_\_\_\_  
(Notary Public), personally appeared

\_\_\_\_\_  
personally known to me (or proved to me on the basis of satisfactory evidence) to be  
the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
(SEAL)  
Notary Public Signature

Title or Type of Document \_\_\_\_\_

Date of Document \_\_\_\_\_ Number of Pages \_\_\_\_\_

**EXHIBITS:**

Exhibit A – Project Plans and Property Maps (to be provided)

Exhibit B – Permit Approvals and Conditions (to be provided)

Exhibit C -- Woodland “Reiff” Dedication

Exhibit D – Reclaimed Lake and Surrounding Habitat Dedication

Exhibit E – Trail Corridor and Trail Dedication

**ATTACHMENT K**

**WOODLAND “REIFF” DEDICATION**

# Exhibit C



- Dedication boundary 115.52 ac
- Parking Area
- Slope Work 3.79 ac
- Existing Fence
- Regrade and Seed 30.14 ac

## Woodland "Reiff" Dedication



Aerial Source: Google Earth Date: 9-24-2009

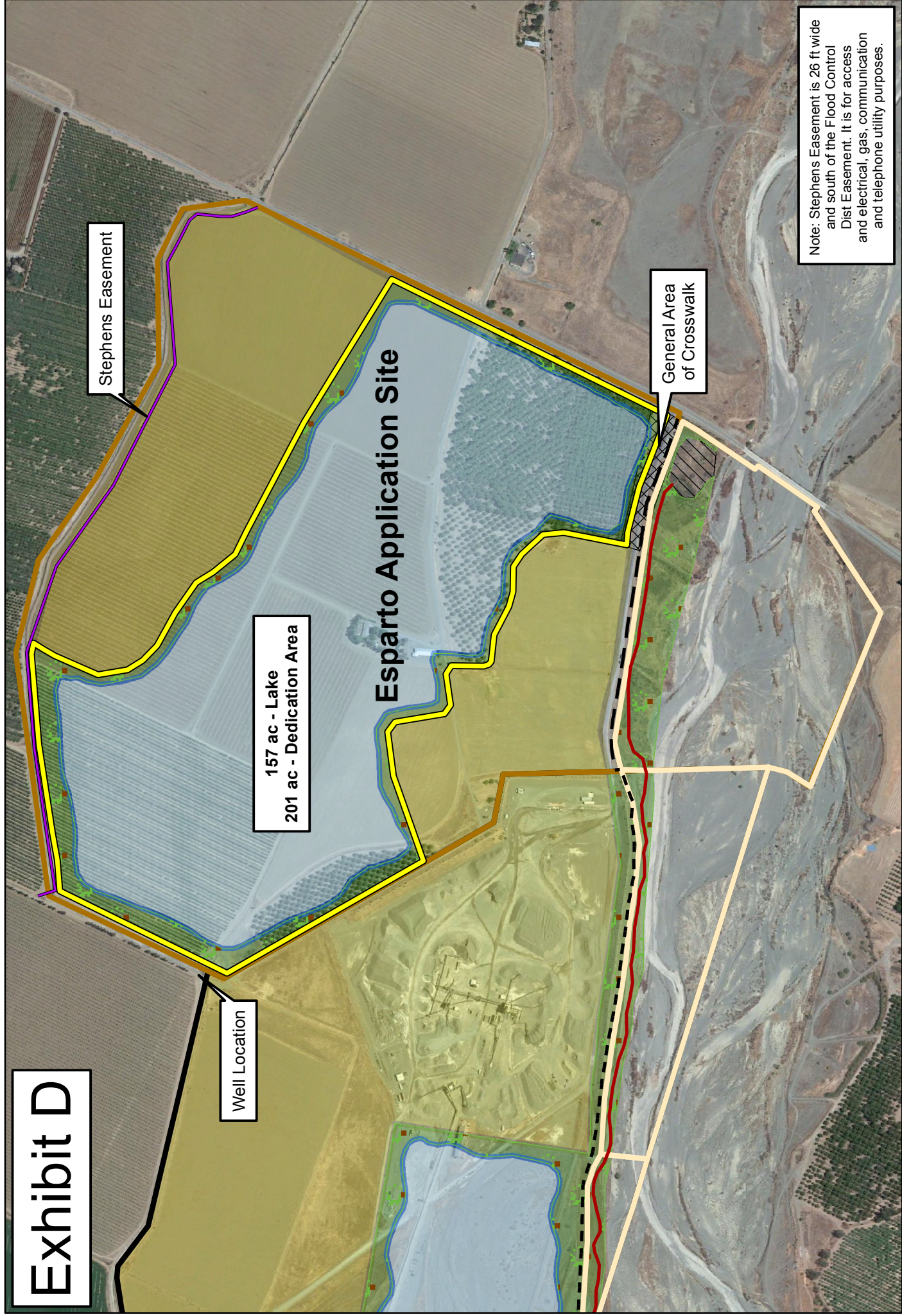
September 2011  
Danielle Petersen - GIS Analyst

# **ATTACHMENT L**

## **LAKE AND SURROUNDING AREA HABITAT DEDICATION**



# Exhibit D



Stephens Easement

Well Location

157 ac - Lake  
201 ac - Dedication Area

Esparto Application Site

General Area  
of Crosswalk

Note: Stephens Easement is 26 ft wide and south of the Flood Control Dist Easement. It is for access and electrical, gas, communication and telephone utility purposes.

- Dedication Area
- Capay Mining Area
- Esparto Mining Area
- Vegetation Areas
- Agriculture
- Lakes
- Crosswalk
- Meandering Trail
- Stephens Easement

## Lake and Surrounding Habitat Area Dedication



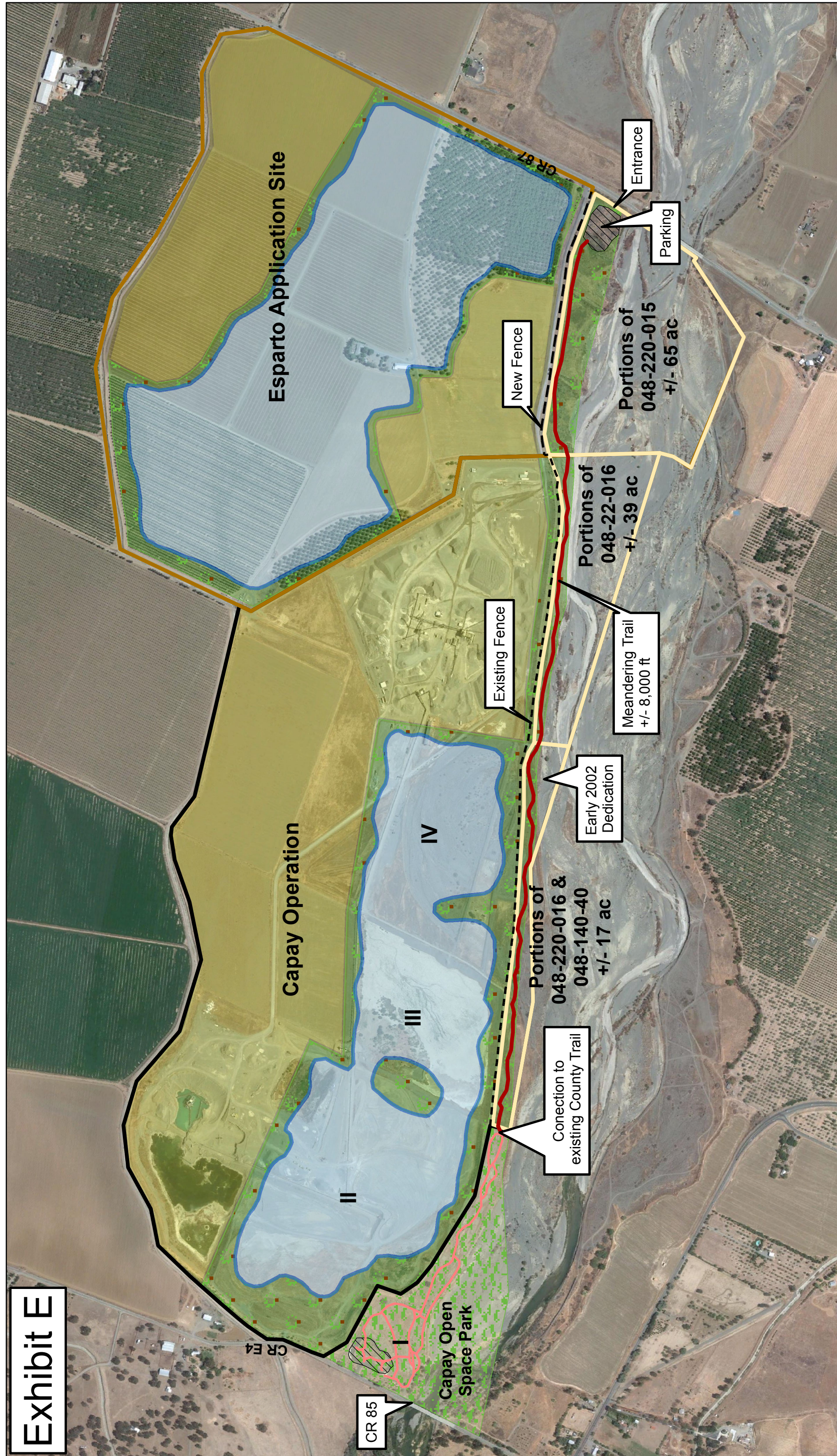
Aerial Source: Google Date: 9-24-2009



# **ATTACHMENT M**

## **TRAIL CORRIDOR AND TRAIL DEDICATION**

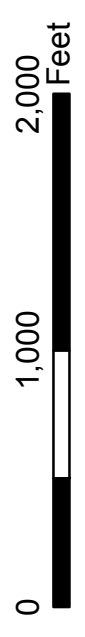
# Exhibit E



- Dedication to County
- Parking
- Capay Mining Area
- Esparto Mining Area
- Lakes

- Vegetation Areas
- Capay Open Space Park
- Agriculture
- Meandering Trail
- Existing County Trail
- New Fence
- Existing Fence

## Trail Corridor and Trail Dedication



Aerial Source: Google Date: 9-24-2009

October 2011  
Danielle Petersen - GIS Analyst

**ATTACHMENT N**

**ORDINANCE AMENDING DEVELOPMENT  
AGREEMENT #96-289**

**ORDINANCE NO. \_\_\_\_\_** Error! Bookmark not defined.

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YOLO  
AMENDING DEVELOPMENT AGREEMENT #96-289  
BY AND BETWEEN THE COUNTY OF YOLO  
AND GRANITE CONSTRUCTION COMPANY  
RELATIVE TO THE PROJECT KNOWN AS  
THE GRANITE CAPAY LONG-TERM  
OFF-CHANNEL MINING PERMIT**

The Board of Supervisors of the County of Yolo, State of California, does hereby ordain as follows:

1. Purpose and Findings. Granite Construction Company (“Developer”) has submitted an application for the Granite Esparto Long-Term Off-Channel Mining Permit Project together with an associated development agreement. Implementation of the Granite Esparto Project will require an Amendment to the Granite Capay Development Agreement (Agreement No. 96-289). A proposed Amendment is attached to this Ordinance.

In adopting this Ordinance, the Board of Supervisors finds that the Amendment is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and Cache Creek Area Plan. The Board further finds that the Amendment is: (a) compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located; (b) in conformity with and will promote public convenience, general welfare, and good land use practice; (c) is not detrimental to the health, safety, and general welfare; and (d) does not adversely affect the orderly development of the property or the preservation of property values. Lastly, the Board finds that this Amendment will meet the intent of Section 8.10.202(a) of the County Code (Development Agreement Ordinance) which requires that the County gain public benefits beyond those already forthcoming through conditions and mitigations on project approval, in consideration for entering into a development agreement.

2. Approval of Amendment. The attached Amendment to Agreement No. 96-289 entitled “Development Agreement By and Between the County of Yolo, Granite Construction Company, and Various Landowners Relative to the Project Known as the Granite Construction Company Long-Term Off-Channel Mining permit Modification” is hereby approved by this Ordinance. As required by Section 8-10.403 of the County Code, the Amendment is attached, and the full text of the Agreement, subsequent amendments, and this Amendment are hereby incorporated by reference.

3. Force and Effect. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen days from the passage thereof, shall be published by title and number only in the Daily

Democrat together with the names of the members of the Board of Supervisors voting for and against the same.

4. Recordation. Pursuant to Section 8-10.501 of the County Code, within ten (10) days after the County executes a development agreement amendment, the Clerk of the Board shall record with the County Clerk/Recorder a copy of the Amendment, which shall describe the land subject thereto.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yolo following a noticed public hearing held this 8th day of November, 2011.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

By \_\_\_\_\_  
Matt Rexroad, Chair  
Yolo County Board of Supervisors

Attest:  
Julie Dachtler, Deputy Clerk  
Board of Supervisors

Approved as to Form:  
Robyn Truitt Drivon, County Counsel

By: \_\_\_\_\_  
Deputy (Seal)

By: \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

ATTACHMENT: Amendment to Development Agreement 96-289

**AMENDMENT TO  
DEVELOPMENT AGREEMENT NO. 96-289  
ENTITLED "DEVELOPMENT AGREEMENT BY AND BETWEEN  
THE COUNTY OF YOLO, GRANITE CONSTRUCTION COMPANY,  
AND VARIOUS LANDOWNERS RELATIVE TO THE PROJECT KNOWN AS  
THE GRANITE CONSTRUCTION COMPANY  
LONG-TERM OFF-CHANNEL MINING PERMIT MODIFICATION"  
entered into December 17, 1996.**

THIS FOURTH AMENDMENT to Agreement No. 29-289 ("Fourth Amendment") entered into on November 8, 2011, by and between the County of Yolo, a political subdivision of the State of California ("County") and Granite Construction Company, a California corporation.

**Section I:** The parties mutually agree to the following amendments to Development Agreement No. 96-289:

- 1) Change the name of the agreement to distinguish it from Granite's other Development Agreement and to reflect the fact that, due to land acquisitions, the County and the applicant are now the only signatories:

*DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YOLO AND  
GRANITE CONSTRUCTION COMPANY RELATIVE TO THE PROJECT KNOWN AS  
THE GRANITE CAPAY LONG-TERM OFF-CHANNEL MINING PERMIT*

- 2) Modify the agreement to reflect the following:

- a) Recital V – i) Amend the name of the agreement from "GRANITE CONSTRUCTION COMPANY LONG-TERM OFF-CHANNEL MINING PERMIT MODIFICATION" to "GRANITE CAPAY LONG-TERM OFF-CHANNEL MINING PERMIT".

- ii) Add the following regarding processing of Granite Esparto materials and the East Plant Site phase: *The East Plant Site phase shall be modified to allow for processing of material extracted from the Granite Esparto mining site subject to the Granite Esparto project approval. The approved reclamation of the East Plant site will occur after mining of the Granite Esparto mining site is complete or after the approved Granite Esparto permit has expired, whichever occurs first.*

- iii) Add the following regarding maximum permitted production: *The maximum annual permitted production from the Granite Capay site and the Granite Esparto site are hereby combined to allow for accelerated mining at the Granite Capay site while mining at the Granite Esparto site is delayed until mining is completed at the Capay site (with the exception of the area under the existing processing facility) and reclamation has commenced. The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. This annual permitted extraction amount shall be combined with the annual permitted extraction associated with the Granite Esparto plant of 870,000 tons (sold) plus the 20 percent exceedence, for an annual maximum of*

1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold).

iv) Add the following clarification regarding the Granite Capay “net gains” items: A) Developer agrees to payment of a new surcharge of \$0.20 per ton on all tonnage sold annually from either the Project Site or the Granite Capay mining operations in excess 500,000 tons but not exceeding 1,000,000 tons from 2012 through 2026.

B) Developer agrees to designation of the Granite Capay site and the Granite Esparto Site as the “Place of Sale” for the purposes of calculating the Project’s sales tax obligations.

b) Recital VI and VI.1 – i) The approvals listed for the Granite Capay permit, and the terms of those approvals, are hereby modified to accomplish the changes described above.

ii) A new Recital VI.2 is added as follows:

*Recital VI.2. On November 8, 2011, the Board of Supervisors took the following actions to provide Developer and Property Owners the lawful right and entitlement to engage in the activity generally described in Recital V above, and specifically described in the approvals identified below:*

- **APPROVED** consolidation of the total permitted tonnage on the Granite Capay site (APNs 048-140-040, 048-220-016, 048-220-018) and the Granite Esparto site (APNs 048-220-015 and 048-220-022) and authorize county planning staff to approve all necessary amendments to the Granite Capay entitlements to delay mining of the Granite Esparto site until mining is completed at the Capay site (with the exception of the area under the existing processing facility) and reclamation has commenced. Accelerated mining is allowed at the Granite Capay site provided that total extraction cannot exceed the combined entitlements of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.

*The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. Pursuant to this Permit, these annual permitted extraction amounts shall be combined with the annual permitted extraction associated with the Granite Esparto plant of 870,000 tons (sold) plus the 20 percent exceedence, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold).*

- **AUTHORIZED** execution of this Fourth Amendment to the existing Capay Development Agreement.



c) Section 1.3 Citation – Replace this text as follows: *This Agreement shall be known as and may be cited as the GRANITE CAPAY LONG-TERM OFF-CHANNEL MINING PERMIT Development Agreement.*

d) Section 1.4 Parties to Agreement -- Replace this text as follows: *The parties to this Development Agreement are: The County of Yolo and Granite Construction Company.*

e) Section 2.2.8 Net Gains and Dedications -- Modify this section to add the following: *i) Early dedication of 17ac. including portions of parcels 048-220-016 and 048-140-040 as shown in Exhibit E.*

*ii) Unallocated Tons Surcharge – The Developer shall pay an additional new surcharge of \$0.20 per ton on all tonnage sold annually from either the Granite Capay or Granite Esparto mining operations in excess 500,000 tons but not exceeding 1,000,000 tons (see table below):*

<b>Tons Sold Annually From Combined Mining Operations</b>	<b>Applicable Per-Ton Fee</b>	<b>Per-Ton Fee Amount Based on 2011 Fees</b>
0 to 500,000 tons	Ordinance Base Fee	\$0.526 ton*
500,000 to 1,000,000 tons	Ordinance Base Fee + Unallocated Tons Surcharge	\$0.726 ton*
1,000,000-1,200,000 tons	Ordinance Base Fee + Ordinance Surcharge	\$0.726 ton*
1,200,000- 2,070,000 tons	Ordinance Base Fee	\$0.526 ton*
2,070,000-2,244,000 tons	Ordinance Base Fee + Ordinance Surcharge	\$0.726 ton*

*\* Based on the 2011 fees (subject to change pursuant to Gravel Mining Fee Ordinance)*

*This new surcharge shall be available for use by the County for any legitimate activity under the Area Plan; funding shall not be restricted to any particular single funding category specified in the Gravel Mining Fee Ordinance.*

*The new surcharge shall go into effect on January 1, 2012. The County shall begin collecting revenues from the surcharge, if applicable, in 2013. The new surcharge shall terminate December 31, 2026. The Developer shall also continue to be subject to the terms and conditions of the existing Gravel Mining Fee Ordinance (Ordinance No. 1357), and shall not be “grandfathered” or exempt from modifications of the Ordinance in the future.*

*iii) Sales Tax Place of Sale -- To the extent permitted by federal, state, and local law and upon approval of the Granite Esparto project, the Developer agrees to designate the Granite Esparto site and the Granite Capay site as the “Place of Sale” for the purposes of designating the retail sales location and calculating the sales tax obligations for both sites.*

f) Section 2.2.10 Cessation and Reclamation of Plant/Facilities Site(s) – Replace the first paragraph as follows: *In accordance with Action 2.4-13 of the OCMP of the Area Plan, Developer hereby agrees and attests that all on-site plants and facilities associated with the Granite Capay site shall cease operation and be removed and*

*reclaimed within two years following the conclusion of the Granite Esparto Permit, unless County grants a new approval to process additional aggregate deposits at the Granite Capay plant facilities or extends this Permit under a subsequent action by the Board of Supervisors.*

g) Section 4.5 Sequence of Phasing – Modify the last sentence of this section as follows: *Rights to operate all aggregate processing plants and facilities shall conclude at the time of termination of the Granite Esparto permit, unless extended by County prior to the termination of the Granite Esparto permit.*

h) Section 7.2 Interim Review – Replace the text in this section with the following:

*Pursuant to Section 10-4.605 of the County Code, and per this Agreement, the Interim Review dates for the Granite Capay permit and the Granite Esparto Permit shall be synchronized with the interim review dates of the County's other long-term mining permits on Cache Creek which will occur by January 1, 2017 and January 1, 2027; plus additional new interim reviews that will occur by January 1, 2037, and by the 30<sup>th</sup> anniversary of the Effective Date of the Granite Esparto approval in 2041.*

*Notwithstanding the provisions of Section 2.6 of this Agreement, in conjunction with these Interim Reviews, the County may, at its sole discretion subject only to the paragraph below, amend the Permit pertaining to the Development of the Property and schedule public hearings for the purpose of considering and enacting amendments to the Permit pursuant to Section 10-4.605 (Interim Permit Review) of the County Code (Off-Channel Surface Mining Ordinance).*

*Notwithstanding the provisions of Section 10-4.605 (Interim Permit Review) of the Mining Ordinance, the right to mine this Project to a specified maximum tonnage on specified acreage to a specified maximum depth as outlined in this Permit, is vested with the property pursuant to this Agreement. In addition, the right to continue processing material at the Granite Capay plant site for the duration of the Esparto Permit along with the right to complete mining of the area under the Capay Plant's footprint during the term of this Permit is further vested, so long as the regulatory requirements, conditions of approval, and CCAP performance standards (e.g. Section 10-4.417 of the Mining Ordinance relating to groundwater monitoring programs, Section 10-5.517 of the Reclamation Ordinance relating to mercury bioaccumulation in wildlife, etc.) are met, and so long as there is no threat to public health or safety and the operation in and of itself does not pose a public hazard or public nuisance.*

i) Section 8.1 Notices – Modify this section to update the address for the County and Developer and remove references to other parties:

*Notices, demands, correspondence, and other communication between County and Developer shall be sufficiently given if dispatched by prepaid first-class mail as follows:*

**To County:**

Manager of Natural Resources  
County Administration Office  
County of Yolo  
625 Court Street Room 202  
Woodland, CA 95695

County Counsel

County of Yolo  
625 Court Street, Room 202  
Woodland, CA 95695

**To Developer:**

Granite Construction Company  
Attn: Jordan Main  
P.O. Box 15287  
Sacramento, Ca. 95851

*A party may, from time to time, advise the other party of a new address for notices, demands, or correspondence.*

j) Section 8.2 Termination Upon Completion of Development -- Modify this section to add a new second sentence as follows: *Rights to operate all aggregate processing plants and facilities shall conclude at the time of termination of the Granite Esparto permit, unless extended by County prior to the termination of the Granite Esparto permit.*

**Section II:** The effective date for this Amendment shall be the date of execution or the effective date of the ordinance adopted to approve this Amendment, whichever is later. The Clerk of the Board shall, within ten days after the effective date of this Amendment, record a copy of the Amendment with the County Recorder, County of Yolo.

**Section III:** Except as specifically amended herein, the original Development Agreement shall remain in full force and effect. Each party specifically affirms that they have received and read a complete copy of the original Agreement dated December 17, 1996, and subsequent Amendments (Amendment #1 December 3, 2002; Amendment #2 June 1, 2004; Amendment #3 September 7, 2004 [incorrectly identified as the fourth amendment]), that each party was represented by counsel, and that they fully understand the provisions of this Amendment.

**EXHIBITS:**

Exhibit E

# **ATTACHMENT O**

## **STREAMBANK STABILIZATION PLAN DIAGRAM**



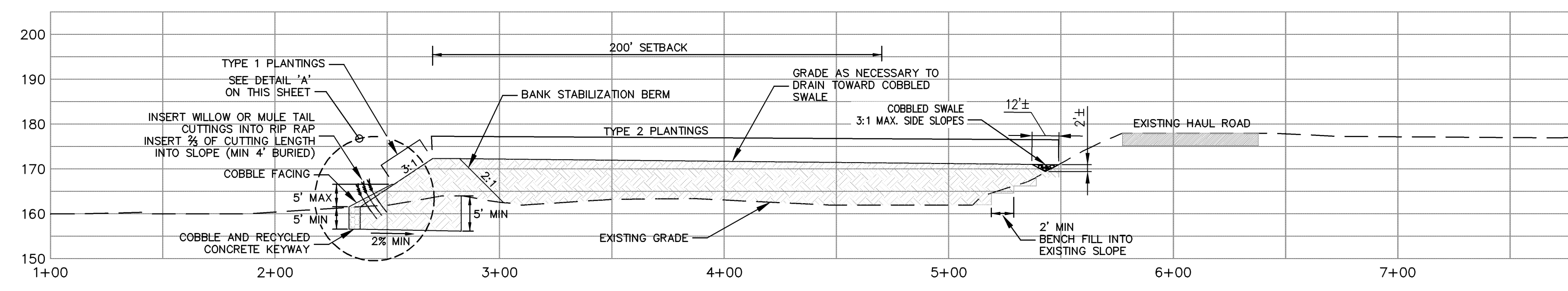
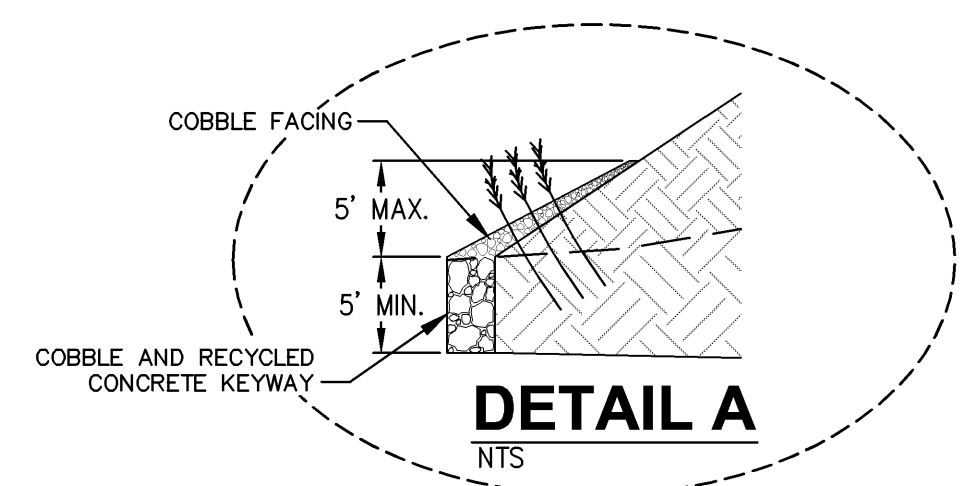
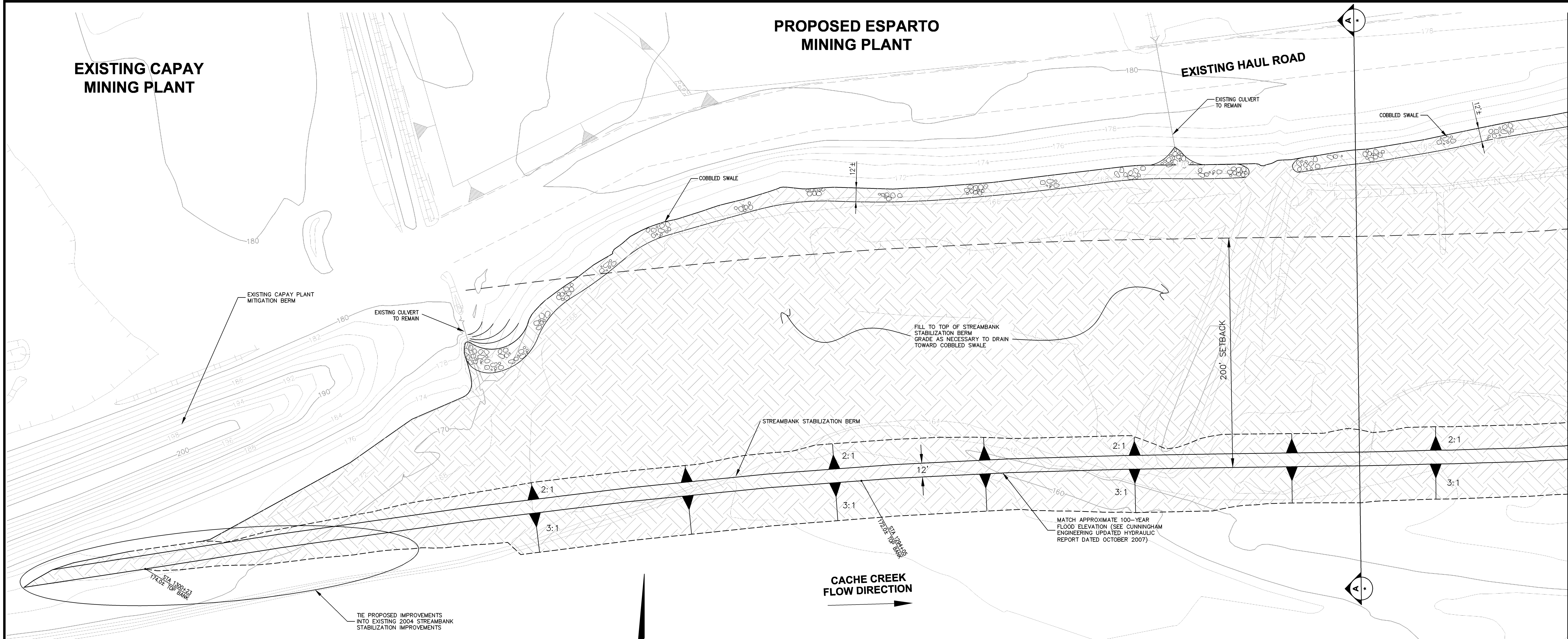
# **ATTACHMENT P**

## **BANK PROTECTION PLAN DIAGRAM**

**EXISTING CAPAY MINING PLANT**

**PROPOSED ESPARTO MINING PLANT**

**EXISTING HAUL ROAD**



**NOTES:**

TYPE 1 PLANTS:  
USE A MIX OF THE FOLLOWING PLANT

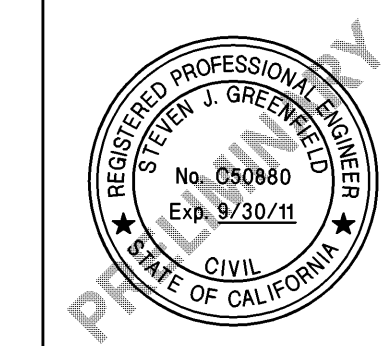
PLANT	approx # /acre
POPULUS FREMONTII	26
ROSA CALIFORNICA	36
LEYMUS TRITICOIDES	400
SAMBUCUS MEXICANA	12
RUBUS URSINUS	19
VITIS CALIFORNICA	16
SALIX GOODINGII	23
SALIX LASIOGATA	23
SALIX LASIANDRA	23
NASELLA PULCHRA	200
FREMONT COTTONWOOD	6
CALIFORNIA WILD ROSE	43
CREeping WILDRYE	5
BLUE ELDERBERRY	10
NATIVE BLACKBERRY	8
WILD GRAPE	10
BLACK WILLOW	15
RED WILLOW	300
ARROYO WILLOW	100
PURPLE NEEDLEGRASS	23

TYPE 2 PLANTS:  
USE A MIX OF THE FOLLOWING PLANTS

PLANT	approx # /acre
QUERCUS WILZENSII	6
QUERCUS LOSATA	43
AESCULUS CALIFORNICA	5
SAMBUCUS MEXICANA	10
RUBUS URSINUS	8
BACCARIS PILLULARIS	10
ROSA CALIFORNICA	15
NASELLA PULCHRA	300
LEYMUS TRITICOIDES	100
CERIS OCCIDENTALIS	23
INTERIOR LIVE OAK	6
VALLEY OAK	43
CALIFORNIA BUCKEYE	5
BLUE ELDERBERRY	10
CALIFORNIA BLACKBERRY	8
COYOTE BUSH	10
CALIFORNIA WILD ROSE	15
PURPLE NEEDLEGRASS	300
CREeping WILDRYE	100
WESTERN REDBUD	23

ALL PLANTINGS WILL BE INSTALLED WITH USE OF PLUGS AND PLACE NATIVE GRASS STRAW OVER ENTIRE BANK SLOPE

DATE SIGNED: \_\_\_\_\_  
THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



**CUNNINGHAM ENGINEERING**  
Project Planning • Civil Engineering • Landscape Architecture  
2940 Spafford Street, Suite 200 • Davis, CA 95618 • (530) 758-2026  
2020 20th Street, Suite Three • Sacramento, CA 95816 • (916) 455-2026  
CECWEST.COM

**GRANITE CONSTRUCTION  
CACHE CREEK  
STREAMBANK STABILIZATION PLAN  
PLAN AND CROSS SECTION**

DESIGN: BF DRAWN: BF CHECK: SJG DATE: 11/5/07 REV: 04/05/10 SHEET 2 OF 3

MATCHLINE: SEE SHEET 3

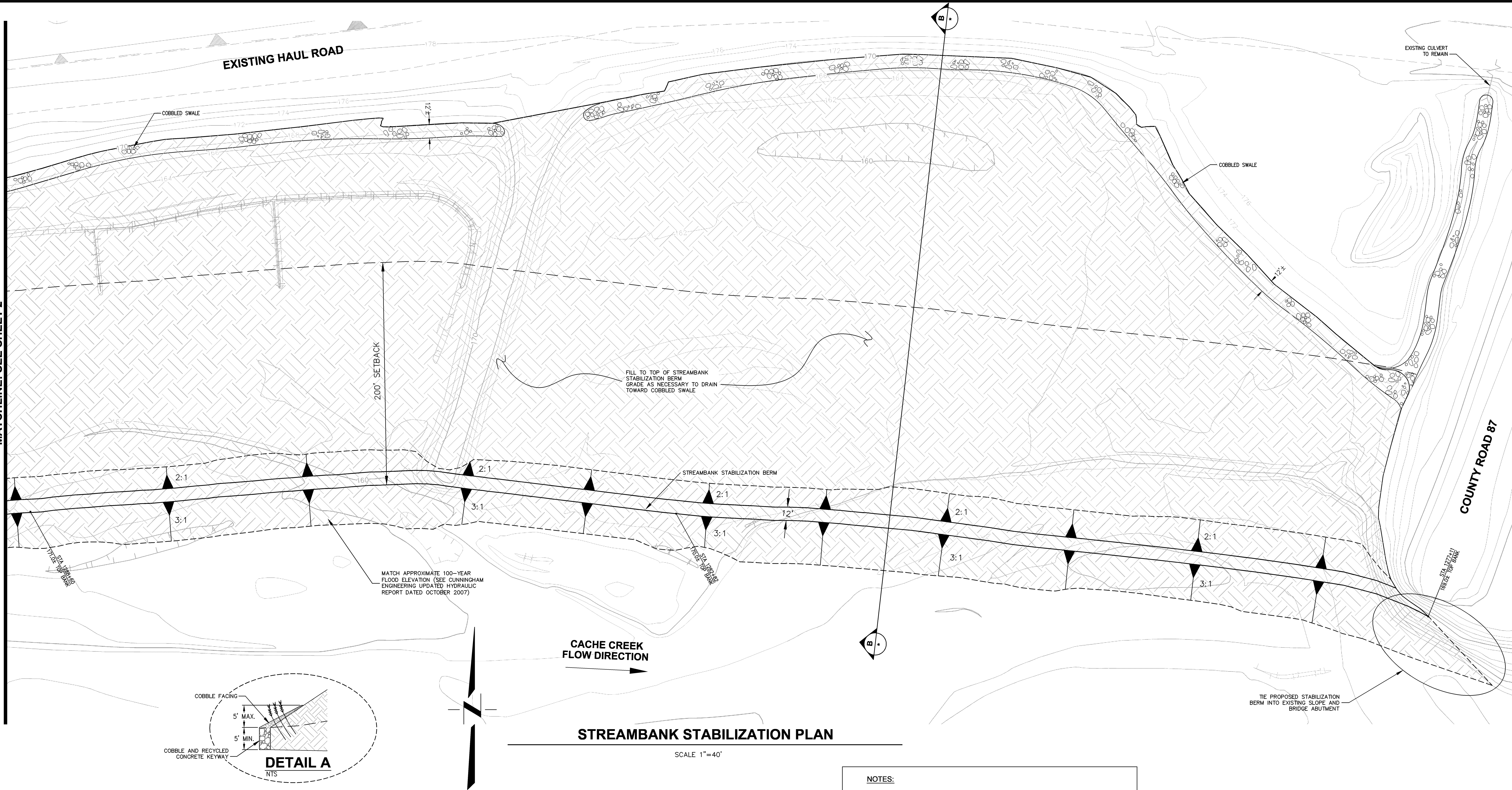
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# **ATTACHMENT Q**

## **BANK PROTECTION PLAN DIAGRAM**



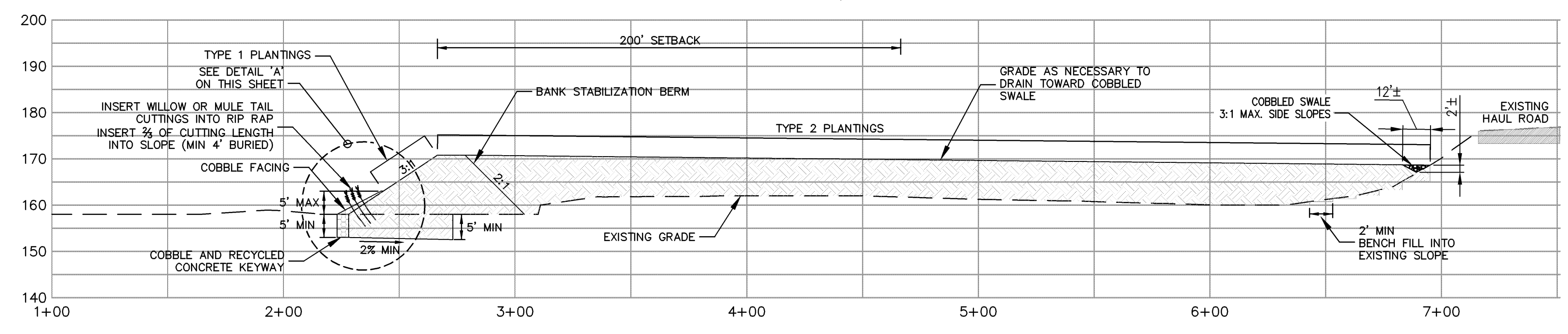
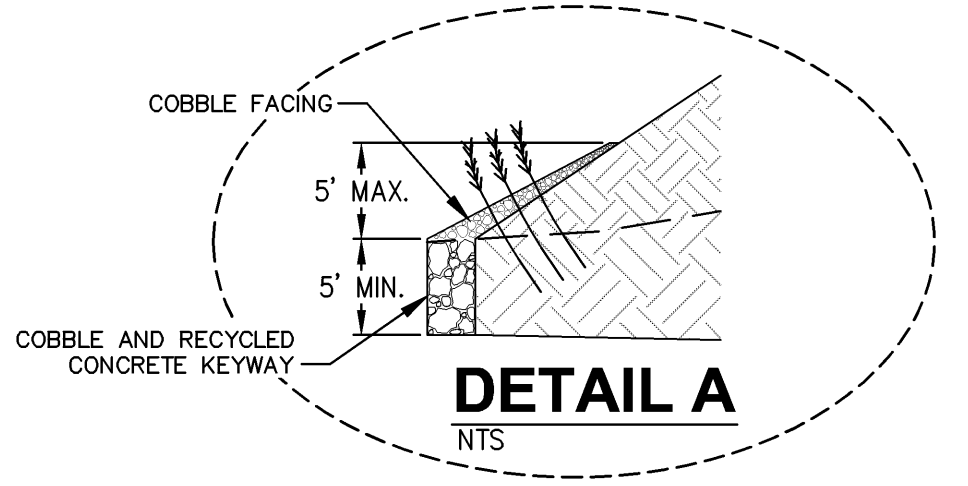
MATCHLINE: SEE SHEET 2



CACHE CREEK FLOW DIRECTION

**STREAMBANK STABILIZATION PLAN**

SCALE 1"=40'



**SECTION B-B TYPICAL STREAMBANK STABILIZATION**

SCALE 1"=40' HORIZONTAL  
1"=20' VERTICAL

**NOTES:**

TYPE 1 PLANTS:  
USE A MIX OF THE FOLLOWING PLANT

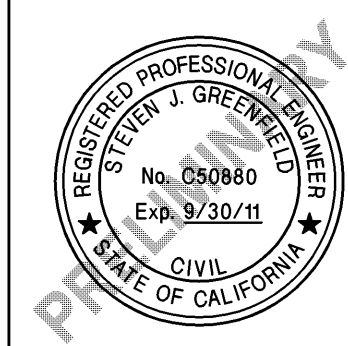
PLANT	approx # / acre
POPULUS FREMONTII	26
ROSA CALIFORNICA	36
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SAMBUCUS MEXICANA	12
RUBUS URSINUS	19
VITIS CALIFORNICA	16
SALIX GOODINGII	23
SALIX LAEVIGATA	23
SALIX LASIANDRA	23
NASELLA PULCHRA	200

TYPE 2 PLANTS:  
USE A MIX OF THE FOLLOWING PLANTS

PLANT	approx # / acre
QUERCUS WIZLINSII	6
QUERCUS LOBATA	43
AESCULUS CALIFORNICA	5
SAMBUCUS MEXICANA	10
RUBUS URSINUS	8
BACCARIS PILLULARIS	10
ROSA CALIFORNICA	15
NASELLA PULCHRA	300
LEYMUS TRITICOIDES	100
QERIS OCCIDENTALIS	23

ALL PLANTINGS WILL BE INSTALLED WITH USE OF PLUGS AND PLACE NATIVE GRASS STRAW OVER ENTIRE BANK SLOPE

DATE SIGNED: \_\_\_\_\_  
THESE DRAWINGS ARE NOT CONSIDERED FINAL UNTIL THE ENGINEER'S SEAL BELOW HAS BEEN SIGNED AND DATED.



**CUNNINGHAM ENGINEERING**  
Project Planning • Civil Engineering • Landscape Architecture  
2940 Spafford Street, Suite 200 • Davis, CA 95618 • (530) 758-2026  
2020 20th Street, Suite Three • Sacramento, CA 95816 • (916) 455-2026  
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**GRANITE CONSTRUCTION  
CACHE CREEK  
STREAMBANK STABILIZATION PLAN  
PLAN AND CROSS SECTIONS**

DESIGN: BF DRAWN: BF CHECK: SJG DATE: 11/5/07 REV: 04/05/10 SHEET 3 OF 3

**ATTACHMENT R**  
**SUMMARY OF TONNAGES**

**Table 5-1 Summary of Tonnages Analyzed in OCMP EIR and OCMP**

TONS	OCMP EIR <sup>8</sup>				OCMP <sup>9</sup>					
	Annual Sold	Annual Mined	Total Sold <sup>21</sup>	Total Mined <sup>21</sup>	Annual Permitted		Annual 20% Exceedence <sup>18</sup>		Total Permitted <sup>20</sup>	
					Tons Sold	Tons Mined	Tons Sold	Tons Mined	Tons Sold <sup>21</sup>	Tons Mined <sup>21</sup>
CEMEX <sup>1</sup>	1,200,000	1,445,783	27.91	33.63	1,000,000 <sup>15</sup>	1,204,819 <sup>15</sup>	200,000	240,964 <sup>15</sup>	26.70	32.17
Granite Capay <sup>6,2</sup>	1,000,000	1,075,269	30.0	32.28	1,000,000 <sup>15</sup>	1,075,269 <sup>15</sup>	200,000 <sup>7</sup>	215,054 <sup>19</sup>	30.00	32.26
Granite Woodland <sup>11,3</sup>	0	0	0	0	370,000 <sup>14</sup>	420,000 <sup>14</sup>	None <sup>23</sup>	None <sup>23</sup>	None <sup>22</sup>	None <sup>22</sup>
Maintenance Mining/County	1,080,000 <sup>3</sup>	1,200,000 <sup>3</sup>	9.90 <sup>3,4,13</sup>	11.00 <sup>3,4,13</sup>	180,000 <sup>13</sup>	200,000 <sup>13</sup>	N/A	N/A	9.90 <sup>8</sup>	11.00 <sup>8</sup>
	180,000 <sup>4</sup>	200,000 <sup>4</sup>								
Schwarzgruber	108,300 <sup>3</sup>	114,000 <sup>3</sup>	4.51	4.75	100,000 <sup>14</sup>	110,000 <sup>4</sup>	None <sup>23</sup>	None <sup>23</sup>	1.08 <sup>8</sup>	1.14 <sup>8</sup>
	158,650 <sup>4</sup>	167,000 <sup>4</sup>								
Syar <sup>12</sup>	1,950,000	2,166,667	58.43	65.06	1,000,000 <sup>15</sup>	1,111,111 <sup>15</sup>	200,000	222,222 <sup>15</sup>	30.00	33.33
Teichert-Esparto	1,000,000	1,176,471	19.5	22.94	1,000,000 <sup>15</sup>	1,176,471 <sup>15</sup>	None <sup>23</sup>	None <sup>23</sup>	22.00	25.88
Teichert-Woodland	1,200,000	1,411,765	17.7	20.82	1,000,000 <sup>15</sup>	1,176,471 <sup>15</sup>	200,000	235,294 <sup>15</sup>	15.20	17.88
Unallocated	0	0	0	0	500,000	505,859 <sup>16</sup>	N/A	N/A	0	0
Recycled	0	0	0	0	Unlimited	N/A	N/A	N/A	N/A	N/A
Total	7,538,300 <sup>3</sup>	8,589,955 <sup>3</sup>	158.05	179.48	6,150,000 <sup>14</sup>	6,980,000 <sup>14</sup>	800,000	913,534	134.88	153.66
	6,638,300 <sup>10,4</sup>	7,589,955 <sup>10,4</sup>	167.95 <sup>17</sup>	190.48 <sup>17</sup>						

<sup>1</sup> Previously Rinker, originally Solano

<sup>2</sup> Previously R.C. Collet aka Cache Creek Aggregates

<sup>3</sup> 1997 – 2001

<sup>4</sup> 2002 – 2026

<sup>5</sup> Operation assumed to cease after 1996; mine has been subsequently classified as "idle"

<sup>6</sup> Project revised in 2002 (1999 application withdrawn) – no change to tonnage

<sup>7</sup> 20% exceedence added in 2002 in a process subsequent to revision noted in Note 6

<sup>8</sup> Cumulative total tonnage for which CEQA clearance was provided in 1996 Program EIR, OCMP DEIR, p. 3-22 and 3-23

<sup>9</sup> Total allocated/approved by County in 1996

<sup>10</sup> Uses lower Schwarzgruber number consistent with apparent error in Table 3-1, OCMP EIR.

<sup>11</sup> The subject Applicant proposes to "relinquish" this tonnage and have it "reallocated" to the proposed Granite Esparto Project

<sup>12</sup> Project revised in 1998 – no change to tonnage

<sup>13</sup> Not included in OCMP EIR and OCMP totals because authorization for this was provided through the Cache Creek Resource Management Plan (CCRMP) EIR and CCRMP

<sup>14</sup> OCMP, p. 12 and maintenance mining

<sup>15</sup> Development Agreement

<sup>16</sup> 6,780,000 minus sum of all other items in column = 505,859

<sup>17</sup> OCMP and CCRMP combined (CCRMP DEIR, p. 3-27)

<sup>18</sup> In any given year, if exercised by Applicant

<sup>19</sup> 20% of 1,075,269 tons mined

<sup>20</sup> Through 2006

<sup>21</sup> In million tons

<sup>22</sup> No mining assumed in OCMP EIR beyond 1996

<sup>23</sup> Not approved to utilize the 20% exceedence

**ATTACHMENT S**  
**CONDITIONS OF APPROVAL**

**CONDITIONS OF APPROVAL  
MINING PERMIT AND RECLAMATION NO. ZF#2007-071**

**GRANITE ESPARTO MINING AND RECLAMATION PROJECT**

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The following conditions of approval include all identified mitigation measures, unless otherwise noted in the staff report. Post-approval modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

**MISCELLANEOUS CONDITIONS**

1. The operator 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's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the operators of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

2. The maximum permitted "base" tonnage allowed for this project (Granite Esparto) is 870,000 tons (sold weight) and/or 1,000,000 tons (mined weight). Tons sold in any given year may be exceeded by 20 percent up to 1,044,000 tons (sold weight) so long as the running ten-year annual average does not exceed 8,700,000 tons (sold weight).

The maximum permitted "base" tonnage allowed for the Granite Capay operation is 1,000,000 tons (sold weight) and/or 1,075,269 tons (mined weight). Tons sold in any given year may be exceeded by 20 percent up to 1,200,000 tons (sold weight) so long as the running ten-year annual average does not exceed 10,000,000 tons (sold weight).

Pursuant to this permit, these annual permitted tonnages are combined, so that the total maximum annual permitted "base" tonnage allowed from either site is 1,870,000 tons (sold weight) and/or 2,119,269 tons (mined weight) combined. Tons sold in any given year may be exceeded by 20 percent up to 2,244,000 tons (sold weight) combined. The running ten-year annual average cannot exceed 18,700,000 tons (sold weight) combined.

Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, these limits shall not apply to recycled concrete or asphalt or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

3. The maximum total tonnage allowed for this operation (Granite Esparto) over the life of the

permit is 26.1 million tons (sold weight) and/or 30 million tons (mined weight). The maximum total tonnage allowed for the Granite Capay operation over the life of the permit is 30.0 million tons (sold weight) and/or 32.26 million tons (mined weight). The maximum total combined tonnage allowed for the combined operations allowed pursuant to this permit over the life of both permits is 56.1 million tons (sold weight) combined and/or 62.26 million tons (mined weight) combined.

Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

4. The operator shall pay tonnage fees to the County and Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose. See the Development Agreement Section 4.4 for additional new terms regarding fee expenditures.
5. Based on the combined tonnage, the 1,000,001<sup>st</sup> ton to the 1,200,000<sup>th</sup> ton sold and the 2,070,001<sup>st</sup> ton to the 2,244,000<sup>th</sup> ton sold in any given calendar year shall be subject to the surcharge identified in the Gravel Fee Mining Ordinance. The revenues from the fee ordinance surcharge shall be collected by the County and disbursed for activities consistent with the Gravel Fee Mining Ordinance. See the Development Agreement Section 4.4 for additional new terms regarding fee expenditures.

As identified in the development agreement, this project pays an additional new surcharge on the 500,001<sup>st</sup> ton to the 1,000,000<sup>th</sup> ton sold annually. See the development agreement for the terms of this new additional surcharge.

6. The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.
7. The Mining Permit is approved for a period not to exceed thirty years, starting from the date the approval is granted. If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.
8. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.
9. The operator shall amend the financial assurances to reflect the modifications to the project, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in an amount to be determined, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining under the permit approval.

10. The project to which these conditions are applicable is as described in the 2010 EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 8, 2011 as modified to reflect the Sequential Mining Alternative, and the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) beyond those necessary to comply with the Sequential Mining Alternative, may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.
11. The project approval, including all permits and entitlements, shall not be considered effective until the Development Agreement between the County and the operator has been executed. The Development Agreement shall be executed within 30 days of the date of approval by the Board of Supervisors.
12. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.
13. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
14. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, hazardous materials business plans must be submitted biennially, as required by the California Health and Safety Code, unless the types of hazardous materials used change, in which case revised business plans must be submitted within thirty (30) days of the change.
15. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, there shall be vegetated buffers between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.
16. The aggregate material extracted from this site shall be processed at the adjoining Granite Capay plant facilities. Minor staff level modifications of the existing Granite Capay approval entitlements are necessary for this condition to be satisfied. The applicant is responsible for submitting the necessary application(s) and fees within three months of approval by the Board of Supervisors.
17. The mining and reclamation plans shall be revised within one year of approval to reflect the following:
  - Modification to remove the plant site
  - Processing of extracted materials at the adjoining Granite Capay plant
  - Use of conveyors to transport materials from one site to another
  - Lowering of the southerly berm to match the berm along CR 87
  - Modified planting and additional contouring of the berm along CR 87
  - Reclamation of Phase 1A to higher value agricultural use than proposed
  - Modification of the design of the proposed reclaimed lake to make the slope a maximum steepness of 3:1 for a minimum distance of 1,500 linear feet of shoreline in the area that will be most accessible for future public use
  - Addition of at least two floating islands to provide refuge habitat for wildlife

18. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 8, 2011 shall be implemented by the operator as a condition of approval.
19. Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: CR 87 and CR 19 to and from Interstate 505.
20. Implement the performance standards contained in Section 10-4.429 of the Mining Ordinance related to buffers for materials stockpiles and soils stockpiles.
21. The permitted tonnage on the Granite Capay and Granite Esparto sites (subject to subsequent minor staff-level modification of the Granite Capay entitlements) shall be consolidated such that site work on the Esparto site is prohibited (delayed) until mining is completed at the Capay site (except for the existing plant site) and reclamation has commenced. Accelerated mining is allowed at the adjoining Granite Capay site provided that total extraction at either site cannot exceed the combined entitlements of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.
22. At no time can mining on the Granite Capay and Granite Esparto sites occur concurrently. Minor overlap at the end of the final phase of mining at the Capay site is allowed during a maximum 45-day period of transition to the Esparto site. A revised phasing plan shall be submitted within 90 days for approval by the Director demonstrating the approved sequence of mining and reclamation of the two sites. The modified phasing plan shall show mining of the Esparto site commencing after mining at the Capay site (with the exception of the plant site) is complete and no sooner than November 2021. At no time can the volume of extraction or sales at either site or in combination, exceed the combined maximum permitted tonnage of the two entitlements (2,244,000 tons sold)
23. Mining shall not occur on the Esparto site until after November 2021. Until that time the site shall remain in agricultural use.
24. With the exception of filling in the new terrace area behind the re-graded bank, the applicant shall complete the proposed bank modifications as presented in the approved Streambank Stabilization Plan, as soon as materials become available, no later than 2021, and/or prior to mining within 700 feet of the adjacent high bank, whichever occurs first. The bank stabilization activities shall conform to all applicable provisions of the Cache Creek Resources Management Plan and the Cache Creek Improvement Program.
25. 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. (Mitigation Measure 5-3c).

## **AESTHETICS**

26. Within one year of approval, 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. Pursuant to Section 10-4.429c of the County Code, 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. (Mitigation Measure 4.2-1).

27. An irrigation system shall be installed in buffer areas and on berms to ensure rapid growth. The landscaping shall be monitored every two years. Any dead or dying trees shall be replaced.
28. The applicant shall be required to submit a detailed lighting plan that specifies the location, site, and candlepower of all proposed light standards. The light standards shall include specially designed hoods and other shielding to minimize lighting impacts on nearby residences.

## **AGRICULTURE**

29. Prior to the commencement of mining activity on any Prime Farmlands, and subject to approval by the County, the Applicant shall demonstrate to the County 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. (Mitigation Measure 4.3-1a)
30. Prior to commencement of mining activity on any Unique Farmland, and subject to approval by the County, the Applicant shall demonstrate to the County 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. (Mitigation Measure 4.3-1b)
31. Until such time as the Williamson Act contract on APN: 048-220-002 has expired, the Applicant cannot impact more than 74 acres of Prime Farmland on that parcel. (Mitigation Measure 4.3-2)
32. In conjunction with making findings to approve the project, the Board of Supervisors shall find the project to be substantially consistent with OCMP Action 5.4-7 based on a balancing of relevant policies including but not limited to Action 5.4-6. (Mitigation Measure 4.3-3)

## **AIR QUALITY**

33. No plant facilities are approved on site.
34. Visible emissions from any operation which emits or may emit air contaminants are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart. Effective July 2010, the opacity limit is reduced to 20 percent as per the rule amendments adopted January 13, 2010.
35. Portable diesel fueled equipment greater than 50 horsepower (HP), such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.

36. Particulate matter concentrations for any source operation which may emit dust, fumes or total suspended particulate matter should not be released in excess of 0.1 grain per cubic foot for gas as described in Rule 2.11, Particulate Matter Concentration.
37. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.
38. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance. No vehicles or equipment shall be left idling for a period of longer than 5 minutes.
39. The applicant shall implement the following measures to further reduce PM<sub>10</sub> emissions generated from Revised Project operations:
  - Water all dust sources at the project site as necessary;
  - Wash loose soil off transport trucks prior to the trucks leaving the project site;
  - Limit on-site vehicle speed to less than 15 miles per hour.
40. 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. (Mitigation Measure 4.4-2a)
41. 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 under company ownership;
- 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. (Mitigation Measure 4.4-2b)

## **BIOLOGICAL RESOURCES**

42. NORTHWESTERN POND TURTLE -- No earlier than 30 days before ground disturbance begins within each mining unit (DEIR, Figure 3-4, p. 3-11), 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). (Mitigation 4.5-1a)

43. 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.

Within each mining unit (DEIR, Figure 3-4, p. 3-11), 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 31) 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 unless a reduction is approved by the agencies. (Mitigation 4.5-1b)

44. 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. (Mitigation 4.5-1c)

45. **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. (Mitigation 4.5-1d)

46. The Applicant shall implement the Reclamation Plan and the riparian habitat restoration measures in the accompanying Habitat Restoration and Landscape Visual Screening Plan. (Mitigation 4.5-2)
47. 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. (Mitigation 4.5-3). *Note this mitigation measure has been satisfied with submittal of a revised report entitled "Jurisdiction Waters and Wetland Delineation, Granite Esparto Property", dated October 2007, revised January 2010, prepared by TRC Consulting Biologists.*

## **CLIMATE CHANGE**

48. The applicant shall demonstrate consistency and compliance with the County's adopted Climate Action Plan. (Mitigation Measure 4.6-1)

## **CULTURAL RESOURCES**

49. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance.
50. The operator shall implement an explicit educational program that alerts project employees to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional.

## **GEOLOGY AND SOILS**

51. Pursuant to Wallace and Kuhl Slope Stability Evaluation (2007) exposed slopes be inspected by a geotechnical engineer or certified engineering geologist every 10 to 15 feet of excavation depth or at least once per year for subsurface conditions that could affect slope stability.
52. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance.
53. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance.
54. 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. (Mitigation Measure 4.8-1)

## HAZARDS

55. Implement the performance standard included in Sections 10-4.406, 10-4.415, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance.

## HYDROLOGY AND WATER QUALITY

56. The applicant shall secure and comply with necessary RWQCB approvals (Section 401 Certification) to allow for implementation of the in-channel work.
57. 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 effects 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 (Mitigation Measure 4.10-5b). *Note this mitigation measure has been satisfied. The TAC reviewed the proposed Streambank Stabilization Plan for consistency with the Test 3 cross-section, CCIP, and CCRMP on April 12, 2010 and found it to be consistent and satisfactory. As requested by the TAC, the applicant subsequently submitted digital and hard copies of the revised modeling and report entitled "Granite Construction Company, Off-Channel Mining and Reclamation, Cache Creek Hydraulics Study" dated November 15, 2007 revised May 28, 2010, prepared by Cunningham Engineering.*
58. Mining shall not be conducted within 50 feet of the West Adams Canal.
59. Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of channel banks and levees adjoining the project area during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director along with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps and

photographs) and estimated area and volume of eroded materials, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year.

60. Pursuant to Action 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvement projects required by the CCRMP and CCIP, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

If, in moving from any one phase of mining to the next, the operator is unable to fulfill this condition within 12 months, due to delays outside of the control of the operator, the operator may optionally enter into an agreement with the County that allows deferral of construction of the channel improvements that would have otherwise been required at that time, to a reasonable future time when the events outside of the operator's control will no longer preclude meeting the condition. The operator must demonstrate to the County a good faith effort to satisfy the condition in order to enter into the optional deferral agreement. The use of the optional deferral agreement shall not allow any channel improvements that would have been required under this condition to be waived. The intent of allowing the optional deferral agreement to address a possible situation wherein the operator may be unable to satisfy the condition due to disagreement between responsible/permitting agencies, delay on the part of the County in identifying the specific improvements, or other similar circumstances.

61. Following reclamation, the Community Development Agency shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees and allowing access by the County for same.

The applicant shall enter into a legally-binding agreement with the County that commits the applicant to participate in implementation of the Cache Creek Improvements Program for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by the condition above. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the TAC.

62. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance.



63. 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 effects 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. (Mitigation Measure 4.10-5b). *Note this mitigation measure has been satisfied with submittal of revised modeling and report entitled "Granite Construction Company, Off-Channel Mining and Reclamation, Cache Creek Hydraulics Study" dated November 15, 2007 revised May 28, 2010, prepared by Cunningham Engineering.*
64. 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. (Mitigation Measure 4.10-7a)

## **NOISE**

65. Implement the performance standard included in Section 10-4.422 of the County Off-Channel Mining Ordinance.
66. The hours of operation for all facilities and operations are generally 6:00 a.m. to 6:00 p.m. (12 hours per day), five-days per week (Monday through Friday), with occasional 24-hour operations to fulfill contract requirements are allowed within the regulations established in Section 10-4.421 of the mining ordinance.

## **TRAFFIC AND CIRCULATION**

67. 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 at the same time (no conflict of simultaneous truck turning movements).

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)

68. 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.

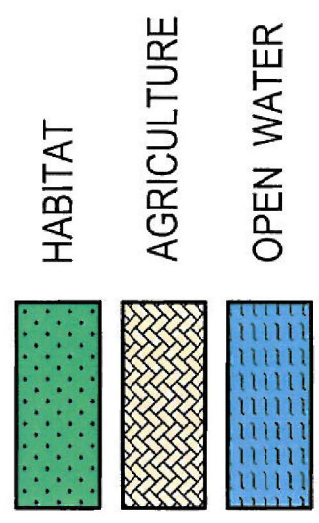
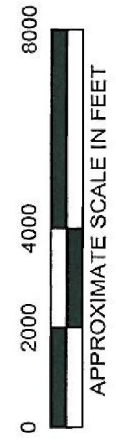
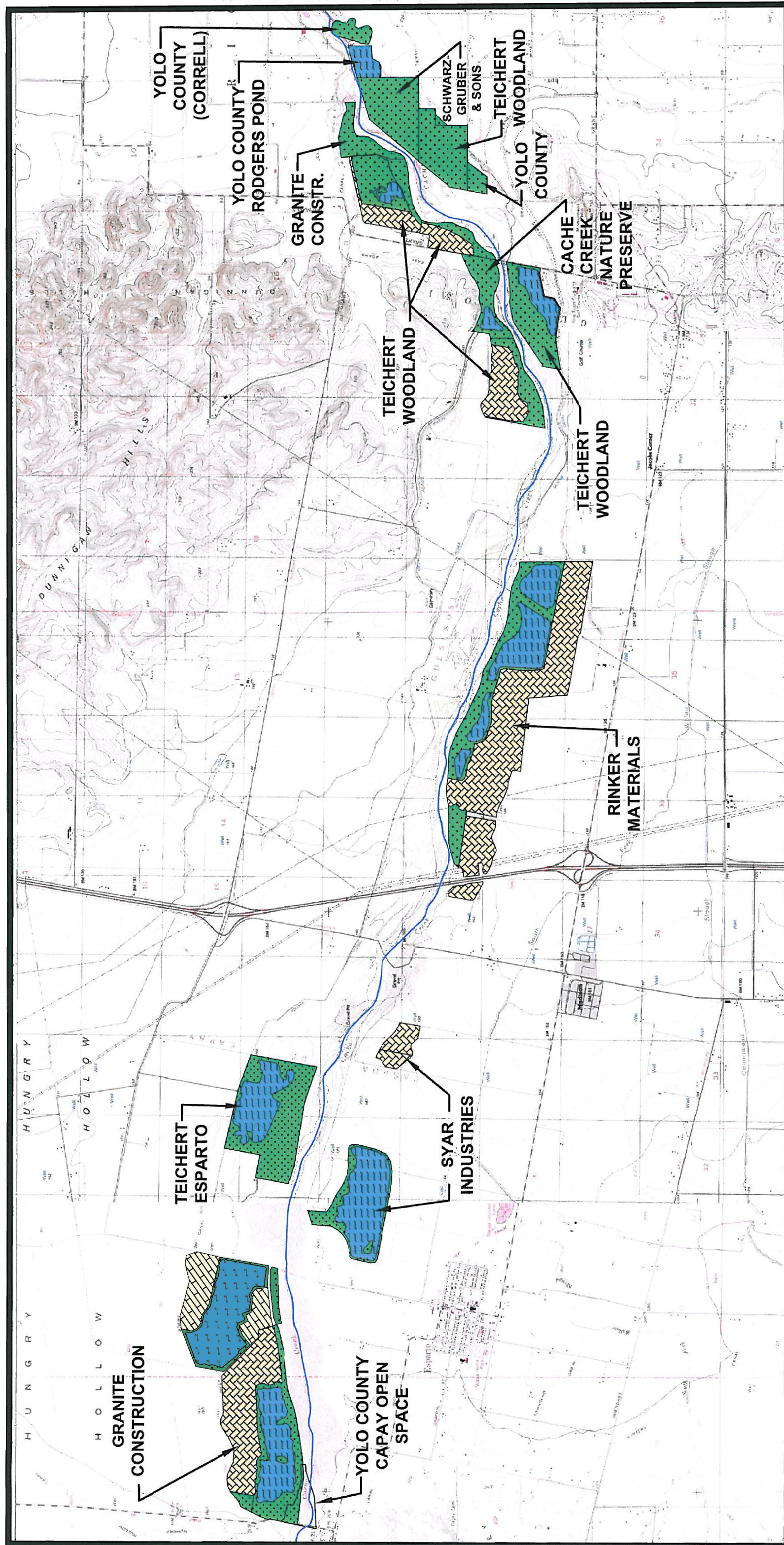
By September 15 of each year, the Applicant shall submit to the County an annual evaluation report documenting the structural integrity of the pavement structural section and the pavement condition index (PCI) of the portions of the county roads noted above. The annual report shall be signed and sealed 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.

**ATTACHMENT T**  
**CCAP AREA MINING MAP**



2940 SPAFFORD ST.  
 Davis, CA 95616  
 530.758.2026  
 Fax: 530.758.2066  
 cecdavis.com

JANUARY 31, 2005

# CACHE CREEK

## CONCEPTUAL RECLAMATION AND RESTORATION VISION (APPROX. 2032)