



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

OCTOBER 27, 2011

REQUEST: Consideration of the 2009 and 2010 Annual Compliance Report on off-channel gravel mining within the Cache Creek Area Plan, for the Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregates-Woodland, and Teichert Aggregates-Esparto sites.

APPLICANT: Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695

LOCATION: Immediately north and south of Cache Creek, between County Roads 85 and 96, within the boundaries of the Cache Creek Area Plan (CCAP) (Attachment A).

GENERAL PLAN: Agriculture (AG), Mineral Resource Overlay (MRO)

ZONING: Agricultural Preserve (A-P), Agricultural General (A-1), Special Sand and Gravel Combining Zone (S-G)

SUPERVISORIAL DISTRICT: 5
(Supervisor Chamberlain)

FLOOD ZONE: Various

SOILS: Various

FIRE SEVERITY ZONE: None

ENVIRONMENTAL DETERMINATION: N/A

REPORT PREPARED BY:

Jeff Anderson, Associate Planner

REVIEWED BY:

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. Determine that Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregates-Woodland, and Teichert Aggregates-Esparto have complied with the requirements of the County's Cache Creek Area Plan; and
2. Adopt the Findings (Attachment B) in support of determining that the mining operations are in conformance with the requirements of the Cache Creek Area Plan (Attachment C).

REASONS FOR RECOMMENDED ACTIONS

As required by Section 10-4.701 of the County's Surface Mining Ordinance, the aggregate industry is required to provide annual reporting of their operations along Cache Creek to the Yolo County Planning Commission. The report to the Planning Commission is based upon independent staff analysis, aerial photographs, field inspections, and information contained in annual reports submitted by the mining operators. Based on staff's investigation, all of the aggregate operations are determined to be in compliance with the provisions of the County Surface Mining and Reclamation Ordinances, Development Agreements, the California Surface Mining and Reclamation Act (SMARA), Mitigation Monitoring and Reporting Plans, and permit Conditions of Approval.

BACKGROUND

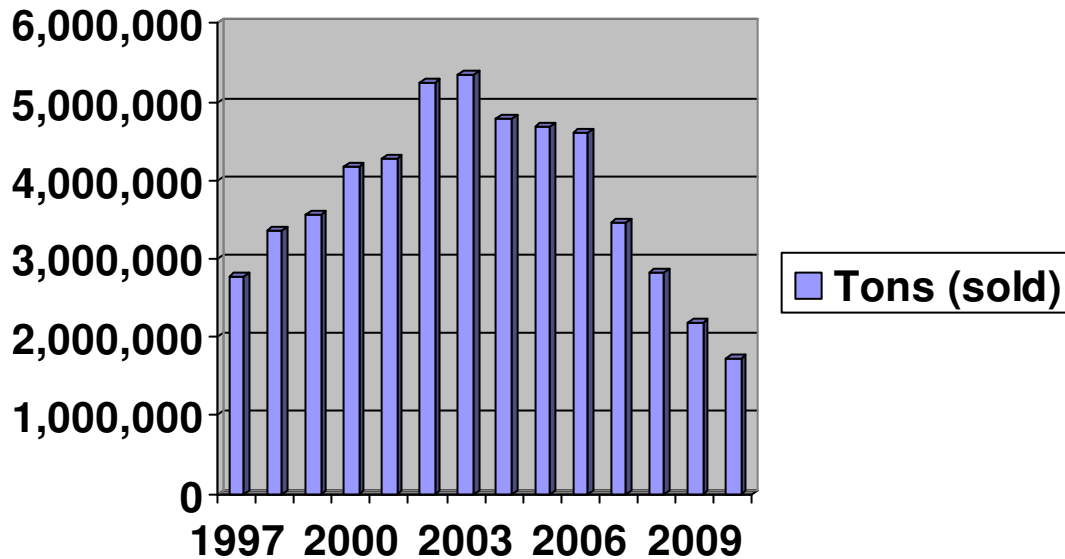
On July 30, 1996, the Board of Supervisors adopted the Off-Channel Mining Plan (OCMP) and its implementing ordinances. The OCMP and ordinances provide the regulatory framework for mining and reclamation within the Cache Creek Area plan. Five of the seven mining operations along Cache Creek are regulated under the OCMP. The five operations subject to the OCMP include Granite Construction-Capay, CEMEX, Syar Industries, Teichert Aggregates-Woodland, and Teichert Aggregates-Esparto. The two operations not regulated by the OCMP are Granite Construction-Woodland and Schwarzgruber and Sons. These two operations do not have Development Agreements or extensive Conditions of Approval. They are, however, subject to their original mining and reclamation permits which predate the OCMP, and are subject to the requirements of SMARA.

Production figures for individual mining operators are proprietary information and may not be included in this report. However, staff has reviewed data provided by the operators, which shows that none of the mining operators exceeded their allocations in 2009 or 2010. Aggregate production has substantially decreased over the past several years due to the down economy. In 2003, during the peak of the construction boom, the total amount of material sold from operators along Cache Creek exceeded 5.3 million tons compared with just over 2.1 million tons sold in 2009 and 1.7 million tons sold in 2010. Figure 1 below does not include Granite Woodland (Idle) or Schwarzgruber and Sons. Granite Woodland is limited to 422,352 tons per year and Schwarzgruber and Sons is limited to 114,000 tons per year.

During 2009-2010 all of the operations were found to be in compliance with the applicable regulations, with one exception. From November 2008 through October 2010, CEMEX was found to be out of compliance with their off-channel mining permit (ZF #95-093), Yolo County Code, SMARA, and Development Agreement 96-287, and a Notice of Violation was issued. Portions of the stream bank along the CEMEX site were compromised during the 2005-2006 winter storms. The necessary repairs were made and the violation was resolved in November 2010. Additional details on this violation process are included below.

The following is a "snapshot" of each mining operation, which includes a brief summary of mining and reclamation activities that took place in 2009 and 2010. Also included in this section is a brief synopsis of any permits or modifications approved by the County in 2009-2010. It should be noted that only CEMEX was issued a permit during these years.

**Figure 1: Annual Gravel Production (tons)
(1997-2010)**



Granite Construction-Capay

In 2009 and 2010, Granite Construction Company completed reclamation of the 1996 Phase 1, with 17 acres reclaimed to agriculture use. Due to the economic downturn, mining activities slowed. In 2009, Granite mined in Phase 1A and, in 2010, mined in the Interim Mining Phases. Granite began reclamation of the Interim Mining Phases with slope grading to design grades, placing soil, and planting vegetation according to the 2002 approved reclamation plan.

No permits or modifications were issued by the County in 2009-2010.

Granite Construction-Woodland

No mining or reclamation activities occurred on the Granite Woodland site in 2009 or 2010. The Granite Woodland site has remained “idle” since the Interim Management Plan was approved by the County in 1999.

No permits or modifications were issued by the County in 2009-2010.

Schwarzgruber and Sons

During 2009 and 2010 Schwarzgruber and Sons disturbed approximately one acre in the center of the property on the south bank. The mining activities are restricted to the depth of the Theoretical Thalweg. Schwarzgruber and Sons have not commenced any reclamation activities on the property.

No permits or modifications were issued by the County in 2009-2010.

CEMEX

During 2009 and 2010 CEMEX continued to mine Phases 2, 3 & 4. CEMEX harvested material with the electric dredge in phases 3 & 4 and dry mined in Phase 2. CEMEX reclaimed additional agricultural land in Phase 1 and continued reclamation in riparian areas, setbacks, and creek frontage.

On October 26, 2010, the Yolo County Floodplain Administer approved Zone File #2010-045 which allowed CEMEX to reconstruct three locations on the south side of Cache Creek that were incised during the 2005-2006 winter storms. The streambank stabilization project was necessary in order to restore Cache Creek to the pre-erosion flow condition, reducing the possibility of further erosion to the south bank of the creek to maintain the required mining setback, to restore the creek to its "natural" condition, and to reduce potential damage to nearby mining equipment along the south bank of this reach. The work was completed on November 15, 2010 and final planting of the slopes was completed in February 2011.

The work listed above was a result of a Notice of Violation that was issued to CEMEX on November 17, 2008, for stream protection, drainage, diversion structures, waterways, and erosion. CEMEX was found to be in violation of SMARA (PRC Section 2710, et seq.), Yolo County Code Sections 10-4.416 and 10-4.429, and various provisions of the Mitigation Monitoring and Reporting Plan, Development Agreement No. 96-287, and related approvals. CEMEX worked with County staff and various State and federal agencies throughout 2009 and 2010 to receive the necessary approvals to satisfactorily resolve the violation.

Syar Industries

In 2009 and 2010 only Phase A2 was mined. Syar continued to reclaim Phase A1 in 2009 and 2010. This area is being filled with fines from the processing facility.

No permits or modifications were issued by the County in 2009-2010.

Teichert Aggregates-Woodland

In 2009, a total of five acres were disturbed on the Coors site (Phase II), brining the total disturbed acreage of the site to 89 acres since mining began. No new mining occurred at Coors in 2010. Mining began at the Storz site (Phase III) in 2009 with a total of six acres being disturbed. In 2010, an additional 17 acres were disturbed at Storz.

Reclamation was completed in 2010 at the Muller site (Phase I), and monitoring of the site continues to date. Teichert completed minor revegetation of the slopes at Coors in 2009. No reclamation has occurred at Storz.

No permits or modifications were issued by the County in 2009-2010.

Teichert Aggregates-Esparto

No mining or reclamation occurred at the Teichert Esparto site in 2009 or 2010. The total disturbed acreage remains at 148 acres. No acreage has been reclaimed to date.

No permits or modifications were issued by the County in 2009-2010. The Yolo County Planning Commission approved an Interim Management Plan for the site on June 9, 2011.

STAFF ANALYSIS

The following is a summary of the operator's compliance with applicable regulations:

Chapter 4 (Off-Channel Surface Mining Ordinance), and Chapter 5 (Surface Mining Reclamation Ordinance) of Title 10 of the Yolo County Code

Planning staff reviewed aerial maps, mining and reclamation plans, documentation provided by the mining operators, and conducted on-site inspections in order to determine compliance with County ordinances. In reviewing each individual mining operation, staff found the operations to be in general compliance with the County ordinances and the provisions of their permits. The Off-Channel Surface Mining Ordinance and Surface Mining Reclamation Ordinance performance standards are included in the Conditions of Approval and Mitigation Monitoring and Reporting Plans.

Conditions of Approval and Mitigation Monitoring and Reporting Plans

A brief summary describing the compliance status of the various mining operations with their Conditions of Approval and Mitigation Monitoring and Reporting Plans is presented in Attachment C. The Conditions of Approval, including mitigation measures, for each permit and each operation are shown in a series of tables. A complete description of how each condition complies or does not comply with the regulations is available at the Planning and Public Works Department, located at 292 W. Beamer Street, Woodland, CA 95695, or online at www.yolocounty.org. Due to the length of the detailed compliance review, it was not included with the Planning Commission report.

Development Agreements

Development Agreements were approved for each of the five mining operations that fall under the governance of the OCMP. Staff conducted a cursory review of the Development Agreements and did not find any violations. A more detailed review of these five Development Agreements will be presented to the Planning Commission at a later date as part of a department-wide review of all active Development Agreements.

SMARA

The Surface Mining and Reclamation Act requires that all mining operations maintain compliance with Public Resources Code Sections 2773.1 and 2774(b). Public Resources Code Section 2773.1 requires that lead agencies require financial assurances of each surface mining operator to ensure reclamation is performed in accordance with the mining operation's approved reclamation plan. In 2009 and 2010, each mining operation maintained adequate financial assurances that were reviewed and approved by Yolo County and the State of California Department of Conservation.

Public Resources Code Section 2774(b) requires that the lead agency conduct an annual inspection of each mining operation to determine if it is in compliance with the requirements of SMARA. Staff conducted inspections of all mining operations in the winter of 2009 and 2010. Staff did not identify any violations or inconsistencies with SMARA during the 2009 or 2010 field inspections. The inspection reports were submitted to the Department of Conservation, as required under SMARA, in a timely manner.

APPEALS

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

ATTACHMENTS

A: Cache Creek Area Plan (Mining Operators) Map

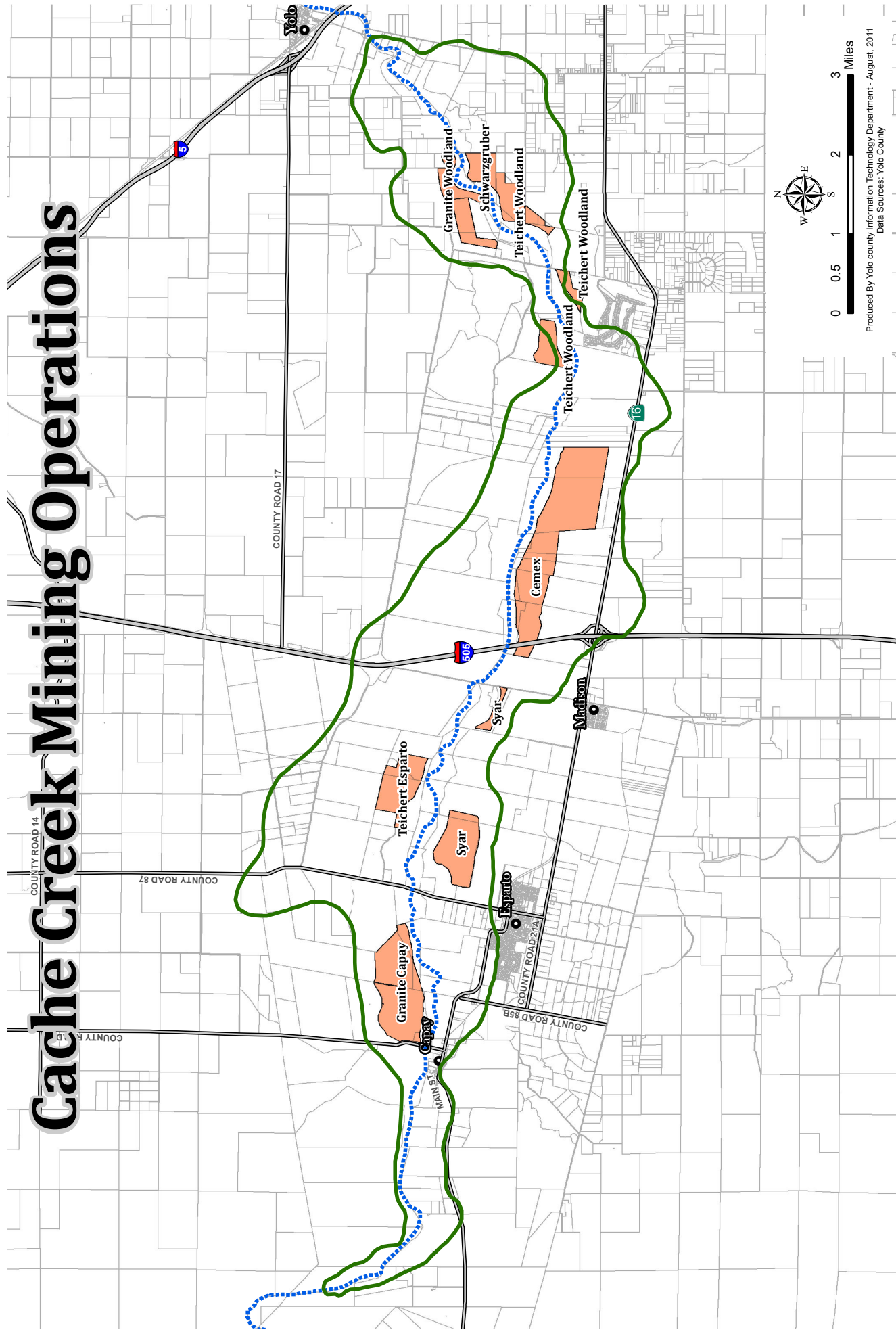
B: Findings

C: Conditions of Approval Compliance Summary Table (Full length compliance document is on file with the Secretary to the Planning Commission)

ATTACHMENT A

MINING MAP

Cache Creek Mining Operations



Produced By Yolo county Information Technology Department - August, 2011
Data Sources: Yolo County



- Cache Creek Area Plan Boundaries
- Mining Operations
- Roads
- Cache Creek
- Towns
- Parcel Lines

ATTACHMENT B

FINDINGS

**FINDINGS FOR
2009-2010 ANNUAL COMPLIANCE REPORT
(OFF-CHANNEL GRAVEL MINING)**

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

1. Following the review by staff, which was based upon on-site inspections, documentation provided by the operators, and aerial topographic maps, it is determined that the continuing mining and reclamation activities of Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregates-Woodland, and Teichert Aggregates-Esparto are in substantial compliance with the County Surface Mining and Reclamation Ordinances, Development Agreements, the California Surface Mining and Reclamation Act (SMARA), Mitigation Monitoring and Reporting Plans, and permit Conditions of Approval.
2. The review performed by staff and public hearing before the Planning Commission fulfills the requirements of Section 10-4.703 of the County Surface Mining Ordinance and Section 2774.b of the Surface Mining and Reclamation Act regarding the annual review of mining and reclamation compliance, Section 10-5.708 of the County Surface Mining Reclamation Ordinance and Section 2773.1 of the Surface Mining and Reclamation Act regarding annual review of financial assurances, and Section 21081.6 of the California Environmental Quality Act regarding mitigation monitoring program implementation.

ATTACHMENT B

ATTACHMENT C
SUMMARY TABLE

46.2	46.4	47	48	49	50	51	52	53	54	54.5	55	55.2	55.4	56	57	58	58.2	59	60
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
60.1	61	62	63	64	65	66	67	68	69	70	71	71.2	71.4	72	73	73.2	73.4	74	75
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
76	77	78	79	80															
C	C	C	C	C															

CEMEX CONDITIONS OF APPROVAL																			
ZF 1541	1	2	3																
	C	C	C																
ZF 1901	1	2	3																
	C	C	C																
ZA 736	1	2																	
	C	C																	
ZF 95-093	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
	C	C	C	C	C	C	C	C	C	F	C	C	C	C	C	C	C		
	18	19	20	21	22	23	24	25	26	27	28	28.3	28.6	28.7	29	30	31		
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48		
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	49	50	51	52	53	54	55	56	57	58	59	60	61	61.5	62	63	64		
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	65	65.1	66	67	68	69	70	71	72	73	74	75	76	77	78				
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				

GRANITE CONSTRUCTION—WOODLAND
CONDITIONS OF APPROVAL

ZF 610	1	2	3														
	C	C	C														
ZF G-7	1	2	3	4	5	6	7	8	9	10							
	C	C	C	C	C	C	C	C	C	C							

SCHWARZGRUBER AND SONS
CONDITIONS OF APPROVAL (ZF G-6)

1	2	3	4	5	6	7	8	9	10								
C	C	C	C	C	C	C	C	C	C								

**GRANITE CONSTRUCTION-CAPAY COMPLIANCE REVIEW
MINING AND RECLAMATION PERMIT #2001-096**

MINING AND RECLAMATION STATUS

In 2009 and 2010, Granite Construction Company completed reclamation of the 1996 Phase 1, with 17 acres reclaimed to agriculture use. Due to the economic downturn, mining activities slowed. In 2009, Granite mined in Phase 1A and, in 2010, mined in the Interim Mining Phases. Granite began reclamation of the Interim Mining Phases with slope grading to design grades, placing soil, and planting vegetation according to the 2002 approved reclamation plan.

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-289, as amended, staff has reviewed the terms of the agreement and has found the operator to be in compliance with all of its terms.

YOLO COUNTY APPROVALS

The known permit history is as follows:

October 29, 1980 -- Zone File No. G-1 approved by the Planning Commission to allow for in-channel mining on 1,263 acres with reclamation to a streamway. Note – This may not be an accurate file number. See the same entry for the Syar project.

April 25, 1995 -- Zone File No. 4040 approved by the Board of Supervisors to allow for the construction and operation of a gravel processing plant and the processing of existing stockpiled aggregate on 130 acres.

November 25, 1996 -- Zone File No. 95-078 and Development Agreement No. 96-289 approved by the Board of Supervisors to allow for off-channel mining on 359 acres over a 30-year period with reclamation to permanent lakes, habitat, and row-crop production. This permit superseded Zone File No. 4040 (see November 1996 Planning Commission staff report). Any rights under Zone File No. G-1 were relinquished in 1996 under Section 2.2.4 of the DA.

June 16, 1998 -- Amendment Zone File No. 95-078 approved by the Board of Supervisors to modify Conditions of Approval No. 47 and 48 to allow for extensions of time to construct required road improvements.

January 5, 1999 -- Amendment to Zone File No. 95-078 approved by the Board of Supervisors to modify Condition of Approval No. 48 to allow for a second extension of time to construct required road improvements.

December 12, 2000 – Resolution No. 00-228 approved by the Board of Supervisors acknowledging the aggregate industry's voluntary program to reduce NOx emissions from heavy duty off-road mining equipment by 20 percent by November 1, 2005.

August 28, 2001 -- Amendment Zone File No. 95-078 (per Zone File #2001-043) approved by the Board of Supervisors to allow for the occasional exceedence of the annual maximum

aggregate production cap by 20 percent as provided by Section 10-4.405 (Annual Production Limits) of the County Mining Ordinance.

December 3, 2002 -- Amendment to Zone File No. 95-078 (per Zone File # 2001-096) approved by the Board of Supervisors on to amend the project and Development Agreement to allow for: (1) construction and operation of an asphalt plant, concrete plant, and recycle plant; (2) early relocation of plant facilities to the east site; (3) modifications to the location of mining areas, mining phasing, and depths of mining; (4) modifications to the reclamation plan to change the proportional acreage to be reclaimed to open water, agriculture, and habitat; and (5) approval to move or demolish the existing vacant Stephens Farmhouse and associated structures to allow mining and reclamation of that area. Development Agreement #96-289 was approved by the Board of Supervisors to change the ownership from R.C. Collet to Granite Construction Company, extinguish in-stream rights potentially held by Granite at their Reiff-Woodland site, revise the approved "net gain" to reflect an increase in the amount of reclaimed land offered as dedication to the County from 77 acres to 248 acres, and to modify the timing of the dedication through phasing. DA amendment recorded December 16, 2002.

March 20, 2003 -- Zone File # 2001-096 Development Agreement re-recorded but is not considered valid (see email from Phil Pogledich dated May 15, 2008 to Warren/Kent/Heidi).

June 1, 2004 – Ordinance No. 1318/Agreement No. 04-203 approved amending the project to change the phasing to create an Interim Phase of 34 acres to allow use of a new electric floating dredge and floating conveyors.

September 7, 2004 – Resolution No. 04-150/Agreement No. 04-275 approved accepting transfer of 41 acres of dedicated real property known as the Capay Open Space Park on Road 85 (1/4 mile north of the town of Capay).

September 10, 2004 – Approved Ordinance No. 1325 amending the project to revise the grading and site layout plan (to interchange the location of retention basins with the lab and office complex).

December 7, 2004 -- Offer from Granite to donate fossilized mammoth pelvis bone uncovered during gravel operations at the site accepted by Board of Supervisors.

September 29, 2005 -- Minor modification to the 2004 Interim Mining Phase Plan approved by Director of Planning and Public Work allowing for an additional 40 acres of Phase 2 to be mined in conjunction with Phase 1A.

OTHER AGENCY APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. The operator has a Waste Discharge Permit from the Regional Water Quality Control Board and an Authority to Operate permit from the Yolo-Solano Air Quality Management District. The annual reporting form was submitted by the operator to the State Department of Conservation. The operator has a Hazardous Materials Business Plan (Consolidated Contingency Plan) on file with the Yolo County Health Division.

CONDITIONS OF APPROVAL

Conditions for ZF #2001-096 are as follows:

The following conditions of approval include all adopted conditions from the 1996 approval (ZF 95-068) that remain applicable, and all adopted mitigation measures and other conditions of approval from the 2002 approval, 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.

No claims or actions have been filed against the County regarding this permit. The operator acknowledges the requirements of the condition.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,075,269 (mined tonnage). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons. 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 operator acknowledges the requirements of the condition. The operator did not exceed the annual production limits described above in 2009 and 2010.

3. The operator shall pay \$0.15 ~~\$0.35~~ per ton to the County for every ton of aggregate materials sold. The operator shall pay \$0.05 ~~\$0.10~~ per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. 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.

The operator acknowledges the requirements of the condition. All appropriate per

ton fees are paid quarterly.

- 3.2 Any aggregate produced in excess of the 1,000,000-ton limit, shall be subject to an additional surcharge of \$0.10 per ton. The revenues from the additional surcharge shall be collected by the County and evenly divided between the Maintenance and Remediation Fund, and implementation of the CCRMP. These funds may not be used by the County for any purpose other than those specified in this condition.

The operator acknowledges the requirements of the condition. As stated in Condition #3 above, the per ton fee for tonnage in excess of the base amount was raised to \$0.20.

4. 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.

Permitted reserves have not been depleted, nor has the 30-year life of the permit expired. The operator acknowledges the requirements of the condition.

5. The Mining Permit, including operation of the processing plant, is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

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.

Notification that mining commenced under the long-term permit was received on December 30, 1997. Mining under this permit commenced on January 1, 1998. This permit will expire on January 1, 2028. Notification was submitted on June 30, 2003 for ZF #2001-089.

6. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected from the operator under the Yolo County Gravel Mining Fee Ordinance (see Condition of Approval No. 3). Implementation costs are paid for by the operator as they occur. The operator is current in all payments.

7. 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 revised permit approval.

The operator acknowledges the requirements of the condition. Updated financial assurance estimates were provided with the 2009 and 2010 Annual Compliance Report. In 2009 and 2010 the operator maintained a bond in the amount of \$1,145,199 naming the County of Yolo and the California Department of Conservation as beneficiaries.

8. The project to which these conditions are applicable is as described in the 2002 Supplemental EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 26, 2002 as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

The operator acknowledges the requirements of the condition.

9. This revised Mining Permit and the accompanying entitlements, shall not be considered effective until the amendments to the Development Agreement between the County and the operator has been executed. The amendments to the Development Agreement shall include, but not be limited to, provisions for the following: implementation of revised net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

Development Agreement No. 96-289 was executed between the County and the operator on December 30, 1997, and amended on December 3, 2002, June 1, 2004, and September 7, 2004.

10. 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.

The operator acknowledges the requirements of the condition. Temporary soil stockpiles are located on unmined phases within the approved mining areas.

11. 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.

No violations have been issued by the County for this operation during 2009 or 2010. As documented in the staff report, the operator is in compliance with the applicable requirements.

12. Deleted. Condition satisfied. Ambient mercury levels were determined by the County in

the fall of 1997.

13. 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.

The operator acknowledges the requirements of the condition. The operator updates their hazardous materials business plan and chemical inventory annually, and their consolidated contingency plan every three years. The hazardous materials business plan and chemical inventory is current thru August 1, 2011, and the consolidated contingency plan is current thru August 1, 2013.

14. 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.

The operator acknowledges the requirements of the condition.

15. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

The operator acknowledges the requirements of the condition. No imported aggregate material has been processed by the operator.

16. Deleted. This condition has been satisfied with the revised mining and reclamation plans.

17. 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.

Development Agreement No. 96-289 was executed between the County and the operator on December 30, 1997. No mining within 700 feet has yet occurred. The operator is currently mining in the Interim Phases. Channel improvements along the Interim Phase creek frontage were completed prior to the commencement of mining in the Interim Phase.

- 18. Deleted. Alternative 4a was implemented.
- 19. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 26, 2002 shall be implemented by the operator as a condition of approval.

The operator acknowledges the requirements of the condition.

- 19.2 Upon the completion of reclamation within Phases 1A, 1B, and the East Plant site of the project the operator shall enroll each reclaimed parcel in Williamson Act contracts and shall provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture. The description of uses identified in the contract as allowed to occur on Phases 1A and 1B, shall specifically identify conjunctive aquifer recharge.

The operator acknowledges the requirements of the condition.

- 19.4 Deleted. Conveyors have been installed.
- 19.6 Total production allowed under this Mining Permit shall not exceed 30.0 million tons (sold weight) and 32.3 million tons (mined 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.

Cumulative production under this permit has not exceeded the overall limits. The operator acknowledges the requirements of the condition.

- 19.7 The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.

The operator acknowledges the requirements of the condition.

- 19.8 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.

The operator acknowledges the requirements of the condition.

EIR MITIGATION MEASURES

Land Use and Planning

20. Implement Mitigation Measures 4.2-8a; 4.4-1a, b, and c; 4.4-2a, b, and c; 4.4-6; 4.4-8a and b; 4.4-9; 4.4-10; 4.4-11; and 4.4-12 of the Final EIR for the proposed project (Mitigation Measure 4.2-1).

- a. Mitigation Measure 4.2-8a: All operations are to be made consistent with existing and planned uses.

The operator acknowledges the requirements of the condition. Land dedication of all or a portion of Phases 3 and 4 (ZF 95-078) of the project to the County is addressed in the amended Development Agreement executed on September 7, 2004. Access is indicated on the reclamation plan.

- b. Mitigation Measure 4.4-1a: Conform with Performance Standard 4.5-1 requirements for 100-year flood protection. The applicant's flood protection designs shall be verified with HEC-2 hydraulic modeling, submitted to and approved by the County prior to construction. Also recommended in the geotechnical report, the existing levee at the site shall be reinforced by constructing a buttress fill on each site. All levee and channel bank improvements shall be implemented prior to mining within 700 feet of the CCRMP channel boundary. Prior to construction, detailed plans identifying the type and location of bank and levee improvements shall be submitted to the County for review and approval. Additional mitigation requirements for monitoring and maintenance of channel banks and levees are included in Mitigation Measures 4.4-2d and 4.4-2e.

The operator acknowledges the requirements of the condition. Flood protection design has been verified utilizing HEC-RAS hydraulic modeling, submitted to the County prior to permit approval. The existing levee referenced (ZF 95-078) is located outside the Test 3 line in an area that will eventually be mined; therefore, the applicant will not reinforce the levee. This is consistent with the most recent mining and reclamation plan dated 6/13/2003 as part of the December 2002 modification. Levee and channel bank improvements will be implemented concurrent to mining within 700-feet of the CCRMP boundary. The modeling submitted by Cunningham Engineering has shown that the project is outside of the 100-year floodplain.

- c. Mitigation Measure 4.4-1b: The applicant shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by the Yolo County General Plan safety policy number 9 (S9) and Yolo County Flood Control Ordinance. Compliance with OCMP Objective 4.4-3 will ensure no measurable increase in flood impacts on downstream communities. Additionally, the FEMA regulations themselves allow less than one foot of change in flood levels.

The floodplain development permit (#96-073) was approved as part of the Development Agreement.

- d. Mitigation Measure 4.4-1c: The applicant shall implement recommendations for providing erosion control downstream of the Capay Bridge, as described in the technical report by Cunningham Engineering (1995). The applicant shall coordinate with County efforts to provide erosion protection for the Capay Bridge.

The operator acknowledges the requirements of the condition. Bank protection as per the operator's Streambank Stabilization Plan was implemented in 2003 prior to dedication of the Capay Open Space Park to the County. The operator shall continue to coordinate erosion protection efforts for the Capay Bridge with the County.

- e. Mitigation Measure 4.4-2a: The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary (shown as the amended CCRMP channel boundary in Figure 4.4-9). If the assumptions upon which the hydraulic modeling is based should change, additional HEC-2 modeling may be required to establish the position of the 100-year flood boundary.

The project 100-year floodplain boundary has been evaluated by Cunningham Engineering and submitted to the County for CCRMP revision (Resolution #02-220) was approved by the Board of Supervisors on December 3, 2002). Planning mining and reclamation phases are not within the floodplain boundary.

- f. Mitigation Measure 4.4-2b: The applicant shall provide a minimum 200-foot setback from the amended CCRMP channel boundary, in conformance with Performance Standard 4.5-3 of the OCMP. The mining boundary in Area 3 shall be adjusted so that no mining occurs within the 200-foot setback area. The location of the setback area shall be as shown conceptually in Figure 4.4-9. The revised project design shall be submitted prior to the commencement of mining in Area 3.

For Area 6, in order to assure consistency with the OCMP policies, the applicant shall either comply with OCMP Performance Standard 4.5-3 (as revised in the OCMP EIR Mitigation Measure 4.5-3 and adopted as Off-Channel Surface Mining Ordinance Sections 10-5.510, 10-5.517, 10-5.519, 10-5.528, 10-5.530, and 10-5.532) or the applicant shall obtain an exception. The exception would apply to a maximum of approximately 2,125 feet of creek frontage, covering an area of approximately 33 acres, which have a setback of 200 feet.

The operator acknowledges the requirements of the condition. A minimum of 200 feet setback shall be provided from the amended CCRMP channel boundary. All areas comply.

- g. Mitigation Measure 4.4-2c: Mining in Areas 2, 3, 4, 6, and 7 shall not be conducted within 700 feet of the amended CCRMP channel boundary until all levee and channel bank improvements required by Mitigation Measure 4.4-1a have been implemented and additional engineered bank stabilization has been provided along the length of the channel bank. Bank protection shall be in conformance with guidelines contained in the CCRMP and Cache Creek Improvements Program.

Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the County for review and approval. If any proposed bank protection structures encroach into the conveyance area of the 100-year flood channel (e.g., spur dikes), additional hydraulic modeling will be required to ensure that the structures would not have adverse flooding impacts. Bank protection structures shall not conflict with implementation of the Test 3 conceptual channel configuration (refer to Figures 6-2 through 6-5 of the Technical Studies). Bank protection plans shall incorporate biotechnical methods of bank stabilization. Prior to mining within 700 feet of the amended CCRMP boundary, the applicant shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use.

The operator acknowledges the requirements of the condition. Detailed bank protection plans were submitted to the County for approval prior to construction. Levee and channel bank improvements will be completed prior to mining within 700 feet of the CCRMP channel boundary. Wallace-Kuhl Associates has certified that bank and levee slopes are stable and that all backfill materials have been compacted as appropriate for the end land use.

- h. Mitigation Measure 4.4-6: No mitigation measure was adopted for Impact 4.4-6 in the Final EIR for ZF #95-078. This requirement was included in error.

Nothing is required.

- i. Mitigation Measure 4.4-8a: The applicant shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well. The applicant shall indicate on its mine plan the location of the plant water supply well and all active, water supply wells within 1,000 feet. If there are active wells located within 1,000 feet of the proposed plant well, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the processing plant would not adversely affect these wells. The rate of proposed pumping shall be decreased as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells or if it would cause well failure. Groundwater conditions shall be simulated using MODFLOW and assuming historic average low groundwater levels.

As an alternative to decreasing pumping, the applicant may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts.

The operator acknowledges the requirements of the condition. There are no operating production wells within 1,000 feet of the processing plant well.

- 21. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 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 (Mitigation Measure 4.2-6a).

- a. Section 10-4.413: Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan (SWPPP) required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report.

The operator acknowledges the requirements of the condition. Drainage plans were submitted as part of the mining plan. Currently Phase 1A and the Interim Mining Area drains internally and the original plant site drains to settling ponds. The New East Plant Site Area drains to detention basins. Cunningham Engineering performed a site visit on September 16, 2009 and August 11, 2010, and inspected the drainage system. No concerns were noted. A SWPPP was not required by the CVRWQCB since all drainage is internal and there is an active Waste Discharge Permit for the site.

- b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one-hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one-hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require 3 wells, 100 to 199 acres would require 4 wells, 200 to 299 acres would require 5 wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated

by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- (a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- (b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:
 - (1) Prior to the removal of overburden - One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).
 - (2) During wet pit mining and active reclamation - The wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.
 - (3) After active reclamation - One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted

within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

The operator acknowledges the requirements of the condition. Groundwater monitoring is ongoing. Water quality and water surface elevations were included in the 2009 and 2010 annual compliance report.

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

The operator acknowledges the requirements of the condition. There are no off-site municipal wells within 1,000 feet of proposed or current wet pits. Waivers have been signed by the owner of domestic water wells within 500 feet of Phase 1A.

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled “potable” or “non-potable.”

The operator acknowledges the requirements of the condition. Chemical toilets are provided and maintained on a regular basis.

- e. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement, which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The property owner shall be required to implement recommended corrective action, if any.

The operator acknowledges the requirements of the condition. Drainage facilities have been designed and maintained as required.

- f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square “hog” fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining 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 restricted.

Additional security (e.g. gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property, which requires the landowner to maintain fences.

The operator acknowledges the requirements of the condition. The required fencing and signs have been installed around active wet pit mining areas.

- g. Section 10-5.517: Prior to the approval of reclamation of aggregate mining areas to permanent lakes, the County shall commission a sampling and analysis program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:
- (a) Average concentrations of total mercury in excess of 0.000012 milligrams per liter (mg/l) in the water; and
 - (b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the County prior to the excavation of any new wet pit mine and at years ten (10), twenty (20) and thirty (30) in the permit time period, and shall be paid for by the mining permit operators on a fair-share basis. The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five (5) years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten (10) years of biennial monitoring shall be performed after reclamation of each lake has been completed. The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

- (c) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.
- (d) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens

for mercury content. Sampling and analysis shall be conducted using methodologies which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.

- (e) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site-specific data to available data on the background concentrations of mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory should be issued.
- (f) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes which prohibit fishing in the lakes and describe the fish advisory.

If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

- (g) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5') feet above the average seasonal high groundwater level with a suitable backfill material; or
- (h) Present a mitigation plan to the Yolo County Community Development Agency which provides a feasible and reliable method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a longterm solution.)

The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan.

The operator acknowledges the requirements of the condition. See Condition 12. No permanent lakes were created in 2009 or 2010.

- h. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

The operator acknowledges the requirements of the condition.

- i. Section 10-5.524: Monitoring during the mining and reclamation period shall be a

condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

The operator acknowledges the requirements of the condition. Groundwater monitoring performed by Wallace-Kuhl and Associates is ongoing.

- j. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

The operator acknowledges the requirements of the condition.

- k. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform to industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

The operator acknowledges the requirements of the condition. Mining and reclamation plans are in accordance with County standards.

- l. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and

analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

The operator acknowledges the requirements of the condition. The operator will use overburden for reclamation activities whenever possible. Restored areas have no used soil that was previously used in agricultural production.

22. Deleted. Condition satisfied with 2002 net gains.

Geology and Soils

23. 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. (Mitigation Measure 4.3-1a).

- a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Yolo County Community Development Agency prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

The operator acknowledges the requirements of the condition. Based on Wallace-Kuhl report (June 20, 2001), slopes will remain stable during the design earthquake.

- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Yolo County Community Development Agency following strong seismic shaking events. Observable damage shall be reported to the landowner. If the YCCDA determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

The operator acknowledges the requirements of the condition.

- c. Section 10-5.512: The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be re-leveled to the field grade specified in the approved reclamation plan.

The operator acknowledges the requirements of the condition.

- d. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial

assurances as required by SMARA.

The operator acknowledges the requirements of the condition.

24. 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 (Mitigation Measure 4.3-2a).

- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not greater than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

The operator acknowledges the requirements of the condition.

- b. Section 10-4.413: ***See Condition 21(a).***
- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal: vertical).

The operator acknowledges the requirements of the condition. Slopes shall be in conformance with ordinance requirements.

- d. Section 10-5.507: ***See Condition 21(e).***
- e. Section 10-5.508: The grading 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 minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native and non-native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

- f. Section 10-5.530: ***See Condition 21(k).***

Hydrology and Water Quality

25. The applicant shall complete the proposed bank modifications as presented in the approved reclamation plan. The bank stabilization activities shall conform to all applicable provisions of the Cache Creek Plan, Cache Creek Improvements Program, the Regional Water Quality Control Board 401 Certification (including the Mercury Protocol). Additionally, the applicant shall obtain a new or amended Flood Hazard Development Permit from the Yolo County Planning and Public Works Director following review of the stabilization plan by the Cache Creek Technical Advisory Committee. (Mitigation Measure 4.6.1a; 2002 SEIR)

Detailed plans have been submitted to the County identifying bank and levee improvements and verified with HEC-RAS hydraulic modeling and approved by Resolution 02-220 dated December 2, 2002.

26. Deleted. Condition satisfied. A Flood Hazard Development permit was approved in January of 1997.
27. The operator shall implement the recommendations providing for erosion control downstream of the Capay Bridge, as described in the technical report by Cunningham Engineering (1995). The operator shall coordinate with County efforts to provide erosion protection for the Capay Bridge (Mitigation Measure 4.4-1c).

The operator acknowledges the requirements of the condition. See Condition No. 20, part (d).

28. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Test 3 boundary presented in the OCMP (shown as the amended CCRMP channel boundary on Figure 4.6-2 of the 2002 SEIR). (Mitigation Measure 4.6-1b; 2002 SEIR)

The operator acknowledges the requirements of the condition. Approved by County Resolution 02-220 dated December 3, 2002 during the application process.

29. Additional mining shall not be conducted within 700 feet of the amended CCRMP boundary until all bank modifications (described in Condition #25) are completed. (Mitigation Measure 4.6-1c; 2002 SEIR)

The operator acknowledges the requirements of the condition.

30. Mining shall not be conducted within 700 feet of the amended CCRMP boundary until all levees and channel bank improvements have been implemented and additional engineered bank stabilization has been provided along the length of the channel bank. Bank protection shall be in conformance with the CCRMP. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the County for review and approval. If any proposed bank protection structures encroach into the conveyance area of the 100-year flood channel (e.g. spur dikes), additional hydraulic modeling will be required to ensure that the structures would not have adverse flooding impacts. Bank protection structures shall not conflict with implementation of the Test 3 conceptual channel configuration. Bank protection plans shall incorporate biotechnical methods of bank stabilization. Prior to mining within 700 feet of the amended CCRMP boundary, the operator shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use (Mitigation Measure 4.4-2c).

See Condition No. 20, part (f). The operator acknowledges the requirements of the condition. Detailed plans have been submitted and approved by the County Technical Advisory Committee (TAC) for work adjacent to the mining area.

31. 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 (Mitigation Measure 4.4-2d). (Mitigation Measure 4.6-1d; 2002 SEIR)

The operator acknowledges the requirements of the condition. Cunningham Engineering performed a site visit on September 16, 2009, and August 11, 2010, to inspect the bank and levee conditions. The final reports are included in the 2009 and 2010 Annual Reports.

32. 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 Condition #17. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the TAC (Mitigation Measure 4.4-2e). (Mitigation Measure 4.6-1d; 2002 SEIR)

Resolution No. 96-181 was approved by the Board of Supervisors on November 25, 1996. Deed restrictions will be placed on each phase prior to the release of financial assurances. The operator acknowledges the requirements of the condition.

33. Deleted. Condition satisfied. July 22, 1996 letter from DSD indicates no jurisdiction.
34. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).

See Condition 21. The operator acknowledges the requirements of the condition.

35. 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. (Mitigation Measure 4.4-4a).

See Condition 21. These performance standards are a duplicate of Condition 21. The operator acknowledges the requirements of the condition.

36. The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well.

The operator shall indicate on its mining plan the location of the plant water supply well and all active, water supply wells within 1,000 feet. If there are active wells located within 1,000 feet of the proposed plant well, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the processing plant would not adversely affect active off-site wells within 1,000 feet of the proposed mining area. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using MODFLOW (or a similar model of equal capability and proven reliability, as approved by the Yolo County Community Development Director) and assuming historic average low groundwater conditions.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts (Mitigation Measure 4.4-8a).

See Condition 20, part (h). There are no supply wells within 1,000 feet of the plant well.

- 36.2 Applicant shall comply with Section 10-5.503 of the Yolo County Surface Mining Reclamation Ordinance with regard to the off-site water supply well located approximately 850 feet west of the proposed Phase 1A mining area. The applicant shall either retain a qualified professional to model (using a the numerical model MODFLOW) the effect on groundwater flow conditions that would be expected to occur as a result of the proposed mining and reclamation plan. If the modeling indicates an adverse effect (as defined by OCMP Performance Standard 3.5-1) then the mining plan must be redesigned to mitigate the effect or the applicant must acquire a written agreement from the well owner(s) that states that any impacts to the well will be managed between the applicant and the well owner at no expense to the County. (Mitigation Measure 4.6-2; 2002 SEIR)

The operator acknowledges the requirements of the condition. A written agreement between the applicant and the well owner was executed on August 25, 2003 and submitted to the County. A copy of the letter is on file with the Planning and Public Works Department.

- 36.4 All concrete truck washdown areas shall be underlain by durable impermeable liners (i.e., poured concrete pads or impermeable membrane). The selected material shall be adequately durable to withstand the repeated scraping required for periodic cleaning of the settling areas. The washdown areas shall be designed so that no discharge of water or slurry leaves the containment area. Water collected in the containment structure shall either be reused in the plant or allowed to evaporate. Solid residues from the containment area shall be incorporated into construction materials for off-site use. To prevent the use of the caustic water by wildlife, standing water shall not be allowed to persist in the collection areas. Plans for the containment area shall be prepared by the applicant and submitted to the County for review and approval prior to issuance of the final building permit.

Concrete truck washdown activities would require permitting by the Central Valley Regional Water Quality Control Board. The applicant shall prepare and submit a Report of Waste Discharge requesting a modification to the existing Waste Discharge Requirements (WDRs) for the site to include activities described at the proposed washdown area. No washdown activities shall be allowed until the RWQCB approves the requested modification to the existing WDRs. (Mitigation Measure 4.6-5; 2002 SEIR)

The operator acknowledges the requirements of the condition.

- 36.6 The applicant shall prepare and submit a septic system design to the Yolo County Planning and Public Works Department for review and approval prior to installation of the system. The design would likely require a "special fill" leachfield, which would be composed of an appropriate fine-grained material. The percolation characteristics of the special fill must comply with the septic system siting requirements of Yolo County. (Mitigation Measure 4.6-7)

The operator acknowledges the requirements of the condition. A permit was obtained from Environmental Health as part of the new office permits.

Agriculture

37. Implement the performance standards included in Section 10-5.525 of the County Surface

Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-7a).

As stated in Exhibit A (Findings of Fact) of Resolution 96-203, adopted by the Board of Supervisors on November 25, 1996, the approved reclamation plan will result in an increase of 0.5 acres of prime agricultural land compared to existing soils. No further action is necessary for this condition.

Biological Resources

38. The Reclamation Plan shall be revised to include additional areas of gentler slopes (not greater than 3:1) along the shoreline of the lake between the average high and low groundwater levels to allow for establishment of marsh and riparian vegetation and to improve wildlife habitat values of this feature. The revised plan shall provide shallow water habitat proportional to the original approved lakes at the estimated high water level. (Mitigation Measure 4.3-2; 2002 SEIR)

Plans have been submitted and approved that meet the above parameters. The operator acknowledges the requirements of the condition.

39. Deleted. Condition satisfied. CDFG letter issued May 21, 1999 determined 2081 authorization not required.

40. The reclamation plan shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. The Reclamation Plan and limits of grading shall be revised to provide a 100-foot setback from the newly located elderberry shrub on the site to protect the potential valley elderberry longhorn beetle habitat this plant provides, or if maintenance of this setback is not feasible, the USFWS shall be consulted and an adequate mitigation plan prepared that meets with their approval. If avoidance is not possible, a copy of the approved mitigation plan shall be provided to the County prior to issuance of the grading permit for the Revised Project. (Mitigation Measure 4.3-3; 2002 SEIR)

The operator acknowledges the requirements of the condition. The reclamation plan was revised to provide a 100-foot setback from the elderberry shrub.

- 40.5 A qualified biologist shall conduct a pre-construction raptor survey prior to commencement of mining in areas not previously surveyed to determine the presence or absence of active raptor nests which could be disturbed or lost as a result of mining activities. Elements of the survey and subsequent construction restrictions shall include the following:

Conduct surveys within 30 days prior of habitat modifications if proposed during the breeding season for tree nesting raptors. Survey for burrowing owls prior to their establishing territories (December 1 through January 31) and during the peak

of the breeding season (April 15 through July 15) to determine their presence and nest sites. The survey area will include a 250-foot buffer around the area scheduled for disturbance.

If an active raptor nest is observed, consult with CDFG to determine the appropriate buffer distance for allowable mining activities during the nesting period. Delineate this buffer with flagging or 4-foot-tall, colored, plastic fencing. CDFG (1995a) suggests that nesting burrowing owls have a nest buffer of 250 feet and non-breeding owls a burrow buffer of 160 feet.

The time period for avoidance during the nesting season may be adjusted if a qualified biologist approved by CDFG verifies through non-invasive methods that either: (1) the birds have not begun egg-laying or incubation; or (2) the juveniles from the occupied burrows have fledged and are capable of independent survival.

If the destruction of occupied burrowing owl burrows is unavoidable, CDFG (1995a) suggests enhancing existing suitable burrows (enlarging or cleaning of debris) or creating new burrows at a ratio of 2:1, on areas that will not be distributed, or on reclaimed lands. If any owls must be moved from the disturbance area, the preferred method is passive relocation, rather than trapping (Mitigation Measure 4.6-7a).

The operator acknowledges the requirements of the condition. A preconstruction raptor survey was performed by Zentner and Zentner in 1995. No Swainson's hawk nesting sites were discovered. Burrowing owl nests were located near the project site, but outside the permitted mining area.

41. Implement the performance standard included in Sections 10-4.418, 10-4.433, and 10-4.440 of the County Off-Channel Mining Ordinance and Sections 10-5.515 and 10-5.523 of the County Surface Mining Reclamation Ordinance to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-6a).
 - a. Section 10.4.418: All surface mining operations shall complement the preservation and enhancement measures in the Yolo County Habitat Conservation Plan (HCP). Mining operators with land designated as having a moderate to high potential for use as mitigation areas in the HCP shall be encouraged to participate in the Developer HCP Participation Options, including use of lands as mitigation sites.

The operator acknowledges the requirements of the condition. HCP has not yet been adopted.

- b. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to a 2:1 (horizontal:vertical) slope for long-term storage to prevent use by bank swallows. At no time during the active

breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

The operator acknowledges the requirements of the condition.

- c. Section 10-4.440: Avoid disturbance to important wildlife habitat features such as nest trees, colonial breeding locations, elderberry host plants for Valley Elderberry Longhorn Beetle, and essential cover associated with riparian forest and oak woodland habitat. This shall include sensitive siting of haul roads, trails, and recreational facilities away from these features. Essential habitat for special-status species shall be protected and enhanced, or replaced as a part of mitigation plans prepared by a qualified biologist.

The operator acknowledges the requirements of the condition.

- d. Section 10-5.515: Proposed habitat restoration or mitigation plans for lands within the OCMP plan area shall be sent to the California Department of Fish and Game, U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and other interested parties for review and comment to ensure that the projects do not conflict with other existing habitat enhancement efforts.

The operator acknowledges the requirements of the condition. Reclamation and planting plans were sent to the DFG, USFWS, and USACE as part of the EIR process.

- e. Section 10-5.523: Site-specific planting plans shall be developed by a qualified biologist for proposed habitat reclamation projects. Restoration components of reclamation plans shall include provisions to enhance habitat for special-status species, where feasible.

The operator acknowledges the requirements of the condition. The planning plans were developed by Zentner and Zentner (1995) and Foothill Associates (2002).

- 42. Modifications to wetlands shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. The operator shall comply with all terms of any such authorization. The operator shall comply with all terms of any such authorization (Mitigation Measure 4.6-6a).

The operator acknowledges the requirements of the condition. As stated in the project level EIR, there is less than one acre of wetlands located within the permitted area, which is the minimum threshold for federal jurisdiction. The project does not impact areas under CDFG Section 1600 jurisdiction.

- 42.2 Exclusionary fencing shall be placed around the perimeter of the mature oaks, elderberry shrubs, and the north and east edges of the remnant riparian forest to be retained prior to any ground disturbance within 100 feet of the dripline of these features. (Mitigation

Measure 4.3-1; 2002 SEIR)

The operator acknowledges the requirements of the condition.

- 42.4 A qualified bat specialist shall be retained to determine bat use of the existing structures on the site, and a mitigation plan shall be prepared in consultation with the CDFG. At minimum, the plan shall serve to prevent entrapment and death of bats within the structures during demolition or relocation. (Mitigation Measure 4.3-4; 2002 SEIR)

The operator acknowledges the requirements of the condition. The existing structures on-site have been removed. Bats were safely removed prior to demolition through use of bat house and exclusionary netting with escape flaps. The mitigation plan was implemented by Falcon Services and reviewed by CDFG, who provided no comments.

Air Quality

43. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measures 4.7-1a).

- a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

The operator has installed a conveyor system to transport material from the existing stockpiles to the aggregate processing plant.

44. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).

- a. Section 10-4.407: ***See Condition 43.***
- b. Section 10-4.415: 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 fuels. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans (SWPPP) shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

The operator acknowledges the requirements of the condition. The operator entered into a voluntary program of emission reductions to achieve a target of 20% reduction emissions by the year 2005. The emission reduction goals were met.

45. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).

See Conditions 43 and 44.

- 45.2 The asphalt plant constructed and operated at the site shall be a counterflow or parallel drum mix plant that includes all best available control technologies required by the Yolo-Solano Air Quality Management District. (Mitigation Measures 4.4-2; 2002 SEIR). Should asphalt plant equipment become available in the future that would further reduce emissions, and is acceptable to the Yolo-Solano Air Quality Management District, the operator may utilize that equipment.

The operator acknowledges the requirements of the condition.

- 45.4 The applicant shall implement the following measures to further reduce PM₁₀ 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.
- (Mitigation Measure 4.2-3)

The operator acknowledges the requirements of the condition.

- 45.11 Whenever possible and feasible, the operator shall use clean air vehicles and equipment and/or shall retrofit existing vehicles and equipment with diesel particulate filters (DPFs).

The operator acknowledges the requirements of the condition.

Traffic

46. Deleted. Condition satisfied. Payment made late 1997.
47. Deleted. Condition satisfied. Improvements completed in 1991.
48. Deleted. Condition satisfied. Improvements completed in 1991.
49. The operator shall assume joint pavement maintenance responsibility with Yolo County for County Road 87, from the plant driveway to County Road 19, and on County Road 19, from Road 87 to the Teichert (Esparto) driveway. Joint maintenance responsibility (beyond regularly scheduled County maintenance activities) for County Road 19, from the Teichert (Esparto) driveway to Interstate 505, shall be proportionally shared between the operator 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. The operator's joint maintenance responsibility for the roads specified above shall continue throughout the life of the permit.

Specific initial improvements shall be determined by the Public Works Department and shall be constructed by the operator, or by the operator and Teichert Aggregates or its successor in interest, within one year of mining commencement. The operator (and where appropriate, Teichert Aggregates or their successor in interest) shall submit an annual evaluation of the structural integrity of the road to the County and shall implement

pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year (Alternative 4).

The operator acknowledges the requirements of the condition.

Noise

50. All plant facilities shall be shielded by stockpiles, berms, or other means (such as equipment shielding) to reduce noise impacts on nearby existing sensitive receptors. (Mitigation measure 4.7-2a; 2002 SEIR)

The processing plant has been configured to place stockpiles between the operating equipment and nearby sensitive receptors.

51. Implement Sections 10-4.421 and 10-4.422 of the County Off-Channel Mining Ordinance. Nighttime operations of plant facilities shall not occur unless compliance with the County Off-Channel Mining Ordinance requirements is demonstrated and a noise consultant conducts noise monitoring and makes recommendations to bring any excessive noise levels into conformance with the Ordinance. (Mitigation Measure 4.7-2b)

- a. Section 10-4.421: From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty decibels (dBA) for any nearby off-site residences or other noise-sensitive land uses.

From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measures at the property boundaries of the site.

At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of the any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards may involved setbacks, the use of quieter equipment adjacent to residences, the construction of landscaped berms between mining activities and residences, or other appropriate measures.

The operator acknowledges the requirements of the condition. Noise monitoring has been conducted and results submitted to the County in 2006.

- b. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures,

including sonic devices.

The operator acknowledges the requirements of the condition.

52. Construct stockpiles to shield site boundaries located within 1,100 feet of the plant or require other plant/site-specific engineering controls (such as equipment shielding) to ensure compliance with property line noise limits (Mitigation Measure 4.9-1c).

See Condition 50. The operator acknowledges the requirements of the condition.

53. Scrapers shall not operate within 70 feet of the permit boundary between 6:00 p.m. and 6:00 a.m. The operator shall comply with noise mitigation measures identified by subsequent noise monitoring in order to ensure compliance with County ordinance requirements (Mitigation Measure 4.9-2a).

The operator acknowledges the requirements of the condition.

54. To avoid adverse noise impacts to the occupants of the nearest residence to the west (APN: 048-140-20), the operator shall provide written notification 60 days in advance of overburden removal. The operator shall also provide the occupants with the option of temporary housing should the occupants so choose, during the period when overburden removal occurs within 300 feet of the affected residence (Mitigation Measure 4.9-3a).

The operator acknowledges the requirements of the condition.

55. Deleted. Duplicative of revised Condition #51.

- 55.2 Construction of berms shall be required prior to the operation of the proposed plants at the east side. The berms shall be designed to ensure that the noise levels generated by facility plant operations do not exceed applicable threshold levels (i.e., 60 dBA between 6:00 am and 6:00 pm measured at an off-site residence or other noise-sensitive land use; 60 dBA CNEL at sensitive receptor; 65 dBA between 6:00 pm and 6:00 am measured at the property line; and 80 dBA between 6:00 am and 6:00 pm measured at the property line). (Mitigation Measure 4.7-2c; 2002 SEIR)

The operator acknowledges the requirements of the condition. Berms are in place.

- 55.4 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 operations occurring in the evening until 10:00 p.m., and weekends as necessary to fulfill contract requirements. Occasional 24-hour operations to fulfill contract requirements are allowed within the regulations established in Section 10-4.421 of the mining ordinance.

The operator acknowledges the requirements of the condition.

Aesthetics

56. Deleted. Condition satisfied. Landscaping installed in 1999.

- 56.2 The berms east and south of the East Plant Site shall be landscaped immediately after

their construction. The initial landscaping shall include planting of rapidly growing trees suitable to the conditions (e.g., cottonwood) at the top of the berm. The planted trees shall be tree pot #4 size and planted in two offset rows. The trees shall be planted on 20-foot centers. An irrigation system shall be installed to ensure rapid growth. The landscaping shall be monitored every two years. Any dead or dying trees shall be replaced. (Mitigation Measure 4.1-1; 2002 SEIR)

The operator acknowledges the requirements of the condition. Trees and irrigation were installed fall/winter 2004 and are being monitored.

- 56.4 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. (Mitigation Measure 4.1-3; 2002 SEIR)

The operator acknowledges the requirements of the condition. A lighting plan was included in the engineered plant designs.

- 56.6 The mining and reclamation plans shall be amended prior to excavation of the Phase 2 mining area to include provisions for interim reclamation of the floors of the eastern and central cells of the Phase 2 mining area. A minimum of four inches of suitable soil (A- or B- horizon soils) shall be placed on the floor of the excavation and planted with grass. Pursuant to Section 10-4.701, the reclaimed excavation floor shall be inspected annually by a qualified biologist to verify that revegetation is successful. (Mitigation Measure 4.1-4; 2002 SEIR)

The operator acknowledges the requirements of the condition. The new planting north of the Capay Park had an 80% success rate.

Cultural Resources

57. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).

a. Section 10-4.410:

- (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.
- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County

Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. 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 Agency.

The operator acknowledges the requirements of the condition.

- 58. Deleted. Condition satisfied. Education program implemented May 14, 1999.
- 58.2 Prior to demolition or disturbance of any structures at the Stephens Ranch complex, a qualified historian or archaeologist shall prepare documentation of the history of the Stephens Ranch, accurate scaled maps of the ranch complex, and detailed photographic documentation of all structures at the complex. The documentation of the main ranch house and large barn shall comply with the Historic American Building Survey (HABS) Level II Documentation standards. A report of this documentation shall be submitted to the Yolo County Planning and Public Works Department.

The operator acknowledges the requirements of the condition. HABS Level II Documentation was submitted to the County in 2003.

Hazards

- 59. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).
Section 10-4.415: ***See Condition 44.***
- 60. Implement the performance standard included in Sections 10-4.406 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 (Mitigation Measure 4.12-3a).
 - a. Section 10-4.406: ***See Condition 24(a).***
 - b. Section 10-4.431: ***See Condition 24(c).***
 - c. Section 10-5.510: ***See Condition 21(f).***
 - d. Section 10-5.530: ***See Condition 21(k).***
- 60.2 The applicant shall continue to adhere to the performance standards of Section 10-4.415 of the Off-Channel Mining Ordinance (Condition #59), which prohibits fueling and maintenance activities of heavy equipment (except draglines and floating suction devices)

within 100 feet of open bodies of water and requires that Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction devices.

In addition, prior to issuance of the final building permits for each of the plants, the applicant shall submit documentation to the County Planning and Public Works Department that all appropriate permits and notifications regarding the storage, transport, use, and disposal of hazardous materials have been completed and acquired (including modifications to existing plans). The documentation shall include, at minimum, evidence of compliance with: Required modifications to the existing Business Plan (including the Business Emergency Response Plan), and submittal of the modifications to the County Health Department and Office of Emergency Services.

Requirements for aboveground storage tanks. Construction and operation of aboveground fuel storage tanks requires a building permit from the County Building Department and demonstration to the Certified Unified Program Agency (CUPA) that the applicant has prepared a Spill Prevention Control and Countermeasure Plan (40 CFR 112.3 and 112.7) and filed a storage statement with the State Water Resources Control Board (Health and Safety Code 25270). (Mitigation Measure 4.5-1; 2002 SEIR)

The operator acknowledges the requirements of the condition.

- 60.4 The applicant shall perform a lead and asbestos survey of structures on the site prior to demolition. All demolition work must follow Federal, State, and local requirements for lead and asbestos and be performed by a certified professional. Documentation of completion of the survey shall be submitted to the Yolo County Department of Planning and Public Works prior to demolition. Mitigation Measure 4.5-2; 2002 SEIR)

Survey completed and documentation submitted to County in 2004.

**SYAR INDUSTRIES COMPLIANCE REVIEW
MINING PERMIT AND RECLAMATION PLAN NO. ZF# 98-010**

MINING AND RECLAMATION STATUS

In 2009 and 2010 only Phase A2 was mined. Syar continued to reclaim Phase A1 in 2009 and 2010. This area is being filled with fines from the processing facility.

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-288, as amended, staff has reviewed the terms of the agreement and has found the operator to be in compliance with all of its terms.

YOLO COUNTY APPROVALS

The known permit history is as follows:

June 3, 1965 -- Zone File No. 222 approved by the Planning Commission to allow for the construction and operation of an asphalt batch plant.

October 29, 1980 -- Zone File No. G-1 approved by the Planning Commission to allow for in-channel mining on 1,263 acres with reclamation to a streamway. Note – This may not be an accurate file number. See the same entry for the Granite Capay project.

November 25, 1996 -- Zone File No. 95-079 and Development Agreement No. 96-288 approved by the Board of Supervisors to allow for off-channel mining on 734 acres over a 30-year period with reclamation to permanent lakes, habitat, row-crop production, and tree-crop production. Zone File No. 222 remains in effect and provides separate vesting for the plant facilities only (see November 1996 Planning Commission staff report). Any rights under Zone File No. G-1 were relinquished in 1996 under Section 2.2.4 of the DA.

December 9, 1997 -- Amendment to Zone File No. 95-079 approved by the Board of Supervisors to modify Condition of Approval No. 6 to allow an extension of time to commence mining.

May 18, 1998 -- Amendment to Zone File No. 95-079 approved by the Board of Supervisors to modify Condition of Approval No. 6 by allow a second extension of time to commence mining.

September 22, 1998 -- Amendment to Zone File No. 95-079 approved by the Board of Supervisors to modify Section 2.2.8(v) of Development Agreement No. 96-288 to allow for the posting of a Letter of Credit in lieu of the specific flood control improvements referred to in the Development Agreement, and to modify Condition of Approval No. 8 to reduce the amount of financial assurances for Phase 1.

February 16, 1999 -- Amendment to Zone File No. 95-079 (Zone File No. 98-010) approved by

the Board of Supervisors to amend to decrease the area of authorized excavation from 734 acres to 248 acres, with reclamation to a permanent lake, habitat, and row-crop production.

December 12, 2000 – Resolution No. 00-228 approved by the Board of Supervisors acknowledging the aggregate industry’s voluntary program to reduce NOx emissions from heavy duty off-road mining equipment by 20 percent by November 1, 2005.

August 28, 2001 -- Amendment to Zone File No. 95-079 (Zone file No. 2001-037) approved by the Board of Supervisors amending Ordinance No. 681.192 for the purpose of rezoning land from Agriculture General (A-1) to Agricultural Preserve (AP) for the Syar Long-Term Off-Channel Mining Permit and adopting Agreement No. 01-280 with Syar Industries for the boundary adjustment of Williamson Act Contract No. 78-69.

OTHER AGENCY APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. The operator has a Waste Discharge Permit from the Regional Water Quality Control Board and an Authority to Operate permit from the Yolo-Solano Air Quality Management District. The annual reporting form was submitted by the operator to the State Department of Conservation. The operator has a Hazardous Materials Business Plan (Consolidated Contingency Plan) on file with the Yolo County Health Division.

CONDITIONS OF APPROVAL

Conditions for ZF #98-010 are as follows:

The following conditions of approval include all adopted conditions from the 1996 approval (ZF 95-079) that remain applicable, and all mitigation measures identified within the Final Supplemental EIR, 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.

No claims or actions have been filed against the County regarding the permit. The operator acknowledges the requirements of the condition.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,111,111 (mined tonnage). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons. 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 operator did not exceed the 1,000,000-ton limit in 2009 or 2010.

3. The operator shall pay \$0.15 ~~\$0.35~~ per ton to the County for every ton of aggregate materials sold. The operator shall pay \$0.05 ~~\$0.10~~ per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. 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.

For year 2009 the operator paid \$0.487 per ton to the County and Cache Creek Conservancy combined. In year 2010 the operator paid \$0.506 per ton to the County and Cache Creek Conservancy combined.

4. Any aggregate produced in excess of the 1,000,000 ton limit, shall be subject to an additional surcharge of \$0.10 per ton. The revenues from the additional surcharge shall be collected by the County and evenly divided between the Maintenance and Remediation Fund, and implementation of the CCRMP. These funds may not be used by the County for any purpose other than those specified in this condition.

Production did not exceed the 1,000,000-ton limit in 2009 or 2010. As stated in Condition #3 above, the per ton fee for tonnage in excess of the base amount was raised to \$0.20.

5. 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.

Permitted reserves have not been depleted, nor has the 30-year life of the permit expired. The operator acknowledges the requirements of the condition.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

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.

The operator acknowledges the requirements of this condition. Written confirmation that mining would commence was received on June 7, 1999. This permit will expire on June 8, 2029.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

Permit monitoring is paid for with funds generated by the OCMP Administration Fund collected under the Yolo County Gravel Mining Fee Ordinance. Implementation costs are paid for by the operator as they occur. The operator is current in all payments.

8. Deleted. Condition satisfied.

9. The project to which these conditions are applicable is as described in the Supplemental EIR and summarized in the Yolo County Board of Supervisors Staff Report dated December 8, 1998, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

Several amendments have been approved for this permit, as described herein. No other substantive changes, amendments, and/or modifications have been made to the project. The operator acknowledges the requirements of the condition.

10. Upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, and provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

Reclamation has not been completed in any phase. The operator acknowledges the requirements of the condition.

11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), a Notice of Nonrenewal shall be filed for the land within Phase B (APN: 049-130-05). Mining in the eastern portion of Mining Area B shall not commence until the Williamson Act contract has expired (2006) or the property is otherwise cleared for the proposed mining and reclamation, by "transfer" of Williamson Act provisions to equivalent non-contract land, if approved by the County. This provision shall not apply to those portions of Phase B to be reclaimed to agriculture.

A Notice of Nonrenewal was filed by the operator in 1997. On August 28, 2001, the Board of Supervisors approved a boundary adjustment of Williamson Act

Contract No. 78-69 to “transfer” Williamson Act Contract land to equivalent non-contract land.

12. Deleted. Condition satisfied. A Development Agreement was executed on December 17, 1996.
13. Deleted. Condition satisfied. A Flood Hazard Development Permit was approved in November of 1996.
14. The operator shall implement a Trip Reduction Program consistent with the Yolo County Congestion Management Program, to promote the use of alternative commute modes by its employees (1998 SEIR MM 4.7-3a).

Ride Sharing and Cultural Resources Awareness meeting was held on October 6, 2009 and October 5, 2010.

15. The aggregate processing plant, located on an approximately 40-acre site (APN: 049-060-14) northeast of Phase A, shall be reclaimed in accordance with the CCAP.

The operator acknowledges the requirements of the condition. The operator maintains annual financial assurances. In 2009 and 2010 the operator maintained a bond of \$1,152,090.95 for reclamation.

16. 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 Director of the Planning and Public Works Department for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

The operator acknowledges the requirements of the condition. Soil stockpiles are being stored immediately south of the aggregate processing plant and north of Phase B.

17. 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.

Staff has determined that the operation is in compliance with all applicable requirements of SMARA, and the County Mining and Reclamation Ordinances. No violations have been issued by the County for this operation in 2009 or 2010. As documented in this report the operator is in compliance with all conditions of approval.

18. Deleted. Condition satisfied. Ambient mercury levels were determined by the County in the fall of 1997.

19. 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.

Syar Industries, Inc.'s Hazardous Materials Business Plan was last updated and submitted to the Environmental Health Division in October 2008. The next update is not due until October 2011 unless there is a major change. The annual Inventory Update was completed and submitted in October 2009 and October 2010.

20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

No imported aggregate material was processed at the facility in 2009 and 2010. The operator acknowledges the requirements of the condition.

21. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Syar aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless the long-term permit is expanded under subsequent permits to allow mining of additional aggregate deposits.

See Condition No. 15. The operator acknowledges the requirements of the condition.

22. The operator shall reclaim the permanent lake in Phase B to provide a minimum 40-foot successive riparian habitat strip around the perimeter of the shoreline, and on the permanent island to be constructed within the lake. Riparian, wetland, and/or oak woodland habitat shall be provided, as appropriate, without decreasing the acreage of adjoining reclaimed agricultural areas. The shoreline of the permanent lake shall be contoured to include peninsulas, scalloped edges, and shallow benches throughout the perimeter. Within one year of this approval, the operator shall submit a detailed reclamation design and habitat restoration plan to the County, showing the location and type of proposed species, and guidelines for planting, maintenance, and monitoring. The revised reclamation plan shall be approved by the Director of the Planning and Public Works Department prior to the commencement of mining in Phase B.

The operator's revision in plan phasing was accepted by the County on February 16, 1999. The operator acknowledges the requirements of the condition.

23. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall include 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 by agricultural operations.

The operator acknowledges the requirements of the condition.

24. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated December 8, 1998, shall be implemented by the operator as a condition of approval.

The operator acknowledges the requirements of the condition.

25. 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 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, if mining occurs 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.

Development Agreement No. 96-288 was executed between the County and the operator on December 30, 1996, and was amended on March 2, 1999. No mining will occur within 700 feet of the channel bank. Maintenance of channel improvements is guaranteed through financial assurances, the Development Agreement, and continual payment of CCRMP fees. Deed restrictions will be recorded prior to the release of financial assurances.

- 25.2 The specific flood control net gain shall be determined by the County following completion of a feasibility study of available options, with the project completion by the applicant to occur within three years of project approval. The pledged value (\$425,000) of the net gain may be used by the County at any time for the feasibility study and other studies and planning requirements, as well as materials and construction. Consistency with the CCAP

is required and implementation of associated CCIP channel improvements shall be implemented concurrent with the flood control improvement, if appropriate. Should the flood control facilities result in any permanent changes to on-site drainage and/or grading, then revised Mining and Reclamation Plans shall be submitted to the Director of the Planning and Public Works Department for review and approval prior to the commencement of mining within the affected phase. A grading permit for the flood control facilities shall be obtained from the Planning and Public Works Department prior to construction.

This condition has been met and paid in full. The remaining balance of \$372,229 was paid by the operator in 2009 as documented by letter from County on 8/26/2009.

- 25.4 The phasing of mining shall proceed in the following sequence: A1, B1, A2, B2. The phasing of reclamation shall proceed in the following sequence: A1, B1, B2, A2.

Mining commenced in June of 1999. The operator's change in the phasing plan was approved February 16, 1999. The operator acknowledges the requirements of the condition.

- 25.6 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by December 31, 2000. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Director of the Planning and Public Works Department by June 30, 2000, describing the reasons for delay and a revised deadline for installation. The revised deadline must be accepted by the County or the original deadline shall stay in force.

Conveyors are installed and operational. The operator acknowledges the requirements of the condition.

- 25.8 Total production allowed under this Mining Permit shall not exceed 30.0 million tons (sold weight) and 33.3 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. 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.

Cumulative production has not exceeded the overall limits. The operator acknowledges the requirements of the condition.

- 25.9 No mining or reclamation activities shall occur within 1,000 feet of the Garcia property (APN 049-130-228) or County Road 87. A permanent landscaped nine-foot earthen berm, properly engineered and planted with native and drought-tolerant vegetation that meets the adopted criteria, shall be constructed outside of buffer areas, on the applicant's property as early as feasible, coincident with the commencement of any mining activities in Area B.

No mining shall occur within 700 feet of the active channel.

Pursuant to Section 10-4.429(g) of the mining ordinance, future recreational activities shall be located a minimum of 150 feet from the Garcia property line with a landscaped buffer that meets the adopted criteria. The parking lot shown adjoining the Garcia property shall be deleted from the proposed plans.

No mining or reclamation activities shall occur within 2,000 feet of County Road 20X which is the planned northerly boundary of the Esparto community. A permanent landscaped nine-foot earthen berm, properly engineered and planted with native and drought-tolerant vegetation that meets the adopted criteria, shall be constructed, outside of buffer areas (as early as feasible, coincident with the commencement of mining activities in Area B, to form a boundary at the location of this buffer.

Creation of the berm has commenced and will continue throughout the mining within Phase B. Revised reclamation plans were submitted to staff on December 8, 1998, showing the location of recreational trails a minimum of 150 feet from the Garcia property, as well as the deletion of the parking lot adjoining the Garcia property. The revised reclamation plans also show that mining will not occur within 2,000 feet of County Road 20X. The operator acknowledges the requirements of the condition.

25.10 The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.

The operator acknowledges the requirements of the condition.

EIR MITIGATION MEASURES

Land Use and Planning

26. Implement the performance standards included in Sections 10-5.510, 10-5.517, 10-5.519, 10-5.528, 10-5.530, 10-5.532, and 10-5.529 in the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.2-1a).

a. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square “hog” fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining 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 restricted. Additional security (e.g. gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property, which requires the landowner to maintain fences.

The operator acknowledges the requirements of the condition. Fencing is in place around Phase A-1 and B-1a.

b. Section 10-5.517: Prior to the approval of reclamation of aggregate mining areas

to permanent lakes, the County shall commission a sampling and analysis program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:

- (a) Average concentrations of total mercury in excess of 0.000012 milligrams per liter (mg/l) in the water; and
- (b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the County prior to the excavation of any new wet pit mine and at years ten (10), twenty (20) and thirty (30) in the permit time period, and shall be paid for by the mining permit operators on a fair-share basis. The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five (5) years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten (10) years of biennial monitoring shall be performed after reclamation of each lake has been completed. The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

- (c) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.
- (d) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens for mercury content. Sampling and analysis shall be conducted using methodologies which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.
- (e) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site-specific data to available data on the background concentrations of

mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory should be issued.

- (f) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes which prohibit fishing in the lakes and describe the fish advisory.

If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

- (g) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5') feet above the average seasonal high groundwater level with a suitable backfill material; or
- (h) Present a mitigation plan to the Yolo County Community Development Agency which provides a feasible and reliable method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a longterm solution.)

The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan.

The County is coordinating is with the operators regarding ongoing implementation of this regulation. An additional, more detailed report will be provided as part of the 2011 Annual Compliance Report.

- c. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

No watercraft has been used in any of the wet pits. The operator acknowledges the requirements of the condition.

- d. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

No sewage or effluent or landfill will be stored on-site. The operator acknowledges the requirements of the condition.

- e. Section 10-5.529: All permanent wet pits shall be reclaimed to include valuable wildlife habitat as a beneficial use of the water lost from wet pits due to evaporation.

The operator submitted revised reclamation plans on December 8, 1998, that incorporated wildlife habitat along the shoreline and island.

- f. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform to industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Slope stability analyses were submitted with the application and evaluated in the project-level EIR. All slopes meet or exceed the minimum safety thresholds described above. The operator acknowledges the requirements of the condition. Winterizing of this site was completed in October 2009 and October 2010.

- g. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be

collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

The operator acknowledges the requirements of the condition.

27. Deleted. Condition satisfied. These areas were rezoned to OS in November of 1996.
28. To mitigate potential land use incompatibilities between the mining operations and future land uses planned within the Esparto CSD Sphere of Influence, south of County Road 20X, the operator shall revise the mining and reclamation plans to allow mining activities no closer than 2,000 feet from County Road 20X. During the initial phase of mining in Mining Area B, the operator shall construct and plant a continuous landscaped 9-foot earthen berm along the north side of County Road 20X, continuing northerly along the west side of Mining Area B and north to Cache Creek along the west side of the habitat area. A landscaping plan shall be prepared to provide an adequate buffer between planned urban land uses and to incorporate native tree species and shrubs to the extent possible. Also refer to 1998 SEIR MM 4.9-2 in the Noise section and 1998 SEIR MM 4.10-3 in the Aesthetics section for other measures related to noise and visual impacts along County Road 20X (1996 EIR MM 4.2-8a and 1998 SEIR MM 4.2-8a).

Revised phase plans were accepted by the County on February 16, 1999 and landscape plans were submitted on May 4, 1999, showing the required setback from the Garcia property. The operator acknowledges the requirements of the condition.

- 28.2 To avoid noise, visual, and loss of privacy impacts to the Garcia property, the proposed pedestrian access trail to the reclaimed lake shall be located at least 150 feet from the property line, and separated by a landscaped buffer. Refer also to 1998 SEIR MM 4.9-2 in the Noise section and 1998 SEIR MM 4.10-3 in the Aesthetics section for other measures related to noise and visual impacts along County Road 20X (1998 SEIR MM 4.2-1 and 4.2-8b).

See Condition #28, above.

29. To avoid adverse noise impacts to the operator-owned house at the end of County Road 20X, the operator shall not rent or lease the residence during the period when mining and reclamation occurs in Mining Area B, unless the renter signs a waiver acknowledging the potential for noise impacts (1996 EIR MM 4.2-8b).

The house is currently unoccupied. The operator acknowledges the requirements of the condition.

30. The County shall solicit the dedication of lands at or near the planned Recreation Nodes to fulfill the Open Space and Recreation goals of the OCMP for those segments of the creek. The County shall also coordinate with the operator as to how adequate public access to

the planned Recreation Nodes will be accommodated. The operator's reclamation plans shall be revised, as appropriate (1996 EIR MM 4.2-8c).

Development Agreement No. 96-288 was executed between the County and the operator on December 30, 1996, and was amended on March 2, 1999. Section 2.2.8 of the Development Agreement requires the dedication of approximately 212 acres of permanent lake to be located near the recreation node identified at County Road 87 and Cache Creek. The Agreement also includes a 40-foot public access easement from County Road 20X to the lake and on to the creek. Revised mining and reclamation plans reflecting these changes were submitted to staff by the operator on December 8, 1998. The operator acknowledges the requirements of the condition.

- 30.4 The 734 acres of land that were rezoned to the Sand and Gravel overlay district for the approved project shall be modified to exclude the lands that are not proposed for mining under the Revised Project. The excess lands (approximately 357 acres) shall be rezoned from A1/SG and A-P/SG to the Sand and Gravel Reserve overlay district (A1/SGR and A-P/SGR) (1998 SEIR MM 4.2-4).

Revised mining and reclamation plans eliminating the lands not proposed for mining under the Revised Project were submitted to staff by the operator on December 8, 1998. Ordinance 681.175 was approved by the Board of Supervisors on February 16, 1999, rezoning the excluded lands to remove the Sand and Gravel (SG) overlay zone and to add the Sand and Gravel Reserve (SGR) zone overlay.

Geology and Soils

31. 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 (1996 EIR MM 4.3-1a).
- a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Yolo County Community Development Agency prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.
- There are no buildings, roadways, or other public facilities proposed for construction in the reclaimed areas.***
- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Yolo County Community Development Agency following strong seismic shaking events. Observable damage shall be reported to the landowner. If the YCCDA determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

No strong seismic events occurred in 2009 or 2010. The operator acknowledges the requirements of the condition.

- c. Section 10-5.512: The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be re-leveled to the field grade specified in the approved reclamation plan.

Reclamation of agricultural areas has not been completed within any phase. The operator acknowledges the requirements of the condition.

- d. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

The operator maintains a contingency of \$62,903.01 (7% of their financial assurance). The operator acknowledges the requirements of the condition.

- 32. 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 (1996 EIR MM 4.3-2a).

- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not greater than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

No benches were included in the approved mining and reclamation plans.

- b. Section 10-4.413: Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan (SWPPP) required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report.

As described in the project-level EIR, a combination of ditches, berms, and grading will be used to prevent stormwater runoff from entering into active mining and reclamation areas. The SWPPP has been revised to include Best Management Practices. The drainage systems are inspected annually by a registered engineer. The operator acknowledges the requirements of the condition.

- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical).

All slopes conform to the above requirements.

- d. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less.

For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement, which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The property owner shall be required to implement recommended corrective action, if any.

As evaluated in the project-level EIR, the approved drainage system meets the above requirements. A deed restriction will be placed on each phase prior to the release of financial assurances.

- e. Section 10-5.508: The grading 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 minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native and non-native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Grass seed will continue to be established on all slopes. The operator acknowledges the requirements of the condition.

- f. Section 10-5.530: ***See Condition 26 (f).***
- 33. Deleted. Condition satisfied by revised project which maintains minimum 700-foot buffer. See also Condition #25.9.
 - 34. Implement the performance standard included in Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring

and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The 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, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Director of Planning and Public Works with the Annual Mining and Reclamation Report. The report shall identify the location of eroded areas (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, 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 (1996 EIR MM 4.3-4b).

Mining commenced in June, 1999. There has been no mining within 700 feet of the channel. The operator acknowledges the requirements of the condition.

35. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance 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 (1996 EIR MM 4.3-4c).

Deed restrictions will be placed on each phase prior to the release of financial assurances. Development Agreement No. 96-288 was executed between the County and the operator on December 30, 1996, and amended on February 16, 1999. The operator acknowledges the requirements of the condition.

36. Deleted. Condition satisfied by revised project which maintains minimum 700-foot buffer. See also Condition #25.9.
37. Deleted. Condition satisfied. The DSD has determined that alluvial separators are not within their jurisdiction.
38. Deleted. Condition satisfied. The channel boundary was changed in November 1996.
39. Deleted. Condition satisfied. A Development Agreement was executed on December 17, 1996.
- 39.2 Horizon A and B soils shall not be used for overburden backfill.

Soil horizons shall be stockpiled separately and retained for agricultural topsoil reclamation. The operator acknowledges the requirements of the condition.

Hydrology and Water Quality

40. Deleted. Condition satisfied. The project application was revised to exclude the Willow Slough floodplain.
- 40.2 Prior to earth moving activities within U.S. Department of Housing and Urban Development/FEMA designated 100-year flood plains (which reflect proposed raising of the existing plant site), the applicant must apply for, and receive, a modified Flood Hazard Development Permit from Yolo County (1998 SEIR MM 4.4-1a).

A modified Flood Hazard Development Permit was approved by the Board of Supervisors on December 16, 1999. The permit incorporates the approved fill/elevation of the aggregate processing plant site.

- 40.4 Upon notification by the Yolo County Technical Advisory Committee (TAC) that the channel adjacent to the project site is no longer capable of conveying the 100-year flood, the applicant shall prepare a flood conveyance mitigation plan, and submit the plan to the TAC for technical review and approval. The approved plan shall be promptly implemented to restore conveyance capacity. The plan shall be prepared within one year of notification that the channel can no longer convey the 100-year flood and shall be implemented within six months after issuance of a Flood Hazard Development Permit by the County (1998 SEIR MM 4.4-1b).

The operator acknowledges the requirements of the condition.

41. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.4-3a).

a. Section 10-4.413: ***See Condition 32 (b).***

- b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one-hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one-hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require 3 wells, 100 to 199 acres would require 4 wells, 200 to 299 acres would require 5 wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps.

Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- (a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- (b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:
 - (1) Prior to the removal of overburden - One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).
 - (2) During wet pit mining and active reclamation - The wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.
 - (3) After active reclamation - One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH;

temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

Groundwater monitoring is conducted in accordance with the above requirements and reports were included in the 2009 and 2010 Annual Compliance Reports.

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located

within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

No off-site municipal and/or domestic wells are located within 1,000 feet of Phase 1 or 2. The operator acknowledges the requirements of the condition.

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled “potable” or “non-potable.”

A permanent toilet is located at the office of the processing plant. All appropriate permits from the County Building Division were obtained prior to installation. Water storage facilities are clearly labeled.

- e. Section 10-5.507: ***See Condition 32 (d).***

- f. Section 10-5.510: ***See Condition 26 (a).***

- g. Section 10-5.519: ***See Condition 26 (c).***

- h. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

The operator acknowledges the requirements of the condition. Financial assurances will be maintained to ensure that post-reclamation monitoring is completed.

- i. Section 10-5.528: ***See Condition 26 (d).***

- j. Section 10-5.530: ***See Condition 26 (f).***

- 42. Implement the performance standards contained in Sections 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 (1996 EIR MM 4.4-4a).

- a. Section 10-5.507: ***See Condition 32 (d).***

- b. Section 10-5.510: ***See Condition 26 (a).***

- c. Section 10-5.517: ***See Condition 26 (b).***

- d. Section 10-5.519: ***See Condition 26 (c).***

- e. Section 10-5.524: **See Condition 41 (h).**
 - f. Section 10-5.528: **See Condition 26 (d).**
 - g. Section 10-5.530: **See Condition 26 (f).**
 - h. Section 10-5.532: **See Condition 26 (g).**
43. 1998 Mitigation deleted due to modifications to project that move mining further away from wells.
- 43.2 1998 Mitigation deleted due to modifications to project that move mining further away from wells.
44. Deleted. Condition satisfied by revision to project to fill all reclaimed agricultural land to existing ground surface.
- 44.2 Backfilling of the reclaimed lake with overburden proposed in 1998 SEIR MM 4.5-4a shall occur at the north and south sides of the lake margin. If filling of the western margin of the lake is proposed, the backfill shall not cover the entire margin of the lake to allow unrestricted flow of groundwater (1998 SEIR MM 4.4-5).

The operator acknowledges the requirements of the condition.

- 44.4 Prior to placement of fill to raise the elevation of the existing plant site, a grading plan shall be submitted to Yolo County Department of Planning and Public Works. The Plan shall be prepared by a licensed engineer and shall specify the location and design of runoff conveyance facilities. The design of these facilities shall maintain flow velocities of less than two feet per second or provide specific drainage channel design for higher velocities (1998 SEIR MM 4.4-6).

The operator acknowledges the requirements of the condition. At this time there are no plans to raise the elevation of the existing plant site.

Agriculture

45. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (1996 EIR MM 4.5-2a). The calculation of permanent loss shall account for improved agricultural land resulting from implementation of Condition #46.2.
- a. Section 10-5.525: All mining permit applications that include “prime farmlands” as defined by the provisions of the Williamson Act shall identify the location and acreage of “prime farmlands,” which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of “prime farmland” that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset (at a 1:1 ratio) the conversion of these lands.

The potential offsets can include, but not be limited to, one or more of the following options:

- (a) Identification of improvements by a qualified soil scientist to the agricultural capability of non-prime lands within or outside the project site that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.
- (b) Placement of permanent conservation easements on land meeting the Williamson Act definition of “prime farmland.” The operator shall be encouraged to target property “at risk” of conversion to non-agricultural uses in selecting areas for the offset. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject.
- (c) Demonstration of the ability to provide irrigation to non-prime lands limited only by the lack of an irrigation water supply. The identified water supply cannot be provided at the expense of “prime farmlands” currently using the same water supply.

ADDITIONAL FOLLOW-UP REQUIRED: Mining commenced June 7, 1999. Future modifications to this plan will reduce the number of acres of land not returned to Agriculture. Discussions with the County are continuing to resolve this condition.

- 46. Implement 1996 EIR MM 4.5-2a for the proposed project (1996 EIR MM 4.5-8a).
 - a. Mitigation Measure 4.5-2a of the 1996 EIR: Compliance of the project with Mitigation Measure 4.5-2(a) of the OCMP Program EIR would reduce the impact of the permanent loss of agricultural land. Compliance with the mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase.
 - b. Mitigation Measure 4.5-2(a) of the OCMP Program EIR: Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase.

See Condition 45.

- 46.2 Revise the reclamation plan to exclude the use of excess topsoils and overburden for filling of existing prime agricultural land. Incorporate the use of excess undifferentiated overburden to create shallow water areas (shoreline) on at least one side of the lake (1998 SEIR MM 4.5-4a).

Within one year of this approval, the applicant shall perform the necessary technical analyses and secure appropriate entitlements (e.g. Floodplain Development Permit) to enable excess fill to be placed on ±108 acres (APN 048-210-03 and 049-130-29) north of Cache Creek (or other non-prime acreage, a minimum of 99 acres in size, in another location that achieves the same basic benefits and is acceptable to the County), thereby transforming that land from marginal to prime agricultural land. The applicant shall undergo appropriate hydrologic analyses to determine whether or not this former mining area proposed for fill is within or outside of the 100-year floodplain of the creek. The analyses shall identify appropriate mitigations (e.g. limits on the proposed placement of fill, etc) to ensure no adverse changes in flood hazard.

The reclamation plan has been revised to exclude the use of topsoil as backfill material in Phase 2. The operator appealed the FEMA determination (this was done in concert with the County's larger appeal) that the 99 acres is included in the flood plain. Syar analysis has indicated that there will be no material effect on flooding if this area were filled in. The FEMA appeal was rejected in 1999 by the Corps of Engineers. The operator acknowledges the requirements of the condition.

- 46.4 Revise the reclamation plan to provide a storage area for stockpiling excess A- and B-horizon soils that would be made available for agricultural land improvement or habitat restoration projects over the 30-year period of the project (1998 SEIR MM 4.5-4b).

Revised mining and reclamation plans were submitted by the operator to staff on December 8, 1998, which showed A- and B- horizon soil stockpiles located immediately north of Phase 1 and immediately south of the existing aggregate processing plant site. The operator acknowledges the requirements of the condition.

Biological Resources

47. Deleted. Condition satisfied by revision to project to fill all reclaimed agricultural land to existing ground surface.
48. Mature oak trees at the fringe of mining areas shall be preserved through restrictions on mining activities with grading and storage of stockpiled material restricted to outside the tree driplines. These restrictions shall include: a setback of at least 20 feet from the fencerow between the plant site and Phase A to protect the more than 20 trees and elderberry shrubs at this location; protection of the row of 18 young trees at the western edge of boundary between the plant site and Phase A; protection of the two oaks in the northeastern corner of Phase D; protection of the two oaks in the northwestern corner of Phase B; and a setback of at least 50 feet from the trunk of the 66-inch diameter oak along the southern boundary of the plant site. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline or specified setback for each of these trees to prevent possible construction-related damage. Fencing shall remain in place until the surrounding lands are returned to agricultural production (1996 EIR MM 4.6-2b).

Temporary fencing has been installed around the oak trees along the boundary between Phase A and the aggregate processing plant site, and around the oak trees located along the southern boundary of the plant site. The operator acknowledges the requirements of the condition.

49. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the creekside zone along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (1996 EIR MM 4.6-2b).

Temporary fencing has been installed along the boundary of the riparian zone north of Phase A. The operator acknowledges the requirements of the condition.

50. Channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Biotechnical slope stabilization methods (e.g. willow cuttings) shall be used to control erosion along the active channel, unless engineering evaluations demonstrate that riprap must be used at certain locations to control severe erosion (1996 EIR MM 4.6-2c).

Zone File No. 98-042 was approved by the Floodplain Administrator in 1998 to provide bank stabilization for portions of the creek frontage of the subject site. Native, mature riparian vegetation was avoided at both sites. Engineering evaluations indicated that riprap was necessary, due to the severe erosion occurring at each location. Revegetation was incorporated into both projects to increase habitat value along the creek. The operator acknowledges the requirements of the condition.

51. At least one 5.0 acre permanent island shall be created on the permanent lake to improve its wildlife habitat value. The permanent island would provide for secure nesting and roosting habitat on the lake. Additional artificial islands shall be located along the northern edge of the lake to complement the habitat enhancement in this location and strengthen its relationship to the creek corridor. Characteristics of the permanent island shall include the following:

- a. The northern fringe of the peninsula along the southern edge of the lake shall be modified to create an island with a minimum width of 50 feet and length of 500 feet above the average high water level. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five-year monitoring program for the restoration effort.
- b. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 150-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level to allow for the establishment of marshland and riparian species. Use of a 2:1 slope for the shoreline of the mainland bordering the island shall be permitted to minimize the land area devoted to side slopes along the edge of the lake.

- c. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months.
- d. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland, scattered elderberry clumps, and oak woodland plantings over the top of the island (1996 EIR MM 4.6-3a).

Revised reclamation plans showing an island to be located in Phase 2 were submitted to staff on December 8, 1998. The island design is consistent with the requirements listed above. Revegetation has been implemented in accordance with the HRP. The operator acknowledges the requirements of the condition.

- 52. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining for the estimated permanent loss of potential Swainson's hawk habitat (1996 EIR MM 4.6-4a).

The approved modifications to mining and reclamation plans will reduce agricultural acreage loss to 202 acres. The Department of Fish and Game has dropped the requirement in a letter to Zentner dated September 7, 1999. No further action is required.

- 53. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (1996 EIR MM 4.6-5a).

Completed October 2000. The operator acknowledges the requirements of the condition.

- 54. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (1996 EIR MM 4.6-5b).
 - a. *Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be*

seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

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

The operator acknowledges the requirements of the condition.

- 54.5 Deleted. Condition satisfied. The raptor survey was completed as a part of 1996 application.
55. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications (1996 EIR MM 4.6-6a).

There has been no mining within 700 feet of the creek bank. The operator acknowledges the requirements of the condition.

- 55.2 The proposed revegetation plan shall be revised to include an irrigation program for riparian plantings on the middle to upper portions (above average seasonal low groundwater elevation) of the reclaimed slopes surrounding the lake to ensure successful establishment of vegetation given the expected fluctuations in water levels. Irrigation shall continue until 80 percent survival of un-irrigated plantings is demonstrated for at least three years.

A revised Habitat Restoration Plan was submitted in June 1999. Irrigation is discussed on page 32 of the plan. The operator acknowledges the requirements of the condition.

- 55.4 Prior to the commencement of mining in Area B, details of the proposed landscaping required by Condition #28 shall be developed and evaluated by the applicant's consulting biologist to ensure appropriateness of selected plantings, need for weed control, and irrigation methods to be used, consistent with Section 10-4.502(b)(1) of the OCSMO. Use of native tree and shrub species shall be emphasized along the landscaped berm to complement the adjacent habitat of the permanent lake and restored uplands. The landscaping plan shall be submitted to and approved by the Yolo County Planning and Public Works Department prior to commencement of mining of Mining Area B (1998 SEIR MM 4.6-1b).

Landscape plans were submitted on May 4, 1999.

Air Quality

56. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.7-1a).

- a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

Conveyors have been installed and are operational. Also, see Condition 25.6. The operator acknowledges the requirements of the condition.

57. Upgrades for the existing aggregate and asphalt plants shall include Best Available Control Technology (BACT) for control of air pollutant emissions. The YSAQMD shall be responsible for review and approval of plant upgrades prior to any increase in production levels allowed under current permits (1996 EIR MM 4.7-1b).

The operator acknowledges the requirements of the condition. Syar is continuing to work with YSAQMD as equipment is added or changed.

58. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (1996 EIR MM 4.7-2a and 1998 SEIR MM 4.7-2a).

- a. Section 10-4.407: ***See Conditions 25.6 and 56.***

- b. Section 10-4.415: 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 fuels. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans (SWPPP) shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

Equipment and vehicles are serviced in accordance with a specific maintenance schedule. The SWPPP was modified to include the above provisions as a part of the mining and reclamation application.

58.2 The applicant shall develop an Air Emissions Control Plan for older diesel engines operated at the project site and submit the plan to the Yolo-Solano and Sacramento Metropolitan Air Quality Management Districts for approval and consideration for participation in the established financial incentives program (1998 SEIR MM 4.7-2b).

Syar Industries, Inc.'s voluntary Emissions Reduction Plan is no longer necessary. The 5 year term has expired.

59. Implement 1996 EIR MMs 4.7-1a and 4.7-2a for the proposed project (1996 EIR MM 4.7-3a).

- a. Mitigation Measure 4.7-1a of the OCMP Program EIR: *Implement the performance standards included in Sections 10-4.407 of the Off-Channel Mining Ordinance.*
 - i. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

See Conditions 25.6 and 56.

- b. Mitigation Measure 4.7-2a of the OCMP Program EIR: *Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance.*
 - i. Section 10-4.407: ***See Conditions 25.6 and 56.***
 - ii. Section 10-4.415: ***See Condition 58 (b).***

60. Deleted. Condition satisfied by revision to project to establish 1,000 foot buffer plus landscaped berm along County Road 87 and Garcia property.

60.1 Whenever possible and feasible, the operator shall use clean air vehicles and equipment and/or shall retrofit existing vehicles and equipment with diesel particulate filters (DPFs).

The operator acknowledges the requirements of the condition.

Traffic and Circulation

61. Deleted. Condition satisfied.

62. Within three years of project approval, the operator shall construct turn lanes and widen the curve radius for westbound, right-turn traffic movements at the intersection of State Route 16 and County Road 89. The operator shall also replace the two non-standard bridges located on County Road 89, north of State Route 16. The operator shall pay 100 percent of the local share of the total cost of the improvements, and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (1996 EIR MMs 4.8-2a and 4.8-3a).

The construction of the bridge over Willow Slough on County Road 89 north of State Route 16 was replaced, and accepted by the Board of Supervisors on March 20, 2007. Yolo County applied for and received grant monies for the bridge replacement. The other improvements listed in this condition, including the bridge at SR 16 and CR 89, widened turn radiuses, turning lanes, and traffic signals are proposed as part of the Caltrans project to raise SR 16. The operator acknowledges the requirements of the condition.

63. The operator shall pay a fair share amount of local funding to install a traffic signal at the intersection of State Route 16 and County Road 89. The first year the operation exceeds 1,000,000 tons (sold weight), the Resource Management Coordinator shall contact Caltrans to determine if a traffic signal is warranted at the intersection of State Route 16 and County Road 89. If Caltrans determines that the signal is needed, according to State-established criteria, then the operator shall install the traffic signal within six months of notification by the County. The operator shall pay 100 percent of the local share of the total cost of the improvements, and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (1996 EIR MM 4.8-4a).

To date, the operator production levels have not exceeded 1,000,000 tons in any one year. The operator acknowledges the requirements of the condition.

64. The operator shall assume joint pavement maintenance responsibility with Yolo County on County Road 89 over the life of the permit. The operator shall submit an annual evaluation of the structural integrity of the road to the County and shall implement pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year (1996 EIR MM 4.8-5a).

In 2009 multiple repairs for County Road 89 were proposed and approved by Yolo County. Annual evaluation of the structural integrity of County Road 89 took place on August 11, 2010.

Noise

65. Daytime noise levels at the property boundary shall not exceed 80 dBA Leq during mining and reclamation of the site. If earth moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time (1996 EIR MM 4.9-1a).

No earth moving operations have occurred within 58 feet of a property boundary. The operator acknowledges the requirements of the condition.

66. Night time noise levels resulting from activities at the project site shall not exceed 65 dBA Leq as measured at the outermost property boundary. (1996 EIR MM 4.9-1b).

The operator acknowledges the requirements of the condition.

67. To avoid noise levels greater than 65 dBA Leq at the site boundary during the night time, haul trucks shall not use roads located within buffer areas except in emergencies (1996 EIR MM 4.9-1c). This applies as well to the existing access road onto County Road 87, approximately 750 feet south of the Garcia property.

The operator acknowledges the requirements of the condition.

68. Future operation of the rock processing and asphaltic concrete plants between 6:00 p.m. and 6:00 a.m. shall not cause noise levels to exceed 65 dBA Leq at the property boundaries. The layout and design of the new or upgraded plant facilities shall ensure compliance with this night time noise standard. Within 60 days after processing plant equipment upgrades have been installed, the operator shall perform noise monitoring of the plant in operation to ensure that it is consistent with the requirements of Section 10-4.421 of the County Off-Channel Mining Ordinance. Monitoring shall be performed by a qualified acoustical consultant and the results of the monitoring shall be submitted to the Director of the Planning and Public Works Department for review and approval. All measures recommended by the acoustic consultant to reduce levels to the levels contained in the Mining Ordinance shall be implemented (1996 EIR MM 4.9-1d).

A noise study was completed by Dobbs Acoustics during the period of noon on September 28, 2004 to noon on September 29, 2004. (Appendix H - Noise Study by Dobbs Acoustics). The report concluded that the plant operation and mining activities were in compliance with the Conditions of Approval, and noise levels were well within the limits set forth in those conditions and in Section 10-4.421 of the County Off-Channel Mining Ordinance.

69. Noise levels resulting from activities at the project site shall not exceed 60 dB CNEL at residences located along County Road 87. Earth berms along the western edge of Phase B, and along the southern and eastern boundary of the Garcia property (APN: 049-130-28), shall be designed to provide at least 6 dB noise attenuation to nearby residences. Mining, reclamation, truck loading and hauling activities along mining areas, and plant operations, particularly during the night time, shall comply with Section 10-4.421 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.9-2a).

The operator acknowledges the requirements of the condition. The berm was designed to provide at least 6 dB noise attenuation to nearby residences. A subsequent noise study demonstrated that noise levels were within the standards of Section 10-4.421.

70. The operator, in consultation with a qualified noise consultant, shall develop a program for construction and maintenance of the stockpile in Phase B that ensures that operation of heavy equipment on the stockpile does not cause noise levels to exceed 60 dB CNEL at existing or future residences and the future school facility near County Road 20X. (1996 EIR MM 4.9-2b).

The operator acknowledges the requirements of the condition. The stockpile in question was never constructed. The location of the stockpile was moved to its current location, which negated the need for the noise program at the location along CR 87 and CR 20X.

71. Implement the performance standard included in Section 10-4.422 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.9-3a).
- a. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard

Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

No mining has occurred within 1500 feet of an occupied residence. The operator acknowledges the requirements of the condition.

- 71.2 A noise study of the wet-pit dredge shall be performed by a qualified acoustical consultant and submitted to the Planning Director for review and approval within 60 days after dredging operations commence. The noise study shall include recommendations to reduce noise below the performance standards established in Section 10-4.421 of the County Off-Channel Mining Ordinance and the operator shall implement all such recommendations. Dredge noise mitigation may include, but shall not be limited to screens, shielding panels or other measures to achieve sufficient attenuation. Failure to meet the referenced performance standards shall be grounds for the County to revoke approval of the dredging operations.

When the 480W dragline was installed, a noise study was completed by Dobbs Acoustics. The operator acknowledges the requirements of the condition.

- 71.4 Excavation activities in Phase B shall be restricted to the days Monday through Saturday and to the hours of 6 am to 6 pm on any day. Noise analyses of the excavation activities in Phase B shall be prepared by a qualified acoustical consultant and submitted to the County for review and approval six (6) months after mining commences in Phase B and eighteen (18) months after the commencement of mining in Phase B. The County retains the right to adjust the operational requirements based on the information from the noise analyses.

The operator acknowledges the requirements of the condition. A noise study was completed by Dobbs Acoustics which showed noise levels in compliance with Section 10-4.421.

Aesthetics

72. Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.10-1a).
- a. Section 10-4.429: All off-channel surface mining operations shall comply with the following setbacks:
- (a) New processing plants and material stockpiles shall be located a minimum of one-thousand (1,000) feet from public rights-of-way, public recreation areas, and/or off-site residences, unless alternate measures to reduce potential noise, dust, and aesthetic impacts are developed and implemented;

- (b) Soil stockpiles shall be located a minimum of five-hundred (500) feet from public rights-of-way, public recreation areas, and off-site residences, unless alternate measures to reduce potential dust and aesthetic impacts are developed and implemented;
- (c) Off-channel excavations shall maintain a minimum one-thousand (1,000) foot setback from public rights-of-way and adjacent property lines of off-site residences, unless a landscaped buffer is provided or site-specific characteristics reduce potential aesthetic impacts. Where landscaped buffers are proposed, the setback for off-channel excavations may be reduced to a minimum of fifty (50) feet from either the property line or the adjoining right-of-way, whichever is greater. Where mining occurs within one-thousand (1,000) feet of a public right-of-way, operators shall phase mining such that no more than fifty (50) acres of the area that lies within one-thousand (1,000) feet of the right-of-way would be actively disturbed at any time, except where operations are adequately screened from public view. Where adequate screening exists in the form of mature vegetation and/or constructed berms that effectively block public views, the area of active disturbance within one-thousand (1,000) feet of the right-of-way shall not exceed the area that is screened by more than fifty (50) acres at any one time. Actively disturbed areas are defined as those on which mining operations of any kind, or the implementation of reclamation such as grading, seeding, or installation of plant material are taking place.
- (d) Proposed off-channel excavations located within the streamway influence boundary shall be set back a minimum of seven-hundred (700) feet from the existing channel bank, unless it is demonstrated that a smaller distance will not adversely affect channel stability. The evaluation of the potential for adverse effects of bank erosion or failure of the land separating pits located less than seven-hundred (700) feet from the active channel shall address, at a minimum, the following:
 - (1) The two-hundred (200) foot setback area shall not include portions of the former historic active floodplain or formerly mined lands separated from the active channel by levees or unmined areas less than two-hundred (200) feet wide (measured perpendicular to the active channel).
 - (2) Identification of the former historic positions of the Cache Creek channels as delineated in the CCRMP Technical Studies, and determination if the proposed project is located within the limits of the historic channel.
 - (3) Description of current channel hydraulic conditions (based on existing or site-specific hydraulic models) for the Cache Creek channel adjacent to the site and extending not less than one-thousand (1,000) feet upstream and downstream of the site.
 - (4) Determination of the erosion potential of the stream bank adjacent to the site made on the basis of stream flow velocity and estimated shear stress on bank materials during 100-year flood flows and historic patterns of erosion.
 - (5) Analytical slope stability analysis in conformance with Sections 10-4.426 and 10-5.517 of this title. The analysis of the slopes

separating the mining area from the creek channel shall include evaluation of stability conditions during 100-year flood flows in the channel.

- (6) Future proposed bank stabilization designs, if recommended, shall not conflict with channel design recommendations of the Cache Creek Resource Management Plan unless approved by the Technical Advisory Committee.
- (e) Off-channel excavations shall be set back a minimum of twenty-five (25) feet from riparian vegetation; and
- (f) Recreational facilities shall be located a minimum of one-hundred and fifty (150) feet from private dwellings, with a landscaped buffer provided to reduce noise and maintain privacy, unless the dwelling is proposed to be an integral component of the recreational facility.
- (g) No mining activities shall occur within two-thousand (2,000) feet of the community boundaries of Capay, Esparto, Madison, Woodland, and/or Yolo. This setback may be reduced by up to five-hundred (500) feet when existing mature vegetation, proposed landscape buffers of a sufficient height and density to create a visual buffer (consisting of native species and fence-row habitat appropriate to the area), or other site-specific characteristics reduce potential incompatibilities between urban land uses and mining. Commercial mining shall not take place east of County Road 96.

No new processing plant facilities or material stockpiles are proposed. Soil stockpiles are located a minimum of 500 feet from all public rights-of-way. No mining areas are located within 1000 feet of a public right-of-way. Landscaped buffers are planted along County Roads 87 and 89. No mining will occur within 700 feet of the existing channel bank. Mining is not located within 25 feet of riparian vegetation. Excavations are located a minimum of 2,000 feet from nearby communities. The operation is consistent with all other applicable setback requirements.

- 73. A continuous landscaped berm shall be planted along the southern border of Phase B coincident with the commencement of mining activities in Phase B, to provide a permanent visual buffer between existing and future residential uses, and the permitted mining and reclamation activities. A landscape plan shall be prepared providing an adequate visual buffer between these land uses and shall incorporate native tree species and shrubs to the extent possible; the plan shall include provisions for 15-gallon size plantings of fast-growing trees and shrubs capable of achieving a height of more than 40 feet, as well as appreciable width and density. The plan shall be submitted to the Director of the Planning and Public Works Department for approval prior to the commencement of mining in Phase B. This landscaped berm shall remain after reclamation has been completed (1996 EIR MM 4.10-3a).

A landscape berm is constructed around Phase B. The operator acknowledges the requirements of the condition.

- 73.2 The mining plan shall be revised to include planting of mature vegetation along the frontage of County Road 89 to buffer the roadway from views of the proposed soil

stockpile. The landscaping shall extend for a distance of approximately 400 feet, overlapping the length of the stockpiles and the raised agricultural area. A landscape plan shall be prepared providing an adequate visual buffer along County Road 89 and shall incorporate native tree species and shrubs to the extent possible. The plan shall include provisions for 15-gallon size plantings of fast-growing trees and shrubs capable of achieving a height of more than 40 feet, as well as appreciable width and density. The plan shall be submitted to the Yolo County Planning and Public Works Department for approval prior to the commencement of mining in Phase A and placement of the stockpile. The berm shall be installed coincident with the commencement of mining in Area A. This landscaped buffer shall remain after reclamation has been completed to continue to provide a visual separation between the residential and recreational uses along County Road 87, the plant, and the reclaimed agricultural fields (1998 SEIR MM 4.10-1a).

A landscape plan was submitted by the operator and approved by County staff in March of 1999. The berm was not determined to be necessary, due to the distance between the stockpile and County Road 89, which exceeded the 500-foot distance required for visual barriers from public rights-of-way described in 10-4.429(b) of the County Surface Mining Ordinance. However, the operator has planted trees along the field border (as a hedgerow) instead of building the berm.

- 73.4 The 9-foot high earthen berm along County Road 87 shall be constructed during the first phase of excavation activities at Mining Area B to offer maximum buffering of views for rural residences along County Road 87. The applicant shall prepare a landscaping plan for the berm which provides an adequate visual buffer and incorporates mature native tree and shrub species to the extent possible. The berm shall be planted immediately following construction (1998 SEIR MM 4.10-1b).

A landscape berm has been constructed around Site B. The operator acknowledges the requirements of the condition.

Cultural Resources

74. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.11-1a).
- a. Section 10-4.410:
 - (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or

damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. 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 Agency.

As described in the project-level EIR, mining activities will maintain a 500-foot buffer from site 4-YOL-72. Similarly, the stockpiles originally proposed to be located at site H&A-1 have been relocated to avoid disturbance of the area. Subsequent investigation indicated that site H&A-2 probably did not include any significant prehistoric resources. To date, no human remains have been discovered at the project site. The operator acknowledges the requirements of the condition.

- 75. The operator shall implement a training program that alerts project employees involved with earthmoving as 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 (1996 EIR MM 4.11-1b).

The operator held a Cultural Resources Awareness and Ride Sharing meeting on October 6, 2009 and October 5, 2010. The operator acknowledges the requirements of the condition.

- 76. No mining shall occur within 100 feet of H&A-1 or 4-YOL-72, until an archeologist has provided an evaluation of significance under CEQA, and recommended supplemental mitigation measures, if appropriate. The following tasks shall be performed:
 - a. Contract an archaeologist to conduct mechanical subsurface testing around the borders of the three identified sites to allow the accurate determination of their volume (depth below the surface combined with area extent). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.
 - b. Contract an archaeologist to conduct random mechanical subsurface testing (at regular intervals) in the areas surrounding the isolated artifact discoveries to search for possible buried archaeological deposits. If a concentration of deposits is discovered, conduct further subsurface testing, as required to determined the

borders of these deposits. The borders of any identified concentration of deposits shall be staked by the archaeologist.

- c. Following the staking of cultural resource sites, the sites shall be mapped by professional surveyors. Mapping of the resources shall be completed prior to the commencement of mining in each phase that includes cultural resources.
- d. Register all identified sites as prehistoric archaeological sites on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Director of the Planning and Public Works Department.
- e. Contract an archaeologist to evaluate each identified site and determine their significance and uniqueness as defined in Appendix K of the CEQA. Guidelines. The evaluation of these sites shall be extensive enough to guide the development of a mitigation program for the sites found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of these nonsignificant sites to monitor for indicators of human skeletal remains.
- f. If it is determined that any site contains significant cultural resources, an appropriate mitigation program shall be developed, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and shall include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (1996 EIR MM 4.11-2a).

Revised mining and reclamation plans submitted to staff on December 8, 1998, show excavation occurring no closer than 500 feet to site 4-YOL-72. The plans also indicate that no mining or stockpiling activities would occur within 100 feet of site H&A-1. The operator acknowledges the requirements of the condition.

- 77. Implement 1996 EIR MM 4.11-1b for the proposed project (1996 EIR MM 4.11-2b).
 - a. Mitigation Measure 4.11-1b of the 1996 EIR: *The applicant shall implement a training program that alerts project employees involved with earthmoving as 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.*

See Condition No. 75. The operator held a Cultural Resources Awareness and Ride Sharing meeting on October 6, 2009 and October 5, 2010. The operator acknowledges the requirements of the condition.

78. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.11-2c).
 - a. Section 10-4.410: ***See Condition 74.***

Hazards

79. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.12-1a).
 - a. Section 10-4.415: ***See Condition 58.***
80. Implement the performance standard included in Sections 10-4.406 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 (1996 EIR MM 4.12-3a).
 - a. Section 10-4.406: ***See Condition 32 (a).***
 - b. Section 10-4.431: ***See Condition 32 (c).***
 - c. Section 10-5.510: ***See Condition 26 (a).***
 - d. Section 10-5.530: ***See Condition 26 (f).***

**CEMEX COMPLIANCE REVIEW
MINING AND RECLAMATION PERMIT #95-093**

MINING AND RECLAMATION STATUS

During 2009 and 2010 CEMEX continued to mine Phases 2, 3 & 4. CEMEX harvested material with the electric dredge in phases 3 & 4 and dry mined in Phase 2. CEMEX reclaimed additional agricultural land in Phase 1 and continued reclamation in riparian areas, setbacks, and creek frontage.

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-287, staff has reviewed the terms of the agreement and has found the operator to be in compliance with all of its terms.

YOLO COUNTY APPROVALS

The known permit history is as follows:

February 16, 1971 -- Zone File No. 1541 approved by the Planning Commission to allow for the removal of rock, sand and gravel material, as well as the establishment of a processing plant and easement.

January 18, 1972 -- Zone File No. 1901 approved by the Planning Commission to allow for the addition of an asphalt batch plant.

August 16, 1978 -- Zone File No. 2859 approved by the Planning Commission to allow for off-channel mining on 100 acres with reclamation to row-crop production.

October 29, 1980 -- Zone File No. G-2 approved by the Planning Commission to allow for in-channel mining on 266 acres with reclamation to a streamway.

April 15, 1992 -- Zone File No. ZA736 approved by the Planning Commission for a minor modification of Zone File No. 1901 to allow for the addition of storage silos to the existing asphalt batch plant.

September 5, 1995 -- Zone File No. 94-065 approved by the Board of Supervisors to allow for short-term, off-channel mining on 35 acres over a 3-year period with reclamation to agricultural row-crop production as well as continued operation of the processing and batch plants. This permit included an amendment to Zone File No. 2859 to expand the area reclaimed to row-crop production.

November 25, 1996 -- Zone File No. 95-093 and Development Agreement No. 96-287 approved by the Board of Supervisors to allow for off-channel mining on 586 acres over a 30-year period with reclamation to permanent lakes, habitat, row-crop production, and tree-crop production. This permit superseded Zone File No. 2859 and 94-065. Zone Files Nos. 1541, 1901, and ZA736 remain in effect and provide separate vesting for the plant facilities only (see November 1996 Planning Commission staff report). Any rights under Zone File No. G-2 were relinquished in 1996 under Section 2.2.4 of the DA.

June 16, 1998 – Amendment to Zone File No. 95-093 approved by the Board of Supervisors to modify Condition of Approval No. 66 and allow for an extension of time in which to construct required road improvements.

December 12, 2000 – Resolution No. 00-228 approved by the Board of Supervisors acknowledging the aggregate industry’s voluntary program to reduce NOx emissions from heavy duty off-road mining equipment by 20 percent by November 1, 2005.

May 22, 2001 -- Amendment to Zone File No. 95-093 approved by the Board of Supervisors to allow for relocation of a concrete batch plant from its previous location in Madison to the existing Solano Concrete Aggregate processing facility.

April 15, 2003 -- Amendment No. 1 to Zone File No. 95-093 approved by the Board of Supervisors to exchange Phases IV and VI.

OTHER AGENCY APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. The operator has a Waste Discharge Permit from the Regional Water Quality Control Board and an Authority to Operate permit from the Yolo-Solano Air Quality Management District. The annual reporting form was submitted by the operator to the State Department of Conservation. The operator has a Hazardous Materials Business Plan (Consolidated Contingency Plan) on file with the Yolo County Health Division.

CONDITIONS OF APPROVAL

Conditions for ZF# 1541 are as follows:

1. That the proposed use be operated in such a manner that it will not be detrimental to the surrounding properties.

Staff has not received any complaints from nearby property owners, nor have past annual reports submitted by the County staff noted any detrimental impacts of the operation on surrounding parcels.

2. That approval be obtained from all agencies of jurisdiction, including the State Reclamation Board and the Building and Health Department.

As noted above, staff contacted all other agencies of jurisdiction and confirmed that the operation is in compliance with applicable requirements.

3. That the property owner may request consideration of an extension of time if the subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to March 3, 1972.

No extension of time was requested. County files indicate that the on-site operations began prior to the one-year deadline.

Conditions for ZF# 1901 are as follows:

1. That the applicant meet the requirements of all agencies of jurisdiction including, but not limited to, the County's Air Pollution Control Officer's requirements.

As noted above, staff contacted all other agencies of jurisdiction and confirmed that the operation is in compliance with applicable requirements.

2. That the subject use be operated in such a manner that it will not be detrimental to the surrounding properties.

As stated earlier, no complaints have been received, nor have any detrimental impacts been identified in previous annual reports.

3. That the property owner may request consideration of an extension of time if the subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to February 2, 1973.

No extension of time was requested. The permitted use commenced prior to the above deadline.

Conditions for ZA #736 are as follows:

1. The applicant shall obtain permit approval from the Yolo County Environmental Health Department, Yolo County Building Department, and the Yolo-Solano Air Pollution Control District prior to construction of the facilities.

Building Permit No. 92-05-10B was approved on May 8, 1992. As mentioned earlier, the applicant has valid Authority to Construct and Authority to Operate permits from the YSAQMD.

2. The Yolo County Community Development Agency Staff shall review the operation of this facility annually in conjunction with the inspections required by SMARA and the State Mines and Geology Board of their mining operations.

This report serves as the annual compliance review of operations for ZA# 736.

Conditions for ZF# 95-093 are as follows:

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.

No claims or actions have been filed against the County regarding this permit. The operator acknowledges the requirements of the condition.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,204,819 tons (mined weight). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons (sold weight). Pursuant to Action 2.4-9 of the OCMF 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 operator has reported 2009 and 2010 sales figures to staff. Sales did not exceed the annual production limits described above.

3. The operator shall pay ~~\$0.15~~ \$0.35 per ton to the County for every ton of aggregate materials sold. The operator shall pay ~~\$0.05~~ \$0.10 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. 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.

All 2009 and 2010 fees have been paid. Payments have been made in accordance with the CCAP, all implementing ordinances and the voluntary funding agreement to the Cache Creek Conservancy. Operator acknowledges Amended Condition #3 as follows:

The operator shall pay \$0.35 per ton to the County for every ton of aggregate material sold (plus annual increases set forth in the fee ordinance). The operator shall pay \$0.10 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. 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.

4. The operator shall pay \$0.10 per ton to the County for every ton of aggregate sold in excess of the 1,000,000 ton sold weight (1,204,819 mined weight) limit on annual production. 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.

The operator acknowledges the requirements of the condition, and the increase as stated in Condition #3. Production did not exceed 1,000,000 tons sold weight in 2009 or 2010. No additional fees were required.

5. 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.

Permitted reserves have not been depleted, nor has the 30-year life of the permit expired. The operator acknowledges the requirements of the condition.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year of permit approval, then this Mining Permit and its accompanying entitlements shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply to renew the permit. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

Mining under this permit commenced on August 11, 1997. Written confirmation that mining has commenced was received on August 12, 1997. This permit will expire on August 11, 2027.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected from the operator under the Yolo County Gravel Mining Fee Ordinance (see Condition 4). Implementation costs are paid for by the operator as they occur. The operator is current in all payments.

8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$699,655 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

The applicant maintained financial assurances in the amount of 350,000 for CA MINE ID #91-57-0007 and 2,079,233 for CA MINE ID #91-57-0008 in 2009 and 2010.

9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

No substantive changes have been made in the project description, nor have any amendments or modifications to the Mining Permit and Reclamation Plan been approved. The operator acknowledges the requirements of the condition.

10. Upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, and provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

ADDITIONAL FOLLOW-UP REQUIRED: A Williamson Act Contract for the entire Hutson Parcel was approved by the Board of Supervisors on March 24, 1998. A long term conservation easement for 175 acres of the Hutson Parcel was approved and accepted by the Board of Supervisors on August 25, 1998. This easement provides for the preservation of agricultural activities and Swainson's hawk mitigation on the property in perpetuity. However, it has recently come to staff's attention that the operator never recorded the conservation easement. Staff has been working with the applicant to address this issue. Additional follow-up is required and is expected to be resolved within the next several months.

11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), only that portion of the Farnham East parcel in Phase 3 (APN: 049-070-05) which will be reclaimed to prime agricultural land, shall be mined prior to 2006.

The operator has modified phasing plan to be consistent with the requirements of the condition. Mining began in Phase 3 in 2001.

12. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

Development Agreement No. 96-287 was executed between the County and the operator on December 30, 1997.

13. The operator shall reclaim the areas south of the permanent lakes in Phases 1, 3, 4, 5, and 6 to the agricultural production of tree crops, as described in the application.

The operator acknowledges the requirements of the condition. The operator is in the process of reclaiming Phase 1 (approximately 90% complete). Reclamation has not begun in phases 2, 3, or 4.

14. The aggregate processing plant, located on the northern 20 acres of the Kaupke parcel (APN: 049-070-13) shall be reclaimed in accordance with the CCAP.

The operator acknowledges the requirements of the condition. Financial assurances in the amount of \$350,000 were approved for the processing plant site in 2009. The assurances include sufficient funds to reclaim the plant site to riparian habitat in accordance with the CCAP. The costs of reclamation for the plant site are offset by the salvage value of the plant equipment, as provided for under Section 10-5.706 of the Yolo County Surface Mining Reclamation Ordinance.

15. 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.

The operator acknowledges the requirements of the condition. All soil stockpiles to be left undisturbed through a growing season will be seeded with a cover crop of winter wheat.

16. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, the 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.

During 2009-2010 all of the operations were found to be in compliance with the applicable regulations, with one exception. From November 2008 through October 2010, CEMEX was found to be out of compliance with their off-channel mining permit (ZF #95-093), Yolo County Code, SMARA, and Development Agreement 96-287, and a Notice of violation was issued. Portions of the streambank along the CEMEX site was compromised during the 2005-2006 winter storms. On October 26, 2010, the Yolo County Floodplain Administer approved Zone File #2010-045 which allowed CEMEX to reconstruct three locations on the south side of Cache Creek. The necessary repairs were made and the violation was resolved in November 2010.

17. The operator is prohibited from proceeding with any new wet excavation, unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.

Existing wet excavation had been previously approved under Zone File No. 94-065. Ambient mercury levels in the creek were determined in a study performed by Dr. Darell Slotton, Shaun Ayers, and Dr. John Reuter and submitted to the County in December 1997. A summary of the mercury study was included in the Cache Creek Annual Status Report presented to the Board of Supervisors in January 1998.

18. The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing road levee. The pit slopes in modified areas may be steepened to 2:1, if supported by site-specific slope stability analyses. A slope stability analysis, prepared by a Registered Engineer, and revised mining and reclamation plans shall be submitted to the Community Development

Director prior to the commencement of mining in Phase 3.

Revised mining and reclamation plans, and site-specific slope stability analyses were submitted to the County on April 24, 1997. Slopes in the affected areas were adjusted to 2:1. Slope stability analysis was submitted to support the modifications and the adjusted slopes.

19. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Solano aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.

See Condition 14. The operator acknowledges the requirements of the condition.

20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

The operator acknowledges the requirements of the condition. CEMEX has purchased finished material from operators along Cache Creek and outside of the Cache Creek area. The material is finished product and was not processed on the CEMEX site. No material was imported from outside the area and processed. CEMEX has also been accepting aggregate material (i.e., broken concrete, block and AC grindings) for recycling in larger quantities.

- 21-24. Deleted due to repeat language.

25. 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.

The operator acknowledges the requirements of the condition. The operator updates their hazardous materials business plan and chemical inventory annually, and their consolidated contingency plan every three years. The hazardous materials business plan and chemical inventory is current thru January 1, 2012, and the consolidated contingency plan is current thru January 1, 2013.

26. Pursuant to Action 6.4-8 of the OCMP, the application shall include 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.

Vegetated buffers in the form of tree crops will separate the habitat area from adjoining row crop farm land. The western end of the Hutson/Farnham lake will contain a vegetated buffer with a berm and a roadway separating the lake from nearby row fields.

27. 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.

There were no stream bank or channel improvements required as part of Phase I of the project. The approved the streambank improvements included in the application as part of Phase II in 1997. The improvements, designated as site A, were completed in November 1998. These improvements have stabilized the south bank of the creek adjacent to the PG&E transmission tower, east of the 505 bridge. The reconstructed stabilization efforts at Site B performed as intended during high creek flows.

The original stream bank improvements associated with Phase III have been completed. The levee has been raised to the design elevations. Several portions of the bank near Phase III were incised during the 2005/2006 winter storms. In October 2010, the operator received approval to commence work on ZF 2010-045 to fix the banks. The streambank stabilization project was necessary in order to restore Cache Creek to the pre-erosion flow condition, reducing the possibility of further erosion to the south bank of the creek to maintain the required mining setback, to restore the creek to its "natural" condition, and to reduce potential damage to nearby mining equipment along the south bank of this reach. The work was completed on November 15, 2010 and final planting of the slopes was completed in February 2011.

Native grasses, trees, and shrubs within the 200-foot setback associated with

Phase IV have been planted and established. Drip irrigation is provided as part of an ongoing maintenance program from the Phase I riparian setback east through the active Phase IV setback.

Channel improvement maintenance is guaranteed through financial assurances and the Development Agreement. Deed restrictions will be recorded prior to the release of financial assurances.

28. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

The operator acknowledges the requirements of the condition. The application has been modified where appropriate to conform with the approved project.

- 28.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 2005. If conveyors have not been constructed by the project date, then the operator shall submit a letter to the Community Development Director by January 1, 2006, describing the reasons for delay and a revised deadline for installation.

The operator acknowledges the requirements of the condition. Conveyors were installed and operational as of 2002.

- 28.6 Total production allowed under this Mining Permit shall not exceed 26.7 million tons (sold weight) and 32.2 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. 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.

Cumulative production under this permit has not exceeded the overall limits. The operator acknowledges the requirements of the condition.

- 28.7 The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.

The operator acknowledges the requirements of the condition.

EIR MITIGATION MEASURES

Land Use and Planning

29. Implement Mitigation Measures 4.4-3a, 4.4-4a, and 4.4-7a of the Final EIR for the proposed project (Mitigation Measure 4.2-1a).
- a. Mitigation Measure 4.4-3a: Implement Mitigation Measure 4.4-2a of the OCMP Program EIR.
- i. Mitigation Measure 4.4-2a: Implement the performance standards

included in Sections 10-4.413, 104.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance and Sections 10-5.510 and 10-5.524 of the County Surface Mining Reclamation Ordinance.

See Condition 45, parts (a), (b), (c), (d), (f), and (h).

b. Mitigation Measure 4.4-4a: Implement Mitigation Measure 4.4-3a of the OCMP Program EIR.

i. Mitigation Measure 4.4-3a: Implement the performance standards included in Sections 10-4.438 of the County Off-Channel Mining Ordinance and Sections 10-5.517 and 10-5.532 of the County Surface Mining Reclamation Ordinance.

a. Section 10-4.438: Only motorized dredges and draglines shall be allowed on the wet pit lakes. All other fuel-powered (gasoline or diesel) watercraft shall not be used on the wet pit lakes. Electric-powered or non-motorized boats shall be permissible.

A dragline is currently working on the existing wet pit. No other fuel-powered watercraft have been permitted access to the lake. The operator acknowledges the requirements of the condition.

b. Section 10-5.517: Prior to the approval of reclamation of aggregate mining areas to permanent lakes, the County shall commission a sampling and analysis program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:

- (a) Average concentrations of total mercury in excess of 0.00012 milligrams per liter (mg/l) in the water; and
- (b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the County prior to the excavation of any new wet pit mine and at years ten (10), twenty (20) and thirty (30) in the permit time period, and shall

be paid for by the mining permit operators on a fair-share basis. The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five (5) years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten (10) years of biennial monitoring shall be performed after reclamation of each lake has been completed. The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

- (c) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.
- (d) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens for mercury content. Sampling and analysis shall be conducted using methodologies which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.
- (e) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site-specific data to available data on the background concentrations of mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory should be issued.
- (f) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes which prohibit fishing in the lakes and describe the fish advisory.

If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

- (g) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5') feet above the average seasonal high groundwater level with a suitable backfill material; or
- (h) Present a mitigation plan to the Yolo County Community Development Agency which provides a feasible and reliable

method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a longterm solution.)

The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan.

The County is coordinating is with the operators regarding ongoing implementation of this regulation. An additional, more detailed report will be provided as part of the 2011 Annual Compliance Report.

- c. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

See Condition 46, (c).

- c. Mitigation Measure 4.4-7a: All reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West mining area shall be modified to meet this requirement.

Revised mining and reclamation plans showing the modifications to Phase

7 were submitted to staff on April 24, 1997. All reclaimed agricultural fields have been designed to be a minimum of five feet above the average high water table. (see Rec. Plan sheet 15)

30. The project mining schedule or reclamation plan shall be modified to ensure that if Phase 3 lands are to be mined before the Williamson Act contracts expire, then reclamation shall be to prime agricultural uses only. Alternatively, if mining in Phase 3 does not begin until after 2006, no change to the reclamation plan would be required (Mitigation Measure 4.2-3a).

The phasing plan has been modified to ensure that only those portions of the Farnham East parcel to be reclaimed to agriculture shall be mined prior to 2006. The Williamson Act contract for the Orrick parcel expired in 2002. Overburden removal on the Orrick parcel began in December 2001 after crops were harvested. Mining began in February 2002. The Williamson Act contract for the Farnham East parcel has expired and mining in that portion has commenced.

31. The County shall determine whether the operator's offer to dedicate reclaimed lands in Phases 5 and 6 for the proposed Recreation Node fulfill the policies of the CCRMP. The County and the operator shall enter into discussions to resolve how public access to the future recreation facility can be accommodated. If determined to be feasible, the project plans shall be modified to include a public access road along the eastern boundary of the site (Mitigation Measure 4.2-8a).

As stated in Section 2.2.8 of Development Agreement No. 96-287, the County has accepted the dedication of reclaimed lands in Phases 5 and 6 as fulfilling the policies of the CCAP. Included within the dedication is provision of a 40-foot wide easement for access to State Highway 16.

Geology and Soils

32. 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. (Mitigation Measure 4.3-1a).

- a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Yolo County Community Development Agency prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

There are no buildings, roadways, or other public facilities proposed for construction in reclaimed areas.

- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Yolo County Community Development Agency following strong seismic shaking events. Observable damage shall be reported to the landowner. If the YCCDA

determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

No strong seismic events have occurred in 2009 or 2010. The operator acknowledges the requirements of the condition.

- c. Section 10-5.512: The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be releveled to the field grade specified in the approved reclamation plan.

Subphases a through c of Phase 1 were laser leveled in 1997 to account for soil settling. The fields are being farmed using standard farming practices. The operator acknowledges the requirements of the condition.

- d. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

The operator acknowledges the requirements of the condition. Contingency costs are included in financial assurance cost estimates.

- 33. 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 (Mitigation Measure 4.3-2a).

- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not greater than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does

not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

Mining and reclamation slopes conform to the performance standards of this section. No benches were included in the approved mining and reclamation plans.

- b. Section 10-4.413: Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan (SWPPP) required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report.

A combination of ditches, berms, and grading have been used to prevent stormwater runoff from entering into active mining and reclamation areas. Detention basins are provided in Phases 1 and 2 for stormwater runoff, in accordance with the above requirements. The SWPPP has been revised to include Best Management Practices. The operator acknowledges the requirements of the condition.

- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical).

Slopes steeper than 2:1 have not been proposed. All slopes conform to the above requirements.

- d. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and

stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The property owner shall be required to implement recommended corrective action, if any.

As evaluated in the project-level EIR, the approved drainage system meets the above requirements. Borders of mining areas are designed or located in places where the surrounding unmined lands drain away from the reclaimed areas. Prior to the release of financial assurances for each phase a deed restriction will be placed on the property to allow the County access to these areas for inspection.

- e. Section 10-5.508: The grading 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 minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native and non-native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

The seeding of final reclaimed slopes and other associated erosion control measures in Phase 1 were completed on October 22, 1997. Seeding on the east and south slopes of the eastern portion of the Kaupke parcel, along

with the tower area were seeded in 1999. The northern portion of the eastern half of the Kaupke parcel was seeded in November 2001.

- f. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical). In order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Slope stability analyses were submitted with the application and evaluated in the project-level EIR. Slopes revised in connection with the 200-foot setback have been redesigned by a registered civil engineer and meet or exceed the minimum safety thresholds.

34. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay Bridge with a three-span bridge. If this assumption changes, additional HEC-2 modeling shall be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4a).

Resolution No. 96-181 was approved by the Board of Supervisors on November 25, 1996, revising the CCRMP channel boundary to reflect the 100-year floodplain calculated by Cunningham Engineering. The newly constructed Capay Bridge was built with three spans, as assumed in the hydraulic model included in the operator's project description. No further modeling is necessary.

35. Portions of the northern margin of Phases 2, 3, 5, 6, and 7 shall be redesigned to provide a minimum 200-foot setback from the existing Cache Creek stream bank, in conformance with the requirements of Section 10-4.429 of the County Off-Channel Mining Ordinance. The revised project design shall be submitted prior to the commencement of mining within Phase 3 and shall be consistent with the recommended slope design presented in the current application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required

(Mitigation Measure 4.3-4b).

Revised mining and reclamation plans were submitted to staff by the operator on April 24, 1997, showing the minimum 200-foot setback between the channel boundary and the edge of proposed mining.

36. The portions of the levee in Phases 3, 5, and 6 shall be raised to provide 100-year flood protection for these areas. Prior to raising the levee, a hydraulic analysis prepared and signed by a licensed engineer, demonstrating that off-site flooding impacts would not be created, must be submitted to the County for review. This mitigation measure would be consistent with the proposed project and the requirements of the OCMP. Any levee work performed shall be completed prior to the commencement of mining within the affected phases (Mitigation Measure 4.3-4c).

A hydraulic analysis was prepared by Cunningham Engineering on April 22, 1997, showing that the raised levee flood protection measures would increase the base flood elevation by less 0.1 foot. This indicates that the proposed work would not have any significant off-site flooding impacts. The operator acknowledges the requirements of the condition.

37. Implement the performance standards included in Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The 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, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community Development Director with the Annual Mining and Reclamation Report. The report shall identify the location (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, 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 (Mitigation Measure 4.3-4d).

The report on channel bank and levee conditions is prepared annually following the end of the rainy season and included in the Annual Compliance Reports. The reports were included in the 2009 and 2010 Annual Compliance Reports. The operator acknowledges the requirements of the condition.

The 2009 report made the following recommendations: (a) The low flow channel adjacent to site C, be relocated; (b) The eroded slope adjacent to Site C, be repaired using hard points (rip-rap and/or jetties) combined with compacted soil and re-vegetation or a bioengineered solution such as anchored tree revetements or willow wattles; (c) Implementation of the in progress Streambank Stabilization Plans for Sites D, E, and F; (d) expand the aerial coverage to include the southern region of the Phase II mining area; and (e) Conduct aerial photography in 2010.

The 2010 report made the following recommendations: (a) Once reconstruction is complete at Sites D, E, and F, monitor slopes for slope stability and re-vegetation; (b) Monitor 2009 top of bank erosion protection sites for stability and re-vegetation; and (c) Expand the aerial topography coverage to include the off-channel mining areas.

The bank stabilization work conducted in October/November 2010 (ZF# 2010-045) resolved the streambank issues/recommendations listed above. Aerial photography will be conducted as appropriate under the CCRMP/CCIP.

38. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. The landowner shall be responsible for continued monitoring and maintenance. 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 (Mitigation Measure 4.3-4e).

A deed restriction will be placed on affected properties prior to the release of the financial assurances. The operator acknowledges the requirements of the condition.

39. The project design shall be revised to provide a biotechnical bank protection design to replace the placement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge unless engineering evaluations demonstrate that rip rap must be used to control erosion. The revised project design shall be submitted to the Yolo County Community Development Director and Caltrans for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4f).

A biotechnical bank protection solution was submitted to the County and approved in June 1997. The project was completed in September 1998.

40. Mining within Phase 7 shall not be conducted within 700 feet of the existing stream bank until stream bank stabilization is provided for that portion of the south bank of Cache Creek upstream from the I-505 bridge. The bank protection shall be performed in accordance with the guidelines presented in the Cache Creek Resource Management Plan and Cache Creek Improvements Plan. The bank protection design shall be submitted to the Yolo County Community Development Director for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4g).

Mining in Phase 7 has not yet commenced. The operator acknowledges the requirements of the condition.

41. Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase to be mined. Prior to construction of the improvements, detailed plans identifying the type of stream bank protection shall be submitted to the Technical Advisory

Committee (TAC) for review and approval. The bank protection plans shall incorporate biotechnical methods of bank stabilization when appropriate to erosion control (Mitigation Measure 4.3-4h).

The dates for implementation of this condition conflict with the requirements of Condition 39. The operator proposes to implement the bank stabilization measures in accordance with the response to Condition 39 for all phases. This work was completed in September 1998. See Condition 39.

42. The operator shall enter into a Development Agreement with the County that commits the operator 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 Condition #27. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and channel maintenance mining recommended by the County (Mitigation Measure 4.3-4i).

Development Agreement No. 96-287 was executed between the County and the operator on December 30, 1996. Section 3.1 of the agreement requires the operator to participate and abide by the CCAP.

43. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.3-4j).

In a letter dated October 17, 1996, the DSD determined that the alluvial separators created by the operator's project would not be subject to their jurisdiction.

Hydrology and Water Quality

44. The operator must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development designated 100-year floodplains, as required by the County General Plan and the County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).

A Flood Hazard Development Permit was approved by the County on December 16, 1996.

45. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).
 - a. Section 10-4.413: ***See Condition 33, part (b).***
 - b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two components: water level measurements and water quality testing. A groundwater level monitoring

program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one-hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one-hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require 3 wells, 100 to 199 acres would require 4 wells, 200 to 299 acres would require 5 wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- (a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- (b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:
 - (1) Prior to the removal of overburden - One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).
 - (2) During wet pit mining and active reclamation - The wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for

general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.

- (3) After active reclamation - One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

The operator submitted a groundwater monitoring report to staff on November 13, 1997. The network consists of twelve monitoring wells, located throughout the permitted mining area. In addition, six production wells are also monitored for groundwater levels. Groundwater level monitoring was performed on all wells on a monthly basis during 1997. Levels remained generally consistent with measurements recorded in previous years with above normal rainfall. During the summer, water flows to the southeast. During the winter, water flow is more southerly. Levels generally ranged between 90 and 130 feet mean sea elevation.

Water quality testing was performed in the summer of 1996, more than six months before the commencement of the long-term, off-channel permit, and was repeated in fall of 1997. Groundwater levels have generally been monitored on site on a quarterly basis. These reports are included in the 2009 and 2010 Annual Compliance reports. Groundwater levels will continue to be monitored on a quarterly basis. The following wells are being monitored as part of the mining of Phases 1-3: Pond #4 (Hutson), Solano #1a, OW8d, OW-9d, Solano #2. Additional monitoring is being conducted for Phase 4 and an additional monitoring is planned to be installed.

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

As stated in the project-level EIR, all off-site municipal and domestic wells are located more than 1,000 feet from approved wet pit mining operations. No further action is required.

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled "potable" or "non-potable."

An existing permanent toilet serves the permitted area. It received all necessary approvals from the County Building Official and the Environmental Health Department prior to commencement of the use.

- e. Section 10-5.507: ***See Condition 33, part (d).***
- f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded

square “hog” fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining 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 restricted. Additional security (e.g. gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

The operator acknowledges the requirements of the condition. All mining areas are fenced accordingly.

- g. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

The existing dredge operates on electricity and uses biodegradable fluids for lubrication. A motorized workboat is necessary to service the dredge when required. No motorized watercraft will be allowed during active or final reclamation. The operator acknowledges the requirements of the condition.

- h. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

The operator acknowledges the requirements of the condition.

- i. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

No sewage effluent or landfill have been stored on-site. The operator acknowledges the requirements of the condition.

- j. Section 10-5.530: ***See Condition 33, part (f).***

- 46. 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. (Mitigation Measure 4.4-4a).

- a. Sections 10-4.413, 10-4.417, 10-4.427, 10-4.428, 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530: ***See Condition 45.***

- b. Section 10-5.517: ***See Condition 29(b).***

- c. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-

channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that

contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

Sediment fines from in-channel maintenance activities were used in the backfill of land to be reclaimed to agricultural production. The operator acknowledges the requirements of the condition.

47. All reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West parcel (Phase 7) shall be modified to meet this requirement (Mitigation Measure 4.4-7a).

Modified reclamation plans for Phase 7 were submitted to staff on April 24, 1997.

Agriculture

48. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a).
 - a. Section 10-5.525: All mining permit applications that include “prime farmlands” as defined by the provisions of the Williamson Act shall identify the location and acreage of “prime farmlands,” which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of “prime farmland” that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset (at a 1:1 ratio) the conversion of these lands. The potential offsets can include, but not be limited to, one or more of the following options:
 - (a). Identification of improvements by a qualified soil scientist to the agricultural capability of non-prime lands within or outside the project site that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive

levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.

- (b). Placement of permanent conservation easements on land meeting the Williamson Act definition of “prime farmland.” The operator shall be encouraged to target property “at risk” of conversion to non-agricultural uses in selecting areas for the offset. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject.
- (c). Demonstration of the ability to provide irrigation to non-prime lands limited only by the lack of an irrigation water supply. The identified water supply cannot be provided at the expense of “prime farmlands” currently using the same water supply.

A Williamson Act Contract for the entire Hutson Parcel was approved by the Board of Supervisors on March 24, 1998. A long term conservation easement for 175 acres of the Hutson Parcel was approved and accepted by the Board of Supervisors on August 25, 1998. This easement provides for the preservation of agricultural activities and Swainson’s hawk mitigation on the property in perpetuity. However, it has recently come to staff’s attention that the operator never recorded the conservation easement. Staff has been working with the applicant to address this issue. Additional follow-up is required and is expected to be resolved within the next several months.

- 49. Implement the performance standard included in Section 10-5.516 of the County Surface Mining Reclamation Ordinance to mitigate the potential impacts of high seasonal groundwater on crop productivity. The mitigation requires that all reclaimed agricultural surfaces are a minimum of five feet above the average seasonal high groundwater level. To meet this standard, the elevation of the reclaimed agricultural fields within the Solano West parcel in Phase 7 shall be raised two or more feet above the reclaimed surface elevation (Mitigation Measure 4.5-5a).

Modified reclamation plans for Phase 7 were submitted to staff on April 24, 1997.

- 50. Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).
 - a. Mitigation Measure 4.5-2a: Compliance of the project with Mitigation Measure 4.5-2a of the OCMP Program EIR would reduce the impact of the permanent loss of agricultural land. Compliance with the mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase.

See Condition 48.

Biological Resources

- 51. Figure 8 of the HRP shall be revised to indicate the location of hedgerow plantings, around the Hutson parcel in Phase 1 or as specified as part of habitat enhancement in a

Section 2081 permit if required by the CDFG, or to mitigate as a 1:1 ratio the actual loss of fence row habitat (Mitigation Measure 4.6-2a).

A revised HRP was submitted to staff on April 24, 1997.

52. Mature oak trees at the fringe of mining areas shall be preserved. These shall include: the two oaks at the southwestern corner of the mining area on the Solano West parcel in Phase 7; the two oaks at the southeastern corner of the mining area along the boundary between the Farnham West and Hutson parcels on Phase 1; and the single oak at the southeastern edge of the mining area on the Snyder East parcel in Phase 4. Stockpiling of topsoil and overburden in the vicinity of these five trees shall be restricted to beyond the tree driplines. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline of these trees to prevent possible construction-related damage. Fencing shall remain in place until stockpiles are removed and the surrounding lands are returned to agricultural production (Mitigation Measure 4.6-2b).

Oak trees along the boundary of Phase 1 are located outside of the permanent fenced area. All other identified trees will be preserved. The operator acknowledges the requirements of the condition.

53. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the habitat restoration area along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (Mitigation Measure 4.6-2c).

Permanent fencing has been installed at the boundary between the mining area in Phase 1 and the habitat restoration area. There is no habitat reclamation in Phase 2, although the mining area has been fenced in accordance with Condition 45, part (f).

54. Levee and channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Levee improvements on the Snyder East and West parcels in Phases 3, 5, and 6 shall be set back from the edge of the upper terrace to eliminate fill slopes which would extend into the riparian habitat. The project design shall be revised to provide a biotechnical bank protection design to replace the replacement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge, unless engineering evaluations demonstrate that rip rap must be used at certain locations to control severe erosion (Mitigation Measure 4.6-2d).

Levee improvements in Phases 3, 4, and 5 conform to the condition. The biotechnical bank protection design approved by the County was implemented in 1998. The operator acknowledges the requirements of the condition.

55. The HRP shall be revised to include provisions to remove tamarisk and giant reed from the site as part of the creek restoration effort and to modify restoration plans for the in-channel depression north on the Snyder East parcel in Phase 6 to enhance the existing riparian woodland rather than establishing seasonal marsh at this location (Mitigation Measure 4.6-2e).

A revised HRP including the required modifications was submitted to staff on April 24, 1997.

56. At least one permanent island shall be created on one of the permanent lakes to improve their wildlife habitat value. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following:
- a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 125-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
 - b. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five year monitoring program for the restoration effort.
 - c. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland and scattered shrubs provided over the top of the island (Mitigation Measure 4.6-3a).

Revised reclamation plans showing an island to be located in Phase 5 were submitted to staff on April 24, 1997. The island design is consistent with the requirements listed above. Revegetation will be implemented in accordance with the HRP. The operator acknowledges the requirements of the condition.

57. The unique bluff habitat between the upper terrace and the existing haul road on the Snyder East parcel in Phase 6 shall be preserved. Mitigation Measure 4.3-4a of the Final EIR for the proposed project provides appropriate mitigation for this impact (Mitigation Measure 4.6-3b).

The bluff habitat is in existence. There will be no mining within 100 feet of the area, as a result of changes to the channel boundary and the 200-foot mining setback referred to in Mitigation Measure 4.3-4a. The bluff will be preserved and dedicated to the County upon the completion of reclamation and the release of financial assurances of Phase 4 (The original Phase 6 was changed to Phase 4 by action of the Board of Supervisors on April 15, 2003).

58. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).

A 2081 authorization was executed between the operator and the Department of Fish and Game in July 1997. A copy of the authorization has been submitted to

staff.

59. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS “General Compensation Guidelines for the Valley Elderberry Longhorn Beetle.” This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

A revised HRP including the above requirements was submitted to staff on April 24, 1997.

60. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-5b).
- a. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

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

The operator acknowledges the requirements of the condition.

61. The HRP shall be revised to include specific provisions to replace the artificial bank swallow nesting habitat created by past mining activities on the Hutson parcel. These provisions shall include design, construction, and maintenance activities necessary to implement one or more of the following options: establishing suitable nesting habitat on designated side slopes of the permanent lakes, replicating conditions on the Hutson parcel in Phase 1 at a new location; restoring the vertical bluffs above the mining-related riparian habitat in the northern portion of the Snyder East parcel in Phase 6; and/or creating and perpetuating a vertical bank along a designated segment of the active channel of Cache Creek (Mitigation Measure 4.6-5c).

The vertical bluffs above the riparian habitat in Phase 6 have been restored as required above. These are vertical slopes and as such there is no maintenance necessary.

- 61.5 A pre-construction survey shall be conducted by a qualified wildlife biologist prior to initiation of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining areas. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:
- a. Conduct the survey within 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to installation of a particular phase of mining at any time of year to ensure absence of resident owls.
 - b. If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction, activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.
 - c. Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.
 - d. Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-5d).

Phase 1 is in the process of being reclaimed. A raptor survey was conducted prior to mining under the short-term permit. No nest sites were discovered. A raptor survey was completed for Phase 2 in the Spring of 1997 by Zentner and Zentner. No nest sites were discovered. A raptor study for Phase 3 was completed in October 1999 and included in the 1999 Annual Compliance Report. No raptors or burrowing owls, or other listed or threatened species were observed in 2001 during the biological resource-monitoring program. A pre-construction survey for Phases 4 and 5 was completed in September 2002. No listed species were found on site. The operator has not yet commenced mining on phases 5 or 6.

62. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. Use of biotechnical bank protection design methods shall be encouraged where bank stabilization is required, such as the segment of active erosion on the Kaupke parcel north of Phase 2 (Mitigation Measure 4.6-6a).

Channel bank modifications performed under Zone File No. 97-027 were conducted under general 404 and 1601 permits issued by the U.S. Army Corps of Engineers and California Department of Fish and Game, respectively. The modifications included the use of biotechnical designs.

On October 26, 2010, the Yolo County Floodplain Administer approved Zone File #2010-045 which allowed CEMEX to reconstruct three locations on the south side of Cache Creek: Sites "D", "E" and "F". Sites "D" and "E" were incised during the 2005-2006 winter storms. Materials used for the reconstruction consisted of cobble and/or recycled concrete for keyways, and fill material consisting of a mixture of Horizon A & B soil and gravel and cobbles. Site "F" was undercut by the location of the low-flow channel. The incised area was backfilled with Horizon A & B soil and gravel and cobbles. The streambank stabilization project was necessary in order to restore Cache Creek to the pre-erosion flow condition, reducing the possibility of further erosion to the south bank of the creek to maintain the required mining setback, to restore the creek to its "natural" condition, and to reduce potential damage to nearby mining equipment along the south bank of this reach. The work was completed on November 15, 2010 and final planting of the slopes was completed in February 2011.

Air Quality

63. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).
- a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

Conveyors were installed and operational as of October 2001. The operator acknowledged the requirements of the condition.

64. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).
- a. Section 10-4.407: **See Condition 63.**
- b. Section 10-4.415: 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 fuels. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans (SWPPP) shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

The SWPPP was modified to include the above provisions as a part of the mining and reclamation application.

65. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).

a. Implement Mitigation Measure 4.7-1a of the OCMP Program EIR.

See Condition 63.

b. Implement Mitigation Measure 4.7-2a of the OCMP Program EIR.

See Condition 64.

65.1 Whenever possible and feasible, the operator shall use clean air vehicles and equipment and/or shall retrofit existing vehicles and equipment with diesel particulate filters (DPFs).

The operator acknowledges the requirements of the condition.

Traffic and Circulation

66. The operator shall construct a left-turn lane for eastbound movements in the Operator Concrete Plant. Within one year of project approval, the operator shall construct a left-turn lane for eastbound movements on State Route 16 into the Solano Concrete plant. The operator shall be responsible for 100 percent of the costs of the improvement. Encroachment Permits from Caltrans will be obtained prior to construction (Mitigation Measure 4.8-1a).

The left-turn lane was completed in 1999.

67. The operator shall pay a fair share toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$1,200 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-2a).

A check for \$1,200 was sent by the operator to the City of Woodland in 1998.

Noise

68. Daytime noise levels at the property boundary shall not exceed 80 dBA L_{eq} during mining and reclamation of the site. If earth-moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time (Mitigation Measure 4.9-1a).

The operator acknowledges the requirements of the condition. County staff is not aware of any noise complaints regarding the mining operation.

69. Implement the performance standards included in Section 10-4.421 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).

- a. Section 10-4.421: From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dBA) for any nearby off-site residences or other noise-sensitive land uses.

From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.

At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of the any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards may involve setbacks, the use of quieter equipment adjacent to residences, the construction of landscaped berms between mining activities and residences, or other appropriate measures.

Noise analysis evaluated in the project-level EIR determined that proposed mining activities will be consistent with the above requirements.

70. Implement the performance standard included in Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-3a).

- a. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

No mining is proposed within 1500 feet of an off-site residence. The performance standard for nighttime activities will be adhered to. The operator acknowledges the requirements of the condition.

Aesthetics

71. Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.10-1a).

- a. Section 10-4.429: All off-channel surface mining operations shall comply with the following setbacks:

- (a) New processing plants and material stockpiles shall be located a minimum of one-thousand (1,000) feet from public rights-of-way, public recreation areas, and/or off-site residences, unless alternate measures to reduce potential noise, dust, and aesthetic impacts are developed and implemented;
- (b) Soil stockpiles shall be located a minimum of five-hundred (500) feet from public rights-of-way, public recreation areas, and off-site residences, unless alternate measures to reduce potential dust and aesthetic impacts are developed and implemented;
- (c) Off-channel excavations shall maintain a minimum one-thousand (1,000) foot setback from public rights-of-way and adjacent property lines of off-site residences, unless a landscaped buffer is provided or site-specific characteristics reduce potential aesthetic impacts. Where landscaped buffers are proposed, the setback for off-channel excavations may be reduced to a minimum of fifty (50) feet from either the property line or the adjoining right-of-way, whichever is greater. Where mining occurs within one-thousand (1,000) feet of a public right-of-way, operators shall phase mining such that no more than fifty (50) acres of the area that lies within one-thousand (1,000) feet of the right-of-way would be actively disturbed at any time, except where operations are adequately screened from public view. Where adequate screening exists in the form of mature vegetation and/or constructed berms that effectively block public views, the area of active disturbance within one-thousand (1,000) feet of the right-of-way shall not exceed the area that is screened by more than fifty (50) acres at any one time. Actively disturbed areas are defined as those on which mining operations of any kind, or the implementation of reclamation such as grading, seeding, or installation of plant material are taking place.
- (d) Proposed off-channel excavations located within the streamway influence boundary shall be set back a minimum of seven-hundred (700) feet from the existing channel bank, unless it is demonstrated that a smaller distance will not adversely affect channel stability. The evaluation of the potential for adverse effects of bank erosion or failure of the land separating pits located less than seven-hundred (700) feet from the active channel shall address, at a minimum, the following:
 - (1) The two-hundred (200) foot setback area shall not include portions of the former historic active floodplain or formerly mined lands separated from the active channel by levees or unmined areas less than two-hundred (200) feet wide (measured perpendicular to the active channel).
 - (2) Identification of the former historic positions of the Cache Creek channels as delineated in the CCRMP Technical Studies, and determination if the proposed project is located within the limits of the historic channel.
 - (3) Description of current channel hydraulic conditions (based on existing or site-specific hydraulic models) for the Cache Creek channel adjacent to the site and extending not less than one-thousand (1,000) feet upstream and downstream of the site.
 - (4) Determination of the erosion potential of the stream bank adjacent to the site made on the basis of stream flow velocity and

- estimated shear stress on bank materials during 100-year flood flows and historic patterns of erosion.
- (5) Analytical slope stability analysis in conformance with Sections 10-4.426 and 10-5.517 of this title. The analysis of the slopes separating the mining area from the creek channel shall include evaluation of stability conditions during 100-year flood flows in the channel.
 - (6) Future proposed bank stabilization designs, if recommended, shall not conflict with channel design recommendations of the Cache Creek Resource Management Plan unless approved by the Technical Advisory Committee.
- (e) Off-channel excavations shall be set back a minimum of twenty-five (25) feet from riparian vegetation; and
 - (f) Recreational facilities shall be located a minimum of one-hundred and fifty (150) feet from private dwellings, with a landscaped buffer provided to reduce noise and maintain privacy, unless the dwelling is proposed to be an integral component of the recreational facility.
 - (g) No mining activities shall occur within two-thousand (2,000) feet of the community boundaries of Capay, Esparto, Madison, Woodland, and/or Yolo. This setback may be reduced by up to five-hundred (500) feet when existing mature vegetation, proposed landscape buffers of a sufficient height and density to create a visual buffer (consisting of native species and fence-row habitat appropriate to the area), or other site-specific characteristics reduce potential incompatibilities between urban land uses and mining. Commercial mining shall not take place east of County Road 96.

No new processing plant facilities or material stockpiles are proposed. The mining area within 1000 feet of Interstate 505 will not exceed 50 acres at any one time. A landscaped buffer has been planted along the Interstate right-of-way. The operation is consistent with all other applicable setback requirements.

Cultural Resources

- 72. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).
 - a. Section 10-4.410:
 - (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and

- demonstrate how the proposed mitigation would serve the public interest.
- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. 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 Agency.

The operator acknowledges the requirements of the condition. As described in the project-level EIR, cultural resource sites have been discovered within the permitted area. See #74 below.

73. The operator shall implement a training program that alerts project employees involved with earthmoving as 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 (Mitigation Measure 4.11-1b).

A training guide prepared by Holman and Associates has been provided to the operator's employees.

74. No mining within the Snyder West parcel (Phases 4 and 6) shall be conducted until an accurate mapping of YOL-69 is completed, and the site is evaluated by an archaeologist to determine its significance and uniqueness. The following tasks shall be performed:
- a. Contract a surveyor to accurately map the cultural resource site on a topographic map, based on information, preliminary map, and recommendations contained in the YOL-69 mechanical subsurface testing report (Holman & Associates, 1996). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.
 - b. Mapping of the resource shall be completed prior to commencement of mining in mining areas that include the resources.
 - c. Register the information obtained, including a map of the Yol-69 site, on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director.
 - d. Before mining begins on Yol-69, an archaeologist shall be contracted to evaluate the Yol-69 site and determine its significance and uniqueness as defined in Appendix K of CEQA. A program of in-field evaluation testing shall be undertaken inside the newly recorded borders of Yol-69 to determine its significance. The evaluation of this site shall be extensive enough to guide the development of a mitigation program if the site is found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of this site to monitor for indicators of human skeletal remains.
 - e. If it is determined that the site contains significant cultural resources, an appropriate mitigation program shall be developed, before mining begins on Yol-69, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and could include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any

indication of human skeletal remains (Mitigation Measure 4.11-2a).

The operator acknowledges the requirements of the condition. The site has been mapped and its boundaries located. The mapping report was provided to the County in 1997. The cultural resources in connection with the existence of Yol-69 were delineated, catalogued and removed by Holman and Associates during the spring and summer of 2002. It was done in accordance with all applicable laws and with the cooperation of the Cortina Band of the Wintun tribe. All cultural resources deemed significant were removed for further analysis and study. Skeletal remains were encountered and removed from the site to be analyzed under a protocol developed by Holman and Associates and approved by the Cortina Band. A letter outlining the activities was sent to Yolo County in September 2002. Analysis of the remains occurred in 2003. The remains have been interred at a location on site in an area that will not be disturbed in accordance with the approved protocol. The location was surveyed and provided to the proper authorities. A final report on the findings has been prepared and published in 2004. An application was approved to change the sequence of phasing to 1-6 sequentially as a result of the removal of Yol-69. A final report has been submitted to the County.

75. Implement Mitigation Measure 4.11-1b of the Final EIR for the proposed project (Mitigation Measure 4.11-2b).
 - a. Mitigation Measure 4.11-1b: **See Condition 73.**
76. Implement Mitigation Measure 4.11-1a of the Final EIR for the proposed project (Mitigation Measure 4.11-2c).
 - a. Mitigation Measure 4.11-1a: Implement Mitigation Measure 4.11-1a of the OCMP Program EIR: **See Condition 72.**

Hazards

77. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).
 - a. Section 10-4.415: **See Condition 64, part (b). All internal combustion engines shall be kept in good working order. Scrapers, draglines and excavators have been replaced with an electric dredge.**
78. Implement the performance standard included in Sections 10-4.406 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 (Mitigation Measure 4.12-3a).
 - a. Sections 10-4.406, 10-4.431, and 10-5.530: **See Condition 33.**
 - b. Section 10-5.510: **See Condition 45, part (f).**

**TEICHERT AGGREGATES (ESPARTO) COMPLIANCE REVIEW
MINING AND RECLAMATION PERMIT #95-094**

MINING AND RECLAMATION STATUS

No mining or reclamation occurred at the Teichert Esparto site in 2009 or 2010. The total disturbed acreage remains at 148 acres. No acreage has been reclaimed to date. The Yolo County Planning Commission approved an Interim Management Plan for the site on June 9, 2011.

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-290, staff has reviewed the terms of the agreement and determined that the operator is in compliance with all terms of the agreement.

YOLO COUNTY APPROVALS

The known permit history is as follows:

December 17, 1986 -- Zone File No. G-10 approved by the Planning Commission to allow for in-channel mining with reclamation to a streamway. The permit included the construction and operation of a gravel processing and asphalt batch plant.

September 26, 1995 -- Zone File No. 94-061 approved by the Board of Supervisors to allow for short-term, off-channel mining on 57 acres over a 3-year period with reclamation to agriculture as well as continued operation of the processing and batch plants.

November 25, 1996 -- Zone File No. 95-094 approved by the Board of Supervisors on to allow for off-channel mining on 148 acres over a 30-year period with reclamation to permanent lakes and habitat. This permit superseded Zone File No. 95-061 (see November 1996 Planning Commission staff report). Any rights under Zone File No. G-10 were relinquished in 1996 under Section 2.2.4 of the DA.

October 15, 1997 – A Flood Hazard Development Permit (Zone File No. 97-047) was issued for construction of two washwater ponds within the channel.

June 16, 1998 -- Amendment to Zone File No. 95-094 approved by the Board of Supervisors to modify Condition of Approval No. 44 by allowing for an extension of time in which to construct improvements on County Road 19.

June 6, 2000 -- Amendment to Zone File No. 95-094 approved by the Board of Supervisors to allow for a change in the phasing of the excavation and reclamation sequence by allowing Phase III mining to occur prior to Phase II.

December 12, 2000 – Resolution No. 00-228 approved by the Board of Supervisors acknowledging the aggregate industry's voluntary program to reduce NOx emissions from heavy duty off-road mining equipment by 20 percent by November 1, 2005.

June 9, 2011 – Interim Management Plan approved by the Planning Commission for

maintenance of idle mine site until operations resume.

OTHER AGENCY APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. Teichert Aggregates has an Authority to Construct Permit from the Yolo-Solano Air Quality Management District and a Waste Discharge Permit from the Regional Water Quality Board. The operator has also submitted its annual reporting form to the California Department of Conservation. The operator has a Hazardous Materials Business Plan (Consolidated Contingency Plan) on file with the Yolo County Health Division.

CONDITIONS OF APPROVAL

Conditions for ZF# 95-094 are as follows:

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.

The operator acknowledges the requirements of the condition. No claims or actions have been filed against the County regarding this permit.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,176,471 (mined tonnage). Any increase in the annual production limit to allow temporary responses to market demand under Section 10-4.405 of the Off-Channel Mining Ordinance will require approval by the Planning Commission and appropriate environmental review. 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 operator acknowledges the requirements of the condition. The operator has reported 2009 and 2010 sales figures to staff. Sales did not exceed the annual production limits described above. Teichert Esparto has been idle since January 2010.

3. The operator shall pay ~~\$0.15~~ \$0.35 per ton to the County for every ton of aggregate materials sold. The operator shall pay ~~\$0.05~~ \$0.10 per ton to the Cache Creek

Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. 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.

The operator acknowledges the requirements of the condition. All 2009 and 2010 fees have been paid.

4. 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.

The operator acknowledges the requirements of the condition. Permitted reserves have not been depleted, nor has the 30-year life of the permit expired.

5. This Mining Permit, including operation of the processing plant, is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

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.

Mining under this permit commenced on January 1, 1998. Written confirmation that mining will commence was received December 4, 1997. This permit will expire on January 1, 2028.

6. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

The operator acknowledges the requirements of the condition. Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected from the operator under the Yolo County Gravel Mining Fee Ordinance (see Condition 3). Implementation costs are paid by the operator as they occur. The operator is current in all payments.

7. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$135,249 for reclamation of Phase 1 and the processing plant site, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

The operator acknowledges the requirements of the condition. In 2009 and 2010

the operator maintained bonds in the amount of \$864,988.76 for the Reiff property and plant site, and \$431,449.41 for the Mast property. The bonds named the County of Yolo and the California Department of Conservation as beneficiaries.

8. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

The operator acknowledges the requirements of the condition. No substantive changes have been made in the project description. The Board of Supervisors approved the following amendments to ZF 95-094:

June 16, 1998 -- Amendment to Zone File No. 95-094 approved by the Board of Supervisors to modify Condition of Approval No. 44 by allowing for an extension of time in which to construct improvements on County Road 19.

June 6, 2000 -- Amendment to Zone File No. 95-094 approved by the Board of Supervisors to allow for a change in the phasing of the excavation and reclamation sequence by allowing Phase III mining to occur prior to Phase II.

9. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), mining shall not occur on the Mast property (Assessor Parcels 049-120-10 and 11) until the Notice of Nonrenewal has expired.

The operator acknowledges the requirements of the condition. The Notice of Nonrenewal expired in 2005. The operator began mining the Mast property in April 2005.

10. This Mining Permit, and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, closure and reclamation of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

The operator acknowledges the requirements of the condition. Development Agreement No. 96-290 was executed between the County and the operator on December 30, 1996, which included all of the above elements.

11. Mining shall begin at the northern edge of the proposed mining area and proceed south. Mining shall not occur within 700 feet of the CCAP channel boundary until the 200-foot buffer required under Section 10-4.429(d) of the Off-Channel Surface Mining Ordinance is in place.

The operator acknowledges the requirements of the condition. Revised plans

(prepared by a civil engineer) were submitted to the County and accepted as being in compliance with ordinance criteria. This information was included in the 1997 Pre-commencement Report illustrating compliance with the 200-foot buffer above the 100-year elevation surface between Cache Creek and the Phase I mining area. The operator is aware that supplementary backfill will be required within the eastern portion of the Esparto plant. On June 6, 2000, the Board of Supervisors approved a modification to the mining phase sequence allowing Phase III to occur prior to Phase II.

Mining of the Mast site commenced April 1, 2005. A temporary 200-foot wide land buffer will be maintained from the southern mining boundary. This land buffer will remain in place until the eastern portion of the Esparto plant property is in compliance with the setback boundary of 200 feet.

12. The aggregate processing plant, located on the southern 30 acres of Assessor Parcel 049-210-06, and the 200-foot channel buffer to be backfilled along the levee separating the plant from Cache Creek, shall be reclaimed in accordance with the CCAP.

The operator acknowledges the requirements of the condition. In November 1997, Jones and Stokes Associates prepared a conceptual reclamation plan for the processing plant site that is consistent with the intent of the Cache Creek Resources Management Plan. (The operator's GIS staff and Mine Engineer have determined that the processing plant's footprint is 70 acres, not 30 acres.

13. The private driveways extending from County Roads 19A and 19 to the project site shall be maintained with an all-weather surface (minimum 20 feet wide) during the life of the Mining Permit. Maintenance of the private driveways to provide safe passage of local traffic and emergency vehicles shall be the responsibility of the operator.

The operator acknowledges the requirements of the condition. The 20-foot private driveway contiguous to County Road 19 is maintained with an all-weather surface. Road 19A was vacated by the County in May 1998. The surface is maintained per the condition criteria.

14. 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.

The operator acknowledges the requirements of the condition. Soil stockpiles are located in previously mined areas, near the processing plant site, that have not previously been farmed. The stockpile location has not changed from the original approval.

15. 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.

No violations have been issued by the County for this operation during 2009 or 2010. As documented in this staff report, the operator is in compliance with all applicable requirements.

16. The operator is prohibited from proceeding with any new wet excavation unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.

Wet pit mining has commenced at this site. Ambient mercury levels in the creek were determined in a study performed by Dr. Darell Slotton, Shaun Ayers, and Dr. John Reuter and were submitted to the County in December 1997. The operator acknowledges the requirements of the condition. The County is coordinating is with the operators regarding ongoing implementation of this regulation. An additional, more detailed report will be provided as part of the 2011 Annual Compliance Report.

17. 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.

The operator has updated their Hazardous Material Business Plan and Chemical Inventory annually, and their Consolidated Contingency Plan every 3 years with the Environmental Health Division. The operator acknowledges the requirements of the condition.

18. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall be amended to include 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.

The operator acknowledges the requirements of the condition. Grasslands and/or hedgerows will be used to separate riparian habitat from adjoining farmland. Teichert Esparto will be reclaimed to a lake reflecting a mosaic of habitats (emergent marsh, floodplain riparian, terrace riparian, and grasslands). Revised reclamation plans were submitted to staff on December 4, 1997.

19. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

The operator acknowledges the requirements of the condition.

20. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Teichert (Esparto) aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCRMP when mining has concluded at the site under the terms of the long-term permit, unless the long-term permit is extended under subsequent permits to allow mining of additional aggregate deposits.

See Conditions 7 and 12. The operator acknowledges the requirements of the condition.

21. 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 the 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.

Development Agreement No. 96-290 was executed between the County and the operator on December 30, 1996. Maintenance of channel improvements is guaranteed through financial assurances, CCRMP, and the Development Agreement. Operator submitted to the Technical Advisory Committee an application to improve bank protection and channel transition at Esparto, which included vegetation improvements. This work has been executed. (The fifth and final annual report for the Esparto-Reiff Bank Protection and Habitat Enhancement Project was submitted in 2003). Deed restrictions will be recorded prior to the release of financial assurances. The operator received a Flood Hazard Development Permit to repair and stabilize the southern edge of the property damaged by the 2005/2006 floods.

22. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

The operator acknowledges the requirements of the condition. The application was modified where appropriate to conform with the approved project.

- 22.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 1997. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 1998, describing the reasons for delay and a revised deadline for installation.

The operator acknowledges the requirements of the condition. Conveyors have been installed and are used to carry material to the aggregate processing plant.

- 22.6 Total production allowed under this Mining Permit shall not exceed 22.0 million tons (sold weight) and 25.9 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. 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 operator acknowledges the requirements of the condition. Cumulative production has not exceeded the overall limits. The Esparto facility has been idle since January 2010.

- 22.8 The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.

The operator acknowledges the requirements of the condition.

EIR MITIGATION MEASURES

Land Use and Planning

23. Implement the performance standards included in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance and Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.529, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).
- a. Section 10-4.413: Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are

not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report.

A combination of ditches, berms, and grading are being used to prevent stormwater runoff from entering active mining and reclamation areas. Drainage features continue to be in compliance with the mining plan. A Channel Bank and Levee Conditions is included in the 2009 and 2010 annual reports. The operator acknowledges the requirements of the condition.

- b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one-hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one-hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require 3 wells, 100 to 199 acres would require 4 wells, 200 to 299 acres would require 5 wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- (a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- (b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological

constituents shall be conducted according to the following specifications:

- (1) Prior to the removal of overburden - One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).
- (2) During wet pit mining and active reclamation - The wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.
- (3) After active reclamation - One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or

by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

Initial monitoring and sampling occurred six months prior to the removal of overburden. Staff approved the network of monitoring wells in 1997. Monitoring includes ground-water level and quality data from shallow monitoring wells and the wet pit. Both the Reiff and Mast mining sites are wet mined. Water quality reports are included in the 2009 and 2010 annual reports.

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within one-thousand (1,000) feet of a municipal water supply or within five-hundred (500) feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within one-thousand (1,000) feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approve the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

As stated in the project-level EIR, appropriate capture zone analysis was performed to evaluate the impacts of wet pit mining on the nearby off-site Mast well. The analysis demonstrated that there would be no adverse impact on the well resulting from wet pit mining.

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled “potable” or “non-potable.”

The operator acknowledges the requirements of the condition. An existing permanent toilet serves the permitted area; new facilities were not required. It received all necessary approvals from the County Building Official and the Environmental Health Department prior to commencement of the use. Water storage facilities are clearly labeled.

- e. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The Property owner shall be required to implement recommended corrective action, if

any.

The operator acknowledges the requirements of the condition. As evaluated in the project-level EIR, the approved drainage system meets the above requirements. Wet pit mining has commenced. SWPPPs are not required for operations where storm water runoff is contained onsite. A deed restriction will be placed on the site prior to the release of financial assurances.

- f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square “hog” fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining 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 restricted. Additional security (e.g. gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

The operator acknowledges the requirements of the condition. Wet pit mining has commenced. The Reiff pit is fenced with four strand wire. Entry from vacated County Road 19A is gated. A deed restriction will be placed on the site, prior to the release of financial assurances, regarding long-term fence maintenance.

- g. Section 10-5.517: Prior to the approval of reclamation of aggregate mining areas to permanent lakes, the County shall commission a sampling and analysis program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:

- (a) Average concentrations of total mercury in excess of 0.000012 milligrams per liter (mg/l) in the water; and
- (b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the

County prior to the excavation of any new wet pit mine and at years ten (10), twenty (20) and thirty (30) in the permit time period, and shall be paid for by the mining permit operators on a fair-share basis. The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five (5) years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten (10) years of biennial monitoring shall be performed after reclamation of each lake has been completed. The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

- (c) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.
- (d) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens for mercury content. Sampling and analysis shall be conducted using methodologies which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.
- (e) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site-specific data to available data on the background concentrations of mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory should be issued.
- (f) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes which prohibit fishing in the lakes and describe the fish advisory.

If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

- (g) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5') feet above the average seasonal high groundwater level with a suitable backfill material; or
- (h) Present a mitigation plan to the Yolo County Community

Development Agency which provides a feasible and reliable method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a longterm solution.)

The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan.

The County is coordinating is with the operators regarding ongoing implementation of this regulation. An additional, more detailed report will be provided as part of the 2011 Annual Compliance Report.

- h. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

The operator acknowledges the requirements of the condition. A wet pit dredge will be used during Phases 3 and 4, as provided for in Section 10-4.438.

- i. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

The operator acknowledges the requirements of the condition. Financial assurances shall be maintained to ensure that post-reclamation monitoring is executed.

- j. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

The operator acknowledges the requirements of the condition. No sewage effluent or landfill materials have been stored onsite.

- k. Section 10-5.529: All permanent wet pits shall be reclaimed to include valuable wildlife habitat as a beneficial use of the water lost from wet pits due to evaporation.

The operator acknowledges the requirements of the condition. The permanent lake (described in the approved reclamation plan) includes shoreline benches, shallow areas, riparian terracing and an upland terrace.

The operator has established a series of terraces with vertical faces along the south side of the Reiff pit creating potential swallow habitat. Soil type, cohesion and terrace stability may become problematic.

- i. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical). In order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

All slopes were designed by a registered civil engineer and meet or exceed the minimum safety threshold. Stability analyses were included in the submittal application and evaluated in the project-level EIR. Slops conform to static and pseudostatic seismic specifications.

- m. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

The operator acknowledges the requirements of the condition. No

aggregate material was removed as a result of in-channel maintenance activities during 2009 or 2010.

24. The County shall solicit the dedication of all or a portion of the project site to fulfill the open space and recreational goals of the OCMP, for that segment of the creek. The County shall also coordinate with the operator how adequate public access to the dedicated open space could be accommodated. The operator's reclamation plans shall be modified to include a public access road (Mitigation Measure 4.2-8a).

As stated in Section 2.2.8 of Development Agreement 96-290, the County has accepted the dedication of lands on the Reiff property as fulfilling the policies of the CCAP. Public access will be provided on County Road 19A via County Road 87.

Geology and Soils

25. Implement the performance standards included in Sections 10-5.504, 10-5.505, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).

- a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Yolo County Community Development Agency prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

The operator acknowledges the requirements of the condition. There are no buildings, roadways, or public facilities proposed for construction in the reclaimed areas.

- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Yolo County Community Development Agency following strong seismic shaking events. Observable damage shall be reported to the landowner. If the YCCDA determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

The operator acknowledges the requirements of the condition. No strong seismic events occurred in 2009 or 2010.

- c. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

The operator acknowledges the requirements of the condition.

26. 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 (Mitigation Measure 4.3-2a).

- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not greater than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

The operator acknowledges the requirements of the condition. Benches were approved as potential bank swallow habitat refuge along the southern edge of the Reiff pit. Slope stability analysis and a long-term maintenance plan for the habitat area was submitted during the permit process and evaluated in the project-level EIR.

- b. Section 10-4.413: ***See Condition 23(a).***
- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil engineer. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical).

Slopes steeper than 2:1 have not been proposed. All slopes continue to conform to the above requirements.

- d. Section 10-5.507: ***See Condition 24(e).***
- e. Section 10-5.508: The grading 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 minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native and non-native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Final slopes are being reclaimed as mining progresses. Erosion control measures are implemented prior to the onset of the rainy season. The operator acknowledges the requirements of the condition.

- f. Section 10-5.530: ***See Condition 23(l).***

Hydrology and Water Quality

27. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by the Yolo County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).

A Flood Hazard Development Permit was approved by the County on December 8, 1996 (96-071). Responding to damage caused by the 2005/2006 floods, the operator received a FHDP to rebuild a reinforced earthen berm along Cache Creek's flow line. Work has been satisfactorily completed.

28. The operator shall implement those measures related to the Esparto site as presented in the technical report entitled "Cache Creek: Teichert Long-Term Mining Application 200' Mining Setback Compliance" prepared by Murray, Burns & Kienlen for Teichert Aggregates in April, 1996. In addition, the operator shall provide for a continuous 200-foot minimum setback from the CCRMP boundary that is connected to (tied in) with off-site upstream areas. Prior to construction, detailed plans of the setback connection with upstream areas shall be submitted to the Community Development Director for review and approval (Mitigation Measure 4.4-2a).

See Condition 11. The area to be backfilled is landward and will not affect channel hydraulics or base flood elevations. The backfilled area will be annually inspected by a Registered Engineer to ensure stabilization.

29. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the Community Development Director for review and approval. Bank protection plans shall incorporate biotechnical methods of bank stabilization. No bank protection measures (i.e. spur dikes) shall encroach into the Test 3 channel.

Since the proposed spur dikes would encroach into the conveyance area of the 100-year flood channel, additional hydraulic modeling shall be conducted to ensure that the structures would not have adverse flooding impacts. Alternatively, the proposed bank protection measures may be modified to eliminate the spur dikes, providing alternate bank protection measures in conformance with the guidelines contained in the Cache

Creek Resources Management Plan and Cache Creek Improvements Program (Mitigation Measure 4.4-2b).

The operator acknowledges the requirements of the condition. A Flood Hazard Development Permit (Zone File No. 97-047) concerning bank protection for the subject site was reviewed by the Technical Advisory Committee and approved on October 15, 1997. The proposed bank protection measures were modified to eliminate the spur dikes, and instead rely on channel bank construction to implement the Test 3 boundary. Information was submitted with the permit application demonstrating that there would be no adverse flooding impacts resulting from the channel improvements. Work is completed and performing satisfactorily. The final monitoring report prepared by the Operator's Habitat Restoration Biologist was submitted with the 2003 Annual Compliance Report.

30. The operator shall not mine within 700 feet of the northern border of the previously mined area until bank stabilization required by mitigation has been provided along the length of the in-channel levee. Prior to mining within 700 feet of the CCRMP boundary, the operator shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use Mitigation Measure 4.4-2c).

See Condition 28. The operator acknowledges the requirements of the condition.

31. The operator shall conduct annual monitoring and maintenance of the in-channel levees (former channel bank) during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include a visual inspection of the channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but shall not be limited to, the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include the formation of tension cracks, accurate scarps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps photographs) and the estimated area and volume of eroded materials or slope failure, 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 that the mine is in operation (Mitigation Measure 4.4-2d).

The operator acknowledges the requirements of the condition. The report on channel bank and levee conditions are prepared annually following the end of the rainy season, and submitted with the Annual Compliance Report.

32. Following reclamation, the YCCDA 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 the channel banks and levees (Mitigation Measure 4.4-2e).

Reclamation has not been completed for any phase to date. A deed restriction will be placed on affected properties prior to the release of financial assurances. The

operator acknowledges the requirements of the condition.

33. The operator shall enter into a legally-binding agreement with the County that commits the operator 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 Condition #33. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, and channel maintenance mining recommended by the County (Mitigation Measure 4.4-2f).

Development Agreement No. 96-290 was executed between the County and the operator on December 30, 1996. Section 3.1 of the agreement requires the operator to participate and abide by the CCAP.

34. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2g).

In a letter date July 10, 1996, the DSD determined that the alluvial separators created by the operator's project would not be subject to their jurisdiction. (Letter in the 1997 Pre-commencement Report).

35. The operator shall obtain approval from the Community Development Director to allow the use of Quickflow for capture zone analysis or model site conditions using the U.S. Environmental Protection Agency model WHPA. Approval shall be obtained prior to the commencement of mining below the average high groundwater elevation (Mitigation Measure 4.4-3b).

As stated in the project-level EIR, the use of Quickflow was accepted by the County for evaluation in groundwater modeling.

Agriculture

36. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-1a).

a. Section 10-5.525: All mining permit applications that include "prime farmlands" as defined by the provisions of the Williamson Act shall identify the location and acreage of "prime farmlands," which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of "prime farmland" that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset (at a 1:1 ratio) the conversion of these lands. The potential offsets can included, but not be limited to, one or more of the following options:

- (a) Identification of improvements by a qualified soil scientist to the agricultural capability of non-prime lands within or outside the project site that convert non-prime to prime agricultural conditions. These

improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.

- (b) Placement of permanent conservation easements on land meeting the Williamson Act definition of "prime farmland." The operator shall be encouraged to target property "at risk" of conversion to non-agricultural uses in selecting areas for the offset. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject.
- (c) Demonstration of the ability to provide irrigation to non-prime lands limited only by the lack of an irrigation water supply. The identified water supply cannot be provided at the expense of "prime farmlands" currently using the same water supply.

The Esparto project results in the permanent conversion of 42 acres of prime farmland. The loss distribution reflects 18 acres at Reiff (Phase I) and 24 acres at Mast (Phase II). The 1:1 offset for loss of prime soil for Woodland and Esparto (mining permits ZF #95-095 and ZF #95-094) is 123 acres. Mitigation for the loss will occur on the Muller and Haller properties. The Muller property (a portion of APNs 024-350-030 and 025-350-032) will offset 101 acres, and the remaining 22 acres will be located at Haller (a portion of APN 025-350-028). The County accepted this agricultural conservation easement on March 7, 2000.

The operator proposes to place 42 acres of prime agricultural land on the Muller Parcel (APN: 025-350-30) into a permanent conservation easement to offset prime agricultural losses. The parcel is not currently in a Williamson Act contract and is close to the Growth Management Area located in the Dunnigan Hills, north of Cache Creek. (Note: Reclamation of Haller has concluded and financial surety bond has been released. Reclamation of Muller site is in progress).

Biological Resources

- 37. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining for the estimated loss of 148 agricultural acres converted to open water habitat. It is anticipated that the 1:1 offset mitigation required for the loss of prime agricultural land would apply as mitigation for this impact as well (Mitigation Measure 4.6-4a).

A 2081 authorization was granted by CDFG in December of 1997. A copy has been provided to staff. On March 7, 2000 the Board of Supervisors accepted the Habitat Conservation Easement on 121 acres for the operator's Woodland and Esparto Long-Term, Off-channel mining permits.

- 38. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-

term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

The operator received an Incidental Take Permit (no. TE019954-0) from USFWS on December 20, 1999. This permit allowed the potential disturbance of the Valley Elderberry Longhorn Beetle associated with the transplanting of four shrubs to the Haller conservation easement mitigation site. The shrubs have been transplanted. The operator completed the 5th year of the Elderberry Mitigation Monitoring Report in 2005.

39. Implement the performance standard included in Section 10-4.433 of the County Off-Channel Mining Ordinance to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-6a).
- a. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

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

The operator acknowledges the requirements of the condition.

- 39.5 A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to commencement of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:
- a. Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.

- b. If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.
- c. Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.
- d. Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-7a).

The raptor survey was completed as a part of permit application. One abandoned nest was located south of Phase 1. No active nest sites were discovered during the survey. A copy of the report was submitted to CDFG.

Air Quality

- 40. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).
 - a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

See Condition 22.3. Operator is using a portable conveyor system.

- 41. The proposed asphalt batch plant shall include Best Available Control Technology (BACT) for control of air pollutant emissions. The YSAQMD shall be responsible for review and approval of the batch plant prior to installation (Mitigation Measure 4.7-1b).

Prior to granting the permit for the asphalt batch plant, the YSAQMD determined that BACT were being employed at the subject site. No further action warranted.

- 42. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).
 - a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden. ***See Condition 22.3. Operator is using a portable conveyor system.***
 - b. Section 10-4.415: 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. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

The operator's Spill Prevention Control and Countermeasure Plan has been modified to include the above provisions and was submitted to staff on December 4, 1997.

42.1 Whenever possible and feasible, the operator shall use clean air vehicles and equipment and/or shall retrofit existing vehicles and equipment with diesel particulate filters (DPFs).

The operator acknowledges the requirements of the condition.

Traffic and Circulation

43. The operator shall pay a fair share (\$1,200) toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$900 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-1a).

A check for \$1,200 was sent by the operator to the City of Woodland in September, 1997. No further action warranted.

44. Within three years of project approval, the operator shall either realign the non-standard portion of County Road 19, between the project entrance and Interstate 505, or shall widen the travel lanes. The operator shall also replace the non-standard bridge located on County Road 19, between the project entrance and Interstate 505. The operator shall pay 50 percent of the local share of the total cost of the improvements (Cache Creek Aggregates or its successor in interest paying the other 50 percent), and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (Mitigation Measures 4.8-2a and 4.8-3a).

The operator acknowledges the requirements of the condition. Construction of County Road 19 improvements and bridge replacement were completed in December of 1999.

45. The operator shall assume joint pavement maintenance responsibility with Cache Creek Aggregates (or its successor in interest) Yolo County on County Road 19, between the project entrance and Interstate 505, for the life of the permit. The operator shall submit an annual evaluation of the structural integrity of the road to the County and shall implement pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year. The cost of annual pavement improvements, other than

those implemented as a part of the County's regular maintenance program, shall be proportionally allocated between the operator and Cache Creek Aggregates, or its successor in interest, based on the previous year's sales figures for each of the two operations, as reported to the County (Mitigation Measure 4.8-4a).

The operator acknowledges the requirements of the condition.

Noise

46. The operator shall construct a temporary berm, with a minimum height of 10 feet, along the northeastern boundaries of the proposed mining area to reduce noise at the Mast residence (APN: 049-210-11). The berm shall be completed prior to the commencement of overburden on the Mast parcels and shall remain in place until the overburden layer is removed. As an alternative to constructing the berm, the operator shall secure a contractual agreement from the resident, that indemnifies the County and reflects an understanding and acceptance of the noise impacts. A copy of the signed agreement shall be provided to the Community Development Director prior to the commencement of mining on the Mast parcels (Mitigation Measures 4.9-2a and 2b).

Mining began at the Mast property in April 2007. A copy of the noise agreement was provided to the Community Development Director and is on file with the Planning and Public Works Department.

47. A noise study of the wet-pit dredge shall be performed by a qualified acoustical consultant of the wet-pit dredge, and submitted to the Community Development Director for review and approval within 60 days after dredging operations commence. The noise study shall include recommendations to reduce noise below the performance standards established in Section 10-4.421 of the County Off-Channel Mining Ordinance and the operator shall implement all such recommendations. Dredge noise mitigation may include, but shall not be limited to, screens, shielding panels or other measures to achieve sufficient attenuation. Failure to meet the referenced performance standards shall be grounds for the County to revoke approval of the dredging operations (Mitigation Measure 4.9-3a).

The operator acknowledges the requirements of the condition. The operator anticipates that it will comply with this condition via the option presented in Condition 48.5.

48. The wet pit dredge shall not be operated within 300 feet of the Mast residence at any time (Mitigation Measure 4.9-3b).

The operator acknowledges the requirements of the condition. The operator anticipates that it will comply with this condition via the option presented in Condition 48.5.

- 48.5 As an alternative to Mitigation Measures 4.9-3a and b (Conditions of Approval 47 and 48), the operator may secure a contractual agreement from the resident, that indemnifies the County and reflects understanding and acceptance of the noise impacts (Mitigation Measure 4.9-3c).

The operator acknowledges the requirements of the condition. A contractual

agreement was executed with the Mast family allowing the operator the ability to encroach on the 1,500 foot setback to the Mast residence.

49. Implement the performance standards included in Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-5a).
- a. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

The operator acknowledges the requirements of the condition. See Condition #46.

Cultural Resources

50. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).
- a. Section 10-4.410:
- (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.
- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. 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 Agency.

As described in the project-level EIR, no cultural resources were located within the permitted area. No human remains have been discovered at the project site. The operator acknowledges the requirements of the condition.

51. The operator shall implement an explicit training program that alerts project employees involved with earthmoving as 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 consultant (Mitigation Measure 4.11-1b).

The operator acknowledges the requirements of the condition. A training video has been prepared by Jensen and Associates regarding cultural resources and has been shown to the operator's employees.

Hazards

52. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).

See Condition 42, part (b). The operator acknowledges the requirements of the condition.

**TEICHERT AGGREGATES (WOODLAND) COMPLIANCE REVIEW
MINING AND RECLAMATION PERMIT #95-095**

MINING AND RECLAMATION STATUS

In 2009, a total of five acres were disturbed on the Coors site (Phase II), bringing the total disturbed acreage of the site to 89 acres since mining began. No new mining occurred at Coors in 2010. Mining began at the Storz site (Phase III) in 2009 with a total of six acres being disturbed. In 2010, an additional 17 acres were disturbed at Storz.

Reclamation was completed in 2010 at the Muller site (Phase I), and monitoring of the site continues to date. Teichert completed minor revegetation of the slopes at Coors in 2009. No reclamation has occurred at Storz.

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-286, staff has reviewed the terms of the agreement and has found the operator to be in compliance with all of its terms.

YOLO COUNTY APPROVALS

The known permit history is as follows:

January 4, 1955 – Planning Commission minutes reflect that A. Teichert and Sons was operating a sand and gravel business on 260 acres on CR 20 under an existing use permit.

August 1, 1961 -- Zone File No. 1161 approved by the Planning Commission for a variance to allow the commercial operation, storage, and wholesale and retail distribution of asphaltic oil for paving purposes. No conditions were placed on the use permit approval.

May 16, 1972 -- Zone File No. 1937 approved by the County Planning Commission on to allow for the expansion of the existing rock, sand, and gravel plant by the addition of a commercial asphalt mixing plant and related activities.

October 29, 1980 -- Zone File No. G-4 approved by the Planning Commission to allow for in-channel mining on 361 acres with reclamation to a streamway.

May 4, 1989 -- Zone File No. G-12 approved by the Planning Commission to allow for in-channel mining at the Coors-Fong site and the Muller site. Both sites have been reclaimed and the financial assurances have been released.

September 5, 1995 -- Zone File No. 94-062 approved by the Board of Supervisors to allow for short-term, off-channel mining on 92 acres over a 3-year period with reclamation to agricultural row-crop production.

July 24, 1996 -- Zone File No. 96-041 approved by the Planning Commission to allow for a minor modification to replace existing asphalt processing equipment with new and more efficient equipment. The requirements of the permit superseded those of ZF# 1161 and 1937.

November 25, 1996 -- Zone File No. 95-095 and Development Agreement No. 96-286 approved by the Planning Commission to allow for off-channel mining on 272 acres over a 30-year period, with reclamation to permanent lakes, habitat, and row-crop production. This permit superseded portions of Zone File No. 94-062 on January 1, 1998. Zone File No. 96-041 remains in effect and provides separate vesting for the plant facilities only (see November 1996 Planning Commission staff report). Any rights remaining under Zone File Nos. G-4 and G-12 were relinquished under Section 2.2.4. of the DA.

April 28, 1998 -- Amendment to Zone File No. 95-095 approved by the Board of Supervisors on, to modify Section 2.2.8. (iii) of Development Agreement 96-286 to allow an extension of time for construction of the Rodger's groundwater recharge facility.

September of 1998 -- Minor modification to Zone File No. 95-095 approved by the Director of Planning and Public Works to allow for grasses to be established on the berms located north and west of Phase 1, instead of landscaping.

January 18, 2000 -- Amendment to Zone File No. 96-041 approved by the Board of Supervisors accepting a permanent agricultural conservation easement on 123 acres of prime agricultural land.

December 12, 2000 -- Resolution No. 00-228 approved by the Board of Supervisors acknowledging the aggregate industry's voluntary program to reduce NOx emissions from heavy duty off-road mining equipment by 20 percent by November 1, 2005.

October 5, 2004 -- Resolution No. 04-169/Agreement No. 04-312 authorized by the Board of Supervisors accepting dedication of Rodgers Pond.

September 27, 2005 -- Agreement No. 05-231 approved by the Board of Supervisors allowing relocation of the Teichert Woodland conveyor system on/through the Cache Creek Nature Preserve.

OTHER AGENCY APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. Teichert Aggregates has an Authority to Construct Permit from the Yolo-Solano Air Quality Management District and a Waste Discharge Permit from the Regional Water Quality Board. Teichert has also submitted its annual reporting form to the California Department of Conservation. The operator has a Hazardous Materials Business Plan (Consolidated Contingency Plan) on file with the Yolo County Health Division.

CONDITIONS OF APPROVAL

Conditions for ZF# 95-095 are as follows:

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.

No claims or actions have been filed against the County regarding the permit. The operator acknowledges the requirements of the condition.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,176,471 (mined tonnage). The operator may exceed this amount by 20 percent to 1.2 million tons (sold) in any one year, in order to meet temporary market demand. However, production over any consecutive 10-year period shall not exceed 10,000,000 tons (sold). Under no circumstances may annual production exceed 1.2 million tons (sold).

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 operator has reported 2009 and 2010 sales figures to staff. Sales did not exceed the annual production limits described above.

3. The operator shall pay ~~\$0.15~~ \$0.35 per ton to the County for every ton of aggregate materials sold. The operator shall pay ~~\$0.05~~ \$0.10 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. 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.

All 2009 and 2010 fees have been paid. Fees are paid on a quarterly schedule. Operator is current in posting payments to the County.

4. The operator shall pay \$0.10 per ton to the County for every ton of aggregate materials sold in excess of 1.0 million tons (sold) annually. 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.

Production did not exceed 1,000,000 tons sold weight in 2009 or 2010. No additional fees were required. As stated in Condition #3 above, the per ton fee for tonnage in excess of the base amount was raised to \$0.20.

5. 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.

Permitted reserves have not been depleted, nor has the 30-year life of the permit expired. The operator acknowledges the requirements of the condition.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after the permit has been approved, then this Mining Permit shall be null and void.

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.

Mining under this permit commenced on January 1, 1998. Written confirmation that mining would commence was received on December 4, 1997. This permit will expire on January 1, 2028.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected under the Yolo County Gravel Mining Fee Ordinance (See Condition 3). Implementation costs are paid for by the operator as they occur. The Operator is current in all payments.

8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$87,221 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

The operator acknowledges the requirements of the condition. A bond for \$87,221 was submitted by the operator on October 10, 1997, naming the County of Yolo and the California Department of Conservation as beneficiaries, for the reclamation of Phase 1.

In 2009-2010 Teichert maintained a bond in the amount of \$483,119.78 for the plant site and \$724,391.94 for the mining site naming the County of Yolo and the California Department of Conservation as beneficiaries.

9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

The operator acknowledges the requirements of the condition. See the "Yolo County Approvals" section above for information on modifications and

amendments.

10. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

Development Agreement No. 96-286 was executed between the County and the operator on December 30, 1996. The approved Development Agreement included all of the above elements.

11. 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.

The operator continues to be in compliance with this condition. Reclamation is underway at Muller, which requires the retrieval of stockpiled soils. On the Coors property, temporary soil stockpiles are located within the unmined area and/or perimeter.

12. 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.

No violations have been issued by the County for this operation during 2009 or 2010. As documented in the staff report, the operator is in compliance with the applicable requirements.

13. The operator is prohibited from proceeding with any new wet excavation unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.

The Operator commenced wet mining operations in 2004. Limited wet mining occurs at Coors, Phase II, in accordance with the approved mining permit. Ambient mercury levels in the creek were determined in a study performed by Dr. Darell Slotton, Shaun Ayers, and Dr. John Reuter and were submitted to the County in December 1997. The County is coordinating is with the operators regarding ongoing implementation of this regulation. An additional, more detailed report will be provided as part of the 2011 Annual Compliance Report.

14. Within one year of execution of the Development Agreement, the operator shall submit to the County a revised reclamation plan for the Muller site which reflects the minimum

200' setback from the Cache Creek Area Plan boundary. There will be no substantial change to the reclaimed uses proposed by the operator in the November 1996 reclamation plan for Muller other than to address the setback issue. No mining shall occur which intrudes on the 200-foot setback. Approval of the revised plan shall be by the Community Development Director with appeal rights to the Planning Commission and the Board of Supervisors.

Revised mining and reclamation plans were submitted to the County on December 4, 1997, and were determined to be in compliance with ordinance criteria. This Condition has been satisfied; no further action is required.

15. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Teichert (Woodland) aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.

The operator acknowledges the requirements of the condition.

16. 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.

The Operator has a hazardous materials business plan (Consolidated Contingency Plan) on file with the Yolo County Environmental Health Division, which will expire in March/April 2013. Mining operations are regulated under the Hazardous Materials Business Plan Program and are required to update their emergency plans at least every three years (Note: Recent change in State regulations require submittal of hazardous material business plans every three years, instead of every other year).

17. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall be amended to include 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.

Revised reclamation plans were submitted to staff on December 4, 1997. The Woodland properties will be reclaimed to either agricultural use or lakes with a mosaic of habitats. Grasslands and/or hedgerows will be used to separate riparian habitat from adjoining farmland.

18. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

The operator acknowledges the requirements of the condition.

19. Create at least one permanent island to improve the wildlife habitat value of the created

wetlands. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following parameters:

- a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level to prevent complete inundation during the winter months.
- b. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
- c. The island shall be revegetated consistent with the reclamation plan, with perennial marsh and riparian vegetation in the lower terraces and drought-tolerant shrubs near the summit.
- d. A linear island is suggested for increased edge length and maximum possible distances between nesting birds.
- e. The channel of water separating the island from the shoreline shall be at least 20 feet wide and 5 feet deep at average low water elevations.

The operator acknowledges the requirements of this condition. Revised reclamation exhibits reflecting the above characteristics were included in the set submitted on December 4, 1997, in addition to being approved by the Board of Supervisors on November 25, 1996.

20. The aggregate processing plant, located on a 111.9 acre site south of Cache Creek and west of County Road 96 (APNs: 025-350-19), shall be reclaimed in accordance with the CCAP.

The operator acknowledges the requirements of the condition.

21. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

The operator acknowledges the requirements of the condition. The application has been modified where appropriate to conform with the approved project. No further action is required.

22. 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 the 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 permit 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.

Development Agreement No. 96-286 was executed between the County and the operator on December 30, 1996. Maintenance of channel improvements is guaranteed through financial assurances, the Development Agreement, and continual payment of CCRMP fees. Deed restrictions will be recorded prior to the release of financial assurances.

23. Pursuant to Section 10-4.429 of the Off-Channel Mining Ordinance, stockpiled topsoils shall be utilized as a screening berm along the western edge of the mining area during mining of the area to be reclaimed to agriculture. A combination of vegetation and berming shall be used along the relevant portion of the north side of the mining area to meet the requirements of this section. The landscape buffer shall be designed by a qualified biologist or landscape architect. The reclamation plan and Habitat Restoration Plan for Phase 1 shall be revised to incorporate the landscaped buffers and shall be submitted to the Community Development Director for review and approval prior to the commencement of mining in Phase 1.

A revised reclamation plan and HRP incorporating the landscaped buffers were submitted to County staff on December 4, 1997. Long-term landscaping was considered infeasible, due to the potential need to reuse the berm material in the reclamation of Phase 1. Agricultural reclamation commenced in the fall of 2006. The seeded berm has been removed and its material used as part of the reclamation in Phase 1. Muller Farms rotated the perimeter field adjoining the mining pit from seasonal crops to walnut trees.

24. Within one year of execution of the Development Agreement the operator shall submit to the County a revised reclamation plan for the Storz site, which reflects the minimum 200-foot setback from the Cache Creek Area Plan boundary and which meets the spirit and intent of the CCAP with respect to the shape and revegetation of the proposed reclaimed lake. No mining shall occur which intrudes on the 200-foot setback. Approval of the revised plan shall be by the Community Development Director with appeal rights to the Planning Commission and the Board of Supervisors.

A revised reclamation plan showing the 200-foot boundary was submitted and accepted by County staff in 1997.

25. Upon the completion of reclamation within Phases 1 and 2 of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, and provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

The operator acknowledges the requirements of the condition. Reclamation of Phase 1 (Muller) was completed in 2010. See Condition 43. The operator is still monitoring groundwater at the Muller site for the required 10 years after reclamation, per Condition #27b, which is required until 2020. After that monitoring condition has been completed in 2020, the Muller site would then be placed into a Williamson Act contract, provided the County is still participating in the Williamson Act program at that time.

- 25.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 1997. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 1998, describing the reasons for delay and a revised deadline for installation.

Conveyors have been installed and are operational. No further action required at this time.

- 25.6 Total production allowed under this Mining Permit shall not exceed 15.2 million tons (sold weight) and 17.9 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. 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.

Cumulative production has not exceeded the overall limits. The operator acknowledges the requirements of the condition.

- 25.7 The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.

The operator acknowledges the requirements of the condition.

- 25.8 Whenever possible and feasible, the operator shall use clean air vehicles and equipment and/or shall retrofit existing vehicles and equipment with diesel particulate filters (DPFs).

The operator acknowledges the requirements of the condition.

EIR MITIGATION MEASURES

Land Use and Planning

26. Implement Mitigation Measures 4.2-8a; 4.4-1a; 4.4-2a, f, g, h, and i; 4.4-3a and b; and 4.4-8a of the Final EIR for the proposed project (Mitigation Measure 4.2-2a).
- a. Mitigation Measure 4.2-8a: The County shall solicit the dedication of all or a portion of the Storz site to fulfill the open space and recreational goals of the

OCMP, for that segment of the creek. The County shall also coordinate with the applicant how adequate public access to the dedicated open space could be accommodated. The applicant's reclamation plans shall be modified to include a public access road, if any portion of the subject site is dedicated to the County or other non-profit group.

Section 2.2.8 of Development Agreement 96-286 requires the dedication of 64 acres of the Storz site to the County to fulfill the open space and recreational goals of the OCMP. Public access will be provided along the entire easterly boundary of the dedicated land, which fronts on County Road 94B, including northerly frontage to the centerline of Cache Creek. The operator and the County will coordinate the specifics of the public access during the dedication process. The operator acknowledges the requirements of the condition.

- b. Mitigation Measure 4.4-1a: The applicant shall obtain a floodplain development permit for excavation within the FEMA 100-year flood plain as required by the Yolo County General Plan Safety policy number 9 (S9) and the Yolo County Flood Ordinance.

A Flood Hazard Development Permit was approved by the County on December 8, 1996 (ZF 96-069). Condition satisfied.

- c. Mitigation Measure 4.4-2a: The County shall revise the CCRMP channel boundary in the vicinity of the Muller site (shown as the amended CCRMP channel boundary in Figure 4.4-11). The amended channel boundary shall reflect changes to the 100-year floodplain that have occurred subsequent to the COE modeling used to define the CCRMP channel boundary (COE 1994). The applicant is in the process of constructing a berm to provide 100-year flood protection for the site. The amended channel boundary shall follow the creek side of the flood protection berm, at the COE 100-year flood elevation. Alternately, the mining plan shall be revised to exclude areas within the existing CCRMP boundary.

Per Mitigation Measure 4.4-2a, in 1998 County staff revised the Muller CCRMP channel boundary to reflect changes to the 100-year floodplain subsequent to the COE modeling. The revised channel boundary was approved by the Board of Supervisors on April 28, 1998.

- d. Mitigation Measure 4.4-2f: 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 the channel banks and levees for evidence of erosion or slope instability. 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 tension 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 of slope failure, a determination of the cause(s) of erosion or slope failure, and recommendation for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year.

Per Mitigation Measure 4.4-2f, the operator acknowledges the requirements of the condition. The operator submits an annual report on channel bank and levee conditions each year with the Annual Compliance Reports due November 1 of each year. In September 2009, GEI Consultants inspected Muller and Coors (Phases I & II), and determined that they were in compliance with the Conditions of Approval. In October 2010, GEI Consultants inspected Muller, Coors, and Storz (Phases I, II, and III, respectively), and determined that they were in compliance with the Conditions of Approval. Full reports are included with each Annual Compliance Report on file with the Planning and Public Works Department.

- e. Mitigation Measure 4.4-2g: Following reclamation, the Community Development Director 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 operator acknowledges the requirements of the condition. Reclamation has not been completed within any phase to date. A deed restriction will be placed on affected properties prior to the release of financial assurances.

- f. Mitigation Measure 4.4-2h: The operator shall enter into a legally-binding agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the creek frontage owned or controlled by the applicant. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the county, and channel modification at bridges near the site (Mitigation Measure 4.4-2h).

The Development Agreement commemorates the legally binding duty of the operator to participate in the implementation of the CCIP program for that portion of the creek frontage owned or controlled by Teichert. See Condition 22.

- g. Mitigation Measure 4.4-2i: Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction.

Condition satisfied. In a letter dated July 10, 1996, the DSD determined that the alluvial separators created by the operator's project would not be subject to their jurisdiction.

- h. Mitigation Measure 4.4-3a: Implement OCMP EIR Mitigation Measure 4.4-2a, using MODFLOW and PATH3D for capture zone analysis.
- i. Mitigation Measure 4.4-2a: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within one-thousand (1,000) feet of a municipal water supply or within five-hundred (500) feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within one-thousand (1,000) feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approved the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

The operator acknowledges the requirements of the condition. Capture analysis was reviewed during the entitlement process, and modeling demonstrated that Phases I and II do not adversely impact wells within 1,000 feet. Active mining is occurring at Coors, and reclamation is underway at Muller. Groundwater conditions continue to be monitored and reported annually. See Condition 26, part (I).

- i. Mitigation Measure 4.4-3b: Conduct groundwater modeling to identify the vertical extent of the Storz domestic well 30-day and 1-year capture zones for both the upper and lower aquifers. Modeling should explicitly account for seepage of water from the upper aquifer through the well packing materials. Excavation boundaries and/or depths shall be adjusted as necessary to ensure that the Storz well in the lower aquifer would not draw from the proposed Storz pond in the shallow aquifer. As an alternative, the applicant may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts.

The operator acknowledges the requirements of the condition. Mining has begun at Storz. The operator submitted a report addressing the conditions of this requirement, with the 2010 Annual Compliance Report.

- j. Mitigation Measure 4.4-8a: The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well (compared to currently permitted conditions).

If the applicant proposes to increase groundwater pumping to meet the increased water demand, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the Woodland processing plant would not adversely affect active water supply wells within 1,000 feet of the plant well, as compared to currently permitted conditions. The proposed incremental increase in pumping shall be lessened as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using analytical methods or MODFLOW and shall assume historic average low groundwater levels. Groundwater modeling of the project area submitted with the project application (Luhdorff and Scalmanini, 1995) could be modified to include the plant well and vicinity.

The operator acknowledges the condition. No increase in groundwater pumping has been proposed. The only significant consumptive use of water in the plant operation is the addition of water to increase the moisture content of the sand that is processed. The source for the recycled water is the nearby wash water settling basins, located within the processing plant. This will result in a decrease in overall pumping from the plant well, which will only be used one-third of the time it is currently operated.

27. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 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 (Mitigation Measure 4.2-6a).
 - a. Section 10-4.413: Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent

flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report.

The operator acknowledges the requirements of the condition. The perimeters of the mining areas area at grade and drain away from the pit areas. Surface water will be directed into an onsite drainage swale and/or to drop pipes. Operator uses a combination of ditches, berms, and grading to prevent stormwater runoff from entering the active mining area. Muller (Phase I) and Coors (Phase II) was inspected for drainage compliance by a registered engineer from GEI Consultants in September 2009 and October 2010. No bank erosion or instability was detected. All drainage pathways/pipes are installed.

As stated in Condition #40, a SWPPP is not required for operations where all stormwater runoff is contained on-site.

- b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one-hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one-hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require 3 wells, 100 to 199 acres would require 4 wells, 200 to 299 acres would require 5 wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be

evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- (a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- (b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:
 - (1) Prior to the removal of overburden - One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).
 - (2) During wet pit mining and active reclamation - The wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).

One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.
 - (3) After active reclamation - One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

The operator submitted groundwater monitoring reports to staff in 2009 and 2010. As in past years, the assessment of conditions during 2009 and 2010 indicates that the off-channel mining operations have not impacted levels or quality at Muller. Levels remain generally consistent with measurements recorded during previous years. The contour maps show that the direction of ground-water beneath the area has consistently been to the east and southeast. In 1997, staff approved the Woodland monitoring well network. Wells are measured on a quarterly basis. Wet pit mining has begun (see Condition #13). Operator acknowledges that upon initiating wet mining, semi-annual water quality testing is required for the duration of mining and during active reclamation.

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located

within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within one-thousand (1,000) feet of a municipal water supply or within five-hundred (500) feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within one-thousand (1,000) feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approve the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

See Condition 26, part (h). Recycling of wash water reduces groundwater usage. The operator acknowledges the requirements of this condition.

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled "potable" or "non-potable."

An existing permanent toilet serves the permitted area. It received all necessary approvals from the County Building Official and the Environmental Health Department prior to commencement of the use. On-site water storage facilities are clearly labeled. Condition satisfied.

- e. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The property owner shall be required to implement recommended corrective action, if any.

The operator acknowledges the requirements of this condition. As evaluated in the project-level EIR, the approved drainage system meets the above requirements. A deed restriction will be placed on each phase, prior to the release of financial assurances.

- f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining 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 restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

All three mining sites are fenced. Wet pit mining has concluded at the Muller site and commenced at Coors (Phase II). Two gates are installed on private driveways entering from County Road 94B. A deed restriction will be placed on the property, prior to the release of financial assurances, regarding long-term fence maintenance. The operator acknowledges the requirements of the condition.

- g. Section 10-5.517: Prior to the approval of reclamation of aggregate mining areas to permanent lakes, the County shall commission a sampling and analysis

program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:

- (a) Average concentrations of total mercury in excess of 0.00012 milligrams per liter (mg/l) in the water; and
- (b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the County prior to the excavation of any new wet pit mine and at years 10, 20, and 30 in the permit time period, and shall be paid for by the mining permit operators on a fair-share basis. The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten years of biennial monitoring shall be performed after reclamation of each lake has been completed. The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

- (c) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.
- (d) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens for mercury content. Sampling and analysis shall be conducted using methodologies which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.
- (e) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site specific data to available data on the background concentrations of mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory

should be issued.

- (f) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes which prohibit fishing in the lakes and describe the fish advisory.

If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

- (g) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5) feet above the average seasonal high groundwater level with a suitable backfill material; or
- (h) Present a mitigation plan to the Yolo County Community Development Agency which provides a feasible and reliable method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a long-term solution.)

The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan.

The County is coordinating is with the operators regarding ongoing implementation of this regulation. An additional, more detailed report will be provided as part of the 2011 Annual Compliance Report.

- h. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

No body of water has been created. The operator acknowledges the requirements of the condition.

- i. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for (10) years after the completion of reclamation.

The operator acknowledges the requirements of the condition. Financial assurances will be maintained to ensure that post-reclamation monitoring is completed.

- j. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

No sewage effluent or landfill materials have been stored on site. The operator acknowledges the requirements of the condition.

- k. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Slope stability analyses were submitted with the application and evaluated in the project-level EIR. All slopes have been designed by a registered civil engineer and meet or exceed the minimum safety thresholds. Slopes conform to static and pseudostatic seismic specifications. The operator acknowledges the requirements of the condition.

- l. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

No aggregate material was removed as a result of in-channel activities during 2009 or 2010. The operator acknowledges the requirements of the conditions.

- 27.5 The County shall solicit the dedication of all or a portion of the Storz site to fulfill the open space and recreational goals of the OCMP for that segment of the creek. The County shall also coordinate with the operator to provide public access to the planned recreation node. The applicant's reclamation plan shall be revised as appropriate (Mitigation Measure 4.2-8a).

The operator acknowledges the requirements of the condition. Section 2.2.8 of the Development Agreement requires the dedication of 64 acres to the County. Furthermore, public access will be provided along the easterly boundary of Storz, including frontage to the centerline of Cache Creek. See Condition 26, part (a).

Geology and Soils

28. 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. (Mitigation Measure 4.3-1a).

- a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Yolo County Community Development Agency prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

There are no buildings, roadways, or public facilities proposed for construction in the reclaimed areas.

- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Yolo County Community Development Agency following strong seismic shaking events. Observable damage shall be reported to the landowner. If the YCCDA determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

No strong seismic events occurred in 2009 or 2010. The operator acknowledges the requirements of the condition.

- c. Section 10-5.512: The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be leveled to the field grade specified in the approved reclamation plan.

The operator acknowledges the requirements of the condition.

- d. Section 10-5.526: The cost of implementing recommendations for repair of

reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

Repair of damage due to natural disaster is a contingency cost included in the financial assurance cost estimate. The operator acknowledges the requirements of the condition.

29. 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 (Mitigation Measure 4.3-2a).

- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not greater than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

No benches were included in the approved mining and reclamation plan. The operator acknowledges the requirements of the condition.

- b. Section 10-4.413: ***See Condition 27 (a).***
- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil engineer. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical).

Slopes steeper than 2:1 have not been proposed. All slopes will conform to the above requirements. The operator acknowledges the requirements of the condition.

- d. Section 10-5.507: ***See Condition 27 (e).***
- e. Section 10-5.508: The grading 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 minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native and non-native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Final slopes are reclaimed as mining progresses. Erosion control measures are implemented prior to the onset of the rainy season. The operator acknowledges the requirements of the condition.

- f. Section 10-5.530: ***See Condition 27 (k).***

Hydrology and Water Quality

- 30. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by Section 8-3.401 of the County Flood Damage Prevention Ordinance. (Mitigation Measure 4.4-1a).

The Board of Supervisors approved Floodplain Development Permit No. 96-069 allowing for specified off-channel mining and reclamation activities conducted within the 100-year floodplain. See also Condition 26, part (b).

- 31. The operator shall provide a continuous flood protection berm that is connected (tied in) with higher ground outside the 100-year flood zone. Prior to construction, detailed plans of the tie-in connection shall be submitted to the County for review and approval (Mitigation Measure 4.4-1b).

Implementation of the 100-year flood protection measures was required in Condition 16 of ZF #94-062 (short-term mining permit). The banks and berms necessary to provide flood protection were constructed in 1997. The operator has submitted a survey of the as-built structures, documenting that continuous 100-year flood protection has been integrated with higher ground located outside the floodplain.

- 32. The County shall revise the CCRMP channel boundary in the vicinity of the Muller site (shown as the amended CCRMP channel boundary in Figure 4.4-11). The amended channel boundary shall reflect changes to the 100-year floodplain that have occurred subsequent to the COE modeling used to define the CCRMP channel boundary (COE 1994). The applicant is in the process of constructing a berm to provide 100-year flood

protection for the site. The amended channel boundary shall follow the creek side of the flood protection bern, at the COE 100-year flood elevation. Alternately, the mining plan shall be revised to exclude areas within the existing CCRMP boundary (Mitigation Measure 4.4-2a).

County staff revised the Miller property CCRMP channel boundary to reflect changes to the 100-year floodplain subsequent to the COE modeling. The revised channel boundary was approved by the Board of Supervisors on April 28, 1998. See also Condition 26, part (c).

- 32.5 The applicant shall not mine within 700 feet of the channel boundary until bank stabilization has been provided. Bank protection shall be in conformance with guidelines contained in the Cache Creek Resource Management Plan and Cache Creek Improvement Program. Prior to mining within 700 feet of the CCRMP channel boundary (or amended boundary, as appropriate), the applicant shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use (Mitigation Measure 4.4-2e).

The operator has submitted certification by a licensed engineer that the banks and berms constructed in accordance with Condition 31 are stable and that backfilled materials have been appropriately compacted to meet minimum safety thresholds. In addition, the secondary levee and vegetation adjoining the permitted mining area provide additional bank protection, in accordance with the CCRMP and CCIP.

33. 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 the channel banks and levees for evidence of erosion or slope instability. 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 tension 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 of slope failure, a determination of the cause(s) of erosion or slope failure, and recommendation for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.4-2f).

See Condition 26 (d).

34. Following reclamation, the Community Development Director 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 (Mitigation Measure 4.4-2g).

See Condition 26 (e).

35. The operator shall enter into a legally-binding agreement with the County that commits the operator 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 Condition #22. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the county, and channel modification at bridges near the site (Mitigation Measure 4.4-2h).

See Condition 22.

36. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2i).

See Condition 26 (g).

37. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).

See Condition 27.

38. Implement the performance standards contained in Section 10-4.427 of the Off-Channel Mining Ordinance, using MODFLOW and PATH3D for capture zone analysis (Mitigation Measure 4.4-3a).

See Condition 27 (c).

39. Conduct groundwater modeling to identify the vertical extent of the Storz domestic well 30-day and 1-year capture zones for both the upper and lower aquifers. Modeling should explicitly account for seepage of water from the upper aquifer through the well packing materials. Excavation boundaries and/or depths shall be adjusted as necessary to ensure that the Storz well in the lower aquifer would not draw from the proposed Storz pond in the shallow aquifer. As an alternative, the applicant may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts (Mitigation Measure 4.4-3b).

See Condition 26 (i).

40. In order to protect surface water and groundwater quality, the applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements by implementing a project Stormwater Pollution Prevention Plan (SWPPP) if required by the RWQCB. If the RWQCB does not require a SWPPP, the applicant shall implement an equivalent plan regulated by the County Department of Environmental Health (Mitigation Measure 4.4-4c).

A SWPPP is not required for operations where all stormwater runoff is contained on-site. The Operator has a hazardous materials business plan (Consolidated Contingency Plan) on file with the Yolo County Environmental Health Division, which will expire in March/April 2013. Mining operations are regulated under the Hazardous Materials Business Plan Program and are required to update their emergency plans at least every three years (Note: Recent change in State regulations require submittal of hazardous material business plans every three years, instead of every other year).

41. 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. (Mitigation Measure 4.4-4a).

See Condition 27.

42. The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well (compared to currently permitted conditions).

If the applicant proposes to increase groundwater pumping to meet the increased water demand, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the Woodland processing plant would not adversely affect active water supply wells within 1,000 feet of the plant well, as compared to currently permitted conditions. The proposed incremental increase in pumping shall be lessened as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using analytical methods or MODFLOW and shall assume historic average low groundwater levels. Groundwater modeling of the project area submitted with the project application (Luhdorff and Scalmanini, 1995) could be modified to include the plant well and vicinity.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts

If the applicant meets the additional demand without increasing groundwater pumping, such as by recycling wash water from the settling ponds, the above groundwater modeling is not required (Mitigation Measure 4.4-8a).

See Condition 26 (j).

Agriculture

43. Implement the performance standards included in Section 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining (Mitigation Measure 4.5-1a).
 - a. Section 10-5.525: All mining permit applications that include "prime farmlands" as defined by the provisions of the Williamson Act shall identify the location and

acreage of "prime farmlands," which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of "prime farmland" that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset (at a 1:1 ratio) the conversion of these lands. The potential offsets can included, but not be limited to, one or more of the following options:

- (a) Identification of improvements by a qualified soil scientist to the agricultural capability of non-prime lands within or outside the project site that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.
- (b) Placement of permanent conservation easements on land meeting the Williamson Act definition of "prime farmland." The operator shall be encouraged to target property "at risk" of conversion to non-agricultural uses in selecting areas for the offset. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject.
- (c) Demonstration of the ability to provide irrigation to non-prime lands limited only by the lack of an irrigation water supply. The identified water supply cannot be provided at the expense of "prime farmlands" currently using the same water supply.

The operator's long-term mining and reclamation application identified and qualified prime farmland. The Woodland project results in the permanent conversion of 81 acres of prime farmland. Per Section 10-5.525 an offset ration of 1:1 applies.

The total 1:1 offset loss of prime soil for Woodland and Esparto (mining permits ZF #95-095 and ZF #95-094) is 123 acres. Mitigation for the loss will occur on the Muller and Haller properties. The Muller property (a portion of APNs 025-350-030 and 025-350-032) will offset the 101 acres, with the remaining 22 acres occurring at the Haller property (a portion of APN 025-350-028). The County accepted this agricultural conservation easement (Agreement No. 00-63) on March 7, 2000. The mitigation property is near the Growth Management Area located in the Dunnigan Hills, north of Cache Creek. Muller (Phase I) is not currently enrolled in a Williamson Act contract.

Phases I and II (the mined portion of the Coors property) will be placed into a Williamson Act contract upon the completion of reclamation. Haller has been reclaimed and its financial assurance released.

Biological Resources

44. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).

A 2081 authorization was granted by CDFG in December of 1997 (A Memorandum of Understanding and Management Authorization by and between the Operator and CDFG was executed on December 26, 1997). A copy has been provided to staff.

- 44.5 The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

As described in the project-level EIR, there are several elderberry bushes without bore holes in the riparian scrub/oak woodland adjoining the three sites. Elderberry bushes with bore holes have been discovered to the south and west of the Muller parcel, outside the permitted mining area. The operator maintains an elderberry mitigation site to offset any potential losses incurred by the project. The HRP has been revised to include the above provisions.

45. Implement the performance standard included in Sections 10-4.418, 10-4.433, and 10-4.440 of the County Off-Channel Mining Ordinance and Sections 10-5.515 and 10-5.523 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.6-6a).
- a. Section 10-4.418: All surface mining operations shall complement the preservation and enhancement measures in the Yolo County Habitat Conservation Plan (HCP). Mining operators with lands designated as having a moderate to high potential for use as mitigation areas in the HCP shall be encouraged to participate in the Developer HCP Participation Options, including use of lands as mitigation sites.

No HCP has been formally adopted by the Board of Supervisors. The operator acknowledges the requirements of the condition.

- b. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to a 2:1 (horizontal:vertical) slope for long-term storage to prevent use by bank swallows. At no time during the active

breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

The operator acknowledges the requirements of the condition.

- c. Section 10-4.440: Avoid disturbance to important wildlife habitat features such as nest trees, colonial breeding locations, elderberry host plants for Valley Elderberry Longhorn Beetle, and essential cover associated with riparian forest and oak woodland habitat. This shall include sensitive siting of haul roads, trails, and recreational facilities away from these features. Essential habitat for special-status species shall be protected and enhanced, or replaced as a part of mitigation plans prepared by a qualified biologist.

Mining, haul roads, and related improvements were sited away from all sensitive wildlife habitat features. The operator acknowledges the requirements of the condition.

- d. Section 10-5.515: Proposed habitat restoration or mitigation plans for lands within the OCMP plan area shall be sent to the California Department of Fish and Game, U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and other interested parties for review and comment to ensure that the projects do not conflict with other existing habitat enhancement efforts.

Habitat restoration and mitigation plans were circulated to responsible agencies and other interested parties during the environmental review for the project application. If any substantive changes occur to the restoration plans, they will be circulated to the appropriate parties. The operator acknowledges the requirements of the condition.

- e. Section 10-5.523: Site-specific planting plans shall be developed by a qualified biologist for proposed habitat reclamation projects. Restoration components of reclamation plans shall include provisions to enhance habitat for special-status species, where feasible.

Site specific planting plans were developed as a part of the permit application. The project includes provisions to enhance habitat for valley elderberry longhorn beetle. Other special-status species, such as Swainson's hawks, will be able to use the reclaimed agricultural lands and habitat areas created as a result of this project

- 45.5 A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to commencement of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:

- a. Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1

through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.

- b. If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.
- c. Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.
- d. Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-7a).

The raptor survey was completed as a part of the permit application. No active nests were discovered within the permitted mining area. Several nests have been located within one mile west of the Muller parcel, in the riparian forest south of County Road 20. A copy of the report was submitted to CDFG. Teichert conducted raptor and Valley VELB surveys prior to mining Coors and installing the conveyor bridge. A copy of the report was submitted to CDFG and County staff. The operator acknowledges the requirements of the condition.

Traffic

- 46. The applicant shall widen the curve radius for east bound right-turn movement. Within one year of project approval, the operator shall widen the curve radius for the intersection of County Road 20 and County Road 96. The specific scope of the improvements shall be as determined by the Public Works Department. The operator shall pay 100 percent of the cost of the improvements. Encroachment permits from the Public Works Department shall be obtained prior to construction. (Mitigation Measure 4.8-1a).

The curve radius was widened in 1996 as mitigation for the short-term, off-channel mining permit and reclamation plan. Necessary encroachment permits were approved prior to construction. Condition satisfied.

- 47. The proposed project shall assume joint pavement maintenance responsibility with the County on County Road 20 from the project entrance to County Road 98, and on County Road 96, from Road 20 to State Route 16, for the life of the permit. The operator must submit an annual evaluation of the structural integrity of the road and implement pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year (Mitigation Measure 4.8-2a).

Operator acknowledges the requirements of the condition. The operator submitted

a road assessment in 2009 and 2010, and has conducted necessary repairs.

Noise

48. Use part of the overburden on the Storz site to create a temporary berm approximately 10-feet high along the rear property lines of the two homes south of the Storz parcel (Mitigation Measure 4.9-2a).

The operator constructed the berm in October 2009. (Although the berm was originally required in anticipation of potential dragline use, the operator has never used a dragline at Storz.)

49. Implement Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).

- a. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

No nighttime mining occurred in 2009 or 2010, however, should the operator commence mining after 6:00 pm, the performance standard for nighttime activities shall be adhered to. Machinery will be equipped with non-sonic warning devices consistent with Cal OSHA regulations. The operator has indicated that only agricultural related reclamation activity is occurring near the Metzger residence. The operator acknowledges the requirements of the condition.

- 49.2 Mitigate noise from the dragline by portable screens or berms to achieve sufficient attenuation, possible in conjunction with partial depression (Mitigation Measure 4.9-3b).

Dragline operations have not commenced. The operator acknowledges the requirements of the condition. See also option provided in Condition #49.8.

- 49.4 Avoid operating the dragline within 500 feet from the homes south of the Storz mine site (Mitigation Measure 4.9-3b).

Mining has commenced at Storz in 2009. The operator acknowledges the requirements of the condition.

- 49.6 Conduct noise testing of operating dragline to verify levels. If required, develop additional noise controls to achieve compliance with County noise standards. Within six months of the commencement of wet pit mining operations, a qualified acoustic consultant shall conduct noise monitoring of the wet pit dragline. The consultant shall make recommendations to bring any excessive noise levels into conformance with

Section 10-4.421 of the County Off-Channel Mining Ordinance. The acoustic consultant shall submit reports of noise measurements and recommended actions to the Community Development Director for review and approval, and all recommended actions shall be implemented (Mitigation Measure 4.9-3c).

Within six months of the commencement of wet pit mining, a qualified acoustic consultant will conduct noise monitoring of the wet pit dragline. The operator acknowledges the requirements of the condition.

- 49.8 As an alternative to Mitigation Measures 4.9-3a and b, the applicant may secure a contractual agreement from the resident that indemnifies the County and reflects understanding of and acceptance of the noise impacts (Mitigation Measure 4.9-3d).

The operator acknowledges the requirements of the condition.

Aesthetics

50. Implement Mitigation Measure 4.6-1a of the Final EIR for the proposed project (Mitigation Measures 4.10-1a and 2a).
- a. Mitigation Measure 4.6-1a: The reclamation plans for the Muller and Storz sites shall be revised to incorporate features conducive to wetland and riparian habitats surrounding the open water area, in order to comply with OCMP Performance Standard 6.5-5. Such features shall include scalloping of perimeter slopes, stepped benches above and below the groundwater level, and peninsulas and/or islands, as appropriate. Should the required agreements be reached for use of these sites as groundwater after recharge basins, an amended reclamation design may be submitted to the County for approval to modify the design, as necessary, for that use.

Revised reclamation plans incorporating the above provisions were submitted by the operator on December 4, 1997. Both Muller and Storz exhibit wetland and riparian habitat features that include scalloping, benches, and peninsulas. No agreements have been made to use the Muller and Storz sites as groundwater recharge basins.

Cultural Resources

51. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).
- a. Section 10-4.410:
- (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The

mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. 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 Agency.

As described in the project-level EIR, no cultural resources were located within the permitted area. No human remains have been discovered at the project site during the 2006-2010 mining years. The operator acknowledges the requirements of the condition.

- 52. 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 them, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).

A training video has been prepared by Jensen and Associates regarding cultural resources and has been shown to the operator's employees, and will continue to be shown intermittently to employees throughout the entitlement period. The operator acknowledges the requirements of the condition.

- 53. Implement Mitigation Measures 4.11-1a and 1b of the Final EIR for the proposed project (Mitigation Measures 4.11-2 and 3).

- a. Mitigation Measure 4.11-1a: ***See Condition 51.***

- b. Mitigation Measure 4.11-1b: ***See Condition 52.***

- 54. Prior to mining on the Storz parcel, the applicant shall conduct mechanical trenching in the area north and west of CA-YOL-38 to determine whether buried archaeological materials are present. This shall be done with a qualified professional archaeologist present who can identify and evaluate the importance of any discoveries that are made. Trench exposures shall be no more than 50 to 60 feet apart (30 to 40 feet long), and excavated to a depth of at least 8 to 10 feet. At this spacing, approximately 10 to 12 trenches would need to be opened to provide adequate coverage of the area (a 600-foot section at the north base of the knoll) in question (Mitigation Measure 4.11-3b).

The stated mechanical trenching has occurred. No items of cultural relevance

were discovered, as evidenced in the report prepared by Peak and Associates in August 2009, on file with County staff.

Hazards

55. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).
- a. Section 10-4.415: 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. No vehicles or equipment shall be left idling for a period longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

The operator's Spill Prevention Control and Countermeasure Plan has been modified to include the above provisions and was submitted to staff on December 4, 1997. Operator's Spill Prevent Control and Countermeasure Plan (SPCC) includes provisions for releases of fuels during fueling activities.

Conditions for ZF# 96-041 are as follows:

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the Planning Commission's approved site plan and operated in a manner consistent with the project's Conditions of Approval.
A final inspection was conducted on November 7, 1996. It verified that the structures were constructed in accordance with the approved site plan. As demonstrated in this report, the operation is consistent with the Conditions of Approval.
2. That within 60 days of the effective date of approval for this minor modification, the applicant shall submit verification to the satisfaction of this Agency that an appropriate Reclamation Plan has been established in accordance with applicable SMARA regulations.
The minor modification was approved on July 24, 1996. The operator subsequently met with staff and submitted documentation showing that the processing plant site is contained within the permitted area. The plant site is subject to the reclamation requirements included within the permit conditions of approval. Financial assurances have been posted to ensure the reclaimed end use.
3. Any sources of light and glare from the subject property shall be designed and/or constructed (i.e. shielded, directed, etc.) to not intrude onto neighboring properties or as viewed from the County public right-of-way.

Lighting on the silo is restricted to the lower part of the structure and does not reflect on adjoining properties or County rights-of-way.

4. That the applicant shall maintain full compliance with all required permits from the Yolo-Solano Air Quality Management District (i.e. Authority to Construct and Operate).

According to YSAQMD staff, the operator is in compliance with all applicable requirements of the district.

5. The applicant shall obtain all required permit(s) from the Yolo County Community Development Agency, Building Division for the installation and/or construction of the proposed equipment/facilities.

Building Permit No. 96-0174 received final approval on November 7, 1996.

6. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers or employees to 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 shall promptly notify the applicant of any claim, action or proceeding and that the County will cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Forms approved by County Counsel have been filed with the County. No legal action has been taken against this approval as of this time. Due to the lack of legal action, no bond has been requested of the applicant for indemnification.

GRANITE CONSTRUCTION (WOODLAND) COMPLIANCE REVIEW MINING AND RECLAMATION PERMIT #G-7

MINING AND RECLAMATION STATUS

No mining or reclamation activities occurred on the Granite Woodland site in 2009 or 2010. The Granite Woodland site has remained “idle” since the Interim Management Plan was approved by the County in 1999.

YOLO COUNTY APPROVALS

Zone File No. 610 was approved by the Yolo County Planning Commission on July 2, 1968, to allow for the expansion of an existing rock, sand, gravel and asphalt plant.

Zone File No. G-7 was approved by the Yolo County Planning Commission on October 29, 1980, to allow for in-channel mining on 123 acres, with reclamation to a streamway.

An Interim Management Plan was approved by the County in 1999, and was extended in 2004 and again in 2009, in conformance with the requirements of the Yolo County Code and SMARA.

Zone File No. 2001-096 was approved by the Board of Supervisors on December 3, 2002 and included a provision agreed to by the Operator to relinquish the existing right to operate Asphalt Concrete and Ready Mix Plants at the Woodland site and to carry out reclamation at the site, as approved.

OTHER APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. Since the operator does not mine within the active channel of Cache Creek, a 1601 Streambed Alteration Agreement from the Department of Fish and Game is not required. Similarly, a 404 permit from the Army Corps of Engineers is not required either. The operator does not wash aggregate material on site and does not require a Waste Discharge Permit from the Regional Water Quality Control Board. The operator has a valid Authority to Operate permit from the Yolo-Solano Air Quality Management District and submitted the annual reporting form to the State Department of Conservation. A Hazardous Materials Business Plan is on file with the Health Department (Environmental Health Division).

CONDITIONS OF APPROVAL

Conditions for ZF# 610 are as follows:

1. That the operation be conducted in a manner that will not pollute the stream.

The operator does not work within the active channel; however, portions of the site have been flooded during high flow events. All equipment and structures are located outside of the flooded areas. The facility did not operate in 2009 or 2010. There have been no reports of stream pollution occurring at this site over the past year.

2. That the operation be conducted in a manner that will not be detrimental to the area.

The facility did not operate during 2009 or 2010. No complaints have been received over the past year regarding the operation.

3. That the property owner may request consideration of an extension of time if the Use Permit has not been utilized within one year and such request is submitted to the Commission prior to July 17, 1969.

The Use Permit was commenced within one year of its being granted. No request for an extension of time was requested.

Conditions for ZF #G-7 are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Granite Construction has limited its mining operations to areas identified by the original EIR and permit application and in accordance with the Mining Ordinance. The facility did not operate during 2009 or 2010.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

Since the operator does not currently mine within the active channel, riparian habitat has been reestablished in this reach of the creek. As noted earlier, erosion is evident in several areas along the levee. A Flood Hazard Development Permit has been approved to repair the erosion that occurred prior to the 1997-98 winter season.

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

The Cache Creek Resources Management Plan (CCRMP) has recommended that the long-term goal for the project site is to breach or remove the existing channel bank, so that the creek is allowed to expand into the mined basin, once the applicant completes reclamation operations. Until such time as reclamation is completed, however, the applicant is required under the conditions of approval for Mining Permit #G-10 to minimize meandering, direct flow away from critical features (such as active mining areas), and to minimize bank erosion. The TAC approves the proposed project, but only as a short-term solution to allow for continued operation of the applicant's mining operation. Considering the flood elevations calculated for this reach, it is likely that the channel bank will continue to breach at this location. As such, the TAC supports the

eventual conversion of the subject property to riparian habitat, hydrologically connected to Cache Creek, as adopted in the CCRMP.

3. The following mining methods must be observed:
 - a. Tonnage limits (422,352 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

The facility did not operate during 2009 or 2010. During the last operation, tonnage limitations were not exceeded, and mining did not occur below the thalweg elevations established under the Interim Mining Ordinance. Temporary side slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:
 - a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
 - b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible
 3. No mining behind levees/haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval.

Granite Construction has participated in the annual review process to the Yolo County Planning Commission since 1980. Repair of the existing channel bank was approved under Zone File No. 97-045. The operator does not maintain any haul roads within the active channel.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for the operator's mining permit or reclamation plan. The site has been idle since 1999 and no new conditions have been imposed on the site.

6. Bonding. Annual renewable performance bonds are required to:
 - a. Complete levees and any required protective structures
 - b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

On August 6, 1997 the Planning Commission approved an increase in financial assurances for Granite Construction to \$20,775. The revised bond was submitted to staff on September 4, 1997. The amount of the bond was determined using the County's standardized reclamation costs and activities spreadsheet. The financial assurance estimate is reviewed annually. The bond on file in 2009 was for \$23,453 and this was increased to \$26,359 in 2010.

7. Modifications. All Permits are subject to being modified, and any term of those Permits

open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modification to the mining permit or reclamation plan have occurred since its issuance in 1980. An Interim Management Plan was initially approved for the site in 1999, and renewed in 2004 and again in 2009.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, staff has conducted annual on-site inspections of the operator's mining and reclamation operations and reported its findings to the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

Pursuant to approval by the Board of Supervisors on December 3, 2002, Granite relinquished all rights to operate asphalt concrete and ready-mix plants at the site but retained the right to take material from existing stockpiles and to carry out approved mining and reclamation plans.

SCHWARZGRUBER & SONS COMPLIANCE REVIEW MINING AND RECLAMATION PERMIT #G-6

MINING AND RECLAMATION STATUS

During 2009 and 2010 Schwarzgruber and Sons disturbed approximately one acre in the center of the property on the south bank. The mining activities are restricted to the depth of the Theoretical Thalweg. Schwarzgruber and Sons have not commenced any reclamation activities on the property.

DEVELOPMENT AGREEMENT

The applicant does not have a Development Agreement with the County.

YOLO COUNTY APPROVALS

Zone File No. G-6 was approved by the Yolo County Planning Commission on October 29, 1980, to allow for in-channel mining on 132 acres, with reclamation to a streamway.

OTHER AGENCY APPROVALS

Staff spoke to other regulating agencies to ensure that the operation was in compliance. Since the operator does not mine within the active channel of Cache Creek, a 1601 Streambed Alteration Agreement from the Department of Fish and Game is not required. Similarly, a 404 permit from the Army Corps of Engineers is not required either. The operator has a Waste Discharge Permit from the Regional Water Quality Control Board and an Authority to Operate permit from the Yolo-Solano Air Quality Management District. The operator also submitted the annual reporting form to the State Department of Conservation. A Hazardous Materials Business Plan is on file with the Health Department (Environmental Health Division).

CONDITIONS OF APPROVAL

Conditions for ZF #G-6 are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Schwarzgruber & Sons has limited its mining operations to areas identified by the original EIR and permit application, and in accordance with the Interim Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

The operator has complied with the Interim Mining Ordinance in all respect as to depth requirements, horizontal limits, setbacks, and slope stabilization. No meandering of the

channel occurred within the past year, as the operator has continued to direct the creek away from the plant site.

3. The following mining methods must be observed:
 - a. Tonnage limits (114,000 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

Tonnage limitations have not been exceeded, and mining did not occur below the thalweg elevations established under the Interim Mining Ordinance. Finished slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:
 - a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
 - b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible
 3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Schwarzgruber & Sons, Inc. has participated in the annual review process to the Yolo County Planning Commission since 1980. The operator does not maintain any haul roads within the channel. No changes to the existing channel banks are proposed.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for the mining permit or reclamation plan.

6. Bonding. Annual renewable performance bonds are required to:
 - a. Complete levees and any required protective structures
 - b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

The operator has continued to maintain annual financial assurances.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modification to the mining permit or reclamation plan have occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, staff has conducted annual on-site inspections of the operator's mining and reclamation operations and has reported its findings to the Yolo County Planning

Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

No modifications have been made to the approved mining permit or reclamation plan.