# CHAPTER 4.0 RESPONSE TO COMMENTS

## Letter # 1

**SUMMARY MINUTES FROM PUBLIC HEARING ON DRAFT EIR FOR THE CACHE CREEK RESOURCES MANAGEMENT PLAN (CCRMP) PROGRAM-LEVEL ENVIRONMENTAL IMPACT REPORT (EIR) HELD MAY 1, 1996**

The item was introduced by Chair Jim Gray. Commissioner Gray explained the purpose was to provide a second workshop on the Draft OCMP and to receive oral comments from the public regarding the adequacy of the Draft EIR. The staff was asked to keep the report to the minimum necessary in order to provide maximum time for public comments.

The audience was informed that summary minutes would be prepared. Those wanting their comments verbatim in the record were informed to submit them in writing by the comment closure date of May 23, 1996.

The staff provided an overview of the Draft CCRMP and the EIR consultants provided an overview of the main conclusions of the Draft EIR.

The hearing was opened to comments from the audience.

**Lois Linford, League of Women Voters of Woodland:** Will the CCRMP increase the flood danger to Woodland?

The TAC should have two citizens on it.

Following Ms. Linford's comments there was some discussion of the potential for impacts to Woodland. The staff explained the plan contains a performance standard of no net increase in flood water conveyance to Woodland. 1-1

**Ben Adamo, Cache Creek Aggregates:** The authority placed in the TAC is a concern. Costs associated with monitoring and flood watch are also a concern. Other sources of funding should be found. To avoid the costs of detailed engineering, typical engineering should be used. Don't require detailed engineering for every project. There is a high cost to get a project to the TAC.

Some producers have agreements with property owners out there today. What if the TAC says something different that what their obligation is in an agreement with a property owner? 1-2

Regarding the low-flow non-disturbance zone, until initial channel shaping is where you want it, disturbance should be allowed. If the creek armors itself, it may go where you don't want it.

The number of crossings per operation needs to be related to distance, not per operation.

**Anthony Russo, YCAPA:** Written comments will be submitted, but he would like to enter general concerns into the record. The County is requiring relinquishment of in channel permits in exchange for OCMP permits. The County needs to address the nexus of this requirement. The TAC goes beyond the gravel industry. What is the financing? Who bears the liability? The gravel industry receives no benefit. 1-3

How can the County require participation in in-channel work? The "net gain" concept is different than it has ever been interpreted before. The impacts and mitigations in the CCRMP have not come up in any other jurisdictions in which he works.

The industry is willing to shoulder some of the burden to correct the creek, but the question needs to be asked, is the burden reasonable? The burden should not be based on worst case.

1-3

Who will be responsible for carrying out the mitigation measures?

Monitoring is important, but the County must ask who is benefitting to determine who should finance it.

The industry believes that Cache Creek should be cared for, but what are we asking them to do and why?

The public hearing was closed at 9:40am.

**Commissioner Kent Lang** asked about what would motivate a property owner to participate. Staff responded that it would primarily be the desire to protect their property from erosion and flooding.

**Commissioner Barbara Webster** expressed her appreciation for the thoughtfulness of the work. She is concerned about bureaucracy. She wishes it was simpler.

**Commissioner Bob Heringer** asked about the monitoring costs. He assumed that the gravel industry would have no objection to addressing their own property. What is the issue? Anthony Russo of YCAPA explained they were concerned about costs over and above what would be "normal" to provide flood protection on the creek. He is concerned that the burden for funding everything will be placed on industry and they will get no benefit.

1-4

**Commissioner Heringer** asked about water quality and overpumping. He is concerned about groundwater recharge. We can't expect the gravel industry to cure everything.

**Commissioner Harry Walker** is concerned beyond the immediate charge. The plan is a commendable effort. The Creek really looks like hell by the Flyers Club. The question he must ask himself is does he really want to be a party to maintaining an activity that causes such visible blight. The responsibility remains with the County. It will be that way for decades after he is gone. We need to think about screening the pits from the road. His level of support for the gravel extraction is one of tolerance.

**Commissioner Walker** told of a situation with the Reclamation District near Lisbon Levee where they wanted to put riprap in and the neighbors wanted trees. Now there are trees and erosion, and no one is responsible anymore. This plan could end up the same way. Who will be responsible? Who will make the decisions?

**Commissioner Gray** indicated that he appreciates the need for additional detail and clarification. The Plan has many elements and there are many things to be balanced. The Commission must try to move forward wisely and make decisions based on good information. How can we be good stewards to the creek? Are we going to think long-term about mechanisms to balance? When the costs get out of sync, the long-term success is at risk. This must be given good thought. The mining industry has to bear a fair share. We need to prepare an analysis of whether an assessment district is appropriate and what the area of benefit would be. 1-4

Regarding impact fees, the balance is to move forward, to not be afraid to come up with a vision. But don't make it so expensive or bureaucratic that it won't work.

**Commissioner Lang** -- Along the river it is a Catch 22. The benefit is to the rest of the community, yet they do not all share in the costs. We need to put the costs on everyone, not just on selected industry

The hearing was concluded.

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## LETTER 1: MINUTES FROM PUBLIC HEARING ON THE DEIR

### Response to Speaker 1-1, Lois Linford, League of Women Voters of Woodland:

Oral testimony was supplemented with written comments. Please refer to Letter # 5 and corresponding responses. The proposed TAC is recommended by the CCRMP to specifically provide experienced scientific and technical support to the County for implementation of the CCRMP and CCIP. The TAC could include citizens of Yolo County which meet the required level of expertise for TAC members. The CCIP has been structured to include participation of non-technical members of the public through the requirement of interaction of the TAC with the Cache Creek Stakeholders Group. Staff points out that the TAC is an advisory committee, performing its duties under the direction of the RMC and approval by the Board of Supervisors. The TAC does not have specific authority for decision-making or permitting of projects. Staff considers that the proposed process provides opportunity for input from informed and interested members of the public but does not support inclusion of non-technical members on the TAC. Staff responded to other comments during the public hearing as noted in the summary minutes, and no further response is necessary.

### Response to Speaker 1-2, Ben Adamo, Cache Creek Aggregates:

Please refer to the Responses to Comments 2-5 and 7-48 for a discussion of the role and responsibilities of the TAC and Response to Comment 7-67 for potential sources of funding for implementation of the CCRMP and CCIP.

With regard to producers' agreements with property owners, as noted on page 3-12 of the DEIR, the involvement of property owners in priority creek improvement projects as recommended by the TAC would be voluntary, and no project would occur without the express consent of the affected property owner. Existing agreements between land owners and aggregate companies for channel maintenance activities would need to be consistent with the CCRMP. Any activities conducted as part of such agreements which would result in modification of the channel would be required to be reviewed under the Floodplain Development Permit process.

The potential for migration of the creek channel during implementation of the CCRMP is addressed through continual monitoring of the creek morphology. Unexpected or undesirable adjustments of the channel position would be recognized through the monitoring period. The RMC and TAC would be responsible for incorporating consideration of such changes in the development of annual recommendations for channel improvement projects.

Please refer to the Response to Comment 2-7 for the rationale for the number of bridge crossings for each operation.

The points raised in the comment concerning engineering requirements for channel improvement projects have been considered in the development of the CCRMP and CCIP. The monitoring data collected under the CCRMP will provide the basis for more efficient development of engineering plans for specific channel improvement projects. The availability of an annually updated Digital Terrain Model (DTM) would greatly facilitate the development of grading plans for minor projects such as straightforward bar skimming projects. Staff concurs with the commentor's position that "typical engineering" should be applied to all projects. However, the site specific conditions for projects within a complex and dynamic environment such as the Cache Creek channel need to be considered for all projects.

**Response to Speaker 1-3, Anthony Russo, YCAPA:**

Oral testimony was general in nature and was supplemented with specific written comments. Please refer to Letter # 7 and corresponding responses. The commentor is referred to the Response to Comment 7-27 for a discussion of the nexus for requiring participation of off-channel operators in the CCRMP process. The financing of the TAC and CCRMP process was addressed in the CCRMP and CCIP. Additional consideration of the sources of funding for the CCIP is presented in the Response to Comment 7-67. The benefits of increased channel stabilization would benefit all landowners along the creek by reducing the potential for damage to improvements, including aggregate mining and processing operations and infrastructure features, such as public roads and bridges, used for aggregate product transportation.

Staff does not believe that the County has adjusted its understanding or interpretation of the concept of "net gain" associated with proposed aggregate mining operations. The County has not presented any objection or rejection of "net gain" proposals as part of the OCMP and CCRMP environmental review process. Staff considers that the identification and analysis of potential impacts associated with aggregate extraction and channel improvement projects proposed under the OCMP is similar to analysis that has been performed for aggregate mining activities in similar settings within northern California.

The responsibility for implementation of mitigation measures proposed by the CCRMP is discussed throughout the DEIR and is summarized in the Mitigation Monitoring Plan presented in Appendix B of this document. Staff considers the CCRMP and OCMP (and related EIRs) to be very specific in identification of the responsibilities of the aggregate industry.

**Response to Post-Public Hearing Comments from Commissioners 1-4:**

<u>Response to Commissioner Kent Lang</u>

Staff responded to the Commissioner Lang's comment during the public hearing as noted in the summary minutes. No further response is necessary.

Response to Commissioner Barbara Webster

Commissioner Webster raised concern regarding the amount of bureaucracy associated with the CCRMP, and the need to simplify the process. Staff have been exploring ways to reduce additional bureaucracy and costs to implement the CCIP and CCRMP to the extent possible, including reviewing the roles and responsibilities of the TAC, and identifying funding sources. Please refer to Response to Comment 7-67. In addition, issuance of general permits for work in the creek channel would reduce time and expenses for individual property owners, streamline the regulatory process, and greatly decrease the bureaucracy associated with creek work.

Response to Commissioner Bob Heringer

Potential funding sources to implement the CCRMP and CCIP may include a surcharge on gravel extraction, U.S. Army Corps of Engineers funding, and creation of an assessment district for those who benefit. Please refer to Response to Comment 7-67.

With regard to Commissioner Heringer's second point, the issues of water quality, overpumping, and groundwater recharge are discussed in Section 4.4 (Hydrology and Water Quality) beginning on page 4.4-1 of the OCMP DEIR.

Response to Commissioner Harry Walker

Commissioner Walker expressed concern regarding appearance and visual quality of the creek. A detailed discussion of the impacts of gravel extraction on the existing landscape character and visual resources in the CCRMP planning area is provided in Section 4.10 (Aesthetics) beginning on page 4.10-1 of the CCRMP DEIR under the CCRMP. Eliminating commercial aggregate mining within the creek would have positive visual benefits. It would largely eliminate the visual presence of heavy equipment operating continuously within the channel and would end the removal of riparian vegetation and conversion of natural landforms into pits and piles with unnatural, engineered shapes. Modification/restoration of the stream channel would eliminate adverse visual conditions associated with eroded or scoured portions of the channel or banks and protect against future erosion. It would also help restore previously modified landforms to more natural configurations. The presence of water in the channel on a continuous basis (when adequate water supplies are available) would be visually beneficial. Minimizing scour and erosion throughout the planning area would have positive visual benefits. Restoring riparian woodland habitat along Cache Creek and establishing a series of wildlife preserves would also greatly contribute to a near-natural appearance of the stream corridor and enhance visual quality. The County will be responsible for decision making and the management of the resources along Cache Creek.

Response to Commissioner Gray

Commissioner Gray raised points which were reflective in nature and provided general direction to staff. Staff appreciates the insights offered by the Chair and no response is necessary. Please see the Response to Comments for Commissioners Webster and Heringer regarding cost and the extent of bureaucracy.

Response to Commissioner Lang

Please refer to Responses to Commissioners Webster and Heringer above.

**Letter # 2**

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**TEICHERT AGGREGATES**

May 21, 1996

Mr. David Morrison, Resource Management Coordinator
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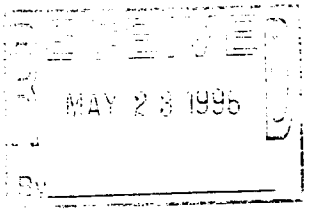


RE: Draft CCRMP & CCIP Comment Letter

Dear David:

Teichert appreciates the opportunity to submit comments regarding the Draft Program EIR for the Cache Creek Resource Management Plan (CCRMP) and the Cache Creek Improvement Plan (CCIP). We applaud the goals and vision of the CCRMP. It is our understanding that (1) the EIR document acts as the environmental review for future implementing projects; (2) the CCRMP/CCIP (which will be implemented through future specific regulatory ordinances) will streamline the Federal, State and Yolo County permitting process; (3) the CCRMP and its companion document the OCMP will provide the structure and policies for implementing off-channel mining and projects associated with channel stabilization; (4) upon the County's review of an application the permit will be issued by the Resource Management Coordinator (instead of the Floodplain Administrator). Please affirm that the intent of the new process is to remove governmental duplication and that further environmental documentation will not be necessary. 2-1

As currently written, the proposed CCRMP is extremely ambitious, as is the CCIP. It seeks to embrace all possible creek/environmental contingencies without site specifics. Its value is in providing a framework and overall guidance. Since yearly funding will be an unknown variable, the major elements and tasks proposed must be prioritized and edited. If funds were not constrained and unlimited resources were available, the mandates outlined in the CCIP would be laudable. However, as currently outlined the CCIP is not realistic and duplicates the efforts of other responsible agencies (e.g., "flood watch", hydrologic monitoring and water quality sampling). Implementation costs will be substantial. The final EIR must acknowledge the above inherent limitations. 2-2

Funding from fees generated by a surcharge on Yolo County's aggregate will not be sufficient to implement the CCIP. A broader based financing approach needs to be explored in order to achieve the benefits espoused in the CCRMP and CCIP. Monetary contributions should come from all beneficiaries of an improved and contained creek, not just from aggregate producers. Additional funding sources should be identified. 2-3

*Continuing Over A Century of Quality And Service*

The CCRMP and CCIP are silent on the topic of plant facilities presently located within the in-channel boundary. Any change in zoning to open space must acknowledge the presence and continued operations of existing facilities and the equipment used to convey the aggregate. Furthermore, rezoning should not preclude (with appropriate environmental documentation) the relocation and/or construction of a new processing plant in the in-channel area. Please incorporate text which guarantees the continuation of in-channel plant operations. Also indicate whether the plants will be classified as a conforming or non-conforming use. 2-4

The TAC is set up as an advisory body to assist the County in carrying out its responsibilities. Per the CCIP their extensive advisory authority, responsibilities and activities are outlined including emergency situational input. TAC's decisions and/or recommendations will result in fiscal impacts. Please define how these individuals will be accountable to the citizenry and individual property owners impacted by their actions. What is the TAC's legal liability? As currently outlined, the role of this body is too broad, and potential work hours are substantial. We recommend that some of the proposed duties and responsibilities should more appropriately be assigned to the Resource Management Coordinator (RMC). Furthermore, the RMC should be the one to decide when TAC's involvement in an issue is warranted. 2-5

Performance Standard 3.5-4, Page 4.3-30:

> Sediment fines generated by aggregate processing could also appropriately be applied to landward side backfills of existing in-channel levees. Please add this placement category to P.S.3.5-4. 2-6

Performance Standard 6.5-14 and 6.5-9; Mitigation Measure 4.3-1a:

> P.S. 6.5-9 seeks to limit crossing the low-flow channel to two roads. Since mining and reclamation activities might not be contiguous, additional crossings would be warranted in addition to crossing points to a plant. Furthermore, low-flow location can change given the vagaries of weather, necessitating the need for more than two crossing points. Site specifics and continuity must govern rather than an arbitrary limit of two crossing points. Efficient transport with minimal impacts is important. The Industry does not request unnecessary crossings. As proposed, this P.S. is too stringent; more than two crossing may be required. Please adjust the text to remove the proposed crossing restriction. 2-7
>
> Per P.S. 6.5-14, the minimum setback requirement of 200' has not been explained or justified. Recent short-term EIR's found setbacks of 50 feet to be appropriate. What is the larger minimum setback accomplishing? Setback requirements should reflect site specifics. The inclusion of a deed 2-8

restriction to be placed on mined property which requires the maintenance of the streambank protection by future owners of the property is unduly onerous. The implementation of the CCRMP and CCIP should preclude this need, since flooding would be eliminated. 2-8

Performance Standard 2.5-5 on Page 4.4-29 and Action 3.4-3 on Page 4.4-37:

The gauge sites, water testing, channel maintenance, annual monitoring and modeling to forecast changes are extremely expensive. Is duplication of other governmental agency mandates occurring? For the CCRMP/CCIP to succeed it must become more focused; otherwise the budget will be spent on paperwork rather than execution. 2-9

Pages 4.6-20 to 4.6-30:

In regard to requirements for habitat restoration, reconnaissance-level field surveys, density, plant configurations, water application and monitoring, the CCRMP is unduly burdensome. It precludes the use of new technology, e.g., "dry-water". The approach is front loaded with unnecessary cost, ignores site specifics, and lacks acknowledgement of firms or individuals who are expert practitioners in restoration activities. As outlined there is no incentive to execute in-channel restoration. Please expand this section to include a Performance Standard that recognizes existing practitioners. 2-10

CCIP COMMENTS

No explanation or rationale is provided for using a surcharge fee on gravel resources. The elements of the CCIP which are intended to promote a more stable creek must focus on channel stabilization. Other elements should be relegated a supporting role until budget realities are known. The "flood watch" program is not essential. 2-11

Page 21, Summary of Recommended Design Guideline, Second, Fourth and Fifth Bullets:

An engineering or scientific basis for Figures 3-5, 3-6 and 3-7, and Table 3-9 is not presented. For instance, what is the basis for a 300' no disturbance, low flow channel? What is meant by dimensions, such as, 200' minimum and 500' maximum? What are dimensions indicating? Due to lack of detailed explanation of Figures 3-5, 3-6, and 3-7, it is impossible to determine if the design is appropriate or not appropriate. 2-12

Likewise, Table 3-9 provides no information on the basis for the target channel characteristics. For instance, Subreaches 2 and 3 have the same channel slope and similar sinuosity, but Subreach 2 has 500' width and Subreach 3 has 1,600' width. Why the disparity? What is the goal of establishing a 1,600' channel width when upstream and downstream of the reach the widths are 800' and 500', respectively? 2-13

Subreach 3 has a considerable variation in channel shape and capacity. How does one target channel shape and set of channel characteristics apply uniformly? 2-14

The text does not appear to answer the above questions. A set of principles, such as target channel velocities, variations in depth and top width, etc., should provide the standard. Please provide explanatory rationale and the technical data used to support Figures 3-5 through 3-7 and Table 3-9. If the explanation is in the CCRMP/CCIP, please indicate where. 2-15

Tables 3.1 through 3.9:

Tables without explanation for the numbers are not satisfactory. Please add a footnote which explains what the numbers represent and their proposed intent for the subreaches. 2-16

If you should have questions regarding Teichert's comments please call (484-3319).

Sincerely,

Lillie O'Keeffe Noble
Project Manager

cc: Heidi Tschudin
Dan Reiff
Randy Sater
John Taylor
Demar Hooper

## LETTER 2: TEICHERT AGGREGATES

**Response to Comment 2-1:**

Thank you for your comment letter. The commentor is correct that the CCRMP DEIR acts as the environmental review document for future implementing projects to the extent it can under CEQA, and that the intent of the CCRMP/CCIP is to streamline the regulatory permit process. The CCRMP and OCMP will provide the structure and policies for implementing in-channel mining and projects associated with channel stabilization. It is the County's intention that following its review of an application, the permit would be issued by the Resource Management Coordinator, acting as the Floodplain Administrator for the CCRMP planning area. This will be embodied in staff's recommendations. Staff affirms that the intent of the process is to remove governmental duplication and limit environmental review to the maximum extent possible, though it cannot be guaranteed that further environmental documentation will not be necessary.

**Response to Comment 2-2:**

In preparing the CCRMP and CCIP, the County attempted to strike a balance between what is critical and what is desirable. Potential sources of funding identified to date include a surcharge on gravel extraction, U.S. Army Corps of Engineers funding, and creation of an assessment district for those who benefit. Please refer to Response to Comment 7-67.

Staff does not agree that the CCIP is duplicative of other agency monitoring and management activities. The CCIP was developed to ensure that necessary monitoring of the hydraulic and hydrologic conditions along the creek are maintained. The commentor specifically cites the "flood watch" activities proposed CCIP as an example of duplicative efforts. However, staff is not aware of any program by other agency programs which specifically provides hydraulic monitoring during floods. Please see Response to Comment 7-62.

**Response to Comment 2-3:**

Recommendations regarding the level of funding from fees generated by a gravel surcharge will be provided by staff. Please refer to Response to Comment 7-67 for additional potential funding sources.

**Response to Comment 2-4:**

The proposed rezoning to OS (Open Space) of the in-channel areas will not affect the continued operations of existing facilities which are located in off-channel areas. However, relocation and/or construction of a new processing plant in the in-channel area would be inconsistent with the CCRMP, CCIP, and OCMP and would not be supported by staff. No plant operations are currently considered to be in-channel under the CCRMP except for a portion of the property on which the Syar plant is located. Existing plants for Teichert

which are outside the channel would be permitted uses. Future uses outside of the channel would also be permitted uses.

**Response to Comment 2-5:**

The CCIP presents a specific framework for the responsibilities of the TAC and the RMC. These responsibilities include assistance in the review of Floodplain Development Permits, a process in which landowners and their representatives would interact with the Community Development Agency in a manner similar to that required of all entities proposing changes within floodplains. The liability for the FDP review and approval process would not be changed. The CCIP specifies the responsibilities of the RMC and TAC. The TAC will provide technical assistance to the County, and the RMC, in the collection and analysis of data and the review of engineering designs for channel improvement projects. The commentor is referred to the Response to Comment 7-48 for clarification of the roles of the RMC and TAC. Staff believes that the responsibilities of the TAC managed by the RMC provides an appropriate and efficient method for ensuring that the County has adequate technical support for making decisions regarding management of the Cache Creek natural resources.

**Response to Comment 2-6:**

The commentor's request that options for use of processing fines in filling of areas behind levees is reasonable. Reclamation plans for some off-channel mining projects could include filling of areas behind levees to create the required 200-foot setback for mining areas from the active channel of Cache Creek or to improve bank protection. Therefore, Text Change # 11 is amended to the Mitigation Measure 4.3-1a of the DEIR.

**Response to Comment 2-7:**

Performance Standard 6.5-9 specifies a maximum of two crossings for "each operation." The intended purpose of the standard was to allow reasonable and efficient movement of aggregate hauling vehicles but to limit the locations of creek crossings to protect habitat and water quality. Two crossings were considered reasonable, allowing if necessary, development of a "hauling loop" for projects that would affect both sides of the creek. Individual channel improvement projects may include more than one operation or activity which may be separated by significant distances. These operations may require more than two crossings. If more than two crossings are required for an operation, the responsible party for the operation would need to apply for a variance and General Plan amendment from the County Community Development Agency for this standard. Staff does not believe that the performance standard is too stringent as suggested by the commentor. The comment implies that no restrictions should be placed on the number of crossings, a position that is not supported by staff.

**Response to Comment 2-8:**

Performance Standard 6.5-14 of the CCRMP requires that all off-channel mining projects be setback 700 feet from the active channel bank unless site-specific engineering analysis is performed and demonstrates that channel stability would not be adversely affected by implementation of the off-channel mining conducted within 700 of the channel. The commentor questions the appropriateness of the minimum 200-foot setback area for mining areas from Cache Creek, recommended in the Technical Studies for the CCRMP and supported by the DEIR analysis. In the first part of the comment, the commentor requests justification for and purpose of the 200-foot setback. The long-term avoidance of lateral erosion along a dynamic channel, such as Cache Creek, requires reasonable contingency planning for erosion hazards created by conditions within the channel that are outside the control of the engineering works provided for individual project. Such changes could include the natural or man-made changes of channel shape that would not be expected under existing conditions. In addition, the requirement of the 200-foot separator was included by the County to provide flexibility for future planning in the Cache Creek channel. The following benefits are staff's reasoning for the required 200-foot setback:

- Sufficient buffer for off-channel mining to protect wet pit mining areas from lateral river adjustments;
- Additional buffer against failure for unengineered levees and natural stream banks;
- Adequate area in which to maneuver heavy equipment during an emergency erosion event (including separator overtopping during low-frequency flood events);
- Access for continuing maintenance activities;
- Flexibility for future channel sculpting during implementation of the Cache Creek Improvements Program;
- Availability of space for revegetation and habitat restoration efforts along the creek;
- Potential future corridor for recreational activities; and
- Consistent and uniform treatment of channel banks throughout the OCMP planning area.

Staff does not agree with the commentor's opinion that inclusion of a deed restriction to provide for maintenance of streambank protection is "unduly onerous." Although future landowners would likely be concerned with the potential of bank erosion and loss of agricultural land or property improvement, awareness of the potential impacts of pit capture

cannot be assumed. Finally, the commentor's assumption that the CCRMP and CCIP would somehow preclude the need for individual property owner protection of mined areas is not shared by staff. The purpose of the CCRMP and CCIP is to support improvement of channel stability but would not preclude the potential for bank erosion or flooding. Channel improvement projects under the CCIP would be voluntary and completion of these projects cannot be assured. As such, although one of the primary goals of the CCIP is to maintain flood capacity, flooding throughout the CCRMP planning area would not necessarily be eliminated.

**Response to Comment 2-9:**

Implementation of the goals and objectives of the CCRMP requires the availability of pertinent and accurate data on the conditions of the Cache Creek channel. Staff acknowledges the commentor's concern that the collection of the necessary data will require the expenditure of money that is not currently being spent on monitoring of the creek. However, the data will provide the basis of making informed technical decisions in the appropriate management of Cache Creek natural resources. Maintaining a balance between the benefit of additional and continually updated information and the cost of obtaining, managing, and analyzing data was a priority in the development of the CCRMP goals and objectives and the CCIP as an implementing program. Under current conditions, the necessary data is not being collected. There are no existing programs conducted or planned by other agencies which would provide the information of channel conditions and water quality that is proposed under the CCRMP. Sporadic monitoring of hydraulic conditions within the channel is conducted by the U.S. Geological Survey, the U.S. Army Corps of Engineers, and the Department of Water Resources. None of these agencies have a specific program for periodic monitoring of these conditions. The Regional Water Quality Control Board has recently been conducting a focused study of mercury levels within the water of the Cache Creek channel, but this investigation is restricted to the evaluation of this particular contaminant. Staff does not consider the monitoring program proposed by the CCRMP/CCIP to be duplicative of the efforts or commitments of these other agencies. Finally, staff does not believe that the CCRMP/CCIP proposes unnecessary "paperwork" activities. The CCIP was developed to "dovetail" into the County's Floodplain Development Permit process to efficiently facilitate this process while supporting the CCRMP goals and objectives. Other than annual reporting of the TAC activities to the Board of Supervisors and notification to property owners of identification of priority channel improvement projects, staff does not believe that any of the other activities under the CCIP would be considered "paperwork."

**Response to Comment 2-10:**

The concerns of the commentor are noted for the record. Performance Standard 4.5-11 simply indicates that irrigation "may" be necessary in dryer sites, but does not preclude use of alternative watering and plant establishment methods. Mitigation Measure 4.6-2a on page 4.6-31 of the DEIR was included as a new Action Policy in recognition of the need

to provide flexibility in designing site-specific restoration guidelines, based on the recommendations of a qualified restoration specialist.

**Response to Comment 2-11:**

The Technical Studies for the CCRMP established the interdependent nature of the in-channel and off-channel areas along Cache Creek through identification of the Streamway Influence Boundary. Historic data supports the conclusion that activities in off-channel areas of the creek have contributed to changes in the morphology and dynamics of the creek channel. Filling of areas that were formerly active channel portions of the creek and protection of off-channel areas against erosion have forced or contributed to these changes. The establishment of off-channel mining areas and protection of these areas from flooding and erosion present restrictions on the area available within the Streamway Influence Boundary for natural channel adjustments. Staff considers these restrictions to be the nexus for imposing a surcharge on gravel resources to support implementation of the CCRMP.

Staff agrees with the commentor's opinion that the CCIP should promote channel stabilization and consider that this goal is strongly reflected in the proposed actions of the CCIP. The channel stabilization efforts are the focus of the CCIP and would be the emphasis of the budget. The flood watch component of the CCIP is an extension of the hydraulic monitoring program and is considered to be essential for collection of high-flow data. However, the commentor is referred to the Response to Comment 2-2 for explanation of a modification that could "streamline" this component.

**Response to Comment 2-12:**

Figures 3-5 through 3-7 present reference templates for the preferred cross-sections of compound channel for different general channel conditions within the CCRMP planning area. The engineering and scientific bases for the cross-sections were presented in the Technical Studies for the CCRMP. The purpose of the templates is to provide a compound channel concept for implementation under individual channel improvement projects. The generalized channel form depicted in the templates would improve the hydraulic efficiency of the channel and provide increased opportunities for development of riparian habitat.

The 300-foot zone of no disturbance encompassing the proposed low flow channel and adjacent areas along the channel was recommended on the basis of analysis of historic channel conditions in the Technical Studies. The historic data from aerial photographs and maps was used to quantify geomorphic parameters (including channel width, sinuosity, and depth) for the Cache Creek channel on a subreach-by-subreach basis. Professional judgment, provided by experienced river hydraulic engineers and fluvial geomorphologists, was applied in the determination of stable and unstable channel conditions. Following this analysis, the hydraulic performance of a preferred generalized channel configuration was tested by a mobile boundary condition model, the Test 3 Run. The results of this test indicated that the preferred channel configuration was a more hydraulically efficient

condition, confirming the more subjective analysis of historic channel conditions. In addition, this preferred channel configuration was recommended to promote the development of a more well-developed riparian corridor following collaboration between the hydraulic engineers and habitat specialists.

The generalized cross-sections presented in the templates of the CCIP are to serve as guidelines for the development of a more hydraulically-efficient compound channel that presents opportunities for more ecologic diversity. The minimum 200-foot and maximum 500-foot wide low flood frequency terraces adjacent to the low flow channel were, again, recommended on the basis of professional judgment founded on evaluation of the available information on historic channel configurations and consideration of more stable future channel morphology. The minimum 200-foot width for terraces adjacent to the low flow channel was recommended to promote the development of a stable floodplain geomorphic form and transition zone between the low flow channel and high bank; the 500-foot maximum was based on the general width of the 10-year flood plain and the intention of the CCIP to promote a compound channel cross-section. Modification of these general guidelines may be appropriate or required for some proposed projects. All proposed project design would be subject to review by the TAC and the RMC.

The design guidelines presented in the Technical Studies and the CCIP are not intended to serve as design specifications for all channel improvement projects. The design of individual projects will require the development of grading plans which address the site-specific hydraulic conditions. The purpose of the guidelines presented in the CCIP is to provide a framework for all projects proposed within the CCRMP planning area. The function of the TAC is to provide technical review of localized design of the improvement projects and to ensure that these projects are not in conflict with the goals and objectives of the CCRMP.

**Response to Comment 2-13:**

The channel sinuosity and slope presented in Table 3-9 were developed based on historic channel morphology and hydraulic modeling for the Test 3 Run. The general goal of the CCIP is implementation of the Test 3 model, which would promote a channel with more hydraulically uniform condition. The Test 3 model parameters such as depth, width, and gradient were chosen using professional judgement and experience. The results of the hydraulic modeling validate the choice of channel parameter; the model shows more uniform hydraulic conditions under the Test 3 condition. The development of the preferred channel configuration was constrained by existing controls on the channel morphology that could not be reasonably ignored. The most obvious constraints on preferred more natural channel width are bridges and current or formerly mined in-channel areas. As described in the Technical Studies, aggregate mining within and along the channel has resulted in channel widening in the Hoppin reach, Reach 3, represented by the 1,600-foot width. Stevens Bridge forms a constriction at the western margin of the reach. The narrow channel width in the Dunnigan Hills reach is also controlled by the geomorphic influences presented by the actively uplifting Dunnigan Hills anticline; a narrow channel would be

expected for the reach of the creek that transects the anticline. The narrow channel of the Rio Jesus Maria subreach is controlled by levees and other stabilization works. The Test 3 channel configuration considered all of these significant influences on channel width; alteration of these influences was not considered practical.

**Response to Comment 2-14:**

The variability of conditions in the Hoppin subreach is considered in the CCIP. Alternative modification of the general channel templates for a channel transition through the Stevens Bridge (at the western end of the reach) are presented in Figures 3-14 and 3-15 of the CCIP. Figures 3-16 and 3-17 present a possible specific configuration and template for channel stabilization for a portion of the reach downstream of the bridge. The CCIP, therefore, allows for variability of the channel configuration in the Hoppin subreach.

**Response to Comment 2-15:**

The text of CCIP provides a discussion and explanation of the framework for the implementation of the CCIP. Development of target channel velocities accounting for variations in depth would need to be developed for individual channel improvement project designs. The role of the RMC and TAC are described and the review process for individual channel improvement projects is presented. The commentor is referred to the responses to Comments 6-11, 6-12, 6-13, 6-14, and 6-15 for discussion of the rationale and basis for the recommendations presented in the CCIP.

**Response to Comment 2-16:**

The context of Tables 3-1 through 3-8, presented in the CCIP, is presented on page 10 of the CCIP. The tables were developed on the basis of hydrologic and hydraulic analyses performed for and presented in the Technical Studies for the CCRMP. The tables include parameters, such as discharge, channel width, depth, velocity, slope, and bed size dimensions that will interact with or serve on the TAC. The purpose of the tables is to provide engineers and fluvial geomorphologists with reach-specific data that could be used in the evaluation of channel conditions and stability. Tables 3-2 through 3-8 were specifically compiled and formatted to allow comparison of existing hydraulic conditions between reaches of the creek and to facilitate documentation of changes in hydraulic conditions within each reach through time.

**Letter # 3**

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3, SACRAMENTO AREA OFFICE * MS 41
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
TDD 916 741-4509
FAX no. 916 323-7669
Telephone 916 324-6642



May 23, 1996

HYOL031
03-YOL-16
Cache Creek Resources
Management Plan
DEIR
SCH# 96013004

Mr. David Morrison
Yolo County Community Development Agency
292 West Beamer Street
Woodland, CA 95695

Dear Mr. Morrison:

Thank you for the opportunity to review and comment on the above referenced document.

COMMENTS:

Cache Creek Resources Management Plan (CCRMP) Comments:

- It should be reiterated that one reason (debatably the primary reason) many structures are scour critical is the significant riverbed degradation caused by instream aggregate mining (p. 3-12). The plan states that "in-channel gravel extraction in this area has lowered the channel thalweg more than ten feet for several miles and narrowed the channel to more than 1,200 feet upstream and downstream from the Esparto and Stevens Bridges" (p. 4.3-9). 3-1

- The report recommends limiting "the amount of aggregate removed from the channel to no more than the amount of sand and gravel deposited during the previous year (about 200,000 tons on average), except where channel widening is necessary, or potential erosion control and/or flooding problems exist" (p. 3-18). The goal of achieving or maintaining flood control capacity can conflict with the goal of protecting infrastructure. When these goals conflict on Cache Creek, which will dominate and who will mitigate the impacts to the other? 3-2

- The CCRMP states the "elimination of mining and in-channel maintenance will result in loss of 100-year protection" (p. 4.4-30). This loss is not guaranteed. We suggest changing the word "will" to "may". 3-3

- The CCRMP proposes focusing "efforts on minimizing scour and erosion around County and State bridges to provide additional protection and extend the operational life of the structures" (p. 3-19). How will this be achieved? What measures will be taken? 3-4

- Mitigation Measure 4.8-2a (A-3) is unclear.
  - o Caltrans has no current plans to provide any scour countermeasures at the Route 505 bridge.
  - o What Local Agency bridges (other than Capay) require bridge reconstruction?

  In addition to the above mentioned challenges, please clarify who will fund the countermeasure installation and monitoring? 3-5

- The CCRMP states that "the construction of check dams could be effective in reducing flow velocities in the vicinity of bridges and the potential for scour if properly designed and constructed" (p.4.3-29). It should be noted that check dams can control degradation but their effectiveness is severely limited at reducing contraction or pier scour. 3-6

- The Draft CCRMP proposes implementing "the Test 3 Run Boundary described in the Technical Studies" (p.3-18). Since this was not a design run, it will be very difficult to implement. 3-7

- The Test 3 Run Boundary purportedly smooths transitions through the bridges. It is unclear how excavating material from the banks will provide smooth transitions through the bridge reaches -- it is more likely the smoothing will be achieved by installing groins and other bank revetments. Therefore, it is unclear how "bank excavation is necessary to widen the channel as part of implementing the Test 3 Run Boundary" (Impact 4.3-1). 3-8

Cache Creek Improvement Plan (CCIP) Comments:

- Caltrans agrees with the makeup of the Technical Advisory Committee set forth on page 5. Thank you for inclusion in the stakeholder list. 3-9

- If "enlargement of the bridge openings greatly improves the hydraulic characteristics and channel stability in the vicinity of the bridge" (p. 13), why was the same bridge length chosen for the new bridge? 3-10

- Note that comments on specific bridge projects will be made by Caltrans when conceptual and design studies are completed or when State funding is requested. 3-11

- The CCIP notes the problems with debris accumulation at bridges (p. 16). Note that Caltrans designs bridges to minimize the need to remove debris from piers by providing sufficient span length and freeboard to pass debris through the bridge. In addition, hydraulically efficient piers can minimize the probability of debris catching on bridges. 3-12

Transportation Comments:

- Neither the Cache Creek Resources Management Plan (CCRMP) or the Off Channel Mining Plan (OCMP) has addressed the impacts that expanded aggregate mining will have on the structural integrity of State highway road beds in the Cache Creek mining area. This potential structural impact was specifically identified in our comments on the Notice of Preparations for each program EIR. Please refer to our May 25, 1995,December 18, 1995 and January 31, 1996 letters (enclosed). 3-13

- An impact criteria of 50 truck loads per day was used for the County's roads and a similar criterion should be used for State Route 16 and affected Interstate 505 ramps. As a minimum, the estimated increase in truck volumes on affected segments of State Route 16 and Interstate 505 ramps should be listed. This truck volume information would be helpful in planning area traffic growth, even if a mitigation measure for structural State highway road bed impacts is not feasible. 3-14

- Significant impacts at specific highway locations are expected from aggregate hauling associated with some of the individual long-term mining permits. Specific mitigation measures for State highways should also be planned for individual projects, such as left turn channelization on Route 16 at the Solano Concrete entrance. Will the project environmental and local approval processes accommodate these needs? 3-15

- The SYAR Industries project would have significant impacts at the Route 16/ County Road 89 intersection. Increasing the radii on the north side of the State highway would require bridge deck widening due to the close proximity of the canal. An alternative to this improvement would be to use County Road 87 and County Road 19 to access Interstate 505 with trucks. 3-16

- The CCRMP on page 2-21 lists reconstruction of the I-505 bridges over Cache Creek as a part of the plan. Although this action apparently proposes bridge lengthening, rather than total reconstruction, a Project Study Report (PSR) would probably be required. Approval of this proposal should not be assumed at this time. 3-17

Cache Creek Mining Technical Appendix Comments:

- The Technical Appendix document lacks Traffic Index (TI) information. TI's are calculated from Average Daily Traffic (ADT) information. Some daily traffic forecasts as well as TI's are needed. The percent figures stated in the comments for Route 16 at 20% and on Route 505 at 27% are current truck percentages of the ADT. 3-18

- Traffic volumes are not shown to increase between the cumulative "no project" (Figure D-1) and the cumulative (Figure C-1) situations. This assessment of traffic may be accurate for the AM and PM peak hour conditions but not for the ADT. 3-19

Please provide our office with copies of staff reports, conditions of approval and final actions taken regarding this program EIR when they are made available. If you have any questions regarding these comments, please contact Ken Champion at (916) 324-6642. 3-20

Sincerely,

JEFFREY PULVERMAN, Chief
Office of Transportation
Planning - Metropolitan

cc: Antero A. Rivasplata, State Clearinghouse
John Joyce, Yolo County Public Works

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION
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May 25, 1995

GYOL019
03-YOL-16 P.M. 27.8
Reiff Site - Short Term Mining and Reclamation
Project CUP
DEIR

Ms. Linda Peirce
Yolo County Community Development Agency
292 West Beamer Street
Woodland, CA 95695

Dear Ms. Peirce:

Thank you for the opportunity to review and comment on the above referenced document.

COMMENTS:

*Caltrans has reviewed the Draft Environmental Impact Report (DEIR) for a proposed off-channel mining operation adjacent to Cache Creek. The following issues cited by Caltrans in our letter of December 20, 1994, regarding the Notice of Preparation (NOP) have not been adequately addressed in the DEIR:

Bank/Levee Stability Analysis

The final document should include proposed mitigation measures to insure the mining pits remain physically separate from the active Cache Creek stream channel. The levee stability and accompanying hydraulic analyses (with water surface elevations and velocities) should be reviewed by Caltrans. The reclamation plan should outline the ongoing and proposed termination maintenance programs to preserve the physical separation.

- This project proposal should not have significant traffic volume impacts on the Interstate 505/County Road 19 Interchange. However, the truck traffic generated could produce some impacts to pavement conditions at the ramp intersections. These areas should be reviewed for possible mitigation. (Refer to page 4.8-17, Mitigation 4.8-4.)

Please provide our office with copies of any final action taken regarding this project.

If you have any questions regarding these comments, please contact Ken Champion at 916-324-6642.

Sincerely,
***Original signed by***

JEFFREY PULVERMAN, Chief
Office of Transportation Planning Metropolitan

cc: Mark Goss, State Clearinghouse
Bill Lindsey, HQ Structures (Mining)
Erol Kaslan, OSM & I
Richard Fox, Office of Structural Foundations
John Joyce, Yolo County Director of Public Works
bcc: Jim Brake, Office of Transportation Operations
Dennis Jagoda, Hydraulics
Terrie Bressette, Materials Lab
Jim Morris, Materials Lab
Trin Campos, Project Manager - West
Ken Champion, District 3 - Yolo County IGR Coordinator
KC:kc/jh

DEPARTMENT OF TRANSPORTATION
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December 18, 1995

GYOL068
03-YOL-505
Cache Creek Off Channel Mining Plan
NOP
SCH #95113034

Mr. David Morrison
Yolo County Community Development Agency
292 West Beamer Street
Woodland, CA 95695

Dear Mr. Morrison:

Thank you for the opportunity to review and comment on the above referenced document.

COMMENTS:

Caltrans has reviewed the First Draft "Off-Channel Mining Plan" (OCMP) for lower Cache Creek prepared by Yolo County. Caltrans commends the County for preparing the plan on the "key assumption that the creek must be viewed as an integrated system, with an emphasis on the management of all of Cache Creek's resources, rather than a singular focus on the issue of mining". Caltrans also supports the concept of adopting "new designations that will allow the County to regulate the creek in a more systematic and responsive manner", showing that the County recognizes the dynamic relationship between in-channel and off-channel mining. In addition, Caltrans has the following specific concerns:

- Will the Cache Creek Off Channel Mining Plan (OCMP) focus on the ramifications of high stage-induced failure of perimeter levees on upstream and downstream structures (bridges)?

- Action 4.4-6 allows "controlled pit capture" during catastrophic flood events. Any pit capture should evaluate potential impacts at the bridges. Enclosed for your information is a letter from the FHWA warning that damage to bridges attributable to mining activities may not be reimbursable with Emergency Relief funds in the event of damage during storms.

- Performance Standard 4.5-2 states that excavations need only maintain a 200 foot setback from the existing active channel bank while 4.5-3 mandates a 700 foot setback. This apparent discrepancy should be clarified.

- We recommend overlaying Figure 3 (Channel Boundary) with Figure 4 (Off Channel Mining) to see the relationship.

- We recommend delineating the beginning and end of each bridge to show its relationship to the streamway influence boundary.

- The impacts of mining truck haul routes on the structural integrity of local and regional roadways should be analyzed. Any significant change in the Traffic Index for a roadway may require mitigation.

Please provide our office with the draft EIR for this OCMP. If you have any questions regarding these comments, please contact Ken Champion at 916-324-6642.

Sincerely,

ORIGINAL SIGNED BY:

JEFFREY PULVERMAN, Chief
Office of Transportation
Planning - Metropolitan

cc Dana Lidster, State Clearinghouse

bcc Jim Brake, Office of Traffic Operations
Trin Campos, Project Manager - West
Dennis Jagoda, Hydraulics
Cathy Crossett, HQ Structures (Mining)
Ken Champion, District 3 - Yolo County IGR Coordinator

JP:KC:jw
GYOL068

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND [illegible]NG AGENCY PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION
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January 31, 1996

HYOL006A
03-YOL-16
Cache Creek Resources Management Plan
NOP
SCH # 96013004

Mr. David Morrison
Yolo County Community Development Agency
292 West Beamer Street
Woodland, CA 95695

Dear Mr. Morrison:

Thank you for the opportunity to submit supplemental comments to those included in our January 25, 1996, letter on the above referenced document.

COMMENTS:

- The Draft Environmental Impact Report should address changes in mining aggregate truck hauling practices (ie. routes used, truck volumes, impacted intersections, etc.). Please refer to the May 25, 1995, letter (enclosed) with our comments on a similar project.

Please provide our office with a copy of the DEIR on this plan when it becomes available.

If you have any questions regarding these comments, please contact Ken Champion at (916) 324-6642.

Sincerely,

ORIGINAL SIGNED BY:

JEFFREY PULVERMAN, Chief
Office of Transportation
Planning - Metropolitan

cc: Dana Lidster, State Clearinghouse
John Joyce, Yolo County Director of Public Works

bcc: Jim Brake, Office of Traffic Operations
Gene Kreb, Office of Traffic Operations
Dennis Jagoda, Hydraulics
Trin Campos, Project Manager - West
Bill Lindsey, HQ Structures (Mining)
Erol Kaslan, OSM & I
Richard Fox, Office of Structural Foundations
Ken Champion, District 3 - Yolo County IGR Coordinator

JP:KC:jw
HYOL006A

## LETTER 3: CALIFORNIA DEPARTMENT OF TRANSPORTATION

**Response to Comment 3-1:**

Staff agrees that in-stream aggregate mining is a principal contributing factor to incision of the Cache Creek channel. However, both the Technical Studies and the DEIR also stress that changes in sediment supply, regional narrowing of the channel, and local narrowing of the channel at bridge crossings are also principle contributing factors in channel mechanics. The commentor's focus on the first sentence of the last paragraph on page 4.3-9 brings to attention the need for clarification regarding the expected causes of channel incision. Therefore, Text Change # 9 has been made.

**Response to Comment 3-2:**

Staff considers improvement of channel capacity to be the primary goal of the CCRMP. The potential conflicts between flood control and erosion control will need to be addressed on a site-specific basis. It is anticipated that erosion control measures could result in localized reduction of flood control capacity. However, the capacity loss could be mitigated by upstream or downstream channel modifications which could accommodate these localized effects.

**Response to Comment 3-3:**

Text Change # 16 has been made in response to the comment.

**Response to Comment 3-4:**

The general purpose of the CCRMP and CCIP is to improve channel stability throughout the CCRMP planning area through promotion of improved hydraulic conditions. This general principle, supported by on-going monitoring of hydraulic conditions, will improve understanding of current conditions contributing to scour and erosion and the development of appropriate controls for these conditions. Ongoing monitoring will also provide better data for forecasting changes within the channel which may affect bridges and other structures. The commentor is referred to Section 3 of the CCIP where prioritization of channel improvement projects is discussed (pages 12 and 13). The priority projects emphasize channel transition and stabilization projects for the Capay and Stevens bridges. Preliminary design concepts for possible projects are presented in Figures 3-9 through 3-15.

**Response to Comment 3-5:**

The cited mitigation measure applies to Alternative 3 under which channel widening would be necessary to establish the Streamway Influence Boundary as the active channel/floodplain of Cache Creek. Under this scenario, it was assumed that the existing bridges would need to be lengthened to accommodate the widened streamway. However,

this alternative is not proposed under the CCRMP. As a new consideration for improvement of channel stability along Cache Creek, it is understandable that Caltrans would not have plans for reconstruction or improvements. It is also expected that the bridge at County Road 96B (Stevens Bridge) would also require reconstruction under Alternative 3. The funding source for the bridge reconstructions is not known. It is expected that, if Alternative 3 were selected for implementation, County, State, and federal funding of the projects would be needed for bridge reconstruction.

**Response to Comment 3-6:**

The commentor's point regarding the limitations of check dams in the protection of bridge components is noted for the record. The discussion of check dams on page 4.3-29 of the DEIR is clear in specifying that such structures could be effective, if properly designed and constructed. It may be necessary for other forms of protection to be implemented to provide more complete protection for bridges.

**Response to Comment 3-7:**

The commentor is referred to the discussion on pages 4.3-23 and 4.3-27 of the DEIR regarding the expected challenges in implementing the Test 3 boundary. In that discussion, the Test 3 boundary is characterized as a goal and not as a final design. The CCIP will provide on-going monitoring which will allow recognition of possible necessary adjustments to the Test 3 boundary configuration over time. Staff contends that identification of the Test 3 channel configuration as a more stable channel shape compared to existing conditions is appropriate and well supported by the Technical Studies and the DEIR. However, the DEIR and CCIP acknowledge the dynamic nature of the Cache Creek channel and provide a flexible framework for implementation of channel improvement projects. Although the commentor may consider the implementation of this strategy for improved conditions along Cache Creek "very difficult," staff considers the CCRMP approach to be progressive and workable.

**Response to Comment 3-8:**

The commentor's focus on bridges is understandable. However, the CCRMP and CCIP address the potential channel stability issues throughout the CCRMP planning area. Under the Test 3 model run, widening of the channel in numerous areas would be expected to improve channel stability. The bridges present existing localized constrictions of the active floodplain which necessitate special considerations. The commentor's opinion that hydraulic controls other than channel widening will be required at the bridge locations is acknowledged by alternate bridge transition projects presented in the CCIP.

**Response to Comment 3-9:**

The commentor's support for the makeup of the TAC and agreement on inclusion of Caltrans on the list of Cache Creek Shareholders is appreciated by the County and noted for the record.

**Response to Comment 3-10:**

Staff assumes that the comment is specifically directed at conditions considered for County Road 85 (Capay) bridge. The existing bridge lengths were considered to be appropriately conservative assumptions in development of potential channel improvement projects. However, the discussion of the potential Capay improvement project in the CCIP includes an alternative design (Figure 3-12) for the Capay bridge, acknowledging the widening of the bridge could be considered in reconstruction scenarios.

**Response to Comment 3-11:**

The comment regarding future Caltrans review of channel improvement projects is acknowledged and noted for the record.

**Response to Comment 3-12:**

Staff acknowledges the commentor's point that bridge designs prepared by Caltrans address the potential for debris accumulation. The purpose of discussing the potential for debris accumulation at bridges was to address a potential problem that could occur as the result of possible natural changes in the hydraulic conditions (e.g. channel bed aggradation or changes in the orientation of flow relative to the fixed position of the bridge) which were not foreseen at the time that the bridges within the planning area were designed.

**Response to Comment 3-13:**

The Transportation and Circulation section of the DEIR (Section 4.8) addresses the impacts to structural integrity of the County road system, but not the State Highway System because the State Routes are designated truck routes that were designed to accommodate truck travel at legal loads. The applicants do not anticipate operations of truck loads in excess of the legal limits. The commentor's statement is noted for the record.

**Response to Comment 3-14:**

The criteria of 50 truck loads per day was applied to County roads, but not to State Route 16 or the I-5 ramps because of the reasons discussed above in Response to Comment 3-13. Table 4.8-12 on page 4.8-36 of the DEIR shows the changes in truck traffic on the various segments of State Route 16 under each project alternative. Changes in traffic on the I-505 ramps is included in Appendices C, D, and E of the *Technical Appendix to the*

*Program-Level Environmental Documents for the Off-Channel Mining Plan and the Cache Creek Resources Management Plan*, Yolo County, February 28, 1996.

**Response to Comment 3-15:**

Impacts 4.8-3, 4.8-4, 4.8-6, and 4.8-14 address impacts on State Route 16. Specific mitigation measures are being proposed in the project-specific environmental documents for each long-term application. Please refer to the second paragraph of page 4.8-46 for an example reference to this process.

**Response to Comment 3-16:**

The commentor's statement is correct and has been addressed in Impact 4.8-9 on page 4.8-49 of the CCRMP DEIR. The impact of traffic generated by the CCRMP was found to be less than significant, based on the number of trips. However, the impact of aggregate mining proposed by Syar's long-term mining application on non-standard bridges was addressed in the OCMP DEIR (Impact 4.8-9) and in the DEIR for the Syar project (Impact 4.8-3). The mitigation proposed in these two documents recommend replacement of the bridges. The long-term application for Syar Industries does not propose to access an alternative haul route along Roads 87 and 19.

**Response to Comment 3-17:**

As noted on page 2-21 of the DEIR, Impact 4.8-2 applies only to Alternative 3 - Channel Bank Widening, not the proposed project. The detailed discussion of this impact on page 4.8-41 refers to "reconstruction" of the bridges, and does not preclude construction options (e.g., expansion or total replacement). Mitigation Measure 4.8-2b on page 4.8-42 refers to the need for coordination with Caltrans during the encroachment permit process. The commentor's statement that a Project Study Report will likely be required and that Caltrans has not approved this proposal is noted for the record.

**Response to Comment 3-18:**

The criteria used to determine significance of pavement impacts was the addition of 50 truck loads per day to a road, not the Traffic Index of the road. Therefore, Traffic Index calculations were not necessary for the impact analysis. Daily traffic forecasts are shown on Figures 4.8-8 and 4.8-9, as well as Table 4.8-12.

**Response to Comment 3-19:**

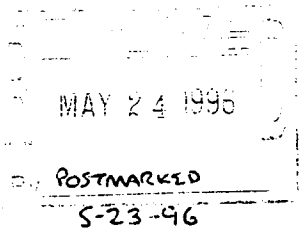
The traffic volumes shown on Figure C-1 (cumulative with project) of Appendix C of the Technical Appendix are higher than the corresponding volumes shown on Figure D-1 (cumulative without project) of Appendix D for those turning movements that serve haul routes. As shown on Figures 4.8-8 and 4.8-9 of the DEIR, increases in average daily traffic volumes are also expected for the haul routes.

**Response to Comment 3-20:**

Copies of staff reports may be requested of the Planning Commission Clerk or Clerk of the Board prior to a hearing. Conditions of approval and final actions taken regarding the CCRMP may be requested from the same individuals after action is taken. Thank you for your correspondence.

STATE OF CALIFORNIA PETE WILSON, *Governor*

**Governor's Office of Planning and Research**
1400 Tenth Street
Sacramento, CA 95814




May 23, 1996

DAVID MORRISON
YOLO COUNTY COMMUNITY DEVELOPMENT AGENCY
292 WEST BEAMER
WOODLAND, CA 95695

Subject: CACHE CREEK RESOURCES MANAGEMENT PLAN SCH #: 96013004

Dear DAVID MORRISON:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 4-1

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

Antero A. Rivasplata

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

## LETTER 4: GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

### Response to Comment 4-1:

Comment noted. Thank you for your correspondence. Please refer to Letters 9 and 10.

**Letter # 5**

THE LEAGUE OF WOMEN VOTERS OF WOODLAND

P. O. Box 2463, Woodland, CA 95776



1121 West Street
Woodland, CA 95695
May 23, 1996

To: Heidi Tschudin, County contract planner and David Morrison, planner for County Community Development Department
From: League of Women Voters of Woodland
Subject: Final Comments on the Draft Cache Creek Resources Management Plan

The League of Women Voters of Woodland has read and studied the Draft CCRMP and would like to state that these comments are based on their positions on protecting the natural resources of the County and the public health and safety of its citizens.

The League would also like to state again that these plans are moving forward so fast it is very difficult for citizens to be involved in a meaningful way. Further, the League believes the DEIR shows that the consultants who prepared it are also under such short time constraints that they cannot check the documents for consistency of terms and maps. Comments submitted under separate cover show specific instances. 5-1

The Hydrology and Water Quality section of the document is very troubling. On page 4.4-24 under a discussion of flooding it is stated:. . . ." Specific details regarding how the 100-year channel capacity would be achieved and maintained for the entire planning area without impacting downstream flooding are not included in the draft CCRMP". Figure 4.4-7, a map, looks as though flooding would be very close to Woodland. The League feels that somewhere in this management plan the reach from Yolo to the Cache Creek Settling Basin should be considered. A further statement on page 4.4-24 reads: . . . . "Channel modifications and/or restoration activities within the planning area could adversely impact existing downstream flooding problems." 5-2

Several places in the section on hydrology and water quality an action or a performance standard is stated and followed by the words: "This action requires revision" or "This policy requires revision". Will this all be made clear in the final draft of the Cache Creek Resources Management Plan or are those just unknowns? 5-3

At the first County Planning Commission hearing to receive comments on the CCRMP, it was stated by the mining industry that that they have vested interests in the Creek, and could still mine there. At the special meeting of the County Planning Commission dated October 29, 1980, conditions for the mining permits were adopted. Condition 7 reads as follows: 5-4

> "7) Modifications, All permits are subject to being modified, and any term of those Permits is 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."

Therefore, it would appear the permits could be modified to be only that mining necessary to carry out what is specified in the CCRMP. The new data would be the

Streamway Study from the Technical Studies. Would you please comment on this? 5-4

The CCIP (Cache Creek Improvement Plan) appears to be a much more defined document. The flood watch program proposed would be a "first" for Cache Creek and should be very reassuring to citizens knowing there will be a co-ordinated response to the threat of a flood. Will the Resource Management Coordinator be a paid position within the Yolo County Development Agency? What would be the relationship of this position to the YCDA? The Technical Advisory Committee (TAC) sounds like a very well qualified group and the Stakeholders Group should provide participation from agencies, citizen groups, and industry. The League hopes the CCIP can come to fruition. 5-5

We would question where the water would come from to maintain a low water flow. It sounds wonderful but who would be giving up the water to produce such a flow? 5-6

Marie E. Bryan

Marie E. Bryan

Patricia Murray

Patricia Murray, Co-presidents

Lois V. Linford

Lois V. Linford, Natural Resources Chair

## LETTER 5: THE LEAGUE OF WOMEN VOTERS OF WOODLAND

**Response to Comment 5-1:**

Thank you for your letter. The staff shares the League's concerns regarding protecting the natural resources of the County, and the public health and safety of the citizens. These were guiding factors in the recommendation to the Planning Commission and Board of Supervisors. The staff believes the public has had many opportunities to become involved in a "meaningful" way. There have been citizens meetings, scoping meetings, workshops and comment hearings to name a few. Furthermore, the review times for the EIRs conform with the state 45-day requirement which the legislature has established in order to provide an adequate and reasonable period for all reviewers. The minor "inconsistences" and errata to which the commentor refers were inadvertent and are addressed in this Response to Comment document in Chapters 2.0 and 4.0.

**Response to Comment 5-2:**

The statements referenced by the commentor on page 4.4-24 of the DEIR describe a potential impact of the proposed project. Without proper planning, design, and implementation the project could exacerbate flooding problems downstream, including the Woodland area. Therefore, the DEIR requires mitigation of this potential impact under Mitigation Measure 4.4-1a (starting on page 4.4-29). The following performance standard was added by the DEIR: *Existing flooding problems near Woodland shall not be exacerbated by activities conducted under the CCRMP or CCIP* (middle of page 4.4-29 of the DEIR).

The reach of Cache Creek between Yolo and the Settling Basin is outside the planning area of this project. As stated above, the DEIR requires that potential projects not exacerbate the flooding problems of this reach (and other downstream and upstream reaches). Staff will continue its efforts in coordinating with other appropriate agencies to address flooding problems in this reach.

**Response to Comment 5-3**

The DEIR on the CCRMP evaluates the policies set forth in the CCRMP, recognizing benefits or deficiencies (such as those described in the comment) under each impact discussion. Those policies that were identified to contain deficiencies are amended or omitted under the applicable mitigation measure section. For example, the analysis of Action 2.3-10 (on page 4.4-26 of the DEIR) in the impact section recognizes that "this Action requires revision." Under Mitigation Measure 4.4-1a (on page 4.4-29 of the DEIR) Action 2.3-10 is amended to eliminate the deficiency. Revised versions of the CCRMP and CCIP, including recommended changes as described in the mitigation measures of the EIR, are being prepared by staff.

**Response to Comment 5-4:**

The commentor is correct that these conditions are attached to the 1980 permits. The County's intent was to allow for later modifications. Irrespective of this, however, it is the staff's understanding from County Counsel that these permits are likely vested. This issue has not been before the Board of Supervisors or litigated so it remains open. The comment implies that the CCRMP would result in the continuation of instream mining. This is not the case. Also, the 1980 permits do not cover the entire CCRMP planning area, including several areas experiencing adverse erosion and hydraulic conditions. Therefore, maintaining the existing status quo would be less optimal that what is being proposed in the CCRMP.

**Response to Comment 5-5:**

The commentor is correct in noting that the CCIP is a much more defined document. The Resource Management Coordinator is a paid position which already exists within the Community Development Department. It is currently filled by David Morrison. The relationship of this position to the TAC, as well as the role of the TAC, is discussed in Response to Comment 2-5.

**Response to Comment 5-6:**

A source of water to maintain flow in Cache Creek throughout the year has not been secured. Action 2.4-8 (page 4.3-27 of the DEIR) includes the provision "when annual precipitation is sufficient." It may be that under current conditions, sufficient water may be unavailable. The purpose of the policy is to promote stabilization and biotic enhancement of the creek by whatever means become available. If a policy exists that indicates that a low flow channel is a priority of the County, conditions may allow for these flows to occur in the future.

The Yolo County Flood Control and Water Conservation District (YCFC&WCD) is currently in the process of applying for an additional allocation of approximately 40,000 acre-feet of Cache Creek watershed. The County has discussed the appropriateness of maintaining a low flow channel with the YCFC&WCD. The YCFC&WCD has agreed with the concept of supplying water for this purpose. It is on this basis that Action 2.4-8 was included in the CCRMP. The implementation of the action would not directly impact existing users in the CCRMP planning area as the source would come from a new allocation of water.

Letter # 6

MAY 28 1996

May 22, 1996

To: Dave Morrison & Heidi Tschudin,
Yolo County Planning Department

Subject: Comments & Statements of Concern - DEIR -
CACHE CREEK RESOURCES MANAGEMENT PLAN
AND CACHE CREEK IMPROVEMENT PROGRAM

**This document was hurriedly put together and released with other documents such as the OCMP, each involving hundreds of pages of compacted material in an apparent attempt to overwhelm the citizens capacity to read and appraise the proposals. Due to serious time constraints concerned citizens have been deprived of the opportunity to carefully read and respond to the documents. This is particularly frustrating since the decision directly and indirectly involves our most precious resources - surface and ground water.** 6-1

**During our hasty review we found crucial data was missing and there was a great deal of misleading information. The failure to adequately present and/or discuss this material could lead to decisions by the lead agency which would greatly increase risk to public heath and a multiplicity of lawsuits involving the county because of gross inconsistencies.** 6-2

**For example: The lack of a clear and consistent delineation of the study/planning area will seriously affect property owners in the area in regards to property lines and road rights of way, tax assessments, title insurance, and lending institutions. Gravel extraction areas should be drawn according to property lines and roadways, taking into consideration the presence or absence of economically mineable gravel. The overall area should not be expanded or changed according to the whims of a consultant.** 6-3

**Approval of the EIR as it currently exists could establish a virtual monopoly for a few gravel operators resulting in the exclusion of minority producers. This could trigger serious consequences in Federal funding due to alleged discrimination.** 6-4

**Broad unreasonable, irresponsible conclusions were derived from a single inadequate soil test in which the major pollutants (Arsenic and Mercury) were not even considered.** 6-5

**A proposal to make Cache Creek an active year-round stream was advanced without consideration of the overall costs and the significant impact on the local water provider(s).** 6-6

**A proposal for recharge and storage of water in gravel pits was speculative and not researched on a site specific basis. It also lacked the backing of a responsible agency.** 6-7

**Off-channel Open Deep wet pit (strip) mining was presented as a given without consideration of other alternatives such as dry pit mining.** 6-8

**In conclusion we find the DEIR inadequate due to a lack of comprehension of the total subject at hand.** 6-9

*Bob & Mitzi Speirs*
Environmental Issues Committee
Western Yolo Grange #423

*Lois Linford*
Natural Resources Committee
League of Women Voters, Woodland

*Janet Levers*
Cache Creek Resource Coalition

# Comments & Statements of Concern

# Program EIR

## CACHE CREEK RESOURCES MANAGEMENT PLAN

## & CACHE CREEK IMPROVEMENT PROGRAM

**SCH #96013004 April 8, 1996**

## GENERAL COMMENTS

### 1. TEXTS AND MAPS DIFFER ON PLANNING AREA

**Page 4.3-7, 3rd paragraph, 1st sentence contains the following direct quote: "The Planning area is entirely located within an identified MRZ-2 zone (Dupras, 1988)." However, all of the DEIR documents thus far have the planning area including MRZ-1 zone, MRZ-2 zone and MRZ -3 zone. To further add to the confusion, the latest maps in this document call the planning area the "Yolo County MRZ Area". To still further confound the situation, the earlier documents referred to this as the "Study Area" which did not include MRZ-zone - 1 or MRZ - zone 3. To make matters even worse, the planning/study/Yolo County MRZ-zone/ differs from Map to map.**

**The west and east boundary of the written description of the planning/study, Yolo County MRZ zone varies from page to page depending upon which section is being read.**

**This is not just a trivial incident of inconsistency (spelled sloppy), but it may well invalidate all previous preliminary procedures bringing the EIR process up to this point. CEQA case law and case law for zoning is well saturated with instances where maps have been expanded or shrunk without the landowners within the area being notified or the necessary amending procedures having been followed. It can be confidently predicted that this will be a target for legal action and will be a great source of public embarrassment to the Board of Supervisors.**

6-10

### 2. DEIR's USE OF RECHARGE AND STORAGE DOES NOT FIT CEQA's DEFINITION.

**The DEIR's continued use of "recharge basins" and "storage" is not in conformance with CEQA Sect. 1526(d)(5)(c) which states–"–whose effect cannot be reasonably ascertained and whose implementation is remote and speculative". It would be difficult to find a better description than this for "recharge basins" and "storage" as neither has been researched on a site-specific basis and no responsible agency has made a firm commitment.**

6-11

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## 3. DEIR's FINDINGS ON SOIL TESTING INVALID

**The referred soil tests taken at only one locality did not test for arsenic!**

- For about the first 30 years of commercial tomato production in Yolo County (before machine picking), most fields had at least 3 pickings (by hand) spread over 30-40 days. Before and between pickings, several arsenic dusts were used to control insects. Untold thousands of tons of these arsenicals were applied along the Cache Creek area which is prime tomato land.
- Arsenic is an element and not subject to further breakdown. However, the chemical compounds that it is a part of may break down over time. Arsenic is one of the most lethal elements and is not now generally used because of its extreme hazard. 6-12
- In addition, there were temporary agricultural flight strips located in a widely scattered pattern close to the tomato fields so that the crop dusting aircraft had a short commute. These were subject to spills of arsenicals and in those days there were no regulations on handling and clean up.
- For the DEIR preparers to make the sweeping statement on the basis of tests at one single locality that all of the lands and channel within the planning area are not contaminated is unscientific, illogical and grossly irresponsible.
- It is noted that there has been no expert testimony on this matter except for the lone test. The preparers are requested to document their qualifications to warrant such an "authoritative finding".

**• CEQA expects better than this!**

## 4. DEIR PROPOSED A MONOPOLY ON GRAVEL MINING THAT ILLEGALLY EXCLUDES MINORITY ENTERPRISE.

- The preparers have established a continuous thread through the EIR documents thus far distributed that the only producers on Cache Creek for the next 30-50 years will be those with permit applications now pending. To establish this locked in de-facto monopoly the preparers have made an estimate for gravel consumption and then have made de-facto quotas of production among the fortunate few with pending permit applications. Nowhere in the EIR document is it even hinted that a "foreign operator" might be allowed to invade this closed system. 6-13
- It is noted that when exclusive franchises, such as will be owned by the permit applicants are granted, the law provides that the agency granting the permits must call for bids so that all interested parties may have the opportunity to compete.
- There is a host of legislation on both the Federal and State levels that deals with anti-discrimination as regards not allowing small businesses and minority enterprises equal opportunity in production and sale of construction materials.

• All the producers on Cache Creek except Schwarzgruber are captives of construction contractors which give these contractors a huge advantage in bidding on local, state and Federal projects. Generally speaking, if a contractor in the Sacramento-Fairfield market does not control his aggregate source, he is not competitive. As a result minority contractors and small business contractors have been excluded in large part from local competition.

• Federal and State grants to local agencies all contain anti-discriminatory clauses that are specifically aimed at prohibiting the discriminatory control over construction materials. Even DMG publishes a list of gravel producers who are not in compliance with DMG directives. The agencies of the State are prohibited from purchasing aggregate from those on the list as is any local agency that receives money from the state, e.g. fuel taxes. 6-13

• This de-facto establishing of an aggregate monopoly will be a golden opportunity for some legal aid society on behalf of the disadvantaged to bring a class action lawsuit against the County.

• Staff is advised to research the dozens of pages in the "Federal Register" that deal specifically with this subject. The "teeth" are in this rather than in the broad language of the various legislations.

5. <u>THE ADVERSE IMPACTS OF A LOW FLOW CHANNEL AND A PERENNIAL LIVE STREAM POORLY DISCUSSED.</u>

• No calculations have been offered to determine the quantity of water needed to make Cache Creek an active stream below Capay Dam for at least 9 months out of the year nor has there been any attempt to see if the water is available. As the establishing of a year-round flow is one of the great building blocks and net gains of the mitigation measures, the reader is certainly entitled to a more informative discussion than the one presented. The following information is offered to hopefully add to the general knowledge on this neglected subject and to inform Staff.

• The preparers have high hopes for recharge in abandoned gravel pits even though the bottoms terminate in clay instead of gravel. If we are to accept this premise, it would seem logical that Cache Creek which has a gravel bottom would percolate water much more readily - we could probably expect it to percolate at several time that of the abandoned pits. 6-14

• The Indian Valley Dam is obligated to release 10 cfs year-round to keep the North Fork of Cache Creek a live stream for only about 6 miles of channel. The NFCC lies in a narrow canyon with a very small aquifer below it (DMG). If we were to apply the same criteria in a "guesstimate" hypothetical example to Cache Creek, we would have to guess at how much water would have to be released at Capay Dam to have a 10 cfs residual flow at Yolo. The water lost from Capay to

Yolo would include evaporation, percolation and riparian vegetation use. If we guessed that 1/7th of the water released at Capay Dam reached Yolo at a flow rate of 10 cfs, 70 cfs would be released at the dam or about 31,500 gpm which is equivalent to about 15 farm agricultural wells.

- The release of 70 cfs would be approximately 139 acre feet per day and if we guessed that an average irrigation depth would be 3 inches per irrigation, this would be the same as irrigating about 557 acres per day.
- If we consider releasing water at the dam for 270 days of the year, the total release would be 37,530 acre feet per year. If 3 acre-feet per year per acre for an agriculture crop was used, this would be equivalent to irrigating 12,510 acres.
- To eliminate argument, assume that we are 50% too high in our assumptions, the numbers then would be: 6-14

| | |
|---|---|
| Capay Dam Release | 35 cfs |
| | 15,750 gpm |
| | 7 Agriculture Wells |
| | 70 af/day |
| | 279 ac irrigated/day |
| | 18,765 af/yr |
| | 6,255 acres irrigated/year |
| Cost at $15/acre foot | $281,475 |

## Conclusions:

- No matter what numbers are chosen as reasonable, it is readily apparent that we are dealing with a significant impact which Staff has not adequately dealt with. This plainly shows that future generations will be irreversibly committed to a similar use. 6-15
- Now let us examine the probability of obtaining this significant volume of unappropriated water, something that Staff has evidently not explored. The YCFC&WCD has two impoundments from which to draw surface water-Clear Lake and Indian Valley Reservoir. Natural run-off below the dams is insignificant except in very wet years and hence will be discounted. Under average rainfall conditions, the YCFC&WCD can meet its obligations, but if the rainfall is much below average it must resort to rationing which it has done frequently in the last 20 years. 6-16
- The demand for surface water has increased since the 1970's when electrical energy costs skyrocketed. Surface water, when available, is now the economic choice. In water-short years, orchards and vineyards get first priority. The District has expanded its canal system and now serves lands in Hungry Hollow and in the Dunnigan Hills not formerly served. Grape growing in the Dunnigan Hills is now the fastest growing new agricultural crop and wells are inadequate.

• Clear Lake is by far the largest impoundment but it is subject to severe limitation by three superior court decrees. Additionally lakeshore developments have a demand on the water. The City of Clearlake (population 10,000) is the largest incorporated city in Lake County and takes its municipal water supply from the lake. However, for a number of years the city has been under a cease and desist order from the RWQCB for violating wastewater discharge requirements. This has resulted in a State-imposed moratorium on new sewer hook-ups. This has stifled house building and there is now a great back-log of building projects on hold.

• To solve the wastewater treatment problem, a project is now under construction to transport treated effluent to the geothermal energy fields by a pipeline to recharge failing steam wells. Initially, the volume of treated effluent will be insufficient and Lake County has requested about 1600 acre-feet per year to make up the deficit. This would come out of the YCFC&WCD irrigation reserve. Once the building moratorium has been lifted, house construction will allow enough increased population to generate sufficient waste water so that water will not have to be purchased from the YCFC&WCD. However, the increased population will draw from the lake for water supply and eventually it will amount to more than the 1,600 acre feet per year. 6-16

• It should be abundantly clear at this point that the YCFC&WCD is not likely to have the impressive amount of surplus needed to maintain a year-round livestream, especially in below average rainfall years. If a live stream cannot be guaranteed in perpetuity, the grand plans for a continuous band of riparian growth will never endure.

Conclusion:

Why has the reader been subjected to such an inadequate and shallow presentation that is so far removed from the real world? The integrity of the whole DEIR process thus far is greatly diminished by such a lack of comprehension of the total subject at hand.

## Chapter 3

### 3-1 MAPS AND DESCRIPTIONS OF PLANNING AREA - INCONSISTENT

In some EIR documents it is called the "Study Area" but in later documents it is called the "Planning Area" and occasionally the "Project Area". This will be confusing when tracking from document to document.

• The verbal description of the "planning/study area" has used the DMZ-3 zone, Capay Dam and Capay Bridge as the westerly terminus. The verbal description of the easterly terminus is variously described as the Town of Yolo, the I-5 freeway and the leveed section near the town of Yolo. Compare with description on page 2.1 top of page. It should be noted that the west end of the leveed section on the north 6-17

side of the Creek is much farther west than is the levee on the southside of the creek.

- The planning/study area has been expanded from the earlier documents to now use the MRZ-3 zone as a boundary instead of the earlier study area boundary. This was done without the property owners involved being notified nor were the required public hearings held.
- The boundary of the planning/study area appears to have been sketched in freehand with no effort to follow property lines or road rights of way. The result is a map that cannot be interpreted; the tax assessor will be unable to assess accurately, title insurance companies will be placed at a great disadvantage and lending institutions will be frustrated.
- It is noted that the newest planning area boundary varies from the map. In some instances Madison is bisected, on others it is barely missed and on some it is missed by a considerable distance - which are we to believe? 6-17
- In one instance the boundary is described as being several miles from Woodland but various maps show it to be within 1/2 mile of the City limits.

IN CONCLUSION:

**The whole DEIR process which should be a paragon of precision is unbelievably sloppy".**

Even the drainage basin of Cache Creek is inaccurate and has been garbled with that of the North Fork of Cache Creek.

3-14 2nd paragraph

- "Property owners who wish to perform erosion/flood control work or other activities within the creek have to apply for a Floodplain Development Permit from the Community Development Agency". It should be noted that they must also clear through the COAE, DFG, SRB, etc. This paragraph needs to be expanded to be accurate. 6-18

3-25 3.3-1

How can the DEIR recommend recharge basins when no research or pilot projects have ever been carried out to see if, in fact, they will work? COAE's latest report has grave doubts and states that no investigative research has been performed. 6-19

3-15 3.3-2

Doesn't Lake County already have a comprehensive management plan for Clear Lake Watershed? Maybe Staff should talk to Lake County. 6-20

3-16 3.34

Encourage gravel operators to use sand and gravel as saleable items rather than dumping it back into the backfill. This is a non-renewable natural resource and using it in such a reckless fashion violates the Yolo County General Plan. 6-21

3.16 4.23
Should specify "desirable" native plants - poison oak is not desirable. 6-22

3-17 7.2-1
Off channel gravel mining conflicts with agriculture operations. Deep wet pit mining would result in very significant permanent loss of agricultural land. Agricultural land would also be lost to sidesloping. 6-23

3-18 Primary Actions
Action # 1. Is the 200,000 ton figure correct? If this is the sediment load, only about 6% is sand and gravel - see DMG report. 6-24
Comment- It is noted that several of the recommended actions are outside the planning area.

3-19 Recommended Action #2
Staff cannot legitimately recommend the construction of any recharge/storage facility until authoritative research reveals the feasibility of such facilities. The COAE report states that insufficient data exists to make a judgment. The CEQA process does not accommodate using "a great idea" as a building block when no responsible agency has formally adopted a plan or made a commitment. 6-25

3-19 Recommended Action # 3
Testing Cache Creek once a year must be further described as to time, rate of flow and location. It is noted that Cache Creek flow could be entirely from a) Indian Valley Reservoir, b) Clear Lake, c) natural flow with both dams closed or a combination of all sources. As written this is a meaningless action. 6-26

3-20 Biological Resources Element, 1st paragraph
Fails to mention that tules and cattails far exceed the consumptive use of water of any other native species. Tules and cattails will predominate in shallow wetlands. The DEIR documents have been totally silent on the water consumptive use of tules and cattails, although it is well documented by DWR research publications. The reader has not been presented with the real-life picture. 6-27

3-20, 3-21
In downgrading hard engineering, such as riprap, local experience has not been considered. Much of the bank of the Sacramento River has been rip-rapped in Yolo County and vegetation flourishes in it to the extent that some of the older rip-rap is no longer visible. The crevices have been filled with silt and native vegetation now flourishes. This is a much more permanent protection which is not subject to fire and also can be constructed faster. 6-28

3-24 Range of Alternatives, 2nd paragraph
"The CEQA Guidelines indicate that an EIR need not consider an alternative" - - "whose effect cannot be reasonably ascertained and where implementation is remote and speculative" (Section 15126(d)(5)(C) 6-29

Comment:

**The DEIR continued use of "recharge and storage" as mitigation falls within the above caution because it is "remote and speculative". It is " remote and speculative" because it has been untested on Cache Creek, no field or pilot project has been done, no agency has made a firm commitment, and COAE states that it may not work.** 6-29

3-25 Alternative # 4

**Why is mining below the thalweg considered a reasonable project when the Technical Studies states that the theoretical thalweg concept should be abandoned?** 6-30

**How does this follow the "Rule of Reason"?**

**Why is shallow pit mining not listed as an alternative?**

4.2-1 Setting

**Cache Creek drainage basin is incorrectly described. All of the Clear Lake watershed is part of Cache Creek total drainage not just the north and northeast highlands.** 6-31

**The Planning area map does not agree with the description which states that it runs to the Town of Yolo, and it also extends upstream of the Capay Dam.**

**Written descriptions and maps must agree.**

4.2-2 Regulatory Setting, next to last paragraph

**The entire planning area is not located in the CDMG MRZ-2 zone as per the various maps of the DEIR but has been expanded by Staff (without hearings) to the MRZ-3 zone.** 6-32

**The DEIR must be accurate and consistent in regards to map boundaries.**

4.2-3 First paragraph

**How is Cache Creek navigable when it is an ephemeral stream and was found to be dry when a surveyor under contract to the State Surveyor General ran the meridian across Cache Creek in August 1851 and found it to be dry (See surveyor's notes)?** 6-33

4.2-6 Figure 4.2-1

**Planning Area on map does not agree with text descriptions; it extends further on map.** 6-34

4.2-17 First paragraph

**Natural replenishment of 210,000 tons of sand and gravel per year is questioned. 210,000 tons is the total sediment load - sand and gravel is only about 6% as per DMG. This concept also fails to account for the amount of sand and gravel moving into the Cache Creek Settling Basin which is degrading the streambed at Yolo.** 6-35

**This concept needs to be further investigated.**

**4.2-19 Impact 4.2-4**

**How will the major creek stabilization projects to be undertaken over the next three to five years be financed? Most will be on private lands and in areas no longer mined. Since the County is short of funds, would this fall under the category of "whose implementation is remote and speculative"?** 6-36

**4.2-22 Last paragraph**

**Will the operator be reimbursed for the aggregate still remaining in the channel but for which he has a permit to mine? How would an owner leasing the land to an operator be reimbursed? It is doubtful if the County can legally abolish an existing private contract.** 6-37

**What is the County Counsel's opinion on this?**

**4.2-25 Draft CCRMP**

**Fails to include Nichols Park at Guinda.** 6-38

**4.2-27 5.5-8**

**Description is too vague, hard to interpret.** 6-39

**4.3-3 First paragraph, last sentence**

**Does not explain that the creek narrows upstream of Yolo and is deeply incised until it reaches the Cache Creek Settling Basin. The description as presented is incomplete.** 6-40

**4.3-6 A "reverse fault" should be defined for the layreader.** 6-41

**4.3-8 First paragraph last sentence**

**Where is "Capay Creek"?** 6-42

**4,3-10 Capay Subreach**

**Once again there is utter confusion in the DEIR documents regarding the precise location of the Planning area! The geologist begins his study at Capay Dam, not a considerable distance upstream as is shown in the maps in this document.** 6-43

**4.3-10 Madison Subreach**

**The gradient of (0.0023 is shown as dimensionless. It needs to be further described as feet per feet (Ft./Ft.) or in percent. This same comment applies to subsequent subreaches.** 6-44

**4.3-14 First paragraph**

**The climate is not similar as stated. The Hungry Hollow area has a micro-climate of lower humidity with much more north wind. This greatly affects evapotranspiration.** 6-45

**4.3-15 Figure 4.3-4**

**Map has been significantly expanded from original planning/study area maps.** 6-46

**4.3-17 3rd paragraph**

**"The planning area is entirely located within an identified MRZ-2 zone (Dupras, 1988)" THIS STATEMENT IS WRONG.** 6-47

• The maps in this DEIR repeatedly show that the "planning area" includes the MRZ-3 zone and at Esparto also includes the MRZ-1 zone - see DMG Special Report 156.
• It therefore follows that all calculations on the total volume of gravel available are incorrect since it includes the MRZ-3 zone and in some instances the MRZ-1 zone. Further it involves parcels in which DMG reports that there are no significant deposits. 6-47

4.3-18 lst paragraph
SAME ERROR as in 4.3-17 3rd paragraph 6-48

4.3-22 Action 2.4-2
The 200,000 tons average is sediment, not sand and gravel. Sand and gravel amounts to only about 6% - see DMG 6-49

4.3-22 PS 2.5-1
Needs permission of COAE, Caltrans, SBR, RWQCB and YCFC&WCD 6-50

4.3-29 PS2.5-2
Same comment as above. 6-51

4.3-30 PS 6.5-7, 6.5-12
COAE states that bars should be tested for mercury before disturbing.
Comment;
No mention has been made in the DEIR thus far of testing for mercury when performing channel adjustments as per COAE report. 6-52

4.3-31 PS 6.5-14
Does not take into consideration the requirements of the Safety of Dams of the DWS as per COAE report. 6-53

4.3-34 2nd paragraph
The average sediment yield of 210,000 tons per year includes clay and silt which makes up over 90% of the sediment. 6-54
Staff's interpretation is WRONG! see DMG.

4.3-38 Action 2.4-2
DEIR still confused - 200,000 tons of sediment is not 200,000 tons of sand and gravel. See earlier comments. 6-55

4.3-36 Impact 4.3-2
Should be restated to include reaches outside the Planning area, especially since the Planning Area varies from map to map and text to text.
It would certainly simplify the DEIR review if all documents used the same map and the same description. 6-56

4.3-40 Mitigation Measure, top paragraph
This analysis should be performed by a certified engineering geologist. 6-57

**4.4-1 INTRODUCTION**

**Main issues to be considered should have the following impacts added:**

**• Eutrophication of ponds and lakes after vegetation has reached maturity (15-20 years after mining terminated) and the associated nuisances and public health aspects.**

**Will lake and pond water move in to the cone of depression of the municipal wells of Esparto and Madison, since permits to mine could be granted anywhere in the planning area which now includes the MRZ-3 zone as per DEIR maps?** 6-58

**4.4-1 & 4.4-3 Setting**

**Setting fails to identify the micro-climate for Hungry Hollow which is different from Woodland and has much greater evapotranspiration.** 6-59

**4.4-3 Surface water**

**The western margin of the planning area is not at Capay Dam as stated but well upstream following the MRZ-2 zone. Somehow staff should get this straight. See DEIR maps.**

**Why is the failure of the Cache Creek Dam at Clear Lake not mentioned as a flood threat?** 6-60

**Comment. 4.4-11 and Table 4.4-1**

**Stevens Bridge misspelled as Stephens.**

**Goodnow Slough misspelled as Goodenow**

**4.4-17 Groundwater 4th paragraph**

**Fails to explain that a main canal of the YCFC&WCD is adjacent to the creek. It is unlined and in a highly transmissive strata. This canal leaks so badly that attempts have been made to seal it with plastic sheeting. This leakage short circuits back to the creek and is mistakenly called a gaining reach. This water has already been measured when diverted at Capay Dam.**

**TODD FAILED TO CONSIDER ECONOMICS**

**The oil embargo was in effect in the 1970's and electric rates skyrocketed, making pumping much more expensive. Indian Valley Reservoir came on line in 1975 providing YCFC&WCD with a greater water supply to sell. Since pumped water became more expensive than surface water there was a substantial shift to surface water in the planning area and this still persists.** 6-61

**This is the reason water levels have risen and it is not scientifically accurate to state that mining in channel has little to do with a rising water table. Todd's conclusions are too simplistic.**

**4.4-40 Impact 4.4-5**

**The DEIR needs to include a map of the YCFC&WCD boundaries to confirm that the planning area is entirely within the YCFC&WCD.** 6-62

4.4-42 Objective 3.3-1

**Where in Yolo County has it been demonstrated that open lakes can recharge the groundwater? Open lakes would represent exposed groundwater and are therefore subject to evapotranspiration losses and the likely concentration of boron and other salts.** 6-63

4.5-6 Figure 4.5-1

**Still confusion over planning area boundary - this map shows it to be the MRZ-zone 3 area while earlier text states that the planning area is in the MRZ-zone 2 area only - see page 4.3-17**

**GENERAL COMMENT** 6-64

**No mention has been made thus far in the DEIR documents that DMG requires that Caltrans be notified of any disturbance in the channel in the 100 year flood plain within a mile upstream or downstream of any Caltrans bridge.**

**Why is this requirement not documented?**

4.6-8 Figure 4.6-1

**Why does the mineral resources zone include MRZ-1 when DMG says that mineable aggregate does not exist in this zone?** 6-65

4.7-2 Description of local environment.

**Text does not agree with maps - maps show boundary well upstream of Capay Dam - not at the dam. The planning area does not extend to the Town of Yolo but ends well upstream** 6-66

**I-5 freeway is not in the planning area as stated.**

4.7-3 Current Air Quality

**There are no measurements available for the Hungry Hollow district which is a basin separated from the nearest sampling station at Woodland. Woodland's measurements can not be automatically applied to Hungry Hollow which exists in its own micro-climate.**

**Staff should become aquainted with the territory.** 6-67

**COMMENT**

**The air quality discussion is inadequate in that it does not have site specific data for the Capay subreach or Hungry Hollow subreach. Using Woodland's sampling is irrelevant.**

4.9-6 Figure 4.9-1

**Map is wrong, page 4.3-17 states that the planning area is entirely within MRZ-zone 2 - does not include MRZ zones 1 & 3 as shown by the map.** 6-68

4.7-10 Cache Creek

**Text description does not match maps of the planning area.** 6-69

**4.12-7 Impact 4.12-2**

- **The soil tests did not include testing for arsenicals. In the 1930s and 1940s before the advent of machine-picked tomatoes, various arsenicals were applied to control the tomato horn worm among other insects. In the days of hand picked tomatoes there were often 3 pickings extending over several weeks and thus more than one application of an arsenical was used.**
- **Arsenicals remain in the soil for extended periods of time. The testing of soils at one site is not a representative sampling, considering the total area of the project and the DEIR is in no position to state scientifically that there is no threat from historic pesticides.**

6-70

**4.12-8 Action 3.4-3**

**Testing list does not include fungicides, nitrates, soil sterilants. This discussion suffers from over simplification and lack of basic knowledge on the subject.**

6-71

**4.12-9 Draft CCRMP**

**This statement contradicts other sections of the DEIR. If year-round water is released below Capay Dam in a created low flow channel, the low flow will be lined with a margin of tules, cattails, willows, cottonwoods and other margin vegetation. These will be the exact conditions necessary to create a mosquito breeding habitat -**

**THIS WILL HAVE A SIGNIFICANT IMPACT!**

**An inspection of the reach downstream of County Road 102 will bear this out.**

6-72

**COMMENT**

- **The DEIR documents when viewed in their entirety are filled with contradictory mitigations.**

6-73

**Staff desperately needs the services of a qualified aquatic biologist and an aquatic entomologist.**

- **Staff should explain why the deep gravel pits and lakes do not require mitigation measures for the creation of mosquito breeding areas. .**

6-74

- **Marginal vegetation growth along the water's edge whether in a wet pit, pond, lake, or channel provides the needed protection for the incubation of rafts of mosquito eggs. Mosquito fish do not fare well in high temperature shallow water due to the lack of oxygen as well as predation by shore birds.**

6-75

- **Staff's discussion on this subject suffers from a lack of experience in the real world setting and is dependent largely on generalized text book information provided at considerable cost by "expert consultants".**

6-76

4.13-3 Fire Protection

**The DEIR's recommendation that willow mats be used for bank protection greatly increases the fire hazard as they will be highly flammable. The fire equipment in most instances will be unable to drive into the creek channel for access. Once the willow mats have burned the bank protection is lost. The EIR documents have not considered this impact.** 6-77

COMMENT:

**Emergency response to accidents has not been discussed. Off-channel Gravel Hauling out of deep pits will create the increased hazards of roll-overs, as well as draglines perched on abrupt drop-offs.** 6-78

4.13-5 3.4-3

**Mercury must be included in any water quality tests taken at various sites along Cache Creek. Cache Crek is now classified as an impaired waterway because of high mercury concnetrations.** 6-79

4.13-6 4.4-11

**This mitigation banking program to offset development projects elsewhere must be explained in detail.** 6-80

5-1 Cumulative Analysis

**The DEIR steadfastly maintains the unlikely assumption that there will never be additional operators for the next 30 years.**

- **Crafting of the DEIR to divide up the expected aggregate production for the next 30 years among the present operators is the de-facto creation of a monopoly enjoyed by a few without the County having gone through the legal steps necessary to create franchises. These are usually subjected to the bidding process.**
- **The exclusion of minority and small businesses from the area is a violation of a number of Federal Statutes (See Federal Register). These statutes prohibit State and local agencies from buying products that are produced in violation of these statutes. The biggest use of aggregate is public civil projects.** 6-81
- **A great proportion of Federal Moneys are funneled through the States which in turn disburse them to local agencies. Any local agency in violation is apt to have its Federal and State grants canceled.**
- **As written, the DEIR documents appear to set the County up for an unending series of class action suits alleging minority business discrimination.**

5.2 Recycled Materials

**The cities and the County also claim credit for recycling road base materials and surfacing materials and these are generally re-used on site - this also is about the only source of salvage material available to the operator.** 6-82

**It appears that Staff needs to re-think this subject.**

5.4 Air quality

There would be an overall increase of energy required to extract the gravel from deep pits and therefore a decrease in air quality compared with shallow pit mining. This would not be offset by reduced emissions in other aggregate processing plants. 6-83

5.7 Commitment of Renewable Resources

DEIR fails to consider that the establishment of a low flow channel and the commitment for a year-round flow necessary to maintain a live stream is a serious allocation of scarce surface water that has been reserved for agriculture. Staff expects great things of recharge pits because it hopes that water will percolate rapidly. This is the exact same condition that will happen in the losing reaches of the channel.

- As pointed out repeatedly, neither the Staff nor the consultants have presented any site-specific data on how much water is apt to be required for recharge. Hence Staff is in no position to state whether maintaining a live stream year-round will be a significant additional use of water in an already overdrafted area. This will be a significant cumulative effect. 6-84
- It is noted that in August of 1851 the surveyor running the Mount Diablo meridian through Yolo County crossed Cache Creek (about 2 miles west of Stevens Bridge) and wrote in his notes that it was dry. This was long before there was any agricultural pumping or any dams on Cache Creek or its North Fork!
- This would certainly lead one to believe that under the present greatly lowered groundwater conditions the total quantity of water needed to maintain a live stream during the Summer and Fall will be prodigious. It would be enlightening to know what the annual cost in lost water sales would amount to and how much additional agricultural pumping will be required to offset this lost surface water.

5-8 "The Project would not generally commit Future Generations to Similar Uses."

**Future generations will be IRREVERSIBLY COMMITTED TO SIMILAR USES!**

- If a live low flow channel is to be maintained, this is the first place that all of the trees, brush and debris will hang up on the first flushing flow of Cache Creek. These early first winter flows are generally of low volume, and the flow will not be deep enough to carry the trash into the Cache Creek Settling Basin. As the materials are stranded in the low flow channel to be consolidated by silting, the later high flow events will erode and tear up the shaped low flow channel so that it will have to be re-excavated and shaped on a yearly basis. A single orchard size tree lodged in the low flow channel will have a far reaching influence. 6-85

5-10 Description of Alternative

Why is a memo from Gus Yates being seriously considered as an alternative? 6-86

5-15 Hydrology and Water Quality 4th paragraph

The consultants have provided only a very incomplete list of potential sources of water contamination of wet pits by chemicals. 6-87

**Note: This response has not been completed due to time constraints and the necessity for considering the recent document on "Off-Channel Gravel Pit Lakes -Mercury Considerations" by Darell Slotton, et al. Released to the public on May 9 1996.** 6-88

## LETTER 6: WESTERN YOLO GRANGE #423; LEAGUE OF WOMEN VOTERS, WOODLAND; AND CACHE CREEK RESOURCE COALITION

**Response to Comment 6-1:**

Thank you for your letter. There has been no attempt on the part of staff to overwhelm citizens. In fact, the County has made every attempt to coordinate and cooperate with interested citizens to encourage and ensure participation in this process. Please see Response to Comment 5-1.

**Response to Comment 6-2:**

The staff is not aware of missing data and the commentor provides no examples. The reference to "misleading" information is also unclear. There was certainly no intention to provide information in a way that could not be understood. The record does not support the commentor's opinions regarding the adequacy or completeness of the EIR. The document meets both the spirit and intent of CEQA and the staff will recommend that it be certified as fully meeting those obligations. There is no known increase in risk to public health associated with the staff recommendation.

**Response to Comment 6-3:**

The fact that the planning area boundary cuts across parcels, property lines, or public roads is irrelevant to lending institutions and title insurance companies. The CCRMP planning area is based on hydraulic characteristics of the creek, and not on gravel areas which are recommended to be moved off-channel and would fall under the OCMP. The EIR preparers have verified that all maps showing the planning area boundaries in the EIR are accurate. The maps were transferred electronically directly from the County's Geographic Information System (GIS) maps. Modifications of the CCRMP boundary may be recommended by staff to make the planning area consistent with the current extent of the floodplain and with the riparian corridor. Modification will be undertaken by staff after due consideration of the issues and science involved, and will not be the result of a consultant's whim.

**Response to Comment 6-4:**

The CCRMP would prohibit commercial mining within the creek channel, and therefore the comment is not relevant to the project under review. It should be noted that the OCMP EIR does not make the assumption that there will never be new operators in the OCMP planning area. The OCMP EIR defined a reasonably foreseeable analysis under CEQA, which included five mining and reclamation applications, and the existing Schwarzgruber operation, as described on page 3-21 of the OCMP DEIR. As discussed, notices were sent to all property owners within the OCMP planning area for acceptance of applications for off-channel surface mining consistent with the OCMP. In addition, prior to the planning process, other operators were contacted to solicit interest, including Central Valley Rock

and Sand and Gravel Association, and the Aggregate Producers Association. The potential for additional mining above that which is currently known is discussed under Impact 4.2-10 beginning on page 4.2-47 of the OCMP DEIR. Should additional mining be proposed, it would require a General Plan Amendment, rezoning, a mining permit and reclamation plan, and appropriate project-level environmental review. The process whereby mining could occur on proposed SGR-zoned property would be similar.

**Response to Comment 6-5:**

The comment is assumed to refer to Impact 4.12-2 on page 4.12-7 of the DEIR. The commentor is incorrect in asserting that samples were collected only from one locality. In fact, six random soil samples were collected from one 113-acre parcel. That parcel has had historic crop rotations similar to other agricultural lands around Cache Creek. There are no data to suggest that the 113-acre parcel is unique compared to other areas near Cache Creek. The six soil samples collected from the 113-acre parcel were analyzed for organochlorine pesticides to determine the potential presence of organochlorine pesticides in common use from the 1950s through the 1980s. According to information obtained from the California Department of Pesticide Registration (Mr. Duane Schnabel), inorganic insecticides, including arsenic-based ones, were used in agriculture in the 1930s and 1940s; the food crops on which the insecticides were used could have included tomatoes; there are no records available identifying the crops on which specific insecticides were used during that period. The data from the 1930s and 1940s only provide information on the companies manufacturing products and the quality of the products manufactured; the records do not include information on the quantity of arsenic-based insecticides sold and what crop they were used on. The State is currently surveying about 6,000 drinking water wells throughout California to determine potential effects of organic and inorganic pesticides; generally, the surveyed wells do not include DDT, DDE, chlordane or inorganics, such as arsenic. The Department of Pesticide Registration indicates that, unless arsenic-based insecticides used in the 1930s and 1940s were illegally dumped, used illegally, or an area had a high background concentration of arsenic, it would not be expected that there would be residual levels of arsenic in soil and groundwater in areas where these products may have been used.

**Response to Comment 6-6**

Please refer to Response to Comment 5-6.

**Response to Comment 6-7:**

The commentor refers to an issue related to Impact 4.4-5 of the OCMP DEIR. A proposal for recharge and storage of water in gravel pits was not speculative, but was premature. The DEIR on the OCMP reviewed policies dealing with such a proposal and found them to be inappropriate since a formalized groundwater management plan has not yet been released by the Yolo County Flood Control and Water Conservation District. As a result,

those polices in the OCMP relating to the use of gravel pits for groundwater recharge were deleted.

**Response to Comment 6-8:**

Alternative dry pit scenarios are addressed in both the OCMP DEIR and the subject CCRMP DEIR. An evaluation of dry pit mining was provided in Alternative 5 (Floodplain Alternative) in Section 5.5 of the CCRMP DEIR.

**Response to Comment 6-9:**

The comment reflects an opinion not shared by staff. Neither the record, the law, or the EIR itself support the comment. Please refer to Response to Comment 6-2.

**Response to Comment 6-10:**

The quote that the commentor is referring to appears on page 4.3-17 of the Draft EIR. There should be no confusion between the planning areas as referenced in the CCRMP DEIR and OCMP DEIR. As discussed in the first paragraph on page 2-1 of the OCMP DEIR, that document "addresses a variety of issues relevant to mining outside of the creek channel in an area of approximately 23,174 acres along a 14.5-mile area extending from Capay Dam downstream to a levied section of the creek near the Town of Yolo." The project locations and definitions for the OCMP and CCRMP are further explained on page 3-4 of the OCMP DEIR:

> The project location for the OCMP is defined as the area contained within the Mineral Resource Zones (MRZs) delineated by the Department of Conservation as potentially containing mineral aggregate resources, minus the in-channel area to be regulated under the Cache Creek Resource Management Plan. The planning area for the CCRMP is equal to the in-channel area of the creek system, as defined by the present channel bank line or the 100-year flood elevation described in the Westside Tributaries Study prepared by the U.S. Army Corps of Engineers, whichever is wider (see Figure 3.2-4). The in-channel area encompasses around 4,956 acres, including several hundred acres located in the floodplain north of the City of Woodland.

As discussed in the first paragraph on page 2-1 of the CCRMP DEIR, the CCRMP "addresses a variety of issues relevant to managing the diverse resources within the creek channel in approximately 4,995 acres along a 14.5 mile reach extending from the Capay Dam, downstream to a levied section of the creek near the town of Yolo." The CCRMP planning area is further defined on page 3-4 of the CCRMP DEIR:

> The 14.5-mile segment of lower Cache Creek that would be subject to the requirements of the CCRMP falls between Capay Dam and the Town of Yolo, at the western margin of the Sacramento Valley in central Yolo County... The project location for the CCRMP includes the waterway of Cache Creek extending for about 14.5 miles, from Capay Dam downstream to a levied section of the creek near the town of Yolo.

The EIR preparers have verified that all maps showing the planning area boundaries in both EIRs are accurate and have been transferred electronically directly from the County's Geographic Information System (GIS) maps (any minor differences in acreages are due to recalculations over time). The fact that the OCMP planning area is referred to as the "Planning Area" on the OCMP maps and the "Yolo County MRZ Area" on the CCRMP maps is only meant to further distinguish the two areas. The "earlier documents" referred to by the commentor are assumed to be those associated with the consensus group process, which was used as source material for the OCMP. Said maps should not be confused with the present proposal, which consist of the OCMP and EIR. The statement on page 4.3-17 is correct: the CCRMP planning area is entirely located within an identified MRZ-2 zone within the Yolo County MRZ Area. No modifications are warranted.

**Response to Comment 6-11:**

It was determined by staff and preparers of the DEIR that the entire groundwater recharge issue could not be reasonably discussed in the DEIR on the CCRMP since a formalized groundwater management plan had not been released by the Yolo County Flood Control and Water Conservation District. The DEIR could not anticipate and attempt to mitigate potential impacts associated with an undefined project. For this reason most specific policies regarding the groundwater recharge program were recommended for elimination from the plan. This does not mean that the County does not support the implementation of an integrated countywide plan. Rather that, procedurally, it was inappropriate to include those policies in this document. For this reason, only general policies that encourage groundwater recharge were retained in the DEIR (page 4.4-42 of the DEIR).

**Response to Comment 6-12:**

Please refer to Response to Comment 6-5.

**Response to Comment 6-13:**

Please refer to Response to Comment 6-4. The commentor made similar comments regarding the OCMP and those are addressed in Response to Comment 13-18 of the OCMP DEIR.

**Response to Comment 6-14:**

Establishing a year-round low flow channel for Cache Creek is one potential tool designed to help provide a stable channel. It is not considered an indispensable part of the proposed channel maintenance program (page 14, Section 7.3 of the DEIR). As discussed in Response to Comment 5-6, a source of water to maintain the low flow channel has not been secured. However, establishing a low flow channel in those areas currently disturbed by in-stream gravel mining could be achieved without year-round flows. Some armoring would occur during receding winter flows. Protection of the newly established low flow channel (which would likely become more established with time) would be achieved by

restricting in-stream excavation and maintenance within 300 feet of the low flow channel. Once established, this low flow channel could provide increased bank stability during small to moderate flood flows in areas currently subject to in-stream mining. The commentor's "guesstimate" regarding the amount of water necessary to a year-round low-flow channel is noted for the record.

**Response to Comment 6-15:**

The comment indicates that a large quantity of water would be required to maintain flow in Cache Creek throughout the year, and that since a source for the water has not been secured, would result in a significant impact. The preparers of the DEIR disagree. Water would only be released to Cache Creek if adequate supplies were secured that did not result in significant impacts to existing uses. In addition, as described in Response to Comment 6-14, some benefits of the low flow channel may be achieved without year-round flows.

**Response to Comment 6-16:**

Please refer to Response to Comment 6-15. The preparers of the DEIR disagree with the statements by the commentor that an "inadequate and shallow presentation" of the potential sources of water to maintain year-round flows in Cache Creek has diminished the "integrity of the whole DEIR." The commentor appears to be inappropriately focused on one relatively small component of the CCRMP. The subsection of the CCIP entitled "Maintenance of a defined low flow channel" (page 16, Section 7.3 of the DEIR) is included under the "Channel Maintenance" section. Channel maintenance activities are not defined as high priority and smaller in scale than improvement projects (page 14, Section 7.3 of the DEIR). Staff has had numerous discussions with the YCFC&WCD on this issue and district representatives have consistently agreed that the possibility for a low flow channel exists if the additional water allocation is granted.

**Response to Comment 6-17:**

Please refer to Responses to Comments 6-4 and 6-10.

The preparers of the DEIR disagree with the commentor's assertion that Figure 3.2-1 (on page 3-3 of the DEIR) inappropriately includes the North Fork Cache Creek in the Cache Creek basin. Watershed boundaries typically include all tributaries to the main channel. Since the North Fork is a tributary to Cache Creek, it is appropriately included in the Cache Creek basin.

**Response to Comment 6-18:**

The commentor is correct by noting that individual property owners currently need to obtain permits and approvals from many agencies in order to do erosion/flood control work. A list of these permits is provided on top of page 3-14 of the CCRMP DEIR. However, the

CCRMP attempts to streamline the permit process by establishing "general" permits for the entire 14.5 mile reach under study. This would include "regional" permits from the agencies mentioned by the commentor. This would ensure a consistent multi-agency approach to managing the creek, and reduce time and expense for permit acquisition for repairs and maintenance.

**Response to Comment 6-19:**

Please refer to Response to Comment 6-11.

**Response to Comment 6-20:**

Staff is not aware of any coordinated interagency management of Cache Creek, which is the intent of the CCRMP. A Clear Lake watershed plan, the Bureau of Land Management Upper Cache Creek management plan, and the Army Corps Cache Creek restoration study may all contribute to such a coordinated interagency effort.

**Response to Comment 6-21:**

The CCRMP would eliminate commercial mining within the creek channel. The comment applies to the OCMP and was addressed in the Response to Comments on the OCMP DEIR. Within the OCMP planning area, there is a limited demand for these products which are generated as the consequence of the production of PCC-grade products. According to a Solano Concrete Company Inc. representative (Russo, 1996), the difference in the natural distribution of grain sizes in the Cache Creek sediments and the specific grain size distribution required for PCC results in a surplus of sand of certain grain sizes (generally fine) and pea gravel. The company markets the surplus sand as "fill sand" and "plaster sand." The company has recently incorporated a special crusher at their plant to produce more useful grain size material from excess pea gravel. The company also markets pea gravel as a substitute for drainage rock in landfills. The commercial use of these products cannot be realistically controlled by County policy. Furthermore, the placement of these materials does not preclude their future recovery and use, since backfill areas may be reexcavated under new mining permits to extract the sand and gravel.

**Response to Comment 6-22:**

The desirability or applicability of a proposed planting or restoration effort should be addressed as a part of the project analysis. The staff recommends no change to this CCRMP goal.

**Response to Comment 6-23:**

Off-channel mining is not proposed under the CCRMP. However, the commentor is referred to the evaluation of permanent loss of agricultural lands due to mining in the OCMP DEIR (Impact 4.5-2). The comment is noted for the record.

**Response to Comment 6-24:**

The estimate of approximately 200,000 tons per year of sand and gravel within the sediment load in Cache Creek was established through detailed analyses presented in the Technical Studies for the CCRMP. The total sediment load was estimated to be 927,600 tons per year. Assuming that the commentor is referring to California Division of Mines and Geology Special Report 156 (Dupras, 1988) when presenting the claim that "DMG" estimates the percentage of "gravel" to be 6 percent of the current sediment load of Cache Creek, staff could not substantiate the claim following review of the document.

The commentor's statement that "several of the recommended actions are outside the planning area" is unclear. The bulleted items at the bottom of page 3-18 and top of page 3-19 are all within the planning area and purview of the CCRMP.

**Response to Comment 6-25:**

Please refer to Response to Comment 6-11.

**Response to Comment 6-26:**

The commentor is referred to the surface water sampling program presented in Mitigation Measure 4.4-3a (starting on page 4.4-37 of the DEIR). Both time and location are specified in the mitigation measure. Rate of flow was not specified since wet or dry periods could render flows in Cache Creek highly variable.

**Response to Comment 6-27:**

The concerns of the commentor are noted for the record. Cattail and tules would form the dominant emergent vegetation in shallow areas with suitable substrate for root growth. As noted in the second bullet on page 3-20 of the DEIR, one of the recommended actions of the CCRMP is to favor projects that establish riparian woodlands over emergent wetlands. However, allowing for the establishment of freshwater marsh around the perimeter of reclaimed pits and other suitable locations would improve the habitat value of the open water features and the overall diversity of the Cache Creek corridor. The wildlife habitat benefits of freshwater marsh establishment were considered to outweigh the water consumptive use of emergent species, which is a conclusion consistent with the beneficial uses of water described in the RWQCB Basin Plan.

**Response to Comment 6-28:**

Staff would like to point out that the DEIR encourages the use of riparian vegetation in bank stabilization, but does not exclude the use of riprap or other hard engineering solutions. Structural bank improvements, including use of riprap, tend to be more disruptive to existing vegetation and limit the ultimate cover on the channel bank. Reestablishment of riparian cover on top of riprap, noted by the commentor, tends to require a considerably longer period for establishment due to the lack of available rooting substrate until silt has accumulated over a period of high water storms. While hard engineering solutions may be required at some locations along the creek because of the severity of erosion and need to protect structures, use of biotechnical methods are equally effective in areas of low velocity. They are preferable because of their cost effectiveness and higher habitat value.

**Response to Comment 6-29:**

Please refer to Response to Comment 6-11.

**Response to Comment 6-30:**

On page 3-28 of the CCRMP DEIR, Alternative 4 (Deeper In-Channel Mining) is rejected as infeasible. Shallow pit mining is considered in the Floodplain Alternative discussed in Section 5.5 of the CCRMP DEIR and in Alternative 4 of the OCMP DEIR. It should be noted the focus of the CCRMP is not on commercial mining which the CCRMP would prohibit, but rather on managing the diverse resources of the creek.

**Response to Comment 6-31:**

The description of the basin is general. The reference to the "north and northeast highlands" describes the uppermost part (in elevation) of the basin. The areal extent of the basin is depicted on Figure 4.4-2 (on page 4.4-4 of the DEIR). Similarly, the text refers to widely recognized points of reference (Capay Dam and the town of Yolo) to describe the limits of the CCRMP planning area, which was considered to be more meaningful to the average reader. The maps, however, were prepared in a consistent and accurate manner.

**Response to Comment 6-32:**

Please refer to Response to Comment 6-3.

**Response to Comment 6-33:**

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for the statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat

preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high watermarks of these waterways as they last naturally existed. The State's sovereign interests are under the jurisdiction of the State Lands Commission (SLC). The SLC has a legal responsibility for, and a strong interest in, protecting the ecological and Public Trust values associated with the State's sovereign lands, including the use of these lands for habitat preservation, open space, and recreation. The SLC has a legal obligation to ensure that usable and sufficient public access to these lands is provided (Article X, Section 4, California State Constitution).

**Response to Comment 6-34:**

The Planning Area boundary shown on the map refers to the Yolo County MRZ Area (please refer to Response to Comment 6-10 for clarification). In response to the comment, the Text Change # 4 has been noted.

**Response to Comment 6-35:**

The annual total sediment load for the portion of Cache Creek within the planning area was estimated at 927,600 tons by the Technical Studies. Thus, the sand and gravel component of the total sediment load is approximately 23 percent. Staff can find no reference in the 1988 Mineral Classification Report for an estimate of 6 percent. Under current conditions, certain reaches within the creek are sediment starved, causing scour in some areas. These reaches, including the area downstream of Yolo, were accounted for in the hydraulic modeling used in the Technical Studies.

**Response to Comment 6-36:**

Recommendations regarding the short-term financing of the major creek stabilization projects will be made by staff. Options may include a surcharge on the gravel operators, federal (Corps) funding, and private sources. Please refer to Response to Comment 7-67. Projects that occur on private land would continue to be financed by the owners as is current practice.

**Response to Comment 6-37:**

Mining operators would not be reimbursed for non-mined aggregate remaining within the channel for which they have permits to mine. No attempts are being made by the County to do anything with regard to existing contracts. Between private parties compensation will be recommended for landowners who would not otherwise receive due consideration for their permitted land. County Counsel has been providing guidance to staff regarding these issues.

**Response to Comment 6-38:**

Nichols Park at Guinda is located outside the CCRMP planning area.

**Response to Comment 6-39:**

Staff agrees with the commentor. Text Change 7-19 provides clarification of Performance Standard 5.5-8 of the CCRMP.

**Response to Comment 6-40:**

The comment presents a description of portions of the Cache Creek channel that are outside the CCRMP planning area.

**Response to Comment 6-41:**

A fault is a rupture surface within earth materials, across which displacement or movement has occurred.

**Response to Comment 6-42:**

Text Change # 10 has been made to amend the incorrect reference to Capay Creek.

**Response to Comment 6-43:**

The preparers of the EIR disagree with the commentor's conclusion that the analysis presented in the geology section of the DEIR is not consistent with the definition of the CCRMP boundary. The western end of the CCRMP planning area is located at Capay Dam. Therefore, the Capay subreach is the westernmost reach within the planning area. The larger area shown on figures in the geology section is the Yolo County MRZ Area which provides a more regional context for the discussion of soil, seismic, and geological conditions within the planning area. Due to the scale of the map and coincidence of the narrow, linear shape of the CCRMP planning area with the channel of Cache Creek, the EIR preparers determined that the inclusion of the boundary would interfere with information presented on the figure. Also please refer to Response to Comment 6-10.

**Response to Comment 6-44:**

The commentor's preference for gradient to be reported in the units of feet/feet or percent is noted. Gradient is the ratio of the vertical dimensional change to the horizontal dimensional change along a sloping surface. Expression of gradient as a decimal in the CCIP avoids confusion as a reader can apply any units that they choose. Staff considers that the presentation of gradient as unitless is appropriate.

**Response to Comment 6-45:**

The aspects of climate that affect soil development are primarily precipitation and temperature. It is not expected that, within the planning area, these factors vary enough over the long term to significantly affect soil development. In addition, the soil types

occurring in the Hungry Hollow region classified by the Soil Conservation Service are not unique to this region and are mapped in other similar alluvial settings throughout north central California. The classification system indicates that differences in climatic conditions indicated by the commentor within Hungry Hollow do not result in unique soil development conditions.

**Response to Comment 6-46:**

The soil map presented on page 4.3-15 of the DEIR includes areas within the Yolo County MRZ Area (which surrounds the CCRMP planning area) to provide the reader with a more regional context for the description of soils within the planning area.

**Response to Comment 6-47:**

The statement referenced by the commentor is correct. Please refer to Response to Comment 6-10.

**Response to Comment 6-48:**

Please refer to Response to Comment 6-10.

**Response to Comment 6-49:**

Please refer to the Response to Comment 6-24.

**Response to Comment 6-50:**

CCRMP Actions 3.4-1 and 3.4-2 and Mitigation Measure 4.4-3 address the permitting authority for the agencies identified in the comment. They further require the County to negotiate with these agencies to obtain "regional" permits, to provide a consistent and streamlined regulatory approach.

**Response to Comment 6-51:**

Please refer to Response to Comment 6-50.

**Response to Comment 6-52**:

The comment refers to statements in the U.S. Army Corps of Engineers Reconnaissance Report, Cache Creek Environmental Restoration, California (page 23) that recommend sampling of channel sediments prior to excavation for mercury levels should be applied to projects under the CCRMP. The potential for encountering mercury in the sediments within the channel of Cache Creek is similar throughout the planning area. The mercury content would be expected to be relatively higher in fine-grained sediments due to the affinity of mercury to bond with the smaller soil particles. The CCRMP could result in disturbance

of the sediments but would not significantly change the potential for migration of the sediments or the potential for methylation of mercury. Testing of Cache Creek sediments during in-channel mining or maintenance projects has not been required by the Regional Water Quality Control Board or the Department of Fish and Game nor would it provide any useful information to effectively mitigate potential impacts. As such, it seemed an unreasonable financial burden to place on property owners adjoining the creek. Should these or other permitting agencies require testing of mercury in sediments as part of standard permitting requirements, approval of Floodplain Development Permits would require the completion of such testing.

**Response to Comment 6-53:**

The potential jurisdiction of the California Division of the Safety of Dams (DSD) over the separators between mining areas and the creek channel and the water within wet pit mining areas is addressed in the Responses to Comments to the OCMP EIR and each DEIR for the long-term mining plans. The off-channel mining plans are not a part of the CCRMP. However, in response to the comment, it should be pointed out that the USACOE report proposes use of dry pit mining areas as recharge basins. Under these conditions, it is more likely that the pits could meet the definition of a "reservoir" under the jurisdiction of DSD than wet pit excavations filled by groundwater.

**Response to Comment 6-54**:

Please refer to the Response to Comment 6-24.

**Response to Comment 6-55:**

Please refer to the Response to Comment 6-24.

**Response to Comment 6-56:**

The reference is unclear. Impact 4.3-2 is discussed on page 4.3-38 of the CCRMP DEIR. The mitigation measures in the CCRMP DEIR should appropriately only apply to activities within the channel boundary.

**Response to Comment 6-57:**

Staff does not agree that required analysis should be performed by a certified engineering geologist. The analysis includes hydraulic design calculation and modeling, which are generally performed by engineers.

**Response to Comment 6-58:**

Potential impacts associated with the creation of wet pits would be associated with off-channel mining. The commentor is referred to Impact 4.4-2 in the DEIR on the OCMP for discussion of these potential impacts.

**Response to Comment 6-59:**

Potential impacts associated with evapotranspiration could result only if new open water surface bodies (e.g., wet pit lakes) are exposed to the atmosphere. Please refer to Response to Comment 6-58.

**Response to Comment 6-60:**

With regard to the margin of the study area, the "Yolo County MRZ Area" (Figure 4.4-6) is provided as a regional study area boundary. The Lower Cache Creek Channel Boundary (Figure 3.2-4) defines the limits of activities proposed under the CCRMP. Please also refer to Response to Comment 6-10.

With regard to the omission of Clear Lake in the dam failure analysis, Indian Valley Dam was selected for discussion because of proximity to the proposed mining areas. Flooding of the planning area would occur much sooner after failure of the Indian Valley Dam relative to water released from Clear Lake. Additional discussion of Clear Lake would not alter the level of significance of this potential impact, since it was determined that adequate time was available to evacuate the area in the event of an Indian Valley Dam failure.

With regard to the misspelling of Goodnow Slough and Stevens Bridge, please refer to Text Change # 13.

**Response to Comment 6-61:**

The preparers of the DEIR acknowledge that infiltration from Yolo County Flood Control and Water Conservation District (YCFC&WCD) canals may contribute a significant portion of recharge to Lower Cache Creek. However, this is an existing condition for purposes of analysis of the hydrogeology of the system. The commentor's assertion that flows in YCFC&WCD canals determine whether a reach of the creek is gaining or losing is not supported by observed data and seasonal flow relationships. Canals parallel the banks of Cache Creek from Capay to County Road 94B, yet some reaches are gaining and some losing. Either infiltration losses vary significantly or other hydrogeologic controls have dominance. Further, the perennially gaining reaches do not become losing reaches when flow in the canals has ceased. The commentor's dissatisfaction with the Technical Studies is noted for the record.

**Response to Comment 6-62:**

The importance of demonstrating that the planning area is entirely within the Yolo County Flood Control and Water Conservation District (YCFC&WCD) boundaries is unclear. However, based on a review of a map provided by the YCFC&WCD, its jurisdictional boundaries largely encompass the planning area.

**Response to Comment 6-63:**

The effectiveness of a recharge program has not been evaluated in the DEIR on the CCRMP. The amended policy encourages the development of recharge programs where appropriate. However, since no recharge plans have been released, this DEIR could not quantitatively evaluate the potential impacts associated with a recharge program. Please see Response to Comment 6-4.

**Response to Comment 6-64:**

Figure 4.5-1 presents a regional map of the "important farmlands" within and surrounding the CCRMP planning area. Due to the scale of the map and coincidence of the narrow, linear shape of the planning area with the channel of Cache Creek, the EIR preparers determined that inclusion of the boundary would interfere with information presented on the figure. The MRZ boundary is provided as an additional reference for the reader.

Staff agrees that the Department of Transportation (Caltrans) must be notified of surface mining operations in the 100-year floodplain within one mile upstream and downstream of State highway bridges. This requirement is contained in SMARA section 2770.5. This requirement would apply to all projects under the CCRMP that meet the SMARA definition of "surface mining operations" and that are not exempt from SMARA.

**Response to Comment 6-65:**

Figure 4.6-1 is a map of the habitat types within and surrounding the CCRMP planning area. Due to the scale of the map and coincidence of the narrow, linear shape of the planning area with the channel of Cache Creek, the EIR preparers determined that inclusion of the boundary would interfere with information presented on the figure. The MRZ boundary is provided as an additional reference for the reader.

As for why the MRZ-1 was included in the OCMP planning area, discussions with the State Mining and Geology Board indicate that lead agencies are required to develop polices for all classified areas, including MRZ-1.

**Response to Comment 6-66:**

Please refer to Responses to Comments 6-10 and 6-31.

**Response to Comment 6-67:**

The Woodland monitoring station is very close to the project site and would be the best source of air quality data to characterize conditions in the planning area. There are only a limited number of monitoring sites within Yolo County, so having an air monitoring site nearby is fortuitous.

The Woodland monitoring site measures PM-10 and ozone, two "regional" pollutants. Being regional in nature means that because the pollutant sources are so spread out geographically that concentrations of PM-10 and ozone do not show great variation over distances of a few miles. Localized pollutants such as carbon monoxide could, however, show strong variations over short distances, but carbon monoxide is not a problem pollutant in Yolo County in general or the planning area in specific.

The impact analysis utilized standards of significance recommended by the Yolo-Solano Air Quality Management District. These incremental impact criteria are quite stringent, and are set well below those emission levels that could be associated with a measurable change in regional air quality. These standards are daily and yearly emissions totals that, regardless of current air quality, have been determined to have a significant impact. These thresholds are used throughout the District regardless of ambient air quality at that location. Thus, air quality data from Woodland, although cited in the setting section as characterizing past and current air quality in the planning area, is not dependent on microclimate variations in order to have relevance to the analysis conclusions.

**Response to Comment 6-68:**

Please refer to Response to Comment 6-10.

**Response to Comment 6-69:**

The commentor makes reference to text on page 4.7-10 of the DEIR, which only includes a table (Table 4.7-3). Therefore, no response can be given to this comment.

**Response to Comment 6-70:**

Please refer to Response to Comment 6-5.

**Response to Comment 6-71:**

The DEIR preparers agree with the commentor that the proposed CCRMP Action 3.4-3 is not sufficient to monitor the water quality of Cache Creek. As indicated in the DEIR on page 4.12-8, a mitigation measure (4.12-2a) has been proposed that would add an objective and performance standard to ensure that the quality of surface waters would not be affected by herbicides, fertilizers, or other amendments. Please also refer to the

Hydrology section of the DEIR for further measures proposed as mitigation measures to ensure no adverse impacts to water quality.

**Response to Comment 6-72:**

The commentor suggests that the discussion on page 4.12-9 contradicts other sections of the DEIR. It is assumed that the commentor is referring to the discussion on creation of significant areas of open bodies of water. One of the goals of the CCRMP is to promote the creation of a low-flow channel with water year round, if possible. That is one of many objectives of the CCRMP. The attainment of a low-flow channel is uncertain and would depend on many variables. However, if water bodies were created, especially low-flow areas along the channel banks or in pools, mosquito-breeding habitat could be created. The DEIR recognizes this possibility and provides a mitigation measure (4.12-3a) to minimize the possibility of increases in mosquito populations from project activities.

**Response to Comment 6-73:**

The commentor's opinion regarding the consistency of mitigation measures in the document is noted for the record. The staff has reviewed the document again, based on the commentor's concern, and cannot substantiate "contradictory" mitigations.

**Response to Comment 6-74**:

The CCRMP does not contain mitigation measures for potential generation of mosquito habitat in deep gravel pits and lakes since these features are not included in the CCRMP planning area. Impacts associated with creation of mosquito habitat in the off-channel areas are discussed under Impact 4.12-4 of the OCMP DEIR.

**Response to Comment 6-75:**

The commentor's information regarding mosquito-generating habitat is noted for the record. Discussions with Dave Brown of the Sacramento Yolo Mosquito Control District indicates that trenches constructed in shallow wetlands allow the mosquito fish to get into otherwise protected areas. In addition, BTI (a bacteria that kills mosquitos, but is harmless to other species) may also be used.

**Response to Comment 6-76:**

The commentor's opinion regarding the sources of information for the Hazards Section, staffs' knowledge on the subject, and the qualifications of the consultants are noted for the record. The staff does not share the commentor's opinion nor does the record support it. The EIR team was selected by the County after an open, competitive process in which one of the authors of the subject comment letter participated. The team reflects the first choice of the selection committee.

**Response to Comment 6-77:**

The use of willow mats for bank protection is not expected to result in a need for new or altered fire protection services, either in the form of additional staff or equipment, to maintain an acceptable level of service.

**Response to Comment 6-78:**

Increased hazards of roll-overs of heavy equipment and draglines above wet pits is an OCMP DEIR issue which was not identified as significant. It should be noted that mining activities have been occurring for years within and adjacent to lower Cache Creek, including deep pit mining and the use of draglines, and have a history of infrequent calls for emergency response. The implementation of the OCMP or the CCRMP is not expected to generate a substantial increase in demand for emergency services.

**Response to Comment 6-79:**

The monitoring program described under Mitigation Measure 4.4-3a (page 4.4-37 of the DEIR) requires mercury to be analyzed.

**Response to Comment 6-80:**

As discussed on page 4.6-36 of the DEIR, Performance Standard 4.4-11 is intended to encourage use of mitigation banking as part of habitat preservation and restoration, where appropriate. Mitigation banking refers to the creation, restoration, enhancement, and/or preservation of existing habitats, in order to provide mitigation for off-site development. Essentially, mitigation banks assemble large areas of land that either have existing natural plant and animal community values or wildlife environments will soon be created, and place these lands under a plan and management program to ensure that the site continues to provide habitat benefits. Then, when a development project is proposed within the region, the developer may offset any project-related impacts to habitat by providing funds to the mitigation bank. The funds are used to preserve the environment within the mitigation bank, and ensure its continued maintenance. Mitigation banking is a concept that is used throughout California, and is encourage by both state and federal agencies. No details on this approach have been developed by the County. Restoration efforts proposed as part of reclamation could compliment the mitigation aspects of the Draft Yolo County Habitat Conservation Plan, which designates much of the planning area as having a high suitability level for use as a mitigation site.

**Response to Comment 6-81:**

Please refer to Response to Comment 6-4.

**Response to Comment 6-82:**

The comment is unclear. The third bulleted item on page 5-2 of the DEIR identifies the assumption made regarding recycled materials in calculating cumulative impacts.

**Response to Comment 6-83:**

The issue raised by the commentor is relevant to and was evaluated in the OCMP DEIR and not the subject CCRMP DEIR. Energy expenditures and related air emissions resulting from mining from pits would represent a tiny fraction of the total energy expended in the harvesting, processing and transportation of aggregates. Any increase in truck or scraper fuel consumption and emissions related to the vertical lift from pits would tend to be offset by reduced fuel consumption and emissions from these same vehicles going down into the pits.

The shallow pit alternative is expected to result in substantially greater air emissions because much more ground would be disturbed, and trucking/transport would increase.

Mitigation Measure 4.7-1b of the CCRMP DEIR provides that raw materials and overburden be moved by conveyor systems wherever practical and economically feasible. Electric-powered conveyors would increase electrical consumption while decreasing diesel fuel consumption. Where conveyors are used, the lifting of materials from pits would not affect on-site emissions.

**Response to Comment 6-84:**

Please refer to Responses to Comments 6-11, 6-14, 6-15, and 6-33.

**Response to Comment 6-85:**

Staff agrees with the commentor regarding the potential impacts of in-stream debris. Channel maintenance activities of the CCIP (page 16) include provisions to remove debris at bridges and upstream areas following high runoff events, as well as periodic reshaping of the low-flow channel where it has been temporarily filled with sediment and vegetation.

**Response to Comment 6-86:**

The memo from Gus Yates is assessed as an alternative because NOP commentor Kevin Wolf requested it. The CEQA Guidelines require good faith, reasoned analysis in response to all comments, including recommendations and objections raised in this letter.

**Response to Comment 6-87:**

Staff agrees with the commentor that wet pits created in the channel may be exposed to a wide variety of potential contaminants. As a result, the potential was determined to be significant and unavoidable in the OCMP DEIR. The preparers of this DEIR consider the level of discussion provided in the comparative analysis of the alternative to adequately represent reasonable potential sources of water quality degradation of marshlands.

**Response to Comment 6-88:**

No other comments were received from the commentor within the review period or since. Responses have been prepared for all late comments.

**Letter # 7**

YOLO COUNTY
AGGREGATE
PRODUCERS
ASSOCIATION

(916) 662-3218

WOODLAND • CA • 95695



TO: Mr. David Morrison, Resource Management Coordinator
FROM: Yolo County Aggregate Producer's Association
SUBJECT: Comments on the Cache Creek Resources Management Plan (CCRMP), the Cache Creek Improvement Program (CCIP) and the Draft Environmental Impact Report for the CCRMP and CCIP.
DATE: May 21, 1996

The Yolo County Aggregate Producers Association (YCAPA) has reviewed the Cache Creek Resources Management Plan ((CCRMP), the Cache Creek Improvement Program (CCIP) and the Draft EIR for the CCRMP and CCIP and offer the following comments. Our comments are indexed by page and section number corresponding to the page and section numbers found in the subject documents. Please contact Anthony Russo, YCAPA President, if you have questions or need clarification about any of our comments.

7-1

COMMENTS ON THE DEIR

1. General Comment. The Technical Advisory Committee (TAC) component of the CCIP imposes an unnecessary layer of formal review and decision making authority. The TAC, as a formal committee with regular meetings needs to be modified in favor of most decisions being made by the County via its Resource Management Coordinator (RMC). We recommend wherever the TAC is identified in the DEIR that the reference be changed to read, "the RMC, with assistance from the TAC, as needed". This is consistent with our comments on the CCIP.

2. General Comment. The County cannot require elimination of in-channel mining. Mining companies have vested rights to work in this area. Mining companies have indicated a willingness to give up in-channel vested rights as part of the issuance of permits for wet pit off-channel mining. We recommend that the wording in the EIR be revised so that each time a reference to the elimination of in-channel mining is made that this action is tied to the issuance of permits for wet pit off-channel mining. Suggested wording is as follows: "Relinquishment of existing vested rights to conduct commercial mining within the active creek channel concurrent with issuance of permits for wet pit off-channel mining will result in ... (Example: the opportunity for the County to implement a program for ongoing stabilization and erosion control for the area within the Test 3 Run Boundary.)"

7-2

3. Page 2-1, Section 2.2, Areas of Controversy. The cost of implementing the various programs outlined in the CCIP could be staggering. Bullet number three in this section needs to be modified to read: "Ability, practicality and cost of returning the creek to pre-mining conditions." 7-3

4. Pages 2-5 through 2-26, General Comment. Whatever changes that may be made to specific Mitigation Measures in later chapters of the EIR need to be reflected in revisions to the summary table. 7-4

5. Page 3-6, Topic The CCRMP Channel Boundary. The referenced U. S. Army Corps Westside tributaries Study is out of date and is superseded by the detailed 100 year flood analyses provided to the County as part of the Off-Channel Mining applications. A more accurate description of the boundary for purposes of the DEIR is as follows: " The planning area for the CCRMP is equal to the in-channel area of the creek system, as defined by the present, **active** channel bank line, or the current 100 year flood elevation, whichever is wider." 7-5

6. Page 3-12, Para. 1. See Comment 2, above. It has not been proven that the elimination of commercial in-stream mining will allow channel stability to occur. If continued maintenance extraction is not for commercial gain there is no incentive to perform such work. An alternative available to the County would be to revise, but not eliminate, the existing in-stream mining permits to achieve maintenance level work in addition to issuing 30 year permits for wet pit off-channel mining. 7-6

7. Page 3-14, Para. 2. This paragraph acknowledges that there is substantial cost related to aggregate removal and channel shaping and suggests that a fee would be paid by property owners who wish to perform erosion/flood control activities in the creek with such fee reimbursing the County for the cost of reviewing the proposal and monitoring the work. In the CCIP, however, the primary source of funding is not a fee charged to interested property owners but rather is a per ton charge levied against aggregate mining interests. Further, the extent of monitoring and review by the County is not limited to a review of any specific proposal and monitoring of the work but is a substantially greater list of far reaching analyses and monitoring activities which cannot possibly be offset by fees charged to interested property owners. 7-7

8. Page 3-15, Goal 2.2-4. The main goals of in-channel work need to be providing 100 year flood capacity, providing bridge and bank stabilization and implementing channel modifications aimed at reaching the Test 3 Line where appropriate. Goal 2.2-4 needs to be revised to read "Ensure that the floodway is maintained to allow other beneficial uses of the channel, including groundwater recharge and riparian vegetation without adversely affecting flood capacity". 7-8

9. Page 3-16, Objective 4.3-1. When riparian habitat is removed to implement flood protection, erosion control, channel widening, or other activities, such vegetation removal is essentially done to eliminate a problem (an impact) and its removal is the mitigation for that impact. The requirement of replanting is not consistent with this chain of events. We recommend that the objective statement be revised to read "Where flood protection, erosion control, channel widening, or other activities result in the removal of riparian habitat, allow natural revegetation to occur as long as flood capacity, bridge and bank stabilization is not reduced." 7-9

10. Page 3-18, Bottom bullet. We agree that implementing the Test 3 Run Boundary needs to be a primary objective of the CCIP. This statement is very clear in contrast to the uncertaintly that seems to occur in the CCIP (See especially Page 10 where the Test 3 channel configuration is reduced to being a concept). For the CCIP to be successful there must be confidence in the Plan to be implemented. 7-10

11. Page 3-23, Topic, Rezoning to Open Space. Open Space Zoning, if approved, must acknowledge existing aggregate processing plants and allow their continuation as a conforming or non-conforming use. The entitlements to process aggregate material at existing plants are not being relinquished. 7-11

12. Page 3-25 and 26, Alternatives 1a, 1b and 2. The termination of prior regulations can only occur after due process and action by the Board of Supervisors. We recommend that the specific date of December 31, 1995 be deleted. 7-12

13. Page 3-25 and 26, Alternatives 1a and 2. These alternatives do not acknowledge existing vested rights to work within the channel. It is not appropriate to assume no mining or reduced levels of mining without such acknowledgment. 7-13

14. Page 4.2-12, Para. 1. Action item 2.4-8 is referenced at the bottom of this paragraph as if a regular source of surface water is guaranteed. However, there is no assurance that a source of water will be found. Therefore, the wording needs to be revised to say that Action 2.4-8 of the CCRMP "would" rather than "will" promote a regular source of water. See also page 4.3-27 where the Action 2.4-8 is featured. 7-14

15. Page 4.2-14, Next to Last Para. With the vast amount of analysis included in the EIR we assume that no further CEQA review is needed for improvement projects that are consistent with the CCIP. The purpose of this EIR is to fulfill the CEQA requirements for implementing the CCIP therefore there should be no need for subsequent CEQA analysis for projects that are consistent with the 7-15

CCIP. The issuance of a Floodplain Development Permit needs to be automatic for projects that are consistent with the CCIP if process streamlining is to result.

16. Page 4.2-15, Top of Page, Topic, SMARA Exemption. If a SMARA exemption is not approved then existing permits need to remain vested until the Mining and Reclamation Plans submitted by the County have been approved by the State. 7-16

17. Page 4.2-23, Impact 4.2-6, Draft CCRMP. The discussion of permanent structures within the new creek boundary needs to acknowledge that aggregate conveyors will need to cross the creek in some instances to carry aggregate from extraction sites to process plants. The fourth sentence would be more accurate if it read as follows: " The only permanent structures within the new creek boundary would be limited to existing power line towers, access roads (which would be protected), levees (which may be removed or breached to restore the flood plain) and aggregate conveyors." 7-17

18. Page 4.2-26, Action 5.4-3. The locations for future recreational use along Cache Creek need to be characterized as "potential" sites rather than "specific" sites. This action statement should read: "Identify potential locations for future recreational ..." 7-18

19. Page 4.2-27, Performance Standard 5.5-8. The CCRMP should not preclude private individuals from hunting on their own property. The thrust of this measure needs to be aimed at restricting the general public from trespassing onto private property for the purpose of hunting. 7-19

20. Page 4.3-5, Table 4.3-1. The CRSBBZ does not belong in Table 4.3-1 along with established faults since it currently has the status of being a potential fault. Research is continuing. This fault has not been placed on the State of California Geologic map and there are still outstanding questions about its activity. 7-20

21. Page 4.3-12, Para. 2. The bottom of this paragraph has a discussion of the average width of the Capay subreach. There is an inconsistency between the width figure of 500 feet stated here and Table 3.2 in the CCIP which shows the average width of the Capay subreach to be 1759 feet for the 100 year flood. 7-21

22. Page 4.3-25, Figure 4.3-6. Substantial scour is shown for the Capay Bridge location. This magnitude of change in the cross section would suggest that this is not a good location for a river gauge. 7-22

23. Page 4.3-28, Action 2.4-9. The location of a river gauge should be carefully selected to pick a location where the river cross section is stable. See Comment 21, above, regarding instability at Capay. 7-23

24. Page 4.3-28, Action 2.4-10. The alternative methods of data collection that are described in this section should be reflected in the CCIP as a way to reduce costs. Data collection by the TAC should not be necessary if proper procedures are described in advance. 7-24

25. Page 4.3-28, Action 2.4-11. The TAC should not perform such work unless the RMC requests it and the work is budgeted. 7-25

26. Page 4.3-30, Performance Standard 6.5-9. The limitation to two haul roads is not justified. It is not appropriate given the variability in the length of operations along the creek. Operators will not install more crossings than are needed because of cost. However, more than two crossings may be needed in some instances. It is recommended that this limitation be deleted. 7-26

27. Page 4.3-31, Bottom of Page. There is no nexus between off-channel mining and a requirement that property owners enter into enforceable agreements to perform in-channel improvement projects. The analysis of the Test 3 Run should provide sufficient criteria to insure that off-channel mining areas are protected from long term erosion threat. 7-27

28. Page 4.3-33, Action 6.4-4. The purported market incentives do not appear to offset the cost of performing in-channel work. 7-28

29. Page 4.3-37, Performance Standard 6.5-10. See Comment 9, above. The requirement for an offset to a mitigation measure is not appropriate or necessary. 7-29

30. Page 4.3-37, Performance Standard 6.5-12. The 75% criteria is not justified or explained. This statement needs to be amended to state that such criteria would apply if it doesn't lead to lateral erosion or a reduction in capacity from the 100 year flood capacity. 7-30

31. Page 4.3-39, Performance Standard 2.5-8. Reconnaissance investigations have been performed several times in the past and again as part of the Technical Studies. If detailed data is already existing there is no need to perform another reconnaissance level survey. 7-31

32. Page 4.3-40, Mitigation Measure 4.3-2b. Potential changes in hydraulic condition should be subject to review by the RMC, not the Director of the YCCDA. As long as the data is provided by a licensed engineer there is no need for further review by the TAC. 7-32

33. Page 4.4-3, Heading, Surface Water, Para. 3. The text is not clear regarding diversions. Indian Valley dam was constructed to store water on the north fork of Cache Creek for subsequent release down the channel and ultimate diversion at Capay Dam. Clarification is needed regarding what is meant by the discussion of diversions of Cache Creek at Indian Valley Dam and at an earthen dam at Rumsey. 7-33

34. Page 4.4-15, Topic, Current Flooding Conditions, Para. 2. Alterations to Cache Creek have resulted from numerous activities. The construction of bridges needs to be added to this discussion since bridges have typically constricted the 100 year flood capacity whereas mining has typically expanded the capacity. 7-34

35. Page 4.4-26, Bottom of the Page. The channel boundary needs to be established in the CCIP. It is not appropriate to suggest that it will be established by site specific analyses to be performed later as part of project EIRs. 7-35

36. Page 4.4-27, Performance Standard 2.5-1. The County Floodplain Ordinance needs to be revised to make the Resource Management Coordinator the Floodplain Manager. This would streamline the process. 7-36

37. Page 4.4-27, Performance Standard 2.5-5. Aggregate removal from the channel must be clarified as that which will provide 100 year flood capacity. Regardless of any system wide balance in terms of the quantity of gravel deposition there needs to be a provision for removing localized obstructions if they occur in order to maintain 100 year flood capacity. 7-37

38. Page 4.4-30, Action 2.4-6. This action item and Action 3.4-2 need to be made consistent. It is recommended that both be established as annual activities. 7-38

39. Page 4.4-37, Action 3.4-3. The test described here is not needed. No impact is identified therefore no mitigation is needed. The recommended mitigation measure should be deleted. 7-39

40. Page 4.4-38, Action 3.4-4. Plenty of data is available from other sources. This action is not needed and should be deleted. 7-40

41. Page 4.5-18, Performance Standard 7.5-6. The RMC can already get advice as needed. There is no need to involve the Agricultural Commissioner. It is recommended that this standard be deleted. 7-41

42. Page 4.6-20, Draft CCRMP, Para. 1. The CCRMP provides for the elimination of in-channel mining in conjunction with issuance of permits for off-channel, wet pit mining. Commercial mining will be terminated in the channel but 7-42

hauling will continue. It is recommended that the word "hauling" be deleted from the first sentence here since hauling across and along the channel will continue. 7-42

43. Page 4.6-21, Performance Standard 4.5-9. The specification that cottonwood cuttings must be contract grown is too restrictive and should be deleted. Cottonwood cuttings can be grown similar to willow without involvement of nurseries and special staff. 7-43

44. Page 4.6-28 and 29, Performance Standard 4.5-13. The mandate of species density is not realistic when the project implementation is voluntary. The thrust needs to be to augment natural revegetation with some species diversity. Some private landowners may not wish to include particular species. 7-44

45. Chapter 4.9, Noise. Leq (Equivalent Noise) is a valid yardstick for noise measurement in a rural setting such as the Cache Creek area where noise from agricultural equipment is commonplace. CNEL (Community Noise Equivalent Level) is typically used as the yardstick for urban areas and is not appropriate for use in a rural setting. If CNEL is to be used as the yardstick for the Cache Creek area then the acceptable noise levels for "agricultural" land use should be the guidelines that are applied to determine compatibility for rural residences. 7-45

46. Page 4.12-8, Action 3.4-3. The water test action should be deleted and replaced by the recommendation that chemical applications follow the directions on their package. This and Performance Standard 3.3-5, on the same page, assume without justification that pesticides, fertilizer and soil amendments will be used in conjunction with habitat restoration. 7-46

47. Page 4.13-6, Para. 1 It is acknowledged here that the County will need to identify the costs of implementing the policies contained in the CCRMP. Serious thought needs to be given to a realistic revenue estimate and a matching of expected revenues to the estimated cost of all of the activities that are planned. The discussion also acknowledges that a fair-share cost program needs to be developed. The funding method needs to be expanded to achieve pro rata contribution from all of the stakeholders and not just from a per ton mining fee, This could include a commitment of some portion of County road improvement funds for bridge work and some form of comprehensive County wide revenue source (user fees, sales tax or property tax) to reflect broad based benefits derived from flood protection, groundwater availability, land stability and bridge stability. 7-47

COMMENTS ON THE CCIP
(Section 7.3 of the DEIR)

1. Section 7.3, Overall Comment. A central objective of the CCIP is to streamline the process of making decisions about the type and location of creek improvement projects benefiting stakeholders in the area. However, the process that is described is cumbersome due to unnecessary layers of formal review, decisions cannot be made without reliance on continuing, costly, up-front engineering studies, and, the method of funding does not represent participation by all of the stakeholders involved. There are multiple stakeholders who benefit from and have been part of the cause of the current condition of Cache creek. The CCIP goes beyond the issue of mining and its effect on the creek yet mining is targeted as the primary funding source for creek improvements. We recommend the following modifications: 7-48

a. The **Technical Advisory Committee (TAC)** component imposes an unnecessary layer of formal review and decision making authority. The TAC, as a formal committee with regular meetings, needs to be modified in favor of most decisions being made by the County via its **Resource Management Coordinator (RMC)**. Technical assistance from an appointed group of technical advisors would only be sought as needed. The technical advisors must be qualified and experienced individuals: We recommend persons with a Masters or Ph.D. and at least 10 years of practical field experience.

**We recommend , wherever the TAC is identified in the CCIP, CCRMP and DEIR, that the reference be changed to read, "the RMC, with assistance from the TAC, as needed".**

b. The CCIP recommends annual prioritization of improvement projects, collection and review of monitoring data and numerous other research and study activities that cost money but are not essential for actual creek improvements. The objective is to implement improvements. What is needed is more confidence in the overall improvement plan so that individual projects, if consistent with the overall plan, are automatically approved and implementation facilitated. Serious thought needs to be given to a realistic revenue estimate and a matching of expected revenues to the estimated cost of all the activities that are planned. The program that is outlined needs to focus on the main goals of the CCRMP and needs to mandate their implementation with the following priority: 1) to provide 100 year flood capacity for the 14.5 mile stretch of Cache Creek through the Study Area; 2) to provide bridge protection and bank stabilization; 3) to implement channel modifications aimed at reaching the Test 3 Line where appropriate and feasible, and, (4) to improve riparian habitat. 7-49

c. Funding for the CCIP, as outlined on page 7, would be derived primarily from a tonnage fee charged to aggregate mining interests though no 7-50

other source is listed. While the mining companies are stakeholders in the area and have indicated an interest in participating in creek improvement projects (some companies have included creek improvements projects as part of their off-channel mining proposals), the fact is that no method of pro-rata funding from all of the stakeholders is represented. The funding method needs to be expanded to include a commitment of some portion of County road improvement funds for bridge work and some form of comprehensive Countywide revenue source (user fee, sales tax or property tax) to reflect broad based benefits derived from flood protection, groundwater availability, land and bridge stability and the like. 7-50

d. A significant portion of the broad based revenues collected pursuant to the CCIP must be available for project implementation as incentive for property owners to submit applications for improvement projects. 7-51

e. Some portion of the broad based revenues should be available for emergency work, and, emergency work must be exempted from permitting. 7-52

2. Page 1, Para. 2. Elimination of in-channel commercial mining cannot be required by the County. Mining companies have established vested rights to work in this area. Mining companies have indicated a willingness to give up in-channel vested rights as part of the issuance of permits for wet pit off-channel mining allowing production levels meeting the aggregate demand figures established by the state. If off-channel mining is not approved in a form that is economical for the mining companies then existing vested rights would not be relinquished and the CCIP could not be implemented. 7-53

3. Page 1, Para. 2. Modifications and maintenance of the Cache Creek channel must be managed by the County and the County must accept liability. The role of the TAC must be advisory. The role of the County is more clearly stated on page 5. 7-54

4. Page 1, Bulleted Items. It is essential that the County obtain blanket authority for approval of improvement projects in Cache Creek if streamlining is to result. Issuance of the Floodplain Development Permit needs to be reduced to one stop for applicants and automatic if the proposal is consistent with the overall plan. 7-55

5. Page 3, Bottom of the Page. Items 3 and 4 are already mandates of existing agencies. It is not appropriate for these tasks to be duplicated by the CCIP and funded separately by the CCIP. Item 4 (flood watch), for instance, is already performed by the Flood Control District and should be eliminated. The key word, found in item 3, is "practical". Careful consideration needs to be given to the real value and use of the monitoring information that is being promoted here. 7-56

6. Page 4, Topic, Resource Management Coordinator. It is appropriate that the RMC be recommended by the Director of the YCCDA and appointed by the Board of Supervisors. 7-57

7. Page 4, Topic, Technical Advisory Committee. It is appropriate that "The Technical Advisory Committee will be established to provide scientific and technical review and oversight for all projects conducted under the CCIP" if such review and oversight is requested by the Resource Management Coordinator. The TAC must not be in the business of collecting scientific data. It is recommended that all of the tasks listed at the bottom of page 4 and top of page 5 be assigned to the RMC. It needs to be recognized that some of the tasks will only be implemented on a periodic basis due to budget limitations. 7-58

8. Page 5, Para. 1. It is recommended that the RMC be deleted from the TAC and that the TAC be limited to those experts that the RMC may call upon for advice from time to time. 7-59

9. Page 5, Para. 2. It is appropriate that members of the TAC be recommended by the Resource Management Coordinator and appointed by the County Board of Supervisors. It is recommended that the budget amount available for compensating the TAC members for their advice be a reasonable, fixed amount. Per comment 1, a (bold) the RMC would submit the annual budget to the Board of Supervisors. 7-60

10. Page 5, Para. 3. The paragraph needs to be reworded to read as follows: "The RMC will be responsible for making recommendations related to the supervision of all elements of the CCIP and Yolo County will be responsible and liable for implementing recommendations of the RMC." 7-61

11. Page 5, Topic, Cache Creek Stakeholders Group. What is the definition of a stakeholder and how does a stakeholder differ from an interested party? Individual members of some of these groups may have property that is affected by Cache Creek but the groups as a whole do not seem to have an identifiable stake. It is recommended that the word "Association" be deleted from the Yolo County Aggregate Producers who, as individual companies, have a stake as property owners and lessees. It is also recommended that the Towns of Capay, Esparto and Madison be added to the list. 7-62

12. Page 6, Topic, Implementation of the Monitoring Program. Please see comments earlier about limiting the extent of monitoring activity to 1) what is "practical" and 2) affordable. It is recommended that the summary of monitoring activities listed here be revised accordingly and , wherever possible, that monitoring be characterized as "review" of data rather than "analysis". Per comment 1, a (bold), this section needs to be rewritten to read as follows: "The RMC will initiate and perform the monitoring program described in Section 7. All 7-63

activities of the RMC will be summarized in an annual report submitted to the Board of Supervisors."

All monitoring data, technical analysis and reports that are used by the RMC must be made available in a usable form to affected property owners subject to a reasonable reproduction fee to be reimbursed to the County. Contracts with any consulting firms as part of the CCIP process must include the requirement that data, analysis and reports be provided in a complete and usable form. 7-63

13. Page 6, Topic, Notification. See Comment 1, a (bold). 7-64

14. Page 7, Topic, Permitting. See Comment 1, a (bold). With the vast amount of analysis included in the EIR we assume that no further CEQA analysis is required for any project that is consistent with the overall plan. Two subsections need to be added to this topic. One is a clear statement that no further CEQA review is required for any project that is consistent with the overall plan presented in the CCIP and analyzed by the Final EIR for the CCIP. Second is some provision for emergency work exempt from permitting. 7-65

15. Page 7, Topic, Regulatory Coordination. See Comment 1, a (bold) and Comment 4. It is recommended that the RMC also seek ways to streamline the County's own permitting procedures to minimize cost and review time. 7-66

16. Page 7, Topic, Funding. See Comment 1, c. This section needs to be rewritten. Suggested wording is as follows: "Implementation of the CCIP would be funded through a broad based, County administered account acknowledging all beneficiaries. The source of funds would initially include user fees, commitment of County monies for circulation infrastructure repairs and improvements, and, a surcharge on aggregate resources sold in the County. The County will aggressively seek approval of a property or sales tax to augment the fund in subsequent years. Whatever portion of the fund that is contributed by mining would be based on all aggregate mined in the County by scale weight. Fees and tax revenue returned to the County would be collected by the Office of the County Administrator (OCA) and placed in an interest-bearing account held by the County. Funds would be administered by the OCA with approval of the Board of Supervisors". 7-67

17. Page 7, Topic, Implementation Schedule. See Comment 1, a (bold). The suggested schedule is not realistic. If the topographic mapping and channel cross sections have been completed and reviewed by the RMC by May 15 there is no way that implementation projects can be designed and submitted, using this information, by May 31. 7-68

18. Page 15, Para. 2. It is recommended that this paragraph be revised to state that aggradation in the channel is not acceptable where it reduces channel capacity to below 100 year flood capacity. 7-69

19. Page 16, Para. 2, Maintenance of Defined Low Flow Channel. The justification for leaving 6 feet above the thalweg elevation needs to be explained. It is recommended that this section be revised to read that "Excavation is not permitted by the templates below a level of six feet above the thalweg elevation except where buildup of aggregate material would reduce the channel capacity to below the 100 year flood capacity. 7-70

20. Figures 3.5, 3.6 and 3.7. Please address the following questions:

a. Some areas of the creek would not allow leaving a 300 foot wide no disturbance zone in conjunction with the low flow channel without affecting the ability to provide a 100 year flood capacity in the channel. 7-71

b. The templates do not seem to allow for narrow channel areas; specified minimum dimensions of 300 feet in conjunction with the low flow channel, 200 feet beyond the low flow channel and 200 feet at the channel banks suggest a minimum channel width of at least 1,100 feet. 7-72

c. The intervening slope gradient between level steps in the template should be specified on the illustrations. 7-73

d. It is suggested that the desired flow capacity to be accommodated in each of the level step portions of the templates be given. 7-74

e. Explain how the transition from the Capay Reach (Table 3.2) to the Hungry Hollow Reach (Table 3.3a) can occur without an increase in velocity. Normally one would expect velocity to increase when the channel depth and width is decreased. 7-75

21. Figure 5-1. This flow diagram needs revision. The TAC is portrayed in a management role rather than as an advisory one. The diagram also needs to be modified to include a timeline for decision making. 7-76

## LETTER 7: YOLO COUNTY AGGREGATE PRODUCERS ASSOCIATION

**Response to Comment 7-1:**

Thank you for your letter. Please refer to Response to Comment 7-48 regarding the roles of the RMC and the TAC.

**Response to Comment 7-2:**

Staff disagrees that the County cannot require elimination of in-channel mining. As discussed in Response to Comment 5-4, all 1980 permits were conditioned to allow later modifications. Irrespective of this, however, it is the staff's understanding from County Counsel that these permits are likely vested. Therefore, in order to discontinue in-stream mining the County would likely have to provide due consideration for existing in-stream permits. Granting of permits for off-channel mining would provide such consideration. This issue will be documented in the record should approvals be granted by the County.

**Response to Comment 7-3:**

In response to the comment, Text Change # 1 has been made.

**Response to Comment 7-4:**

Comment noted. No response is necessary.

**Response to Comment 7-5:**

The CCRMP channel boundary has been defined based on the best available, current, published information at the time the OCMP and CCRMP were prepared. Where more recent, detailed studies have become available, as in the case of the off-channel mining applications, site specific adjustments will be made and incorporated into the processing of relevant project-level applications. Staff is therefore not recommending any text changes to the DEIR.

**Response to Comment 7-6:**

To the extent that commercial gain can be derived from maintenance extraction, the staff agrees that this provides an incentive for implementation of the CCRMP and CCIP, and is hopeful this circumstance will occur. The proposal to revise but not eliminate in-channel rights, which still allowing off-channel mining is not supported by staff at this time.

**Response to Comment 7-7:**

It is intended that both surcharges on the Floodplain Development Fee for projects within the CCRMP planning area, as well as a per ton fee charged to participating mining

operators will be used to fund the CCIP. Other sources of funding may also be appropriate. Please refer to the Responses to Comment 7-48 and 7-67.

**Response to Comment 7-8:**

In response to the comment, Text Change # 2 has been made.

**Response to Comment 7-9:**

While vegetation removal could substantially mitigate a significant effect (on downstream flooding), the mitigation could also result in an impact (on riparian habitat). In response to the comment, the objective statement has been modified in Text Change # 3 to offset any impacts that would be caused by the mitigation.

**Response to Comment 7-10:**

Comment noted. The Test 3 channel configuration provides the basis for the standards and proposed design templates in the CCIP. It should be noted that site-specific project design may require modifications to the boundary.

**Response to Comment 7-11:**

Comment noted. Aggregate processing plants will be located outside of the proposed CCRMP planning area, and will thus be unaffected by the proposed OS zoning.

**Response to Comment 7-12:**

The date of December 31, 1995 is just an assumption. It was picked to define alternatives in order to prepare the analysis. Should this alternative be implemented, the actual date would likely vary.

**Response to Comment 7-13:**

Please refer to Responses to Comments 5-4 and 7-2. The assumption to involuntarily eliminate in-stream mining was used to establish a full range of reasonable and feasible program alternatives.

**Response to Comment 7-14:**

In response to the comment, Text Change # 5 has been made.

**Response to Comment 7-15:**

Improvement projects may need CEQA clearance but in most cases it is anticipated that projects would be exempted or a negative declaration would be prepared. Staff agrees

that the issuance of a Floodplain Development Permit would need to be automatic for projects that are consistent with the CCIP in order for streamlining to occur.

**Response to Comment 7-16:**

Staff generally agrees with the comment. If a SMARA exemption is not obtained, then existing permits would remain active until the Mining and Reclamation Plans submitted by the County have been approved by the State.

**Response to Comment 7-17:**

In response to the comment, the Text Change # 6 has been added.

**Response to Comment 7-18:**

In response to the comment, the Text Change # 7 has been added.

**Response to Comment 7-19:**

In response to the comment, the Text Change # 8 has been added.

**Response to Comment 7-20:**

The Coast Range-Sierran Block Boundary Zone (CRSBBZ), described as an active seismic source in the DEIR, is a complex system of multiple faults and folds. The CRSBBZ includes at least one fault (Dunnigan Hills fault) in the vicinity of the project site that is identified on the *Fault Activity Map of California and Adjacent Areas* (Jennings, 1994) as having Holocene activity. Active seismicity in the region also supports recognition of the CRSBBZ as an active seismic source.

**Response to Comment 7-21:**

The "active channel" defined in the Technical Studies is not the same as the 100-year flood boundary. The active channel was identified as the area bounded by escarpments (i.e., banks) that are clearly visible on aerial photographs. This area would be included in, but not necessarily inclusive of, the 100-year flood hazard zone defined by FEMA.

**Response to Comment 7-22:**

Staff and the preparers of the EIR and CCIP consider the location of the Capay Bridge to be an appropriate location for a gauging station. The commentor's concern regarding the possible impacts of scour at the bridge are appropriate and were considered in the recommendation of establishing a gauging station at the bridge. Many gauging stations are located at bridges because of the ease of access, and scour is a concern at most bridge locations. Therefore, the design of a gauging station commonly takes into

consideration the potential for scour as a mobile boundary condition. The design of a station, particularly when subsurface data are available for location (as is true at the Capay Bridge), can provide design features that address the potential for scour. The preparers of the EIR consider the downstream face of the bridge to be an advantageous position for a gauging station. However, the design of the station should be provided by an experienced river engineer. The design and installation should not be completed until after decisions are completed regarding replacement of the bridge.

**Response to Comment 7-23:**

Please refer to the Response to Comment 7-22.

**Response to Comment 7-24:**

The intention of CCRMP and CCIP is to provide an effective, efficient and cost effective process for collection and management of scientific data necessary for responsible and appropriate technical decisions. Staff considers the CCIP to be flexible enough to accommodate the intent of Action 2.4-10 to include a variety of options for data collection. The CCIP presents the framework and the recommended data needs for monitoring hydrologic conditions. The final decision on the responsible parties for data collection would be made upon approval of the CCRMP. To the extent possible, the RMC would enlist the support of reliable public agencies and qualified volunteers for performance of data collection. However, to date, commitment of support for data collection has not been secured. Unless such support is offered these activities would be the responsibility of the RMC and TAC.

**Response to Comment 7-25:**

Staff agrees that work performed by the TAC should be conducted under direction by the RMC (see Response to Comment 7-48). The CCIP presents the requirements for involvement of the TAC in providing technical advice and information to the County, providing the basis for direction of the CCIP by the RMC. The TAC would be responsible to the RMC in performing tasks defined in the CCIP. An annual budget would be established for the TAC. Payment for any additional work performed by the TAC would require approval by the County.

**Response to Comment 7-26:**

Please refer to the Response to Comment 2-7.

**Response to Comment 7-27:**

Staff believes that the nexus for requiring participation of off-channel operators in the channel improvements program is established through recognition of Cache Creek as a dynamic system potentially capable of causing changes that could affect or be affected by

the presence of off-channel mining areas. The CCRMP acknowledges the interrelationship of the current channel boundaries and the adjacent off-channel areas through establishment of the Streamway Influence Boundary (SIB). The potential for the migration of the Cache Creek channel is reflected by the historic channel positions that were used to define the SIB. The off-channel mining areas cover a large percentage of the area adjacent to the creek. Creation of the mining areas would be the most significant expected development within the areas adjacent to the CCRMP planning area. In addition, providing 100-year flood protection for the off-channel mining areas (as required by the OCMP), could result in modifications to existing channel and streambank conditions. Maintenance of flood protection for the mining areas will affect implementation of the CCRMP. These linkages establish the nexus that enables the County to require mine operator participation in channel improvement projects as appropriate mitigations.

**Response to Comment 7-28:**

Staff acknowledges that market incentives implied in Action 6.4-4 may not completely offset the cost of performing in-channel work to implement the CCRMP. A complete offset may not be possible.

**Response to Comment 7-29:**

Please refer to Response to Comment 7-9.

**Response to Comment 7-30:**

The recommended criterion of a maximum removal of 75 percent of individual gravel bars is a guideline that has been applied to other gravel-bedded stream restoration projects in northern California (including the Mad River). The purpose of the standard is to avoid complete removal of a bar, an action that could result in significant adjustments of the channel configuration. The standard also states that preservation of the upstream portion of a bar is required in order to promote opportunities for establishment of riparian vegetation. The prevention of lateral erosion and loss of flood capacity are addressed in other performance standards of the CCRMP as discussed in Impacts 4.3-1 and 4.4-1 of the CCRMP DEIR.

**Response to Comment 7-31:**

Cache Creek channel is a dynamic geomorphic feature along which changes in morphology should be expected over time. The recommended continuing in-field examination of channel conditions is necessary to provide data on future conditions (including implementation of channel improvement projects) within the channel that are caused by or that could cause hydraulic changes.

**Response to Comment 7-32:**

Mitigation Measure 4.3-2b applies to alternatives that assume the CCRMP is not adopted. Under these alternatives, the TAC would not be formed and would not, therefore, participate in the Floodplain Development Permit (FDP) process. The mitigation measure does not specify that the Director of the YCCDA would be responsible for the review of FDPs. However, the Director, in his current capacity as Floodplain Administrator, makes decisions on the adequacy for technical analysis of FDPs.

**Response to Comment 7-33:**

In response to the comment, Text Change # 12 has been added.

**Response to Comment 7-34:**

In response to the comment, Text Change # 14 has been added.

**Response to Comment 7-35:**

The planning boundary is established in the first paragraph of the Project Description (page 3-1 of the DEIR) as "...the in-channel portion of the creek, as determined by the present channel bank line or the 100-year flood elevations, whichever is wider, extending from the Capay Dam to the Town of Yolo." During development of the DEIR for the CCRMP, it was recognized that in at least two cases (Solano and Cache Creek Aggregates), inappropriate properties were included in-channel. The CCRMP establishes that it is acceptable to amend the planning boundary when a site specific analysis contradicts the established boundary. Staff recommends no change to the DEIR.

**Response to Comment 7-36:**

The commentor's suggestion is noted for the record. The staff agrees and will be making such a suggestion.

**Response to Comment 7-37:**

Performance Standard 2.5-5 was modified under Mitigation Measure 4.4-1a (page 4.4-29) to include provisions to maintain 100-year flood capacity.

**Response to Comment 7-38:**

In response to the comment, the Text Change # 15 has been added.

**Response to Comment 7-39:**

Potential impacts to water quality in the planning area are pages 4.4-33 and 4.4-34. Establishing a monitoring program would allow identification of long-term trends in water quality. If the CCRMP is implemented, this series of testing would document trends in water quality that may affect wildlife and their habitat within the planning area. Deletion of this action is not supported by staff.

**Response to Comment 7-40:**

Staff does not agree that additional information on groundwater levels is not necessary to better establish the relationship of the Cache Creek channel and the unconfined aquifer of the lower Cache Creek basin. The CCIP (page 31) recommends placement and monitoring of piezometers (water elevation monitors) within each reach of the creek to provide information on groundwater levels adjacent to the creek to establish the water availability for vegetation. In addition, if off-channel mining operations are permitted, required groundwater level monitoring under the OCMP should be considered in evaluation of the creek/aquifer hydrogeologic relationships.

**Response to Comment 7-41:**

Referrals to the Agricultural Commission are on a request basis, as needed. This is appropriate to ensure that the County's farm interests are represented in the habitat restoration process.

**Response to Comment 7-42:**

In response to the comment, Text Change # 18 has been added.

**Response to Comment 7-43:**

The concerns of the commentor are noted for the record. Cottonwood cuttings can be planted directly from cuttings, as noted by the commentor, although they may also be grown in containers. In response to the comment, Text Change # 19 has been added to clarify the optional treatment of cottonwood cuttings.

**Response to Comment 7-44:**

The concerns of the commentor are noted for the record. Mitigation Measure 4.6-2a on page 4.6-31 of the DEIR was recommended as a new Action in recognition of the need to provide flexibility in designing site-specific restoration guidelines, based on recommendations of a qualified restoration specialist. The staff agrees that additional modification of this Action is merited. Please see Text Change # 22.

**Response to Comment 7-45:**

The change to Community Noise Equivalent Level (CNEL) from $L_{eq}$ does not impose an urban standard. The CNEL is based on the $L_{eq}$ and is adopted by the State of California as the metric used to determine land use compatibility for all types of land uses (see Table 4.9-3). For agricultural uses, the commentor is correct in that the "normally acceptable" standard for agriculture is a CNEL of up to 75 dB. The CNEL 60 dB standard, however, would more appropriately apply to low-density residences as are found on agricultural lands.

**Response to Comment 7-46:**

Staff does not agree with the commentor's suggestion that water quality sampling recommended by Action 3.4-3 of the CCRMP be deleted. The purpose of the water quality testing is to provide information on the numerous water quality parameters that would not be, necessarily, related directly to the application of chemicals. The testing would also provide monitoring of operation of excavation equipment and agricultural runoff impacts from lands on which use of agricultural chemicals prior to present management standards could result in water quality impacts.

The assumption that herbicides could be used in channel management activities is reasonable. For example, control of invasive vegetation (particularly tamarisk) may require the use of chemical controls.

**Response to Comment 7-47:**

Please refer to the Responses to Comments 7-48 and 7-67.

**Response to Comment 7-48:**

Staff agrees with the commentor's suggestion that the TAC should be restructured to emphasize the decision-making and management role of the Resource Management Coordinator (RMC). The CCIP attempted to distinguish this role by appointing the RMC as the chairperson of the TAC. However, this role would be more clearly defined by moving the RMC to a management position outside the TAC. Text Change # 25 has been made to reflect this change in the management strategy for the CCIP.

**Response to Comment 7-49:**

Staff believes the recommended elements of the CCIP are essential to implementation of channel improvement projects and recommends no change. It is agreed that implementation of channel improvements is a main objective of the CCRMP. However, the comment implies that the hydrologic monitoring recommended in the CCIP is not essential for this objective. The CCIP presents guidelines for appropriate implementation of channel improvement projects. Maintaining hydrologic and hydraulic data for the channel is critical

for evaluation of potential changes in channel hydraulics that could result from natural causes, causes outside the CCRMP planning area, and by implementation of the improvement projects themselves. The CCIP provides a detailed but flexible process that defines performance standards for design and implementation of channel improvement projects. However, individual channel modifications will require sufficient engineering design details to allow evaluation of the consistency of each project with the CCRMP and CCIP. The process for project review and approval presented in the CCIP provides a structure for review and approval of the desired channel improvement projects.

The recommendations of the CCIP have been based on realistic and appropriate assumptions and identification of information necessary to ensure that channel improvement projects are beneficial and would not result in significant impacts to the environment. The CCIP supports the stated goals and objectives of the CCRMP. The priority of objectives recommended by the commentor are noted for the record. However, staff does not completely agree with the definition of the priorities presented in the comment. The CCRMP/CCIP is not a flood control project. Although the DEIR (Mitigation Measure 4.4-1a) specifically requires that the activities conducted under the CCRMP shall not exacerbate existing flooding problems, the CCRMP will not provide 100-year flood capacity in all areas of the CCRMP planning area. Likewise, while the CCRMP and CCIP identify channel improvement projects for corrective action of channel instability in the area of bridges as a priority, the CCRMP cannot assume responsibility for providing bridge protection. The protection of the bridges is the responsibility of the agencies which maintain these structures. However, the goal of improving bank stability, including the area of bridges, is a priority of the CCRMP. Staff agrees that implementation of the Test 3 channel configuration and improvement of riparian habitat along the creek are priorities of the CCRMP.

**Response to Comment 7-50:**

See Response to Comment 7-67.

**Response to Comment 7-51:**

The intention of the CCIP was to promote implementation of projects by individual landowners through development of a streamlined permitting process and important hydrologic information. The cost of implementation would be the responsibility of individual landowners or governmental agencies proposing channel improvement projects. If funding of the CCIP is sufficient to generate a surplus of funds that could be applied to individual projects, the RMC could report surplus to the Board of Supervisors with recommendations for funding of priority projects that do not have sufficient available funding.

**Response to Comment 7-52:**

The staff believes that funds generated by the CCIP would be used only for monitoring of hydrologic conditions during flooding events. There are other government agencies with

authority and funding for emergency actions. The County has no authority to exempt emergency work from the permitting regulations of other agencies but this is an issue that will be addressed when "general" permits are sought. Many of the permitting agencies operate under regulations that do exempt emergency actions.

**Response to Comment 7-53:**

The County understands the commentor's position. Please refer to Response to Comments 5-4 and 7-2.

**Response to Comment 7-54:**

The purpose of the discussion of the regulatory framework, presented on page 2 of the CCIP, is to provide a description of the jurisdiction of permitting agencies. The CCIP does not attempt to increase or decrease the County's existing permitting authority. The County's liability for approved Floodplain Development Permits would not change as the result of approval of the CCRMP and CCIP.

**Response to Comment 7-55:**

Staff agrees with the importance of permit streamlining to the CCIP. It is the intention of the CCRMP and CCIP to provide a process through which permitting of channel improvement projects can be streamlined as described in the comment. The CCRMP DEIR presents numerous mitigation measures that would promote the design of appropriate channel improvement projects. Staff has been diligently working with personnel from other permitting agencies to identify and incorporate measures that address permit requirements. To the extent possible, the County, through the RMC, will continue to promote streamlining of the permit process with the US Army Corps of Engineers, Central Valley Regional Water Quality Control Board, Department of Fish and Game, Reclamation Board, and the Department of Conservation.

**Response to Comment 7-56:**

The comment does not specify the existing agencies that have hydrologic monitoring programs recommended by the CCIP. Although the Department of Water Resources, the US Army Corps of Engineers, and the US Geological Survey periodically collect hydrologic data in the Cache Creek watershed, there is no existing program that is committed to performing the level of data collection and analysis recommended in the CCIP. The CCIP was specifically developed to implement the goals and objectives of the CCRMP. The purpose of the "flood watch" program recommended in the CCIP is specifically oriented toward providing inspection of hydraulic conditions as they relate to channel instability. The CCIP would provide technical support to the Flood Control District, if such support is requested by the District. It is not the intention of the CCIP to duplicate any function of the District. However, the technical background of TAC members would be utilized to evaluate the short- and long-term implications of hydrologic conditions observed during flooding

events. The hydrologic and hydraulic data collected by the TAC during flood conditions could be critical to the development of a more complete understanding of channel dynamics.

**Response to Comment 7-57:**

Please see Response to Comment 7-48. The RMC would serve in a managing position outside of the TAC, with the latter serving in an advisory capacity. No appointment is necessary.

**Response to Comment 7-58:**

The TAC has been recommended to provide the technical expertise needed for implementation of the CCIP. It is not expected that the RMC would have the depth of technical training or experience to complete these tasks without the support of the TAC. It will be the responsibility of the RMC to ensure that all of the TAC responsibilities are met and to present the results of their activities to the Board of Supervisors. In order to better reflect the relationship of the RMC and TAC, Text Change # 25 has been made.

**Response to Comment 7-59:**

Please refer to Response to Comment 7-48.

**Response to Comment 7-60:**

The commentor's support of the appointment process for the TAC is appreciated and noted for the record. Staff agrees that the budget for the TAC should be reasonable. The potential for variability of the involvement of the TAC in the implementation of the CCIP in any given year presents difficulties in establishing a fixed budget for the TAC. For this reason, the TAC is required under the CCIP to submit an annual budget. Review of the budget by the RMC (see Text Change # 25) and required approval of the annual budget of the TAC by the Board of Supervisors will provide appropriate controls on spending by the TAC.

**Response to Comment 7-61:**

The commentor is referred to Response to Comment 7-48 and Text Change # 25 for clarification of the responsibilities of the RMC and TAC. This revised wording will be recommended by staff.

**Response to Comment 7-62:**

As described in the discussion of the Cache Creek Stakeholders Group (CCSG) on page 5 of the CCIP, the stakeholders include interested agencies, citizens groups, and industry representatives. The stakeholders could, therefore, be described more simply as

interested parties. Staff does not support restriction of stakeholders to property owners only. The purpose of the CCSG is to provide a forum for natural resource management issues. These issues include water quality, habitat preservation and improvement, and aggregate management that can affect parties other than the property owners. The amendments to the stakeholders list recommended by the commentor are supported by staff and have been made in Text Change # 27.

**Response to Comment 7-63:**

The initial points made in the comment recommending that monitoring activities under the CCIP should be practical and affordable are supported by staff. The practicality and affordability of the recommended monitoring program were priority considerations during the development of the CCIP. The commentor does not specifically address any particular monitoring requirement. The monitoring requirements were developed to provide important information for evaluation of changes in channel stability within Cache Creek during implementation of channel improvement projects.

The commentor's recommendation that the collection of the hydraulic data be performed by the RMC is not practical. The TAC has been recommended as a scientific advisory committee and it is their expertise that should be applied to the management of data collection. The data does not have to be collected by the TAC but should be collected under their direction. The RMC could assign data collection responsibilities to qualified persons provided that methods and quality control for these activities would be acceptable to the TAC. The annual report to the Board of Supervisors would include a presentation and professional interpretation of the collected data. It is not appropriate to assume that this type of report would be prepared by the RMC.

Staff agrees that the monitoring data, technical analysis, and reports developed under the CCIP should be made available in a form that is usable by affected property owners. The RMC will be responsible for the long-term management of the collected data and for review of reports and analysis. This responsibility would include the assurance that the data and reports are presented in a way that is usable by the County and County residents.

**Response to Comment 7-64:**

As described in Response to Comment 7-63, staff recommends that the annual technical report for activities under the CCIP be prepared by the TAC. The RMC will be responsible for review of the report and submittal of the report to the Board of Supervisors. However, staff recognizes that the RMC should be responsible for notification to landowners regarding recommended priority projects. See Text Change # 28.

**Response to Comment 7-65:**

No further CEQA review of projects consistent with the CCRMP would be expected. However, projects that are not within the scope of activities or conditions described in the

CCRMP could require further CEQA review. For example, construction of a bridge or dam within the CCRMP planning area might occur. Such projects could be consistent with the CCRMP but may have included impacts that are not anticipated by the CCRMP and could require environmental review. As stated before, the County is not empowered to exempt permitting requirements from other responsible agencies for emergency work. Please see Response to Comment 7-52.

**Response to Comment 7-66:**

Staff appreciates the commentor's concern regarding streamlining of the County permitting process. Currently, under a request by the County Administrative Officer, the County is conducting an evaluation of all of the County's permitting processes to determine methodologies for improving efficiency. Staff agrees that streamlining should be an ongoing focus of the CCRMP/CCIP.

**Response to Comment 7-67:**

The commentor's concern regarding development of a broader base of funding for implementation of the CCIP is shared by staff. Staff agrees that the initial funding source provided by a surcharge on aggregate products should be supplemented by other sources. User fees, benefit assessment, and government funding are all possible options. Funding of the CCIP through a sales or property tax is speculative, given the difficulties in passing such tax propositions.

One significant source of funds may be available through Federal or State grant programs for watershed protection and rehabilitation. Text Change # 29 has been made to reflect the staff's agreement that additional funding sources should be explored. Text Change # 29 also reflects staff's agreement with the commentor's suggestion that the surcharge on aggregate products should be tied to the scale weight of the products, and not mining volumes or tonnage.

**Response to Comment 7-68:**

In response to the comment, staff has reconsidered the annual schedule for the CCIP. The specific concern raised in the comment is valid, particularly for larger, more complex projects. For many projects, the design of grading plans can be prepared on the previous year's topographic data, then adjusted for minor changes resulting from the channel adjustments. Staff considers the most appropriate adjustment in the schedule would be to target earlier dates for completion of the aerial cartography (1 April) and related completion of DTM (1 May). However, this schedule could be affected in some years by a prolonged rainy season. Text Change # 30 reflects the adjusted schedule.

**Response to Comment 7-69:**

Staff agrees with the commentor's concern related to maintenance of flood capacity. Text Change # 31 has been made in response to the comment.

**Response to Comment 7-70:**

The justification for providing a minimum depth of 6 feet for the low flow channel is the promotion of establishment of a more permanent location for the channel and development of more stable banks through formation of terraces. The recommended depth (developed in the Technical Studies) was based on a general calculation of an approximate cross-sectional area (assuming a 300-foot wide channel) capable of conveying a two-year flood event (14,500 cfs). In response to the remaining portions of the comment, Text Change # 32 has been made to emphasize the importance of maintaining 100-year flood capacity.

**Response to Comment 7-71:**

The comment does not specify the location(s) of the Cache Creek channel where implementation of the recommended 300-foot no disturbance zone is not possible. However, the 300-foot zone is a general guideline for low-flow channel protection and enhancement. If specific channel improvement projects require an adjustment to the standard (e.g., at bridge crossings), the RMC can approve an alternative channel design if the alternative is supported by the TAC.

**Response to Comment 7-72:**

The template cross-sections present general target channel shapes for the implementation of an overall channel improvement strategy. The commentor is correct in noting that some areas of the creek under current conditions and under an implemented Test 3 scenario would not be wide enough to accommodate the recommended template dimensions presented in Figure 3-7 of the CCIP. The templates may require modification for some areas of the channel. In narrow portions of the channel, the minimum width of features outside the 300-foot "no disturbance zone" should be modified to allow more flexibility for channel design. Therefore, Figure 3-7 has been modified to reflect the need for flexibility in width. Text Change # 33 has been made to amend Figure 3-7 of the CCIP.

**Response to Comment 7-73:**

The slope gradient between "level steps" of the compound channel shape shown on the templates should not exceed 2:1 (horizontal:vertical) for unprotected slopes. Alternatively, steeper slopes could be proposed by channel improvement projects if appropriate erosion protection is provided. The Technical Studies recommend a slope of 10:1. However, this recommendation may not be applicable to narrow channel areas.

**Response to Comment 7-74:**

The flow capacity for the "level steps" (terraces) shown on the templates would be variable depending on the width and height of terraces included in individual channel improvement projects. The combined capacity of the terraces and the low-flow channel would be required by the CCRMP to meet or exceed current channel capacity.

**Response to Comment 7-75:**

Staff agrees with the commentor's point regarding expected relationships between flow width depth and velocity. The relationship for these flow parameters suggested in the transition from the Capay subreach (Table 3.2 in the CCRMP) to Upper Hungry Hollow subreach (Table 3.3a in the CCRMP) reflect the reach averaged conditions presented in the tables. The reach average flow depth and velocity represent the depth and velocity within the main conveyance channel of the stream. The average width includes the main channel and areas of the floodplain inundated during each of the flow events. The flow velocity for the main channel is presented because of the significance of flow within this region of the cross-section on sediment transport and bed and bank scour. The average flow width presents a characterization of the total width of the inundated surface. The relatively high velocity in the Capay reach reflects flow within the relatively narrow, incised main channel cross-section while the average width includes inundated areas of the floodplain on the relatively low terrace surface on the south side of the creek within this subreach. In comparison, the main conveyance channel within the Hungry Hollow subreach is wider and the lower terrace is not expressed. Although the average width of the combined main channel and floodplain is decreased, the width of the main channel is increased relative to the narrow main channel within the Capay reach. Because the flow velocities were computed for the main conveyance channel, a decrease in velocity is shown for flow with in the Hungry Hollow subreach.

**Response to Comment 7-76:**

The flow chart shows the TAC's responsibilities of review of monitoring data, review of improvement projects, and providing recommendations to the RMC. Management responsibilities for the TAC are not intended in the flow diagram. The annual schedule for the monitoring program is described in detail on Figure 7-3 of the CCIP.

Letter # 8

# DEPARTMENT OF PUBLIC HEALTH

Environmental Health Services

COUNTY OF YOLO

ROBERT O. BATES, Jr., M.D. - DIRECTOR OF PUBLIC HEALTH
THOMAS Y. TO — DIRECTOR OF ENVIRONMENTAL HEALTH

☐ 10 COTTONWOOD ST. • WOODLAND, CA 95695
(916) 666-8646
☐ 600 "A" ST. • DAVIS, CA 95616
(916) 757-5540 • (916) 372-3700

## MEMORANDUM



TO: David Morrison, Resource Management Coordinator
Community Development Agency

FROM: Tom To, Director
Environmental Health

DATE: May 23, 1996

SUBJECT: Comments on Draft Program EIR for Cache Creek Resources Management Plan and Project-level EIR for Cache Creek Improvement Program

I have reviewed the above referenced document and have the following suggestions:

1. On page 2-25 under Mitigation Measures for Hazards, the revised subsection PS 3.5-1 should be added with : Any long term sizable project (extensive erosion control, gravel mining etc.) in or immediately adjacent to the channel, and that involves the use of heavy equipments, shall have a chemical spill emergency plan filed and approved by the appropriate local agency. Under a proper emergency plan the project operator and his workers will have the training to timely report chemical spills and to take immediate action to minimize environmental damage. 8-1

2. On page 2-14 under Mitigation Measures 4.4-3a, Action 3.4-1 should be added with: the county should consider providing only designated public access to Cache Creek and to also encourage property owners on both banks of the creek to take measures to exclude unauthorized public access to the creek through their properties. This would help to reduce or eliminate illegal disposal of wastes such as auto bodies, waste oil, household items, tires etc. at the creek banks. 8-2

Please contact me (X8646) if you have any questions regarding this matter.

## LETTER 8: COUNTY OF YOLO, DEPARTMENT OF PUBLIC HEALTH

**Response to Comment 8-1:**

The text of the DEIR has been amended in response to this comment as Text Change # 24.

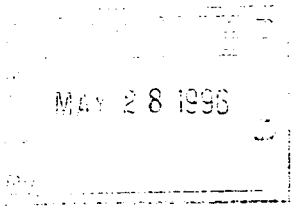
**Response to Comment 8-2:**

Since Cache Creek is held in private ownership, the County has no authority to restrict public access to the stream. Moreover, it is the County's intention to establish recreational areas along the creek that would expand existing public access, although under limited circumstances. Still, staff agrees with the comment, as it applies to County-owned land that borders the creek, and in response, Text Change # 17 has been made. It is staff's understanding that private property owners are already actively discouraging trespassing and illegal dumping on their lands.

STATE OF CALIFORNIA

PETE WILSON, *Governor*

**Governor's Office of Planning and Research**
1400 Tenth Street
Sacramento, CA 95814




May 24, 1996

DAVID MORRISON
YOLO COUNTY COMMUNITY DEVELOPMENT AGENCY
292 WEST BEAMER
WOODLAND, CA 95695

Subject: CACHE CREEK RESOURCES MANAGEMENT PLAN SCH #: 96013004

Dear DAVID MORRISON:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

> "a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

9-1

Commenting agencies are also required by this section to support their comments with specific documentation.

These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Antero A. Rivasplata

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

Enclosures
cc: Resources Agency

**Notice of Completion** Supplementary Document #1

To: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 96013009

**Project Title:** CACHE CREEK RESOURCES MANAGEMENT PLAN

**Lead Agency:** YOLO COUNTY COMMUNITY DEV AGENCY **Contact Person:** DAVID MORRISON

**Street Address:** 292 WEST BEAMER **Phone:** 916 666 8020

**City:** WOODLAND **Zip:** 95695 **County:** YOLO

**Project Location**

**County:** YOLO **City/Nearest Community:** CAPAY, ESPARTO, MADISON, YOLO, WOODLAND

**Cross Streets:** _____ **Zip Code:** _____ **Total Acres:** 5000 ACRES

**Assessor's Parcel No.** _____ **Section:** _____ **Twp.** _____ **Range:** _____ **Base:** _____

**Within 2 Miles:** State Hwy #: 505 **Waterways:** CACHE CREEK

**Airports:** WOODLAND **Railways:** _____ **Schools:** _____

Received by
DEPARTMENT OF CONSERVATION
APR 0 9 1996
Governmental and Legislative
Policy Office

**Document Type**

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ Early Cons ☐ EIR (Prior SCH No.) _____ ☐ Neg Dec ☐ Other _____ ☒ Draft EIR

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other _____

APR 8 1996 State

**Local Action Type**

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☒ Other RIVER MANAGEMENT PLAN

**Development Type**

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational _____
☐ Recreational _____

☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☒ Mining: Mineral AGGREGATE
☐ Power: Type _____ Watts _____
☐ Waste Treatment: Type _____
☐ Hazardous Waste: Type _____
☐ Other: _____

**Project Issues Discussed in Document**

☐ Aesthetic/Visual ☐ Agricultural Land ☐ Air Quality ☐ Archeological/Historical ☐ Coastal Zone ☐ Drainage/Absorption ☐ Economic/Jobs ☐ Fiscal
☒ Flood Plain/Flooding ☐ Forest Land/Fire Hazard ☒ Geologic/Seismic ☐ Minerals ☒ Noise ☐ Population/Housing Balance ☒ Public Services/Facilities ☒ Recreation/Parks
☐ Schools/Universities ☐ Septic Systems ☐ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☐ Solid Waste ☒ Toxic/Hazardous ☒ Traffic/Circulation ☒ Vegetation
☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Wildlife ☐ Growth Inducing ☒ Landuse ☒ Cumulative Effects ☐ Other _____

**Present Land Use/Zoning/General Plan Use** Agriculture & Aggregate Extraction. AP and A-1, with Sand & Gravel (SG) overlay. Agriculture & Aggregate Extraction

**Project Description** Joint document and creek improvement program for restoration and stabilization of Cache Creek, from the Capay Dam to the town of _____

OMR-1

OLCO

WILLIAMSON ACT

State Clearinghouse Contact: Ms. Dana Lidster (916) 445-0613

State Review Began: 4-8-96

Dept. Review to Agency: 5-16

Agency Rev to SCH: 5-21

SCH COMPLIANCE: 5-23

Please note SCH Number on all Comments

Please forward late comments directly to the Lead Agency

AQMD/APCD 40 (Resources: 413)

**Project Sent to the following State Agencies**

- X Resources
- ___ Boating
- ___ Coastal Comm
- ___ Coastal Cnsv
- ___ Colorado Rvr Bd
- X Conservation
- X Fish & Game # 2
- ___ Delta Protection Commission
- ___ Forestry
- X Parks & Rec/OHP
- ___ Reclamation
- ___ BCDC
- X DWR
- ___ OES

**Bus Transp Hous**

- ___ Aeronautics
- ___ CHP
- X Caltrans # 3
- ___ Trans Planning
- ___ Housing & Devel

**Health & Welfare**

- ___ Drinking H20
- ___ Medical Waste

**State/Consumer Svcs**

- ___ General Services

**Cal/EPA**

- ___ ARB
- ___ CA Waste Mgmt Bd
- ___ SWRCB: Grants
- ___ SWRCB: Delta
- X SWRCB: Wtr Quality
- ___ SWRCB: Wtr Rights
- X Reg WQCB # 5
- ___ DTSC/CTC SAC

**Yth/Adlt Corrections**

- ___ Corrections

**Independent Comm**

- ___ Energy Comm
- ___ NAHC
- ___ PUC
- X Santa Mn Mtns
- X State Lands Comm
- ___ Tahoe Rgl Plan
- ___ Other: _____

Notice of Completion & Application for Environmental Document

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 96013004

**Project Title:** CACHE CREEK RESOURCES MANAGEMENT PLAN

**Lead Agency:** YOLO COUNTY COMMUNITY DEV AGENCY **Contact Person:** DAVID MORRISON

**Street Address:** 292 WEST BEAMER **Phone:** 916 6666 R020

**City:** WOODLAND **Zip:** 95695 **County:** YOLO

**Project Location**

**County:** YOLO **City/Nearest Community:** CAPAY, ESPARTO, MADISON, YOLO, WOODLAND

**Cross Streets:** _____ **Zip Code:** _____ **Total Acres:** 5,000 ACRES

**Assessor's Parcel No.:** _____ **Section:** _____ **Twp.:** _____ **Range:** _____ **Base:** _____

**Within 2 Miles:** State Hwy #: 16; SCS; 5 **Waterways:** CACHE CREEK

**Airports:** WOODLAND **Railways:** _____ **Schools:** _____

**Document Type**

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☒ Draft EIR ☐ Supplement/Subsequent ☐ EIR (Prior SCH No.) _____ ☐ Other _____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other _____

**Local Action Type**

APR 8 1996 STATE

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☒ Other RIVER MANAGEMENT PLAN

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☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational _____
☐ Recreational _____

☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☒ Mining: Mineral AGGREGATE
☐ Power: Type _____ Watts _____
☐ Waste Treatment: Type _____
☐ Hazardous Waste: Type _____
☐ Other: _____

**Project Issues Discussed in Document**

☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs
☐ Fiscal
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☒ Geologic/Seismic
☐ Minerals
☒ Noise
☐ Population/Housing Balance
☒ Public Services/Facilities
☒ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☐ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation
☒ Vegetation
☒ Water Quality
☒ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Wildlife
☐ Growth Inducing
☒ Landuse
☒ Cumulative Effects
☐ Other _____

**Present Land Use/Zoning/General Plan Use** Agriculture & Aggregate Extraction; AP and A-1, with Sand & Gravel (SG) overlay Agriculture & Aggregate Extraction

**Project Description** Policy document and creek improvement program for restoration and stabilization of Cache Creek, from the Capay Dam to the town of

State Clearinghouse Contact: Ms. Dana Lidster (916) 445-0613

State Review Began: 4.8.96

Dept. Review to Agency 5.16

Agency Rev to SCH 5.21

SCH COMPLIANCE 5.23

Please note SCH Number on all Comments

Please forward late comments directly to the Lead Agency

AQMD/APCD 40 (Resources: 413)

**Project Sent to the following State Agencies**

| | |
|---|---|
| X Resources | State/Consumer Svcs |
| ___ Boating | ___ General Services |
| ___ Coastal Comm | Cal/EPA |
| ___ Coastal Consv | ___ ARB |
| ___ Colorado Rvr Bd | ___ CA Waste Mgmt Bd |
| X Conservation | ___ SWRCB: Grants |
| X Fish & Game # 2 | ___ SWRCB: Delta |
| ___ Delta Protection Commission | |
| ___ Forestry | X SWRCB: Wtr Quality |
| X Parks & Rec/OHP | ___ SWRCB: Wtr Rights |
| ___ Reclamation | X Reg. WQCB # 5 |
| ___ BCDC | ___ DTSC/CTC SAC |
| X DWR | |
| ___ OES | Yth/Adlt Corrections |
| Bus Transp Hous | ___ Corrections |
| ___ Aeronautics | Independent Comm |
| ___ CHP | ___ Energy Comm |
| X Caltrans # 3 | ___ NAHC |
| ___ Trans Planning | ___ PUC |
| ___ Housing & Devel | X Santa Mn Mtns |
| Health & Welfare | X State Lands Comm |
| ___ Drinking H20 | ___ Tahoe Rgl Plan |
| ___ Medical Waste | ___ Other: _____ |

## LETTER 9: GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

### Response to Comment 9-1:

This correspondence served to transmit Letter 10. No response is necessary.

**Letter # 10**

**State of California** **THE RESOURCES AGENCY**

**MEMORANDUM**

To: Project Coordinator
Resources Agency

Date: May 23, 1996

Mr. David Morrison, Resource Management Coordinator
Yolo County Community Development Agency
292 West Beamer Street
Woodland, California 95695

MAY 28 1996

From: **Department of Conservation**
**Office of Governmental and Environmental Relations**

Subject: Draft Program Environmental Impact Report (DPEIR) for Cache Creek Resources Management Plan (CCRMP) and Project-Level Environmental Impact Report for Cache Creek Improvement Program (CCIP) for Lower Cache Creek - **SCH # 96013004**

The Department of Conservation (Department) has reviewed the DPEIR for the Cache Creek Resources Management Plan. The Department administers the Surface Mining and Reclamation Act (SMARA), the California Land Conservation (Williamson) Act, and monitors farmland conversion on a statewide basis. The following comments are offered to assist in your review of this project. 10-1

**Mine Reclamation**

The CCRMP focuses on Cache Creek channel stabilization, riparian habitat restoration, and in-channel maintenance activities within the lower reaches of the Cache Creek channel. The CCIP was developed by the Yolo County Community Development Agency to implement the goals, actions, and policies of the CCRMP. The CCIP defines the function and responsibilities of a Technical Advisory Committee (TAC), defines the procedures and methodology for stream monitoring and maintenance activities, and identifies projects having high priority for stream stabilization. A separate program-level Environmental Impact Report (EIR) was prepared for the Off-Channel Mining Plan (OCMP), for which the Department provided comments on May 10, 1996. Once adopted the Department understands that the CCRMP and OCMP will comprise the Cache Creek Area Plan.

The CCRMP identifies goals, actions, and performance standards, summarized in Chapter 2.0, for projects within the lower reach of Cache Creek. Mitigation measures presented in Chapter 2.0 are largely predicated upon the State Mining and Geology Board (Board) granting exemption under the Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and implementing regulations (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq.; Article 9, Section 3700 et seq.) for instream "channel maintenance" activities. The measures in the DPEIR were written prior to a meeting of the Reclamation Standards Committee of the Board. That committee did **not** forward a CCRMP exemption request to the full Board, finding that the instream excavation portions of the CCRMP did not appear to be exempt from SMARA. At this meeting, the Reclamation Standards Committee indicated that a reach-wide reclamation plan would be appropriate for the project. A reach-wide plan would be a specific and detailed plan for improved channel dimensions, erosion protection, and habitat enhancement. Operators would be invited to implement the provisions of the reach-wide plan with responsibility for the reclamation of the prescribed areas being the County's. 10-2

The Office of Mine Reclamation is available to work with the County to develop reach-wide reclamation plans for lower Cache Creek. The Department recognizes that much of the information needed for the reach-wide plan may already be included in the DPEIR. The Department provides the matrix below, which lists specific environmental impacts, mitigation measures, and action items as identified in Chapter 2.0 of the DPEIR and compares these items to applicable SMARA requirements. The matrix will be of assistance in developing the reach-wide reclamation plan in accordance with SMARA. The section following the matrix includes comments relating to our review of the CCIP.

**Cache Creek Resources Management Plan (CCRMP)**

| Impact # | Environmental Impact | Mitigation Measure | Action Item Performance Standard | Applicable SMARA, CCR Section |
|---|---|---|---|---|
| 4.2-3 | Compliance with SMARA, CCR | 4.2.-2a | | SMARA 2729, 2733, 2735. Definition of mined lands, reclamation, and surface mining activity |
| 4.3-1 | Sediment deposition, erosion, channel stability, and loss of agricultural lands and infrastructure | 4.3-1a | Actions 2.4-2, 2.4-15, 2.4-16. Perf std 2.5-6 | CCR 3710(b), SMARA 2772(c)(8), CCR 3502 (b)(6), 3710(c), 3706(a), 3706(f), 3706(g). Instream mining activities. Exemption subject to Board approval |
| 4.3-1 | | 4.3-1b | Perf Std 2.5-7, 6.5-9, 6.5-10, 6.5-6. 6.5-7, 6.5-12, 6.5-144.5-23 | SMARA 2729, 2733, 2735. Definition of mined lands, reclamation, and surface mining activity |
| 4.3-2 | Channel modification and upstream, downstream impacts | 4.3-2a, 4.3-2b | Perf Std 2.5-8 | CCR 3710(b), SMARA 2772(c)(8), CCR 3502 (b)(6), 3710(c), 3706(a), 3706(e) 3706(f), 3706(g). Instream mining activities. |
| 4.3-3 | Channel instability | 4.3-3b | | CCR 3710(b), SMARA 2772(c)(8), CCR 3502 (b)(6), 3710(c), 3706(a), 3706(e) 3706(f), 3706(g). Instream mining activities. |
| 4.4-4 | Water supply for biotic restoration | 4.4-4a | Perf Std 4.5-11 | CCR 3705(j) Demonstrate plant survivorship for two years following cessation of irrigation |

10-2

| Impact # | Environmental Impact | Mitigation Measure | Action Item Performance Standard | Applicable SMARA, CCR Section |
|---|---|---|---|---|
| 4.5-1 | Potential loss of agricultural lands due to off-channel mining | 4.5-1a, 4.5-1b, 4.5-1c | | SMARA 3707(a), 3707(c), 3708. Reclamation measures regarding prime and non-prime agricultural lands. |
| 4.6-1 | Impact on existing vegetation | 4.6-1a | Perf Std 4.5-11 | CCR 3705(j) Demonstrate plant survivorship for two years following cessation of irrigation. |
| 4.6-2 | Impact on sensitive habitats. Revegetation guidelines | 4.6-2a | Action 4.4-12 | 3705(m) Requirement for revegetation performance standards. |
| 4.6-3 | Disturbance to wildlife species and habitat | 4.6-3a | Action 4.4-13, 5.4-8. Exempts haul road siting as potential impact. | 3703(c) All reasonable measures to protect fish and wildlife habitat. Subject to DFG* concurrence. |
| 4.6-6 | Compatibility and consistency of restoration provisions | 4.6-6a | Action 4.4-16 | Modifications to instream areas may also require review by DOC* |
| 4.12-1 | Potential human health impacts from chemical release | 4.12-1a, 4.12-1b, 4.12-1c | | CCR 3502(b)(2). Add Action item to control public access to mining and restoration sites. |

* DFG = Department of Fish and Game; DOC = Department of Conservation

10-2

## Cache Creek Improvement Program (CCIP)

1. The regulatory framework should include provisions for compliance with SMARA and applicable sections of the CCR. 10-3

2. Since channel conditions may change, the DPEIR indicates that a Technical Advisory Committee (TAC) will be employed to assess and refine, where necessary, specific prescriptions based on monitoring data and field inspections. The list of responsibilities for the TAC (page 4, items 3,4 ) should include amending the approved reclamation plan to reflect substantial deviations in the mining and reclamation of Cache Creek. 10-4

3. We request that the "stakeholders group" list on page 5, item 13 be modified. By listing the Department of Conservation generally, the stakeholders group will include the Division of Mines 10-5

and Geology (as now specified), as well as the Office of Mine Reclamation, Office of Land Conservation, and State Mining and Geology Board. All of these offices have some interest in this project. 10-5

4. Access to the sediment transport models are discussed on page 34. The CCIP states that the public will have access to the sediment transport data at a nominal cost to cover record keeping. It would be helpful to members of the stakeholders group to have access to sediment transport data, as well as digital terrain model data generated by the monitoring program. 10-6

5. The CCIP recognizes that channel improvements in the vicinity of bridge crossings and levees are high priority. Coordination between state and local agencies responsible for the structure and the TAC should be clarified. For instance, the TAC could develop monitoring criteria to be used during annual inspections to ensure integrity of structures. 10-7

**Land Conservation**

The CCRMP addresses issues relevant to managing resources within the creek channel in approximately 4,995 acres along a 14.5 mile reach extending from Capay Dam, downstream to a levied section of the creek near the town of Yolo. Over 2,000 acres of land within the CCRMP area are currently used as farmland.

While the Department offered comment on Williamson Act uses in the OCMP, the CCRMP appears to predominantly address in-stream issues. However, the Department recommends that the Final PEIR provide a map of the location of agricultural preserves and Williamson Act contracts in the planning area to ensure consistency in discussion of Williamson Act impacts by the entire Cache Creek Area Plan. 10-8

The Department appreciates the opportunity to comment on the DPEIR. If you have any questions regarding mine reclamation issues, contact James Pompy at (916) 323-8565. For questions regarding land conservation issues, contact Kenneth E. Trott at (916) 324-0850. If I can be of further assistance, please phone me at (916) 445-8733. 10-9

Jason Marshall
Assistant Director
Office of Governmental and Environmental Relations

Attachment

cc: James Pompy. Office of Mine Reclamation
Kenneth E. Trott, Office of Land Conservation
Yolo Resource Conservation District

## LETTER 10: CALIFORNIA DEPARTMENT OF CONSERVATION, OFFICE OF GOVERNMENTAL AND ENVIRONMENTAL RELATIONS

**Response to Comment 10-1:**

Comment noted. No response is necessary.

**Response to Comment 10-2:**

The mitigation measures in the Draft EIR are not predicated on the County obtaining an exemption from SMARA for the CCRMP. The mitigation measures summarized in Chapter 2.0 were written in response to potential environmental impacts evaluated in the program-level Draft EIR, in accordance with the requirements of CEQA. The only areas where an exemption from SMARA is relevant are Impacts 4.2-2 and 4.2-3, which describe the consistency of the CCRMP and CCIP with the Yolo County Code and with SMARA. Whether or not an exemption is granted is a regulatory issue, which is unrelated to the need for mitigation measures that reduce the potentially adverse environmental impacts of the proposed project.

While the document does present text which indicates support for an exemption from SMARA for the activities proposed under the CCRMP, this DEIR did not base its analysis on this information. As stated in Mitigation Measure 4.2-3a, "However, if the CCRMP is found to be subject to SMARA, the County should submit the Plan, including the CCIP, to the Division of Mines and Geology for review and approval as the mining and reclamation plan for the study area of the creek." Thus, staff recognizes that an exemption may not be granted and has included appropriate measures to ensure that all appropriate regulatory requirements are met. The DEIR is not predicated on the CCRMP obtaining an exemption from SMARA, and failure to obtain the exemption will not weaken or alter the integrity of the analysis and mitigation measures included therein.

The comment letter suggestion that a request was made of the Reclamation Standards Committee to exempt the CCRMP from SMARA. No such request was made by the County. County staff, as advised by DOC staff, did request a discussion of the issue before the Board subcommittee.

The comment also suggests that a "finding" was made by the subcommittee, regarding an exemption. County staff in attendance at that meeting recall no such findings. No action was taken because none was requested. Each of the three subcommittee members did give their thoughts and opinions regarding the issue, which were very useful and greatly appreciated.

There was general discussion that a "general" reclamation plan covering the entire 14.5 study reach of Cache Creek might be an appropriate alternate to exemption.

A final determination regarding the applicability of SMARA to the CCRMP has yet to be made. An ordinance to regulate in-channel activities will be prepared following consideration of the OCMP, CCRMP, and long-term mining applications. This is in accordance with the schedule for the OCMP and CCRMP set forth in the work plan attached to Board of Supervisor's Resolution 94-82. At that time, if the CCRMP and CCIP are determined to be subject to the requirements of SMARA, then an in-stream mining ordinance will be prepared and submitted to the State Mining and Geology Board (SMGB) for certification and a reclamation plan and financial assurances submitted to the Department of Conservation for review.

Staff appreciates the assistance offered by the Office of Mine Reclamation (OMR) in developing reclamation plans for in-channel activities, and agrees that many of the elements required in a reclamation plan are likely already be provided in the CCRMP, CCIP, and DEIR. If the CCRMP is found to be subject to SMARA, staff will work with OMR to develop the in-stream mining ordinance and reclamation plan.

**Response to Comment 10-3:**

Please see Response to Comment 10-2.

**Response to Comment 10-4:**

If the CCRMP is not determined to be exempt from SMARA, then a reclamation plan for activities under the CCIP would be filed. As stated in the CCIP, the Technical Advisory Committee will provide scientific and technical review and oversight for all projects conducted (TAC) under the CCIP. Therefore, should future amendments to the reclamation plan become necessary, the TAC would review and comment on the proposed changes. However, responsibility for approving any amendments to the reclamation plan would remain with the Planning Commission. Staff is recommending no change in the DEIR.

**Response to Comment 10-5:**

Staff agrees with the commentor and has revised the CCIP to specify the Department of Conservation, rather than the Division of Mines and Geology. Please see Text Change # 26.

**Response to Comment 10-6:**

Staff agrees with this comment. The CCIP would enable stakeholders to have access to the hydraulic and sediment transport model data, as well as the digital terrain model data, developed for the CCRMP. It should be noted that both the U.S. Army Corps of Engineers and the California Department of Transportation have already been provided with the hydraulic and sediment transport model data developed during the course of the Technical Studies, on which the CCRMP and CCIP were based.

**Response to Comment 10-7:**

The responsibility of DOC is unclear here. However, staff agrees with the comment. Local property owners, the California Department of Transportation, the U.S. Army Corps of Engineers, the Yolo County Public Works Department, and the Yolo County Flood Control and Water Conservation District all have infrastructure along the creek and are potential members of the stakeholders group. As stated in the CCIP, the stakeholders group will provide a forum for the discussion of resource management issues, including monitoring criteria, if appropriate.

**Response to Comment 10-8:**

A map of the location of agricultural preserves and Williamson Act contracts within the planning area is not available and was not determined to be necessary. Approximately 2,000 acres within the CCRMP planning area are presently being used as farmland. The majority of agricultural land is located downstream of County Road 94B, in the 100-year floodplain north and south of the channel.

The extent of agricultural lands directly affected by the activities included within the CCRMP and the CCIP is discussed in Impact 4.5-1, which notes that 33 acres of farmland are located within areas designated for future channel widening. Of the 33 acres, approximately 11 acres are classified as prime farmland. One of the primary purposes of the CCRMP is to increase the stability of Cache Creek, thereby providing protection against lateral erosion, which has resulted in the loss of farmland in areas adjoining the creek. By working to stabilize the channel, the CCRMP will reduce the future loss of agricultural land due to erosion. In addition, the Test 3 design include in the CCIP calls for channel narrowing in some areas, especially near the bridges, in order to create a smoother flow profile. As banks are extended, the new areas may be converted to farmland.

The CCRMP is a river management plan, focussed on riparian processes within and immediately adjoining the Cache Creek channel. Other than the 33 acres mentioned previously, land within the CCRMP boundary is presently devoted to open space and habitat uses along the channel, consistent with the provisions of the Williamson Act. The potential effects of habitat on agriculture productivity, as well as farming on wildlife, are discussed in Impacts 4.5-2 and 4.5-3 of the DEIR.

**Response to Comment 10-9:**

Comment noted. Thank you for your letter.