



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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

YOLO COUNTY PLANNING COMMISSION

CHAIR: Leroy Bertolero
VICE-CHAIR: Don Winters
MEMBERS: Jeb Burton; Mary Kimball; Mary Liu; Jeff Merwin; Don Peart

AGENDA

THURSDAY, MAY 8, 2008

Board of Supervisors Chambers
625 Court Street, Room 206
Woodland, CA. 95695

Please refer to the last page of this agenda for notices regarding accommodations for persons with disabilities and for appeals of Planning Commission actions.

ADMINISTRATIVE AGENDA

8:30 a.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES**
 - 3.1 Minutes of April 10, 2008.
4. **PUBLIC REQUESTS**

The opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

5. CORRESPONDENCE

- 5.1 California County Planning Commissioners Newsletter.
- 5.2 California Dairy Research Foundation Newsletter.

CONSENT AGENDA

8:40 a.m.

- 6.1 None

TIME SET AGENDA

8:45 a.m.

- 7.1 **2006-005:** One-year extension of a 3-lot Tentative Parcel Map. The project is located at the intersection of County Road 12A and County Road 87, eight miles north of the Town of Esparto (APN: 054-050-02, 054-120-01, 054-120-11, 054-120-04, 054-120-15, 054-130-10). A Categorical Exemption has been prepared for this project. Owner/Applicant: R.H. Philips Partners/Bergman (C. Baracco)

8:55 a.m.

- 7.2 **2001-117:** One-year extension of an 11-lot Tentative Subdivision Map. The project is located on Railroad Avenue between Sixth and Third Streets, in Knights Landing (APN: 056-306-02, 056-313-02, 056-322-03). A Categorical Exemption has been prepared for this project. Owner/Applicant: Duncan (C. Baracco)

9:05 a.m.

- 7.3 Proposed Cache Creek Area Plan In-Channel Maintenance Mining Ordinance, recommendation to the Board of Supervisors. The project is a proposed ordinance that would regulate limited channel maintenance activities allowed within Cache Creek pursuant to the Cache Creek Resources Management Plan (CCRMP) of the Cache Creek Area Plan (CCAP). This ordinance would affect property located within the Cache Creek Resources Management Plan boundaries along approximately 14.5 miles of Cache Creek between the Capay Dam and the town of Yolo, specifically 2,324 acres depicted in Figure 2 of the Cache Creek Resources Management Plan (CCRMP) as falling within the creek channel boundary. A Negative Declaration has been prepared for the proposed ordinance. Lead Department: Parks and Resources (H. Tschudin)

9:30 a.m.

- 7.4 Informational item to discuss required ten-year review and discussion of the Cache Creek Off-Channel Mining Plan. The plan affects property located adjoining approximately 14.5 miles of Cache Creek between the Capay Dam and the town of Yolo. No CEQA review is required for this item. Lead Department: Parks and Resources (H. Tschudin)

REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 General Plan Update

9. DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission and an update of the Planning and Public Works Department activities for the month. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

10. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public. No discussion by other commission members will occur except for clarifying questions.

11. FUTURE AGENDA ITEMS

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

12. ADJOURNMENT

A special joint meeting of the Board of Supervisors and Yolo County Planning Commission is tentatively set for June 10, 2008.

Respectfully submitted by,

David Morrison, Assistant Director
Yolo County Planning and Public Works Department

***** NOTICE *****

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact David Morrison, Assistant Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact David Morrison, Assistant Director as soon as possible and preferably at least 24 hours prior to the meeting. David Morrison, Assistant Director may be reached at 530-666-8041, or at e-mail david.morrison@yolocounty.org, or at the following address: Yolo County Planning and Public Works Department, 292 West Beamer Street, Woodland, CA 95695.

***** NOTICE *****

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



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PLANNING COMMISSION STAFF REPORT

MAY 8, 2008

FILE #2006-005 Extension of time of one year for Tentative Parcel Map #4807, approved on May 11, 2006, to create three parcels of 360±, 120±, and 80± acres that will consolidate the wine production and hospitality facilities of the R.H. Phillips winery

APPLICANT/OWNER: Barry Bergman
R.H. Phillips Trust
26836 County Road 12A
Esparto, CA 95627

LOCATION: Subject property surrounds the intersection of County Road 12A and County Road 87, eight miles north of the Town of Esparto, west of I-505 (APN: 054-050-02, 054-120-01, 054-120-11, 054-120-04, 054-120-15, 054-130-10) (**Attachment A**)

GENERAL PLAN: Agricultural
ZONING: Agricultural Preserve (A-P)
FLOOD ZONE: C (areas of minimal flooding)
SOILS: Type II, III and IV soils

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:

REVIEWED BY:

Craig Baracco, Associate Planner

David Morrison, Assistant Director

RECOMMENDED ACTION

That the Planning Commission:

1. **DETERMINE** that a Categorical Exemption (**Attachment E**) is the appropriate environmental review pursuant to the California Environmental Quality Act (CEQA);
2. **ADOPT** the proposed Findings (**Attachment D**) for extension of the Tentative Parcel Map #4807; and
3. **APPROVE** a one-year extension of Tentative Parcel Map #4807 (**Attachment B**) until May 8, 2009, subject to the original Conditions of Approval (**Attachment C**) for this project.

AGENDA ITEM 7.1

REASONS FOR RECOMMENDED ACTION

An extension of time will allow the applicant to complete the final map application process and obtain approval of the final parcel map. Approval of the final map will allow the applicant to fulfill a Condition of Approval on their winery Conditional Use Permit (ZF 2003-140).

BACKGROUND AND PROJECT DESCRIPTION

R.H. Phillips established a winery facility at its current location in 1984 (ZF: 3546). Modifications were made to the original Conditional Use Permit (ZF: 94-100, 97-030 and 2003-140) to expand the winery's production and hospitality facilities.

The development approved in the latest Use Permit amendment (ZF 2003-140) includes 14 new production, storage, and hospitality buildings, with a total floor area of 340,000 square feet. Other additions to the facilities include new employee and visitor parking facilities, new road access and loading facilities, off-site signage, a full service restaurant and a 500-seat amphitheater for cultural and entertainment events.

The size and scope of the approved facilities are no longer consistent with the requirements of the Williamson Act. In order to address this issue, one of the Conditions of Approval for the latest Use Permit modification was to submit an application to create a parcel that encompassed all the existing and approved facilities and to apply for a Williamson Act contract division. Upon approval of these applications, the contract on the resulting developed parcel will be placed in non-renewal. The approved Tentative Parcel Map #4807 (ZF 2006-005) is intended to fulfill that condition of approval.

The TPM, which was approved by the Planning Commission on May 11, 2006, will divide two existing parcels into three parcels of 360±, 80± and 121± acres, respectively. The 80-acre parcel will include all existing and proposed production and hospitality development for the R.H. Philips Winery. The 80-acre parcel will be placed into a separate Williamson Act contract, which will then file for non-renewal.

Staff Analysis

This is the first application for a one-year time extension that has been requested for this project. Under the Subdivision Map Act, a Tentative Parcel Map can be extended for one year periods up to a total of five years, following the original approval.

A review of the conditions of approval for the TPM has found that the applicant is required to complete the following before the County may accept a final map:

Condition #4. Prior to the Filing of the Final Parcel Map, the applicant shall pay all appropriate fees to the Planning, Resources and Public Works Department to mitigate for the loss of Swainson's Hawk habitat, to the satisfaction of the Yolo County Habitat/NCCP Joint Powers Authority.

Condition #11. The Final Parcel Map submitted for recordation shall have the Parcel Map Number (PM #4807) indelibly printed on it. The Final Parcel Map shall be prepared on the Basis of Bearing being the State Plane Coordinate System, North American Datum (NAD 83) pursuant to Article 9, Section 8-1902(f) of the Yolo County Code.

The applicants have submitted a Final Parcel Map, which is being processed by Staff. Currently, staff is awaiting some minor changes and corrections to the Final Map before the approval process can move forward.

Given the progress that the applicant has shown toward approval of the final map and the importance of the parcel map in order to meet the requirements of the Winery Conditional Use Permit and the requirements of the Williamson Act, staff recommends that an extension be granted to allow the applicant time to complete the final map process.

AGENCY COMMENTS

The time extension application was not circulated for comments from other agencies. Any advisory committee has not reviewed the extension request.

ATTACHMENTS

- A:** Vicinity Map
- B:** Tentative Parcel Map #4807
- C:** Original Conditions of Approval
- D:** Findings
- E:** Categorical Exemption

ATTACHMENT A
Vicinity Map

ATTACHMENT B
Tentative Parcel Map #4585

ATTACHMENT C
Original Conditions Of Approval

**FINDINGS FOR APPROVAL
OF PARCEL MAP TIME EXTENSION
ZONE FILE #2006-005
(Parcel Map #4807)**

FINDINGS *(A summary of evidence to support each FINDING is shown in Italics)*

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2006-005, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

1. In determining that the proposed Categorical Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of pertinent information in the public record and comments received, the ministerial project is exempt from further environmental review and that a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Additional Findings:

2. An extension of time shall be approved only when it is found that circumstances under which the parcel map was granted have not changed.

The project as approved remains consistent with the current Yolo County General Plan and the zoning of the property. There has been no change in the existing or proposed uses on the surrounding properties. In addition, no other information has been provided during the public hearing process that indicates any change in circumstances.

ATTACHMENT D

AGENDA ITEM 7.1

COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Craig Baracco

Notice of Exemption



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

Project Title: ZF# 2006-005

Barry Bergman
R.H. Phillips Winery
26836 County Road 12A
Esparto, CA 95627

Project Location: Subject property surrounds the intersection of County Road 12A and County Road 87, eight miles north of the Town of Esparto, west of I-505 (APN: 054-050-02, 054-120-01, 054-120-11, 054-120-04, 054-120-15, 054-130-10)

Project Description: Extension of time of one year for Tentative Parcel Map #4807 approved on May 11, 2006 to create three parcels of 360±, 120±, and 80± acres that will consolidate the wine production and hospitality facilities of the R.H. Phillips winery.

Exempt Status: Ministerial project

Reason why project is exempt:

Section 15300.1 of the CEQA Guidelines and Section 21080 of the Public Resources Code (CEQA Statutes) exempt projects over which a local agency exercises only ministerial authority such as time extensions of parcel or subdivision maps.

Lead Agency Contact Person: Craig Baracco, Associate Planner
Telephone Number: (530) 666-8833

Signature (Public Agency): _____

Date:



County of Yolo

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PLANNING COMMISSION STAFF REPORT

MAY 8, 2008

FILE #2001-117: Extension of time of one year for Tentative Subdivision Map #4585 approved on March 21, 2006 to divide a 3.13 acre property into 11 single family residential lots, 1 duplex lot, and 1 stormwater detention lot.

APPLICANT/OWNER: Harry Duncan
2601 Fair Oaks Blvd.
Sacramento, CA 95864

LOCATION: Located in the northeast corner of the intersection of County Road 116 and Railroad Street in Knights Landing (APN: 056-306-02, 056-313-02 and 056-322-03 (**Attachment A**))

GENERAL PLAN: Residential, Low Density and Residential, Medium Density

ZONING: R1-PD and R2-PD

FLOOD ZONE: B (areas between the limits of the 100-year flood and 500-year flood plain)

SOILS: Sycamore Silty Clay Loam (Class I)

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:

REVIEWED BY:

Craig Baracco, Associate Planner

David Morrison, Assistant Director

RECOMMENDED ACTION

That the Planning Commission:

1. **ADOPT** a Categorical Exemption (**Attachment E**) pursuant to the California Environmental Quality Act (CEQA);
2. **ADOPT** the proposed Findings (**Attachment D**) for extension of the Tentative Subdivision Map #4585; and
3. **APPROVE** a one-year extension of Tentative Subdivision Map #4585 (**Attachment B**) until May 8, 2009, subject to the original Conditions of Approval (**Attachment C**) for this project.

REASONS FOR RECOMMENDED ACTION

An extension of time will allow the applicant to complete the map application process and obtain approval of the final map. The original applicant has shown considerable progress towards fulfilling the conditions of approval, but the change in ownership for the subject property does require an extension of time to allow the Final Map application process to be completed.

BACKGROUND AND PROJECT DESCRIPTION

The original owner and applicant for this project, Tim Snow of Davis, CA, is unable to make payments on a loan on the property held by Harry Duncan and his family. Therefore title to the property has been transferred to the Duncan Family in consideration for this loan. The new owners have requested an extension of time to allow for them to assess the project and complete the Final Map application process.

The original project was approved by the Yolo County Board of Supervisors on March 21, 2006. The approved project is a Tentative Subdivision Map (#4585) to subdivide 3.13 acres into 11 single-family residential lots, one duplex lot and one stormwater detention lot. Residential parcel sizes vary from 6,900 sq. ft. to 9,800 sq. ft. Vehicle access to the proposed lots would be provided off of Railroad Street.

The detention pond is proposed to be 31,410. sq. ft in area with a capacity of 4.37 acre-feet. The proposal also includes installation of an approximately 1,200 foot long, 36-inch drain along Railroad Street. A Homeowners' Association will take over the operation and maintenance of the stormwater detention pond.

The project area stormwater along with that of nearly the entire town, will drain to the proposed onsite detention basin. A ditch on the north side of County Road 116 carries the storm flow easterly until it crosses the roadway in a culvert and is carried south in a drainage ditch toward the north levee of the Knights Landing Ridge Cut. From there, a Reclamation District 730 pump station pumps it over the levee into the Ridge Cut.

The approved residential development is being built in one phase. All proposed infrastructure will be constructed by the developer prior to the construction of single-family dwellings. All utilities on the site will be underground. The houses will not have wood-burning fireplaces.

Prior to residential construction, the property will be annexed into the Knights Landing Community Services District (KLCSD). The KLCSD will provide sewer and water services to the project. Fire protection service will be provided by the Knights Landing Fire Department. Police services will be provided by the Yolo County Sheriff's Department.

The homes will include "visitability" features, such as a no-sill threshold, grab bars in the downstairs bathroom, and wider doorways and halls on the lower floor. The homes will be equipped with Energy Star appliances and energy saving windows. All houses will have water saving showerheads and toilets. Homes will be wired with CAT-5 telephone wires and RG-coaxial cables, allowing for home network communication systems and telecommuting.

Staff Analysis

This is the first application for a one-year time extension that has been requested for this project. The Board of Supervisors approved the Tentative Parcel Map on March 21, 2006. Under the Subdivision Map Act, a Tentative Parcel Map can be extended for one year periods up to a total of five years, following the original approval.

A review of conditions of approval for the Tentative Subdivision Map has found the applicant is required to complete the following before the County may accept a final map:

Home Owner Association

The applicant is required to record a "Home Owners' Association Agreement." The Applicant has submitted to the Planning and Public Works Department drafts of the Home Owners' Association Agreement and the CC&R's for the property. These documents are currently under review by county staff.

Annexation to Service District

Approval from the Local Agency Formation Commission (LAFCO) for annexation of the subject property into the Knights Landing Community Services District (KLCSD) for provision of water, sewer, and lighting, is required prior to filing of the Final Map. The LAFCO Board has voted to approve the annexation of the subject property. However, there are outstanding fees still owed by the applicant to LAFCO that must be paid before the annexation can be finalized.

Improvement Plans

Prior to Final Map approval, engineered improvement plans shall be submitted to the Planning and Public Works Department for approval. These plans include detail road improvements on Railroad Avenue, 4th Street, 5th Street, and 6th Street, fencing at the ends of 5th and 6th Street, landscaping plans, and a drainage study.

The prior owner/applicant had submitted improvement plans to the Planning and Public Works Department. These plans have been revised a number of times in response to staff comments and corrections. The last set of corrections and comments was issued by county staff on July 30, 2007. Staff recommends the new applicant continue the work already begun and submit an improvement plan that meets all of the requirements of the conditions of approval and county improvement standards.

The estimated costs of improvements that the applicant has submitted are out of date. The applicant must submit a revised cost estimate for the improvements to reflect current conditions so that an appropriate bond may be obtained to guarantee the cost of improvements.

Corrections to the Storm Water Pollution Prevention Plan (SWPPP) have been issued by county staff and a revised SWPPP will need to be submitted.

Swainson's Hawk Habitat

The applicant has not yet paid the appropriate fee to mitigate for the loss of Swainson's Hawk Habitat. The project site is 3.13 acres, and the current fee is set at \$8,660 per acre.

Given the substantial but incomplete progress that the previous applicant has made, as well as the delay the change in ownership of the property will cause, staff feels that it is appropriate to grant a one-year extension of time to allow the new owner to complete the Final Map application process.

AGENCY COMMENTS

The time extension application was not circulated for comments from other agencies.

ATTACHMENTS

- A:** Vicinity Map
- B:** Tentative Parcel Map #4585
- C:** Original Conditions of Approval
- D:** Findings
- E:** Categorical Exemption

**FINDINGS FOR APPROVAL
OF SUBDIVISION MAP TIME EXTENSION
ZONE FILE #2001-117
(Parcel Map #4585)**

FINDINGS *(A summary of evidence to support each FINDING is shown in Italics)*

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2001-117, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

1. In determining that the proposed Categorical Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of pertinent information in the public record and comments received, the ministerial project is exempt from further environmental review and that a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Additional Findings:

2. An extension of time shall be approved only when it is found that circumstances under which the subdivision map was granted have not changed.

The project as approved remains consistent with the current Yolo County and Knights Landing General Plans and the zoning of the property. There has been no change in the existing or proposed uses on the surrounding properties. In addition, no other information has been provided during the public hearing process that indicates any change in circumstances.

Attachment D

COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Craig Baracco

Notice of Exemption



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

Project Title: ZF# 2001-117

Harry Duncan
2601 Fair Oaks Blvd.
Sacramento, CA 95864

Project Location: Located in the northeast corner of the intersection of County Road 116 and Railroad Street in Knights Landing (APN: 056-306-02, 056-313-02 and 056-322-03)

Project Description: Extension of time of one year for Tentative Subdivision Map #4585 approved on March 21, 2006 to divide a 3.13 acre property into 11 single-family residential lots, 1 duplex lot, and 1 stormwater detention lot.

Exempt Status: Ministerial Project

Reason why project is exempt:

Section 15300.1 of the CEQA Guidelines and Section 21080 of the Public Resources Code (CEQA Statutes) exempt projects over which a local agency exercises only ministerial authority such as time extensions of parcel or subdivision maps.

Lead Agency Contact Person: Craig Baracco, Associate Planner
Telephone Number: (530) 666-8833

Signature (Public Agency): _____ Date:

ATTACHMENT E



County of Yolo

PARKS AND RESOURCES DEPARTMENT

120 West Main Street, Suite C
Woodland, CA 95695
(530) 406-4880 FAX (530) 668-1801
www.yolocounty.org

Warren Westrup
DIRECTOR

PLANNING COMMISSION STAFF REPORT

MAY 8, 2008

PROJECT FILE NO. 2008-023: Cache Creek Area Plan In-Channel Maintenance Mining Ordinance. Repeal of Chapter 3 of Title 10 of the Yolo County Code (Interim In-Channel Surface Mining Regulations of Yolo County) and replace with new regulations entitled "Cache Creek Area Plan In-Channel Maintenance Mining Ordinance".

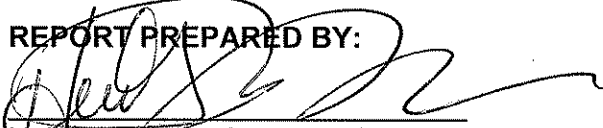
APPLICANT: Yolo County Parks and Resources Department

LOCATION: Cache Creek Resources Management Plan (CCRMP) area totaling 2,324 acres (APNs: numerous) (Attachment D)

GENERAL PLAN: Agricultural (A)
ZONING: Open Space (OS)
FLOOD ZONE: n/a

ENVIRONMENTAL DETERMINATION: Negative Declaration

REPORT PREPARED BY:


Heidi Tschudin, Contract Planner
Parks and Resources Department

REVIEWED BY:


Warren Westrup
Director

RECOMMENDED ACTIONS

That the Planning Commission recommend the following actions to the Board of Supervisors:

1. **ADOPT** a Resolution adopting a Negative Declaration (**Attachment A**) as the appropriate level of environmental review under the California Environmental Quality Act (CEQA) and Guidelines;
2. **ADOPT** an ordinance repealing and replacing Chapter 3 of Title 10 of the Yolo County Code with new regulations entitled "Cache Creek Area Plan In-Channel Maintenance Mining Ordinance" (**Attachment B**).

AGENDA ITEM 7.3

REASONS FOR RECOMMENDATION ACTIONS

Adoption of the ordinance would satisfy Action 2.4-16 of the 1996 Cache Creek Resources Management Plan (CCRMP), calling for an in-channel ordinance to regulate the limited “maintenance mining” allowed under the plan. It would also allow for Section 2715.5 of the State Public Resources Code (PRC) to become operational.

BACKGROUND

The Cache Creek Area Plan (CCAP) was adopted by the Yolo County Board of Supervisors in August 1996 and approved by County voters in November 1996. The CCAP is comprised of the Off-Channel Mining Plan (OCMP), which is a mining and reclamation plan, and the Cache Creek Resources Management Plan (CCRMP), which is a creek management plan. The focus of the CCAP is groundwater protection, agricultural preservation, restoration of Cache Creek, and limitation and regulation of mining.

The Off-Channel Mining Plan (adopted July 30, 1996) restricts the location and extent of new mining, eliminates vested processing plants and facilities at the end of the mining period, creates a fund to address unforeseen environmental concerns, and adds various environmental protections and monitoring requirements to the base requirements of State law established by the Surface Mining and Reclamation Act (SMARA). The Off-Channel Mining Plan is accompanied by two implementing ordinances: one regulating off-channel mining (mining outside of the creek channel) and one regulating reclamation of mined areas.

The Cache Creek Resources Management Plan (adopted August 20, 1996, amended August 15, 2002) eliminated in-channel commercial mining, and established an improvement program for implementing on-going projects to improve channel stability and restore habitat along the creek banks. The CCRMP provides the policy framework for restoration of the 14.5 mile Lower Cache Creek. It includes specific implementation standards within the Cache Creek Improvement Program (CCIP). The CCIP is the implementation plan for the CCRMP that identifies categories of restoration/protection projects along a precisely defined stretch of creek. These include: bank stabilization, channel maintenance, revegetation, and habitat restoration according to identified design requirements.

The proposed CCAP In-Channel Maintenance Mining Ordinance provides specific regulations for channel maintenance within the creek. It would also allow for Section 2715.5 of the State Public Resources Code (PRC) to become operational. PRC Section 2715.5 was recently amended by the legislature (Assembly Bill 646), approved and filed October 13, 2007) and is critical to the ongoing implementation of the CCRMP and CCIP in Cache Creek because it recognizes the CCRMP as the functional equivalent of a reclamation plan under the State Surface Mining and Reclamation Act. Pursuant to PRC Section 2715.5(f), county approval of an ordinance governing in-channel non-commercial extraction activities is necessary in order for the code section to become operative.

The proposed ordinance establishes standards for maintenance mining that ensure that the policies and regulations of the CCRMP/CCIP are strictly followed. These include standards for:

- Access Roads (Section 10-3.401)
- Adherence to CCRMP/CCIP Standards (Section 10.3-402)
- Agency Approvals (Section 10-3.403)
- Cultural Resources (Section 10-3.404)
- Design Guidelines (Section 10-3.405)
- Excavation Limitations (Section 10-3.406)
- Exceptions (Section 10-3.407)
- Hazards and Hazardous Materials (Section 10-3.408)
- Hours of Operation (Section 10-3.409)
- Location (Section 10-3.410)
- Noise (Section 10-3.411)
- Permit Life (Section 10-3.412)
- Processing Prohibition (Section 10-3.413)
- Regrading (Section 10-3.414)
- Revegetation (Section 10-3.415)
- Seasonal Restrictions (Section 10-3.416)
- Setbacks (Section 10-3.417)
- Slopes (Section 10-3.418)
- Surveys (Section 10-3.419)

The ordinance also establishes procedures for applications, the hearing process, amendments, annual reporting, fees, appeals, inspections, and violations.

ENVIRONMENTAL REVIEW

The CCRMP was subject to a program-level environmental impact report certified by the Yolo County Board of Supervisors on August 20, 1996 (SCH #96013004). The CCIP was subject to a project-level environmental impact report certified by the Yolo County Board of Supervisors on August 20, 1996 (SCH #96013004). A supplemental environmental impact report was certified on July 23, 2002 (SCH #96013004). The potential for impacts in all issue areas was analyzed as a part of these prior analyses.

An Initial Study has been completed pursuant to the California Environmental Quality Act (CEQA) and Guidelines. The study examines the potential for significant environmental impacts as a result of adoption of the ordinance. Based on an analysis of available information, the staff has concluded that the prior EIRs adequately addressed the potential for environmental impact from this ordinance and its implementation, and that no new impacts would result. Therefore, staff has determined that the appropriate CEQA documentation for the proposed project is a Negative Declaration.

Staff has attached the Initial Study/Negative Declaration (SCH # 2008042001) for the Commission's review (**Attachment A**). This document was circulated for public review and comment from April 1, 2008 through April 30, 2008 and two comment letters were received (**Attachment C**). Responses to the comment letters are provided below:

Sally Oliver, Resident – Ms. Oliver asks the County to identify any changes to the CCRMP/CCIP that resulted from PRC Section 2715.5 and/or AB 646. There were no changes to the CCRMP/CCIP that resulted from the PRC Section or the bill. As described in the Initial Study (Page 2), the code section and the bill allow for the implementation of the CCRMP/CCIP, specifically recognition of the CCRMP/CCIP as the reclamation plan under SMARA for the creek.

Ms. Oliver asks about the “less-than-significant” finding regarding water quality impacts (Item VIII,f). She specifically asks about mercury in the creek and indicates mining will “increase the mercury available.” The County has no control over the mercury in Cache Creek. It enters the system below Clear Lake from natural deposits and old mercury mines. The issue of mercury in the Cache Creek watershed and concerns regarding off-channel mining were addressed extensively in 1996 as a part of examining the entire Cache Creek Area Plan (CCAP). This issue was found to be less-than-significant as mitigated in the OCMP EIR which is why that issue was shown as “less-than-significant” in the subject Negative Declaration as well. Among the measures required by the county to address this issue were the following:

- Continuous monitoring and testing for over 40 years, twice annually initially, then annually through the period of mining and reclamation, followed by every other year for 10 years after reclamation.
- Required remediation if a problem is found, including performance standards for cleanup and the ability to close the operation immediately, if necessary. Regarding the potential for accumulation of mercury in fish in the wet pits, if mercury is ever found in excess of naturally occurring amounts, the operators are required to fix it or fill it. To date, in over 30 years of monitoring, there has been no evidence of problems.
- A Maintenance and Remediation Fund in the event of an unforeseen circumstance after reclamation is complete. This is funded by aggregate sales at a base rate of \$0.02 per ton over the life of the off-channel mining permits.

Additionally, the county, through its police powers, has the authority to protect the public health, safety, and welfare, of its residents. If the county determined there was an immediate danger to health or safety, it could take whatever steps were necessary at any time to correct the situation, including shutting down the operation immediately.

Since in-channel commercial mining is no longer allowed in Cache Creek, the concerns about mercury being mobilized by mining have dramatically decreased. The question is whether the limited amount of in-channel maintenance and restoration work that is allowed/encouraged under the CCRMP is problematic. The CCRMP recognizes that in the long-term the creek continues to require active “management” to prevent erosion and loss of agricultural land, to protect public infrastructure like roads and bridges, and to restore the creek to create a regional habitat corridor. The work envisioned in the CCRMP will help stabilize and restore the creek, and prevent future catastrophic flood and erosion events that could be much more adverse in terms of releases of mercury into the environment. By continuing to utilize testing, monitoring, and adaptive management the county and others can ensure that these goals are accomplished without worsening the pre-existing mercury environment in the creek.

The County, and property owners along the creek, also operate under the authority of the Central Valley Regional Water Quality Control Board (RWQCB) with respect to mercury conditions in Cache Creek pursuant to the following:

- Settlement Agreement executed in February of 2000 resolving the matter of Citizens for Responsible Mining v. State Water Resources Control Board regarding monitoring for mercury and water quality issues in Cache Creek.
- Clean Water Act Section 401 Certification for Discharge of Dredged and/or Fill Materials for the Cache Creek Resources Management Plan (WDID #5A57CR00006), Yolo County issued August 28, 2002 which is one of several general permits that allow the CCRMP to be implemented.
- Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) adopted 1975 and amended October 21, 2005 (Central Valley RWQCB Resolution No. R5-2005-0146) to establish site-specific numeric water quality objectives (Total Maximum Daily Loads or TMDLs) for methylmercury and to establish a water quality management strategy to reduce mercury and methylmercury loads in Cache Creek.

The latter document essentially establishes a no net increase requirement for methylmercury concentrations.

Ms. Oliver questions the conclusion regarding groundwater recharge (Item VIII,b). She specifically indicates that recharge through off-channel pits is questionable because of pollution from mercury and agricultural spraying. The issue of recharge through the off-channel pits is unrelated to the subject ordinance which addresses only maintenance excavation within the creek channel. Nonetheless, as pointed out in the attached Initial Study, the CCRMP/CCIP supports and encourages a coordinated groundwater recharge program, but does not initiate one, as this is the responsibility of the Yolo County Flood Control and Water Conservation District. The District is very active in this area and is in the process of implementing a Groundwater Management and Recovery Program and a countywide Integrated Groundwater and Surface Water Model to better understand the hydrology and recharge opportunities in the county and along Cache Creek.

Ms. Oliver asks why removal of sediment and organic matter in the creek is not addressed in the ordinance. The ordinance addresses excavation of any material from the creek. Pursuant to the CCRMP/CCIP, a controlled amount of excavation is allowed in the creek in any given year in order to protect infrastructure and land, to provide flood protection, and to restore the creek. As mentioned above these activities are regulated under the authority of the Central Valley Regional Water Quality Control Board (RWQCB) with respect to mercury conditions including the Settlement Agreement, Section 401 Certification, and Basin Plan mercury TDML implementation.

State Mining and Geology Board, Department of Conservation – This letter acknowledges the Board's prior review of the proposed ordinance and prior determination that the ordinance is adequate and compliant with respect to the Surface Mining and Reclamation Act (SMARA). No responses are necessary.

COMMENTS FROM OTHER AGENCIES

Notice of this action was provided to approximately 1,900 addresses, including property owners in, and within 300 feet of, the 2,324-acre CCRMP area. The CCRMP area generally includes all land in, and adjoining Cache Creek along 14.5 miles from the Capay Dam, to the town of Yolo. Notice was also provided to the County's CEQA distribution list and the CCRMP Technical Advisory Committee distribution list. These lists include a variety of federal, state, regional, and local agencies, and other interested parties.

The ordinance has been reviewed twice by the State Mining and Geology Board of the Department of Conservation and was found to be adequate. Upon adoption by the County Board of Supervisors, notification of the State Mining and Geology Board, and transmittal by the MGB to the Secretary of State, PRC Section 2715.5 will become operational.

County Counsel had just concluded their review at the time of this writing. Their comments addressed primarily format issues and various modifications to clarify the language and intent. These comments will be incorporated into the next rewrite of the ordinance.

ATTACHMENTS

- Attachment A** - Resolution and Initial Study/Negative Declaration
- Attachment B** - CCAP In-Channel Maintenance Mining Ordinance
- Attachment C** - Negative Declaration comment letters (2)
- Attachment D** - CCAP Boundaries

**YOLO COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. _____**

**ADOPTING A NEGATIVE DECLARATION PURSUANT
TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
FOR THE CACHE CREEK AREA PLAN IN-CHANNEL MAINTENANCE MINING
ORDINANCE (SCH # _____)**

WHEREAS, adoption of the subject Ordinance would satisfy Action 2.4-16 of the 1996 Cache Creek Resources Management Plan (CCRMP) calling for an in-channel ordinance to regulate the limited “maintenance mining” allowed under the plan;

WHEREAS, it would also allow for Section 2715.5 of the State Public Resources Code (PRC) to become operational. PRC Section 2715.5 was recently amended by the legislature (Assemble Bill 646, approved and filed October 13, 2007) and is critical to the ongoing implementation of the CCRMP and CCIP in Cache Creek because it recognizes the CCRMP as the functional equivalent of a reclamation plan under the State Surface Mining and Reclamation Act (SMARA). Pursuant to PRC Section 2715.5(f), County approval of an ordinance governing in-channel non-commercial extraction activities is necessary in order for the code section to become operative;

WHEREAS, The CCRMP was subject to a program-level environmental impact report certified by the Yolo County Board of Supervisors on August 20, 1996 (SCH #96013004). The CCIP was subject to a project-level environmental impact report certified by the Yolo County Board of Supervisors on August 20, 1996 (SCH #96013004). A supplemental environmental impact report was certified on July 23, 2002 (SCH #96013004). The potential for impacts in all issue areas was analyzed as a part of these prior analyses;

WHEREAS, A CEQA initial study has been completed examining the potential for significant environmental impacts as a result of adoption of the Ordinance. Based on an analysis of available information, the staff has concluded that the prior EIRs adequately addressed the potential for environmental impact from this Ordinance and its implementation, and that no new impacts that would result. Therefore, the staff has determined that the appropriate CEQA documentation for the proposed project is a Negative Declaration;

WHEREAS, the subject Negative Declaration utilizes relevant information from the prior EIRs, and relies on the EIR findings of fact and statements of overriding considerations where applicable;

WHEREAS, the Negative Declaration was circulated for a 30-day period from April 1, 2008 through April 30, 2008 during which time _____ timely comment letters were received. Responses to these comments are provided in the Planning Commission staff report dated May 8, 2008. The nature of the comments and responses did not result in any changes to the Negative Declaration; and

WHEREAS, the Planning Commission held a public hearing on May 8, 2008, to take final action on the Ordinance in the form of a recommendation to the Board of Supervisors,

wherein public testimony was taken on the project, the CEQA determination, and the adequacy of the CEQA analysis.

WHEREAS, the Board of Supervisors held a public hearing on _____, 2008, to take final action on the Ordinance wherein public testimony was taken on the project, the CEQA determination, and the adequacy of the CEQA analysis.

NOW, THEREFORE, BE IT RESOLVED that the Yolo County Board of Supervisors hereby finds as follows:

1. The Ordinance was anticipated in and implements an important component of the CCRMP/CCIP and that there are no changes in the CCRMP/CCIP that have occurred in the intervening years since adoption that would result in new significant environmental effects or increases in the severity of previously identified significant effects, that were not already examined and addressed in the previous EIRs.
2. There are no substantial changes will occur with respect to the circumstances under which the CCRMP/CCIP has been and will continue to be undertaken that will require revisions of the previous EIRs either because of the involvement of new significant environmental effects or because of an increase in the severity of previously identified significant effects.
3. There is no new information that would lead to different conclusions regarding impacts, alternatives, or mitigation, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIRs were certified as complete.
4. A Negative Declaration is the appropriate CEQA compliance document.
5. The Negative Declaration has been prepared in compliance with CEQA, the State CEQA Guidelines, and applicable local regulations and is determined to be complete and final.
6. The Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors of the County of Yolo.
7. The Board of Supervisors has considered the Negative Declaration before making a decision on the Ordinance.
8. The Board of Supervisors has considered comments received on the Negative Declaration during the public review process and the responses provided by staff and determined that no changes to the Negative Declaration are required.
9. On the basis of the whole record before the Board of Supervisors (including the initial study and comments received) there is no substantial evidence that the project will have a significant effect on the environment.
10. Pursuant to Section 15074(e) of the CEQA Guidelines, this project will not result in a safety hazard or noise problem for persons using area airports or for persons residing or working in the project area.
11. There are no project changes, conditions of approval, or new mitigation measures necessary to avoid significant environmental effects from the project, and therefore, a program for reporting on or monitoring the implementation of these items is not necessary or required.

12. The Board of Supervisors hereby adopts as "final" the subject Negative Declaration comprised of: the Negative Declaration and the Environmental Checklist and Initial Study
13. The record of proceedings of the decision on the project (including the prior environmental documentation) is available for public review at the County Parks and Resources Department, 120 West Main Street, Suite C, Woodland, California, 95695.
14. A Notice of Determination (NOD) shall be filed with the County Clerk immediately following approval of the project. Appropriate Department of Fish and Game fees shall be paid.

IT IS HEREBY CERTIFIED that the foregoing Resolution No. _____ was duly introduced and legally adopted by the Board of Supervisors of the County of Yolo at its regular meeting held on this _____ day of _____ 2008, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved:

Attested:

Duane Chamberlain, Chairman

Ana Morales, Clerk of the Board

Approved As to Form:

Robyn Drivon, County Counsel

Exhibit 1 -- Negative Declaration (including Environmental Checklist and Initial Study)



County of Yolo

PARKS AND RESOURCES DEPARTMENT

Warren Westrup

DIRECTOR

120 West Main Street, Suite C
Woodland, CA 95695
(530) 406-4880 FAX (530) 668-1801
www.yolocounty.org

NEGATIVE DECLARATION

Pursuant to Title 14, Chapter 3, Article 6, Sections 15070 and 15071 of the California Code of Regulations the **County of Yolo** does prepare, make, declare, publish, and cause to be filed with the County Clerk of Yolo County, State of California, this Negative Declaration for the Project, described as follows:

PROJECT TITLE: Cache Creek Area Plan In-Channel Maintenance Mining Ordinance

PROJECT DESCRIPTION: The project is a proposed ordinance that would regulate limited channel maintenance activities allowed within Cache Creek pursuant to the Cache Creek Resources Management Plan (CCRMP) of the Cache Creek Area Plan (CCAP).

PROJECT LOCATION: Central Yolo County. Approximately 14.5 miles of Cache Creek located between the Capay Dam and the town of Yolo. That portion of Cache Creek (totaling 2,324 acres) depicted in Figure 2 of the Cache Creek Resources Management Plan (CCRMP) as falling within the creek channel boundary.

NAME OF PUBLIC AGENCY APPROVING PROJECT: County of Yolo, Board of Supervisors

CONTACT PERSON: Kent Reeves, Principal Natural Resources Planner at (530) 406-4888 or kent.reeves@yolocounty.org.

NAME OF ENTITY OR AGENCY CARRYING OUT PROJECT: Yolo County Parks and Resources Department, 120 West Main Street, Suite C, Woodland, CA 95695, (530) 406-4888.

NEGATIVE DECLARATION: The County of Yolo has determined that the subject project, further defined and discussed in the attached Environmental Checklist/Initial Study will not have any significant effects on the environment. As a result thereof, the preparation of an environmental impact report pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required.

The attached Environmental Checklist/Initial Study has been prepared by the County of Yolo in support of this Negative Declaration. Further information including the project file and supporting reports and studies may be reviewed at the Yolo County Parks and Resources Department, 120 West Main Street, Suite C, Woodland, CA 95695, (530) 406-4888.

MITIGATION MEASURES: No mitigation measures have been identified for the project.

Kent Reeves, Principal Natural Resources Planner
County of Yolo

Date

ATTACHMENT A

Negative Declaration / Initial Environmental Study

1. **Project Title:** Cache Creek Area Plan In-Channel Maintenance Mining Ordinance
2. **Lead Agency Name and Address:**
Yolo County Parks and Resources Department
120 West Main Street, Suite C
Woodland, CA 95695
(530) 406-4888
3. **Contact Person, Phone Number, Email:** Kent Reeves, Principal Natural Resources Planner at (530) 406-4888 or kent.reeves@yolocounty.org.
4. **Project Location:** Central Yolo County. Approximately 14.5 miles of Cache Creek located between the Capay Dam and the town of Yolo. That portion of Cache Creek (totaling 2,324 acres) depicted in Figure 2 of the Cache Creek Resources Management Plan (CCRMP) as falling within the creek channel boundary.
5. **Project Sponsor's Name and Address:**
Yolo County Parks and Resources Department
120 West Main Street, Suite C
Woodland, CA 95695
(530) 406-4888
6. **General Plan Designation(s):** Agricultural (AG) and Agricultural Exclusive (AE).
7. **Zoning:** Open Space (OS).
8. **Description of the Project:** The Cache Creek Area Plan (CCAP) was adopted by the Yolo County Board of Supervisors (BOS) in August of 1996 and approved by County voters in November of 1996. The CCAP is comprised of the Off-Channel Mining Plan (OCMP) which is a mining and reclamation plan and the Cache Creek Resources Management Plan (CCRMP) which is a creek management plan. The focus of the CCAP is groundwater protection, agricultural preservation, restoration of Cache Creek, and limitation and regulation of mining.

The Off-Channel Mining Plan (adopted July 30, 1996) restricts the location and extent of new mining, eliminates vested processing plants and facilities at the end of the mining period, creates a fund to address unforeseen environmental concerns, and adds various environmental protections and monitoring requirements to the base requirements of State law established by the Surface Mining and Reclamation Act (SMARA). The Off-Channel Mining Plan is accompanied by two implementing ordinances: one regulating off-channel mining (mining outside of the creek channel) and one regulating reclamation of mined areas.

The Cache Creek Resources Management Plan (adopted August 20, 1996, amended August 15, 2002) eliminated in-channel commercial mining, and established an improvement program for implementing on-going projects to improve channel stability and restore habitat along the creek banks. The CCRMP provides the policy framework for restoration of the 14.5 mile Lower Cache Creek. It includes specific implementation standards within the Cache Creek Improvement Program (CCIP). The CCIP is the

implementation plan for the CCRMP that identifies categories of restoration/protection projects along a precisely defined stretch of creek. These include: bank stabilization, channel maintenance, revegetation, and habitat restoration according to identified design requirements. The proposed CCAP **In-Channel Maintenance Mining Ordinance (Ordinance)** (which is the subject of this environmental review) provides specific regulations for channel maintenance within the creek.

Adoption of the Ordinance would satisfy Action 2.4-16 of the CCRMP calling for an in-channel ordinance to regulate the limited “maintenance mining” allowed under the plan. It would also allow for Section 2715.5 of the State Public Resources Code (PRC) to become operational. PRC Section 2715.5 was recently amended by the legislature (Assemble Bill 646, approved and filed October 13, 2007) and is critical to the ongoing implementation of the CCRMP and CCIP in Cache Creek because it recognizes the CCRMP as the functional equivalent of a reclamation plan under the State Surface Mining and Reclamation Act (SMARA). Pursuant to PRC Section 2715.5(f), County approval of an ordinance governing in-channel non-commercial extraction activities is necessary in order for the code section to become operative.

The Ordinance establishes standards for maintenance mining that ensure that the policies and regulations of the CCRMP/CCIP are strictly followed. These include standards for:

- Access Roads (Section 10-3.401)
- Adherence to CCRMP/CCIP Standards (Section 10.3-402)
- Agency Approvals (Section 10-3.403)
- Cultural Resources (Section 10-3.404)
- Design Guidelines (Section 10-3.405)
- Excavation Limitations (Section 10-3.406)
- Exceptions (Section 10-3.407)
- Hazards and Hazardous Materials (Section 10-3.408)
- Hours of Operation (Section 10-3.409)
- Location (Section 10-3.410)
- Noise (Section 10-3.411)
- Permit Life (Section 10-3.412)
- Processing Prohibition (Section 10-3.413)
- Regrading (Section 10-3.414)
- Revegetation (Section 10-3.415)
- Seasonal Restrictions (Section 10-3.416)
- Setbacks (Section 10-3.417)
- Slopes (Section 10-3.418)
- Surveys (Section 10-3.419)

The Ordinance also establishes procedures for applications, the hearing process, amendments, annual reporting, fees, appeals, inspections, and violations.

- 9. Surrounding Land Uses and Setting:** The surrounding land uses are primarily agricultural cropland with remnants of natural communities located along the creek corridor. These remnant native communities include riparian forest, willow scrub, and oak woodland. There are also areas with non-native grassland cover. The certified 1996 Environmental Impact Report (EIR) and the certified 2002 Supplemental EIR for the CCRMP/CCIP provide more detailed information about the project area and adjoining setting.

10. **Other public agencies whose approval is required:** The Ordinance has been preliminarily reviewed by the State Mining and Geology Board of the Department of Conservation and found to be adequate. Upon adoption by the County Board of Supervisors, notification of the State Mining and Geology Board (MGB), and transmittal by the MGB to the Secretary of State PRC Section 2715.5 will become operational.
11. **Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulations.
12. **Prior Environmental Review:** The CCRMP was subject to a program-level environmental impact report certified by the Yolo County Board of Supervisors on August 20, 1996 (SCH #96013004). The CCIP was subject to a project-level environmental impact report certified by the Yolo County Board of Supervisors on August 20, 1996 (SCH #96013004). A supplemental environmental impact report was certified on July 23, 2002 (SCH #96013004). The potential for impacts in all issue areas was analyzed as a part of these prior analyses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is still "Potentially Significant Impact" (after any proposed mitigation measures have been adopted) as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner’s Signature

Date

Planner’s Printed name

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5. A determination that a “Less Than Significant Impact” would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be “less than significant.”
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, pursuant to Section 15063 (c)(3)(D) of the California Government Code. Earlier analyses are discussed in Section XVII at the end of the checklist.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The potential for aesthetic impacts was analyzed as a part of the 1996 EIR (see Section 4.10). A primary component of the CCRMP/CCIP is protection, enhancement, and restoration of Cache Creek. Short-term disturbance would occur as modifications are made annually to the creek to implement the "Test 3" boundaries, however, with each year of managed restoration it was identified that the result over time would be increasingly substantial benefit to visual resources and values along the creek. All potential aesthetic impacts were mitigated to less-than-significant levels.

- a) *Less than significant impact.* The short-term impacts would be less than significant given the existing degraded condition of portions of the creek. The proposed ordinance would have a long-term beneficial effect on the area through restoration of Cache Creek.
- b) *Less than significant impact.* The short-term impacts would be less than significant given the existing degraded condition of portions of the creek. The proposed ordinance would have a long-term beneficial effect on scenic resources through the restoration of Cache Creek. There are no protected rock outcroppings, historic buildings, or state scenic highways within the creek channel.
- c) *Less than significant impact.* The short-term impacts would be less than significant given the existing degraded condition of portions of the creek. The proposed ordinance would have a long-term beneficial effect on the visual character and quality of the creek channel and adjoining property through restoration of the creek.
- d) *No Impact.* The proposed ordinance would not create a new source of light or glare.

II. AGRICULTURAL RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (c) Involve other changes in the existing environment which due to their location or nature, could result in conversion of farmland, to non-agricultural use?

Discussion of Impacts

The potential for impacts to agriculture was analyzed as a part of the 1996 EIR (see Section 4.5). It was estimated that approximately 33 acres of existing farmland (11 acres of prime agricultural land) lie within the Test 3 boundary and would therefore potentially be lost to channel widening activities over time. However, it was also recognized that farmland will be expanded in those areas where the bank is extended, reducing or offsetting expected losses. In addition, the erosion of streambanks has resulted in substantial removal of crop land prior to the implementation of the CCAP. The channel stabilization program of CCIP offsets this loss.

The restoration of Cache Creek and agricultural production are compatible and mutually beneficial. Implementation of the CCRMP involves deliberate management of the stream. Two of the primary goals in carrying out this management are to minimize erosion and to allow for aggradation (as long as flood volume capacity is not substantially affected). By stabilizing the channel, erosion from storm events that result in the loss of farmland are minimized, and the higher streambed provides more opportunity for groundwater recharge which offsets or lowers pumping costs for nearby land owners.

It was determined that implementation of the CCRMP/CCIP would have an overall beneficial effect on agricultural land adjoining the creek channel. All potential impacts to agricultural resources were mitigated to less-than-significant levels.

(a) *Less than significant impact.* The proposed ordinance will have a net positive effect on agricultural land by providing increased channel stability and protections against erosion.

(b) *No impact.* The proposed ordinance will have no effect on zoning or underlying Williamson Act contracts.

(c) *Less than significant impact.* The proposed ordinance will have a net positive effect on agricultural land by providing increased channel stability and protections against erosion.

III. AIR QUALITY:

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The potential for impacts to agriculture was analyzed as a part of the 1996 EIR (see Section 4.7). The conclusion was reached that air quality impacts associated with implementation of the CCRMP/CCIP would be less than significant, and substantially lower as a whole than emissions associated with in-channel commercial mining allowed at the time. There has been no change in the program since that analysis; the subject ordinance establishes regulations for the in-channel maintenance work as originally envisioned. All potential air quality impacts were mitigated to less-than-significant levels with the exception of cumulative air quality impacts which are significant and unavoidable for all projects throughout the entire region. The Board of Supervisors adopted overriding findings for these significant and unavoidable impact in 1996.

(a) *No impact.* The proposed ordinance would not conflict with or obstruct implementation of YSAQMD air quality plans because the project is consistent with the CCAP which is an element of the County General Plan. Build-out of the Count's General Plan is included in the air emissions inventory for the Sacramento region which is included in the State Implementation Plan (SIP) for air quality.

(b,c,d) *Less than significant impact.* Yolo County is in designated as non-attainment for ozone (ROG and NOX) under both State and federal standards and non-attainment for PM₁₀ under State standards. Emissions for PM10, ROG, and NOX associated with implementation of this ordinance were calculated and analyzed in the 1996 EIR. Projected emissions were found to fall below the significance thresholds of the air district and were therefore determined to be less than significant.

(e) *No impact.* The proposed ordinance will not result in the creation of objectionable odors.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

At the time of adoption of the CCRMP, Cache Creek was recognized as severely degraded compared. Riparian vegetation along the creek within the Plan area had been diminished from agriculture, mining, and other human activities to about 76 remaining acres. The result was adverse impacts for biological resources, increased water velocities, increased erosion, and decreased groundwater recharge. A primary component of the CCRMP/CCIP is protection, enhancement, and restoration of Cache Creek. As a part of the vision the CCRMP seeks to establish a continuous corridor of vegetation along the creek within the plan area. Short-term disturbance would occur as modifications are made annually to the creek to implement the CCRMP/CCIP; however, with each year of managed restoration the result over time will be increasingly substantial benefit to biological resources and values. The potential for impacts to biological resources was analyzed as a part of the 1996 EIR (see Section 4.6) and the 2002 Supplemental EIR (see Section 4.2). All potential impacts to biological resources were determined to be mitigated to less-than-significant levels.

a-f) *Less than significant impact.* The proposed ordinance establishes regulations for the in-channel maintenance work that implements the CCRMP/CCIP. It is consistent with the policies, programs, performance criteria, and capital improvements identified in the CCRMP/CCIP. The CCRMP/CCIP has been subject to two comprehensive CEQA analyses to date, once in 1996 and again in 2002. In both instances all potential short-term impacts to biological resources were found to be mitigated to less than significant levels, and the long-term outcome of program implementation was identified as being beneficial to the creek. Impacts to special status species, riparian habitats, natural communities, wetlands, species movement, trees, and the Draft HCP were all found to be less than significant.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

The CCRMP addresses the potential for cultural resources impacts in several ways. The area located within the channel is designated as Open Space in the Plan, in order to preserve it as protected open space for future habitat and recreational uses. Also, the CCRMP contains Performance Standard 6.5-2 which establishes procedures to specifically protect cultural resources. This standard is included in the proposed ordinance (see Section 10-3.404). The potential for impacts to cultural resources was analyzed as a part of the 1996 EIR (see Section 4.11). The prior CEQA analysis identifies the potential for impacts to cultural resources as a result of ground disturbance activities associated with bank stabilization, habitat restoration, and other activities. All potential impacts to cultural resources were determined to be mitigated to less-than-significant levels.

a,b,c,d) *Less than significant impact.* The proposed ordinance applies to a section of the creek that is almost 15 miles in length. The prior EIR identifies the potential for unknown paleontological, archeological, and historical resources along the creek. Compliance with the standards of the CCRMP/CCIP ensures full mitigation of potential impacts.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known Fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The CCRMP/CCIP deals extensively with issues related to geology and soils, particularly in Chapter 2.0 (Floodway and Channel Stability Element) of the CCRMP and throughout the entirety of the CCIP. The potential for impacts to geology and soils was analyzed as a part of the 1996 EIR (Section 4.3) and the 2002 Supplemental EIR (Section 4.3). It was determined that implementation of the CCRMP/CCIP would have an overall beneficial effect on geology and soils along the creek by providing increased channel stability and protections against erosion. All potential impacts to geology and soils were mitigated to less-than-significant levels.

- a) *No impact.* The proposed ordinance would not expose people or structures to risks or events associated with seismic activity.
- b) *Less than significant impact.* The proposed ordinance will reduce the potential for soil erosion along the 15-mile stretch of the creek within the plan area. Resulting impacts will be beneficial rather than adverse.
- c,d) *Less than significant impact.* The proposed ordinance will increase bank stability and is considered beneficial as related to geology and soils issues.
- e) *No impact.* He proposed ordinance will have no effect on sewage disposal in the area. Disposal of sewage waste is not a component of the CCRMP nor addressed in the proposed ordinance.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The CCRMP/CCIP addresses hazards and hazardous materials issues related to in-channel activities in the Water Resources Element (Chapter 3.0), particularly Objective 3.3-5 and Performance Standards 3.5-1, 3.5-2, 3.5-5, and 3.5-7. Hazards and hazardous materials issues were analyzed as a part of the 1996 EIR (Section 4.12). As adopted the CCRMP/CCIP reduced the potential for impact in these areas to a less-than-significant level.

a,c-h) No impact. The proposed ordinance does not involve or trigger any of these thresholds or concerns, and therefore would have no impact in these areas.

b) Less than Significant Impact. Consistent with the mitigation measures identified in the 1996 EIR, potential upset and/or accident conditions are addressed through Section 10-3.408 of the proposed ordinance.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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| b) Significantly deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

The CCRMP/CCIP deals extensively with issues related to hydrology and water quality, particularly in Chapter 3.0 (Water Resources Element) of the CCRMP and within the monitoring program identified in the CCIP. The potential for impacts to hydrology and water quality was analyzed as a part of the 1996 EIR (Section 4.4) and the 2002 Supplemental EIR (Section 4.5). As adopted the CCRMP/CCIP reduced the potential for impact in these areas to a less-than-significant level.

a,e,f) *Less than significant impact.* The proposed ordinance includes regulations to address potential impacts to water quality including performance standards and protocols to follow to preclude chemical releases from equipment and avoid agricultural tailwater and related run-off from entering the creek.

b) *Less than significant impact.* The CCRMP/CCIP supports and encourages a coordinated groundwater recharge program. Reclaimed mining sites along the creek create opportunities for groundwater recharge which result in beneficial impacts.

c) *Less than significant impact.* The proposed ordinance will reduce the potential for soil erosion along the 15-mile stretch of the creek within the plan area. Resulting impacts will be beneficial rather than adverse. See discussion of Geology and Soils above.

d,i) *Less than significant impact.* The 1996 EIR examined the potential for flooding to be exacerbated by the CCRMP/CCIP. The concern was that proposed channel modifications and/or restoration activities

would adversely affect downstream flooding problems. However a minimum requirement of the CCRMP/CCIP is to establish or maintain a channel configuration that will convey the 100-year flood. The proposed ordinance is consistent with this minimum requirement. Impacts remain less than significant.

g,h) *No impact.* No housing or building structures are proposed or allowed in the creek under the CCRMP/CCIP or as a part of the proposed ordinance. The proposed ordinance will result in a permit process that allows for regrading and revegetation of the streambed to create a series of terraces and a low flow channel that will stabilize the creek and allow it to operate more like a natural system. The precise activity allowed within the creek channel is regulated by the CCRMP/CCIP and is based on annual monitoring data which is analyzed by the County's CCAP Technical Advisory Committee. There is no impact in this category.

j) *No impact.* The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard.

IX. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The CCRMP/CCIP addresses consistency with other regulations and plans starting on page 13 of the revised document. It was found to be consistent with the various goals and policies of the General Plan and all applicable federal, state, and local regulations. It was adopted as an "area plan" that is a part of the County General Plan. The potential for land use impacts was analyzed as a part of the 1996 EIR (see Section 4.2) and 2002 Supplemental EIR (Section 4.7). All potential land use impacts were mitigated to less-than-significant levels.

a) *No impact.* The proposed ordinance addresses maintenance mining within Cache Creek pursuant to the CCRMP/CCIP. There would be no impact in this category.

b) *No Impact.* The proposed ordinance is consistent with the CCRMP/CCIP, the County General Plan, and all applicable federal, state, and local regulations.

c) *No Impact.* The County does not have an adopted HCP or NCCP, although a draft plan is underway. There are no known inconsistencies between the CCIP and the HCP/NCCP efforts. The two efforts are mutually beneficial.

X. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion of Impacts

The alluvial deposits in the Cache Creek area are recognized as a major regional source of aggregate for the production of concrete, asphalt, and road base materials. Commercial aggregate mining occurred in the creek from the early 1900's through 1996 when the County negotiated a "trade" with mining operators of vested in-channel rights for vested off-channel rights. Since 1996 commercial mining within the creek has been prohibited. The CCRMP/CCIP does however allow for limited "maintenance" excavation to occur in order to restore the creek and improve creek stability over time. The potential for impacts associated with loss of mineral resources was analyzed as a part of the 1996 EIR (see Section 4.3) and 2002 Supplemental EIR (Section 4.3). All potential impacts were found to be beneficial and thus "less-than significant" in CEQA terms.

a,b) *Less than significant impact.* The adoption of the CCAP in 1996 allowed the County to eliminate commercial mining activity from within the creek channel and "substitute" that activity with off-channel mining which allowed for appropriate regulated harvesting of the mineral resource deposits. The subject ordinance is consistent with and implements the CCAP. Because access to the mineral resource deposit was retained and assured, the potential for impact in this category is less-than-significant.

XI. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

As a result of implementation of the CCRMP commercial mining activities within the creek channel were replaced with less intensive operations such as erosion control, creek stabilization, and habitat restoration. This resulted in less noise from allowed activities along the creek. The CCRMP contains Performance Standards 6.5-1 and 6.5-5 which restrict noise. These standards are included in the proposed ordinance (see Sections 10-3.409 and 10-3.411). The potential for noise impacts was analyzed as a part of the 1996 EIR (see Section 4.9). All potential noise impacts were determined to be mitigated to less-than-significant levels.

a-d) *Less than significant impact.* The proposed ordinance includes restrictions on the hours of operations within the creek as well as the level of noise that may be generated. These restrictions are consistent with the County's standard for all excavation activities within the CCAP and have previously been determined to be less than significant. Therefore, impacts to noise levels are less than significant.

e,f) *No Impact.* There are no residential uses associated with the proposed ordinance. Individuals operating equipment pursuant to approved maintenance mining would be covered under OSHA requirements for noise protection from machinery. Exposure of workers to noise from the Woodland-Watts Airport on CR 94B north of SR 16 would be less-than-significant because the 60 db contour for airport activities falls almost entirely within the airport property and completely outside of the CCRMP area.

XII. POPULATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The 1996 EIR for the CCRMP/CCIP determined that there was no potential for project impact in the areas of population, housing, and/or energy.

a,b,c) *No Impact.* The proposed ordinance would not induce population growth in the area, would not displace any existing housing, and would not displace any people.

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives for any of the public services:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

The 1996 EIR for the CCRMP/CCIP addressed public services in Section 4.13 and determined that there would be no resulting unmitigated impact on public services. The proposed ordinance implements the CCRMP/CCIP and would not change this result.

- a-d) *No Impact.* The proposed ordinance would have no effect on the demand for fire protection, sheriff's services, parks, or schools.
- e) *Less than significant impact.* Implementation of the CCRMP/CCIP, including the proposed ordinance, will require additional County resources for various activities including monitoring, regulation, coordination, etc. The County receives a separate dedicated income stream from per-ton fees required of off-channel mining, that pays for these activities. Therefore, this impact is less than significant.

XIV. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

The CCRMP contains a discussion of open space and recreational opportunities along the creek and identifies the need for a future parkway/recreation plan. The proposed ordinance is not intended to address this issue nor does it adversely affect it. As such there is no impact in this area.

- a) *No Impact.* The proposed ordinance would not result in increased use of parks. It deals solely with the stabilization and restoration of Cache Creek.
- b) *No Impact.* The proposed ordinance does not regulate or address recreational facilities.

XV. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase on either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL CHECKLIST/INITIAL STUDY CHECKLIST

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| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

As a result of implementation of the CCRMP commercial mining activities within the creek channel were replaced with less intensive operations such as erosion control, creek stabilization, and habitat restoration. This resulted in less traffic generated from allowed activities along the creek. The potential for traffic impacts was analyzed as a part of the 1996 EIR (see Section 4.8). All potential traffic impacts were mitigated to less-than-significant levels.

a,b) *Less than Significant Impact.* Levels of activity associated with implementation of the CCRMP/CCIP and the proposed ordinance are projected to average about 48 new trips to the area roadway system. This level of impact does not result in any significant changes in traffic volumes on any of the study area roadways nor would it exceed any of the County's standards of significance for traffic impacts. The impacts associated with the increase in traffic will be less than significant.

c) *No Impact.* The project would not affect air traffic patterns.

d) *No Impact.* The project would have no effect on roadway design standards. A beneficial result of the implementation of the CCRMP/CCIP is increased channel stability which is beneficial for the existing roadway bridges that cross the creek and act as constrictions on water flow.

e) *No impact.* The project would not result in inadequate emergency access. By protecting the bridges, emergency access is preserved.

f) *No Impact.* The project would have no effect on parking.

g) *No Impact.* The project would not conflict with any adopted policies, plans, or programs supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

a-f) *No impact.* The proposed ordinance will have no effect on the provision of wet utilities (storm water drainage, sanitary wastewater, potable water, etc.) or solid waste services.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- a) *Less than significant impact.* Based on the information provided in this Initial Study, potential environmental impacts caused by the proposed ordinance would be considered less than significant or beneficial.
- b) *Less than significant impact.* Based on the analysis provided in this Initial Study, the project would have less than significant cumulative impacts.
- d) *Less than significant impact.* Based on the analysis provided in this Initial Study, no significant adverse impacts to human beings would result from the proposed project.

REFERENCES

- Program EIR for CCRMP/Project-Level EIR for CCIP, SCH#96013994, certified August 20, 1996.
- Supplemental Program EIR for CCRMP/Project-Level EIR for CCIP, SCH#96013994, certified July 23, 2002
- Yolo County General Plan, 1983, as amended
- Yolo County CCAP (policy documents and ordinances), 1996 as amended

ATTACHMENT

Draft CCAP In-Channel Maintenance Mining Ordinance

ORDINANCE _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF YOLO REPLACING CHAPTER 3 OF TITLE 10 OF
THE YOLO COUNTY CODE ENTITLED INTERIM IN-CHANNEL SURFACE MINING
REGULATIONS OF YOLO COUNTY WITH NEW REGULATIONS ENTITLED CACHE
CREEK AREA PLAN IN-CHANNEL MAINTENANCE MINING ORDINANCE**

WHEREAS, the County of Yolo is charged with the regulation of mining operations in Cache Creek in the unincorporated areas of Yolo County.

WHEREAS, by its Resolution 96-117 passed July 30, 1996, the Board of Supervisors of the County of Yolo adopted an Off-Channel Mining Plan for Lower Cache Creek ("OCMP") and by its Resolution 96-132 passed August 20, 1996, the Board adopted a Cache Creek Resource Management Plan ("CCRMP").

WHEREAS, by its Minute Order 96-346 passed August 20, 1996, the Board of Supervisors directed that the OCMP and CCRMP shall together be known as the Cache Creek Area Plan (CCAP).

WHEREAS, in connection with the preparation of the CCRMP the County caused to be prepared a Program Environmental Impact Report for the Cache Creek Resource Management Plan and Project-Level Environmental Impact Report for the Cache Creek Improvement Program (SCH# 96013004) which was certified by the Board of Supervisors on August 20, 1996.

WHEREAS, in connection with update of the CCRMP in 2002 the County caused to be prepared a Supplemental Environmental Impact Report which was certified by the Board of Supervisors on July 23, 2002.

WHEREAS, the CCRMP provides the policy framework for restoration of the 14.5 mile Lower Cache Creek. The CCRMP eliminated in-channel commercial mining, and established an improvement program entitled the Cache Creek Improvement Program (CCIP) for implementing on-going projects to improve channel stability and restore habitat along the creek banks.

WHEREAS, the CCIP is the implementation plan for the CCRMP. It identifies categories of restoration/protection projects along a precisely defined stretch of creek. These include: bank stabilization, channel maintenance, revegetation, and habitat restoration according to identified design requirements.

WHEREAS, the subject In-Channel Maintenance Mining Ordinance (Ordinance) provides specific regulations for channel maintenance within the creek.

WHEREAS, adoption of the subject Ordinance satisfies Action 2.4-16 of the CCRMP calling for an in-channel ordinance to regulate the limited “maintenance mining” allowed under the plan.

WHEREAS, adoption of the subject Ordinance is required to allow for Section 2715.5 of the State Public Resources Code (PRC) to become operational. PRC Section 2715.5 was recently amended by the legislature (Assemble Bill 646, approved and filed October 13, 2007) and is critical to the ongoing implementation of the CCRMP and CCIP in Cache Creek because it recognizes the CCRMP as the functional equivalent of a reclamation plan under the State Surface Mining and Reclamation Act (SMARA). Pursuant to PRC Section 2715.5(f), County approval of an ordinance governing in-channel non-commercial extraction activities is necessary in order for the code section to become operative.

WHEREAS, this Ordinance has been noticed in accordance with California Government Code 66001 et seq., and the Board of Supervisors held a public hearing to consider all written and oral comments regarding this ordinance.

NOW, THEREFORE, the Board of Supervisors of Yolo County does hereby ordain as follows:

1. Title 10, Chapter 3, known as the Interim In-Channel Surface Mining Regulations of Yolo County, is hereby rescinded and replaced with new regulations entitled Cache Creek Area Plan In-Channel Maintenance Mining Ordinance, as written below.
2. This Ordinance shall take effect and be in force thirty (30) days after its passage, and prior to the expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Daily Democrat together with the names of members of the Board of Supervisors voting for and against the same.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yolo this _____ day of _____ 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Chamberlain, Chairman
Yolo County Board of Supervisors

ATTEST:

Ana Morales, Clerk of the Board

APPROVED AS TO FORM:

Robyn Drivon, County Counsel

**TITLE 10, CHAPTER 3. CACHE CREEK AREA PLAN IN-CHANNEL
MAINTENANCE MINING ORDINANCE**

Article 1. Title, Authority, and Purpose

Sec. 10-3.101. Title.

This chapter shall be known as the "Cache Creek Area Plan In-Channel Maintenance Mining Ordinance of Yolo County". It replaces the "Interim In-Channel Surface Mining Regulations of Yolo County".

Sec. 10-3.102. Authority.

This chapter is enacted pursuant to the authority granted by the California Surface Mining and Reclamation Act (SMARA) of 1975, Chapter 9 of Division 2 of the Public Resources Code of the State, commencing with Section 2710; and pursuant to the powers of the County to protect the public health, safety, and welfare pursuant to Section 7 of Article XI of the Constitution of the State.

Sec. 10-3.103. Purpose.

(a) The purpose of this chapter is to implement the provisions of the Cache Creek Area Plan (CCAP) as related to allowed in-channel mining. A controlled amount of "maintenance mining" may be performed pursuant to the Cache Creek Resources Management Plan (CCRMP) and the Cache Creek Improvement Program (CCIP). This maintenance mining is necessary and required in order to protect public investment, structures, and infrastructure and land uses along the creek and downstream, from damage from natural creek forces (flooding, erosion, deposition, washout, etc.). This chapter establishes the regulations applicable to all mining allowed to occur within Cache Creek, within the boundaries of the CCAP.

(b) Stabilizing the channel banks and profiles pursuant to the CCRMP/CCIP will result in reduced erosion, increased in-channel recharge, and additional riparian habitat opportunities.

Article 2. Definitions

Sec. 10-3.201. Scope.

The definitions set forth in Article 2 of Chapters 4 and 5 of Title 10 of the County Code shall apply throughout this chapter.

Sec. 10-3.202. Act.

"Act" shall mean the Surface Mining and Reclamation Act of 1975, specifically referring to Chapter 9 of Division 2 of the State Public Resources Code, Sections 2710 et. seq.

Sec. 10-3.203. Commercial Mining.

“Commercial mining” shall mean mining undertaken for the sole and/or primary purpose of commercial gain. Pursuant to the CCAP, commercial in-channel mining is precluded within Cache Creek.

Sec. 10-3.204. Director

As used within this Chapter, “Director” shall refer to the Director of the Parks and Resources Department or his/her designee as provided in Section 10-3.1104 unless otherwise specified.

Sec. 10-3.205. Excavation.

“Excavation” shall be synonymous with “mining” as defined by SMARA.

Sec. 10-3.206. In-Channel.

“In-Channel” shall mean that portion of Cache Creek (2,324 acres in total) depicted in Figure 2 of the Cache Creek Resources Management Plan (CCRMP) as falling within the creek channel boundary.

Sec. 10-3.207. Maintenance Mining.

“Maintenance mining” shall mean mining undertaken for the sole and/or primary purpose of channel stabilization and channel maintenance as described in the CCIP. This includes erosion control, flood control, bank protection, riparian restoration, and other activities consistent with the CCRMP/CCIP.

Sec. 10-3.208. Off-Channel.

“Off-Channel” shall mean that portion of the lower Cache Creek basin depicted in Figure 2 of the CCRMP as falling outside of the creek channel boundary.

Sec. 10-3.209. Site Specific Plan.

“Site specific plan” shall mean an individual project plan approved by the County that is consistent with the CCRMP (PRC Section 2715.5d). Site specific plans shall, at a minimum, include the information required by Section 2715.5d of the Act.

Sec. 10-3.210. Technical Advisory Committee.

“Technical Advisory Committee” shall be as defined in the CCRMP/CCIP and shall also be known as the “TAC”. The TAC is established to provide scientific and technical review for all projects conducted under the CCIP. Members of the TAC are contracted by the Parks and Resources department. Each member requires approval by the Director and by the Board of Supervisors. The TAC is comprised of members with technical expertise in river systems, including hydraulic engineering, fluvial geomorphology, biology, and riparian restoration.

Article 3. Scope and Exemptions

Sec. 10-3.301. Scope of regulations.

Unless otherwise provided in this article, no person or entity shall conduct in-channel mining operations unless an in-channel mining permit and a Site Specific Plan and financial assurances as described in the Act (PRC Section 2715.5) have been approved in accordance with this chapter, and a Flood Hazard Development Permit has been approved in accordance with Chapter 3 of Title 8 of the County Code.

Sec. 10-3.302. Scope: Area defined.

This chapter shall apply only to maintenance mining activities that occur within the area located within the boundary of Cache Creek as defined in the Cache Creek Area Plan of the Yolo County General Plan. The conduct of mining outside of the channel of Cache Creek is regulated by Chapter 4 of this title and shall not be subject to the provisions of this chapter.

Sec. 10-3.303. Exemptions: Defined.

The provisions of this chapter shall not apply to those activities and operations, which are exempted by Sections 2714 and 2776 of the Act. Any exemption granted from the provisions of this chapter shall not, in and of itself, exempt a project or activity from the application of other applicable regulations and requirements.

Sec. 10-3.304. Exemptions: Applications.

Applications for exemptions shall be submitted to the Director for review and determination as to completeness. If the application is determined incomplete, the Director shall notify the applicant in writing within thirty (30) days, specifically describing the information necessary to complete the application. Upon receipt of a completed application, the Director shall determine whether the operation is exempt or is subject to the provisions of this chapter. Any person with standing may appeal the Director's decision to the Planning Commission pursuant to Article 10 of Chapter 4 or Title 10.

Sec. 10-3.305. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter.

Sec. 10-3.306. Effective date.

This chapter shall take effect thirty (30) days following its adoption.

Article 4. In-Channel Mining Standards

Sec. 10-3.401. Access Roads.

(a) All unpaved roads used during in-channel mining operations shall be adequately watered to keep soil moist at all times, in order to control fugitive dust.

(b) Upon cessation of use during in-channel mining, operational areas and haul roads that are not required for future use of the site shall be ripped and prepared to prevent compaction and allow for revegetation.

(c) In-channel haul roads shall be located along the toe of the streambank, in order to provide additional bank stabilization and to minimize disturbance of the low-flow channel.

Each operation may have no more than two (2) haul roads at one time that cross the low-flow channel. Construction of the haul roads shall not result in excavation of the toe of the streambank, and shall be designed to avoid existing or restored riparian habitat.

(d) No new haul roads shall be constructed through significant riparian vegetation. Haul roads shall be realigned or redesigned to avoid established habitat.

(e) Haul roads shall comply with all applicable requirements.

Sec. 10-3.402. Adherence to CCRMP/CCIP.

The general standard for excavation within the creek shall be to ensure that CCRMP and CCIP are strictly followed. This article sets forth minimum acceptable in-channel mining standards to implement this general standard.

Sec. 10-3.403. Agency approvals.

All work within the channel shall comply with the requirements of all agencies of jurisdiction, including but not limited to: Yolo County Building Division (engineered plans for dams or sills), Yolo County CCRMP and CCIP (all applicable standards), the State Department of Conservation (SMARA compliance), the State Department of Fish and Game (Section 1601 Streambed Alteration Agreement), the State Regional Water Quality Control Board (Section 401 and stormwater discharge), Caltrans (protection of bridges and highways), the U.S. Army Corps of Engineers (Section 404), the U.S. Fish and Wildlife Services (Endangered Species Act), and the Federal Emergency Management Agency (Flood Hazard Development Permit). These requirements may take the form of programmatic ("general") permits issued for the entire CCRMP/CCIP for a multi-year period if proposed activities are deemed consistent with the provisions of those permits by the Director.

Sec. 10-3.404. Cultural Resources.

(a) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing, with appropriate dignity, of the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five feet shall immediately stop and the Director shall be notified at once. A qualified archaeologist shall then examine any cultural resources found on the site and the information shall be submitted to the County.

(b) Damaging effects to cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified archeologist prior to the commencement of excavation operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed

approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

Sec. 10-3-405. Design Guidelines.

All in-channel activities shall be consistent with and fully implement the design guidelines for channel stabilization and maintenance contained in Chapter 5.0 of the CCIP.

Sec. 10-3.406. Excavation Limitations.

(a) Where gravel bars are to be excavated, aggregate removal shall be limited to the downstream portion of the deposit and may not exceed seventy-five (75) percent of the length of the bar. Twenty-five (25) percent of the upstream portion of the gravel bar shall be retained, in order to allow for the establishment of riparian vegetation. Complete removal of gravel bars may be recommended by the TAC only if hydraulic conditions related to the bar are recognized to threaten structures and property.

(b) Aggregate material to be removed from the streambed or stream bank under approved in-channel projects shall be excavated as soon as is practicable after deposition, prior to the establishment of vegetation. No stockpiles shall be left within the channel after excavation has been completed.

(c) The amount of aggregate removed from the channel shall be limited to the amount of sand and gravel deposited during the previous year as estimated by the TAC based on channel morphology data (approximately 200,000 tons annually on average), except where bank excavation is necessary to widen the channel as a part of implementing the Test 3 Run Boundary, or where potential erosion and flooding problems exist. The amount and location of in-channel aggregate removal shall be carried out according to the ongoing recommendations of the TAC, with the voluntary cooperation of the landowners.

(d) Aggregate material removed pursuant to this ordinance may be sold. This material is excluded from the tonnage allocation assigned to each off-channel operator pursuant to an approved off-channel surface mining permit.

Sec. 10-3-407. Exceptions.

Where an applicant demonstrates to the lead agency that an exception to the standards specified in this article is necessary, the TAC may approve an alternative standard for inclusion in the approved in-channel mining permit. Exceptions shall only be approved where necessary due to special circumstances associated with the subject site, including size, shape, topography, location, or surroundings. Although the TAC may accept alternative standards, in no case may the TAC set any standard which does not meet or exceed the policy objectives, technical requirements, and/or environmental thresholds set forth in the OCMP.

Sec. 10-3.408. Hazards and Hazardous Materials.

(a) All heavy equipment used for channel improvement projects shall be kept in good working order to reduce emissions and preclude the leakage of oils and fuels. Fueling and maintenance activities shall not occur within one-hundred (100) feet of the active channel. All procedures for handling, storage, and disposal of hazardous materials shall be described in a Storm Water Pollution Prevention Plan if required for the projects. Any long-term project (e.g., extensive erosion control, gravel removal)

shall have a chemical spill prevention and emergency plan filed and approved by the appropriate local agency. The plan must include training of the equipment operator and workers in spill reporting and how to minimize environmental damage.

(b) Firms or individuals performing work within the channel shall immediately notify the Director and/or the Yolo County Office of Emergency Services of any events such as fires, explosions, spills, land or slope failures, or other conditions at the site which could pose a hazard to life or property outside the permitted area. Upon request by any County agency, the firm or individual shall provide a written report of any such event, within thirty (30) days, which shall include, but not be limited to, a description of the facts of the event, the corrective measures used, and the steps taken to prevent a recurrence of the incident. This condition does not supersede nor replace any requirement of any other government agency for reporting incidents.

(c) A copy of the approved Business Emergency Response Plans and the approved Spill Prevention Control and Countermeasure Plans, if required, shall be filed with the Yolo County Health Department, prior to the commencement of work within the channel.

(d) Wastewater from in-channel projects shall not be directly discharged to Cache Creek. Measures such as berms, silt fences, sediment ponds, hay bales, and/or revegetation shall be used to control erosion. Agricultural tailwater shall be diverted to catchment basins prior to release to the creek.

(e) Sediment fines generated by aggregate processing of in-channel sand and gravel shall be used for agricultural soil enhancement or -stream revegetation projects. In-channel sediment fines shall not be used as backfill material in off-channel habitat restoration, due to potential high mercury content.

(f) All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturers specifications and properly maintained to minimize the leakage of oils and fuels. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Sec. 10-3.409. Hours of Operation.

All in-channel operations shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless emergency conditions require otherwise.

Sec. 10-3.410. Location.

Removal of in-channel aggregate materials shall only occur pursuant to this chapter and pursuant to the requirements of the CCRMP/CCIP. Removal of in-channel aggregate materials shall be restricted to locations within the Cache Creek channel that fall within the boundaries of the CCAP.

Sec. 10-3.411. Noise.

Noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the outermost boundaries of the property being excavated. However, noise levels may not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dBA) at any nearby residences or other noise-sensitive land uses, unless emergency conditions require otherwise.

Sec. 10-3.412. Permit Life.

In-channel mining permits shall be approved for the period of time identified by the County as necessary to complete the proposed channel modification, up to a maximum period of two years. A permit may be extended for an additional two years, subject to further environmental review (if necessary) and discretionary approval by the County. All in-channel mining permits shall be subject to annual adjustment by the Director to address the amount of materials that can be extracted from the mining site based on data obtained through the annual monitoring program.

Sec. 10-3.413. Processing Prohibition.

Processing of in-channel excavated material shall occur only at existing approved off-channel plant facilities. No new plant facilities shall be established for the purposes of processing in-channel materials.

Sec. 10-3.414. Regrading.

Streambed regrading after excavation shall leave behind an undulating surface outside of the low-flow channel, so that the resulting surface depressions expose the shallow water table and encourage the colonization of riparian trees. Features such as channels and pools maximize the diversity of environmental conditions for the establishment of riparian habitat, and are therefore encouraged.

Sec. 10-3.415. Revegetation.

(a) Approved channel improvement projects requiring excavation of channel banks and removal of riparian vegetation shall be revegetated consistent with Performance Standards 4.5-1 through 4.5-23 of the CCRMP, and with the CCAP, upon the completion of excavation activities.

(b) Vegetated buffers should be placed between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as reservoirs for agricultural pests. Said buffers will also reduce the effects of noise, dust, and spraying generated by agricultural operations on wildlife and riparian vegetation.

(c) Species and water features included in habitat areas should be designed to discourage the proliferation of agricultural pests and weeds that would impair local crops.

(d) Species shall be selected to encourage the biological control of agricultural and native habitat pests and weeds.

(e) Trees that are suitable for wildlife perching near agricultural fields dedicated to row crop production should be incorporated into habitat design, in order to provide foraging habitat for Swainson's Hawks and other birds of prey.

(e) As an alternative to on-site revegetation where such can not be feasibly and successfully implemented, revegetation at a suitable off-site location and/or non-native removal and other habitat enhancement at a suitable off-site location will be required.

Sec. 10-3.416. Seasonal Restrictions.

Pursuant to the CCIP, the deadline for submittal of applications for In-Channel Mining Permits is May 31st and the deadline for completion of approved in-channel work is

November 1st within any given year, unless an extended period is recommended by the TAC and the project obtains pertinent regulatory approvals.

Sec. 10-3.417. Setbacks.

(a) No excavation shall take place within one-hundred and fifty (150) feet of the centerline of the low-flow channel, where the creek is contained within a single channel. Where the creek is braided or contains multiple channels, no excavation shall take place within one-hundred and twenty-five (125) feet of each channel.

(b) No excavation shall take place within twenty-five (25) feet of any mature trees to be retained within the channel.

Sec. 10-3.418. Slopes.

(a) Final slopes for in-channel excavations shall conform to the channel slope and sinuosity guidelines shown in Figure 11 of the CCRMP. Excavations shall be sloped in a downstream direction, towards the low-flow channel. When recommended by the TAC, alternate grading plans may be approved.

(b) In-channel excavations shall generally conform to the cross-section profiles shown in Figures 12 through 16 of the CCRMP. When recommended by the TAC, alternate grading plans may be approved.

Sec. 10-3-419. Surveys.

The applicant shall ensure that completed projects are surveyed to provide a record of as-built conditions. This survey shall be completed in a form acceptable to the TAC, and shall be submitted to the TAC within thirty days of completion of the project as determined by the County.

Article 5. In-Channel Maintenance Mining Approval Process

Sec. 10-3.501. Applications: Contents.

Except as provided for in Section 10-3.502 of this article, all application documentation project shall be submitted to the Director at one time. Ten (10) complete copies of the application shall be provided to the County. Applications for proposed in-channel activities shall include, but shall not be limited to, the following:

(a) Completed application forms;

(b) A detailed narrative description of the proposed activity;

(c) Appropriate site-specific technical reports such as a biological resources analysis and revegetation program; a hydrology analysis; a geotechnical analysis; an engineered excavation plan.

(d) A site plan showing property lines, assessor's parcel numbers, on-site and adjoining land uses, topography, access, and vegetation.

(e) Major stabilization projects, as opposed to annual channel maintenance activities, may be required to submit refined hydraulic and sediment transport models for specific creek reaches to develop design parameters. The TAC will make available flow and sediment discharge data, current versions of hydraulic and sediment transport models, and information on channel stability trends in the vicinity of the proposed project. This information shall be used to prepare the application.

(f) In addition to the foregoing, the Director may require such other and further information relevant to the project as needed to determine whether the proposal may affect the public health and safety.

Sec. 10-3.502. Applications: Waiver of Information.

The Director may temporarily waive any of the items of information required in Section 10-3.501 of this Article, if the following conditions apply:

(a) The gathering of such information is precluded by physical conditions existing on the site on the date of the application; and

(b) The applicant has provided a statement describing the reasons for the delay, including the date by which the information required in the application will be submitted. If granted, the Director shall notify the applicant in writing, specifically describing the information which is being waived and specifying the date by which the applicant shall provide the necessary information. If all other information required pursuant to this chapter has been submitted and the appropriate fees have been paid, then the Director shall receive the application for filing.

(c) The County or TAC is acting as the applicant.

Sec. 10-3.503. Applications: Filing.

Applications shall be submitted to the Director for review and determination as to completeness. If the application is determined to be incomplete, the Director shall notify the applicant in writing within thirty (30) days of receipt of the application. The written notice shall specifically describe the information necessary to complete the application. The application shall not be processed until the Director has determined it to be complete and the appropriate fees have been paid, as required under Article 8 of this chapter.

Once the application has been determined to be complete and the appropriate fees have been paid, the application shall be processed by the Director, who shall set it for a hearing pursuant to this article.

Sec. 10-3.504. Applications: Review.

The application shall be circulated to all other appropriate agencies for their review and comments in accordance with the Act, CEQA, and other applicable regulatory requirements. In addition, a notice shall be mailed to any other person with an interest in the application.

Sec. 10-3.505. Applications: TAC Review and Public Hearing.

Once the application has been processed, the Director shall schedule a review by the TAC to receive comments on the proposed project and shall schedule a hearing before the Planning Commission to take action on the permit.

Sec. 10-3.506. Public hearing: Notice.

The Director shall mail notices of the public hearing to the applicant and to all interested parties determined pursuant to the established county mailing list for notice of such activities. Notice shall also be published in a newspaper of general circulation at least ten (10) days prior to the public hearing. The Director shall also provide such other notice as may be appropriate in the circumstances of the project.

Sec. 10-3.507. Public hearing: Review.

The appropriate regulatory agencies shall be provided notice of hearing of a project pursuant to Sec. 10-3.506.

Sec. 10-3.508. Public hearing: Findings for approval.

The County may approve an in-channel mining permit pursuant to this chapter if all of the following findings are made:

- (a) The activity will not be detrimental to the public health and safety;
- (b) The proposed project complies with the requirements of SMARA and this chapter;
- (c) The activity is consistent with the General Plan and the CCRMP/CCIP;
- (d) The activity will not adversely affect hydraulic conditions upstream and downstream of the proposed project site;
- (e) The mining activity is for identified channel stabilization projects and/or acceptable channel maintenance activities; and
- (f) The activity has been coordinated with all applicable state and federal agencies, and complies with the regulatory requirements of those agencies.

Sec. 10-3.509. Public hearing: Decision.

After considering the evidence in the public hearing, the Planning Commission shall approve, conditionally approve, or deny the application by a written decision setting forth the findings supporting the action. Approval may be granted subject to any relevant condition which the Planning Commission may deem necessary to effectuate the purposes of the Act and this chapter. Such conditions may address any or all of the findings required by Section 10-4.508 of this article. If the application is conditionally approved, the conditions shall be specified in writing. Conditions of the permit will require that completed projects be surveyed to provide a record of as-built conditions.

Within ten (10) days after the decision of the Planning Commission, the Director shall mail a copy of the decision to the applicant. Copies of the decision shall also be mailed to any other person with an interest in the application, who has deposited a self-addressed, stamped envelope with the County for the purpose of receiving a copy of the decision.

Upon incorporation of the conditions of approval into the project design, a Flood Hazard Development Permit will be issued.

Section 10-3.510. Appeals.

The decision of the Planning Commission may be appealed to the Board of Supervisors upon submittal of a properly filed appeal form and appeal fee pursuant to Article 10 of this chapter.

Article 6. Amendments and Modifications to Approved In-Channel Mining Permits

Sec. 10-3.601. Amendments and modifications: Purpose.

The purpose of this article is to provide procedures for changing the conditions of approval or project description (as described in the application and accompanying analyses) to account for unanticipated changes in the mining operation, site characteristics, regulations, or other aspects of the approved in-channel mining permit.

Sec. 10-3.602. Amendments: Applications.

Applications for amendments to previously approved in-channel mining permits shall be submitted to the Director, on forms provided by the County, and shall be accompanied by the appropriate fees, as determined in Article 8 of this chapter. Such applications shall be processed pursuant to the procedures set forth in Article 5 of this chapter.

Sec. 10-3.603. Amendments: Exceptions.

Proposed exceptions to the in-channel mining standards may not be included as part of any application for a minor modification. Any changes in the conditions of approval or the amount of surface area and/or depth to be disturbed shall also be treated as a substantial deviation from the approved plan. Such changes and exceptions shall be processed as an amendment to the in-channel mining permit.

Sec. 10-3.604. Minor Modifications.

The Director may approve minor modifications of in-channel mining permits approved by the Planning Commission pursuant to this chapter. Minor modifications may only be approved if it is found that such changes would be consistent with the conclusions of the certified EIR or other applicable environmental document, and that such changes will not have a significantly adverse effect on the public health and safety. Such modifications shall be noted on the approved plans and shall be initialed by the Director.

The decision of the Director shall be mailed and posted in accordance with Section 10-3.506 of this chapter. Any minor modification approved by the Director shall become final within fifteen (15) days, unless appealed to the Planning Commission, as provided in Article 10 of this chapter.

Sec. 10-3.605. Amendments and Modifications.

Amendments and modifications shall be acted upon by the County pursuant to the procedures identified in Article 5 of this chapter.

Article 7. Annual Reports

Sec. 10-3.701. Cache Creek Monitoring Program.

The TAC shall implement a creek monitoring program pursuant to Chapter 6.0 of the CCIP, consisting of periodic collection of stream discharge and sediment transport data and annual analysis of changes in channel morphology and riparian vegetation. All data and analysis shall be summarized in an annual report submitted to the Board.

Sec. 10-3.702. Channel Improvement Projects.

Pursuant to Performance Standards 2.5-1 through 2.5-9 of the CCRMP, the TAC will annually identify priority channel improvement projects on the basis of the results of the Cache Creek Monitoring Program. The annual report will describe the need for and purpose of identified priority projects. The report will describe the specific location of the projects and the general aspects of the improvements. Pursuant to the CCIP, the Director will coordinate with property owners to implement the projects.

Article 8. Fees

Sec. 10-3.801. Fees: Applications.

Each application for an in-channel mining permit or any amendments and modifications thereto shall be accompanied by the appropriate fee as determined in the Master Fee Resolution adopted by the Board.

Article 9. Confidentiality of Records

Sec. 10-3.901. Confidentiality of records.

Any proprietary information submitted in an in-channel mining permit application, a report, or other document required by this chapter, which is considered by the applicant to be confidential shall be submitted under separate cover and shall be so marked by the Director. Proprietary information shall include, but may not be limited to, the following:

- Annual production figures, reserves, or rates of depletion of the aggregate resource being mined, pursuant to Section 2778(a) of the Act;
- Well log information; and
- The location and extent of sensitive archaeological sites.

The proposed confidential information shall be accompanied by a statement citing the legal authority supporting the applicant's claim of confidentiality. The request for confidentiality shall be reviewed by the Director and either approved or denied.

The decision to reject or accept the claim of confidentiality by the Director shall be mailed and posted in accordance with Section 10-4.507 of this chapter. Any request for confidentiality approved by the Director shall become final within fifteen (15) days, unless appealed to the Planning Commission, as provided in Article 10 of this chapter. The appellate hearing shall be conducted such that the information remains confidential until a decision is reached.

If the request is approved, then the confidential information shall be filed under separate cover. The contents of the confidential file shall be made available only to the Director and those persons authorized in writing by the applicant and by the property owner. If the request is denied, the applicant may withdraw the information and include it with the application or report as a public document. Failure to submit any necessary information may result in an incomplete application or report.

Article 10. Appeals

Sec. 10-3.1001. Appeals: Director Decisions.

The actions of the Director on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with appropriate standing files a written appeal, and pays the appropriate fee, to the Parks and Resources Department. The Director's decisions are appealable to the Planning Commission. The timely filing of an appeal shall stay the Director's decision, which shall serve as a recommendation to the Planning Commission. All such appeals shall reference the decision of the Director and shall specifically describe the grounds for the appeal.

Sec. 10-3.1002. Appeals: Planning Commission Decisions.

The action of the Planning Commission on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with appropriate standing files a written appeal, and pays the appropriate fee, to the Parks and Resources Department. The Planning Commission decisions are appealable to the Board. The timely filing of an appeal shall stay the Planning Commission's decision, which shall serve as a recommendation to the Board. All such appeals shall reference the decision of the Director and shall specifically describe the grounds for the appeal.

Sec. 10-3.1003. Appeals: Hearings.

The hearing on an appeal of a decision by the Director or the Planning Commission shall be scheduled within thirty (30) days from when the appeal was filed. The Director shall provide notice of the appeal hearing, pursuant to Section 10-4.507 of this chapter. Upon hearing the appeal, the appeal body shall affirm, reverse, or modify the appealed decision, or refer the matter back for further action.

Sec. 10-3.1004. Appeals: Scope.

Any appeal of a decision or action shall serve only as an appeal of the specific action or issue identified, based on the grounds and issues described in the appeal. The appellate body shall consider the record of the decision being appealed. New evidence not previously introduced in the record of the decision may not be presented at the hearing regarding the appeal.

Sec. 10-3.1005. Appeals: Withdrawal.

Appeals may be withdrawn at any time.

Article 11. Inspections: Notices of Violations

Sec. 10-3.1101. Inspections: Purpose.

The Director shall make such necessary inspections and investigations of all in-channel mining operations within the unincorporated portion of the County in order to accomplish any of the following purposes:

- (a) To determine compliance with this chapter and the Act;
- (b) To determine compliance with the conditions of any permit approved pursuant to this chapter;
- (c) To investigate the environmental effects which the mining operations may be causing to the surrounding area; and
- (d) To verify the information submitted in any application or any annual report submitted pursuant to this chapter.

Sec. 10-3.1102. Inspections.

The Director shall conduct an inspection or inspections not less than once in any calendar year (consistent with the requirements of PRC Section 2774) of each in-channel mining operation to determine whether the applicant is in compliance with the Act and this chapter, and/or whether the work has been properly completed.

Sec. 10-3.1103. Inspections: Notification.

All inspections shall be documented using forms adopted by the State Department of Conservation. The Director shall notify the Department of the inspection within thirty (30) days after it has been completed. Said notice shall include the following:

- (a) A statement regarding whether the operation is in compliance with the Act and this chapter. Any violations of either the Act or this chapter shall be specifically described;
- (b) The completed inspection forms;
- (c) A description of any pending reviews or appeals of permits, financial assurances, amendments or modifications thereto; and
- (d) Any supporting documentation.

Copies of the notice shall also be provided to the applicant.

Sec. 10-3.1104. Inspections; Designee.

Inspections shall be conducted by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, County staff, or other designee as determined by the Director, who is familiar with land reclamation issues (as described in the Act and SMARA regulations) and experienced in SMARA activities, and who has not been employed by the applicant in any capacity during the previous twelve (12) months.

Sec. 10-3.1105. Violations: Notice.

Whenever the Director has reasonable cause to believe that an in-channel mining operation is in violation of the Act, this chapter, or any terms or conditions of a permit issued pursuant to this chapter, a written notice of violation shall be served to the applicant. The notice shall specifically describe both the violation(s) and the remedial steps required for compliance. Said notice shall be served by certified mail and a copy shall be sent to the

State Department of Conservation. In the event that the notice is returned undeliverable, a copy of the notice shall be posted in a conspicuous place within the project site.

Sec. 10-3.1106. Violations: Order to comply.

If the violation continues after thirty (30) days from the date of notification, then the Director shall issue an order requiring compliance. Said order shall be served upon the applicant by certified mail, with a copy sent to the Department. The order shall specify a time by which compliance must be completed, as determined by the Director. A reasonable amount of time shall be allowed to bring the operation into compliance, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

The order shall also state the date, time, and place set for a hearing before the Planning Commission regarding the notice of violation. The hearing shall be conducted no sooner than thirty (30) days and no later than sixty (60) days after the service of the order upon the applicant. Public notice of such hearing shall be given as set forth in Section 10-4.507 of this chapter.

Sec. 10-3.1107. Violations: Hearing.

At the time and place described in the order of compliance, the Planning Commission shall conduct a public hearing to consider the violation. Before the close of the hearing, the Planning Commission shall take one of the following actions:

- (a) Approve the order of the Director;
- (b) Remove any of the violations and approve the order as modified; or
- (c) Decline to approve the order of the Director.

If the order of the Director is approved, the Planning Commission's decision shall become final and the approved order will take effect fifteen (15) days after the decision, unless an appeal is filed with the Board, pursuant to Article 11 of this chapter.

Sec. 10-3.1108. Violations: Revocation.

If an applicant fails to observe an order of compliance, then the in-channel permit shall be considered revoked and the Director shall initiate procedures to forfeit the financial assurances in accordance with Article 9 of Chapter 5 of this title.

Sec. 10-3.1109. Violations: Administrative penalties.

If the applicant fails to comply with an effective order of compliance, issued pursuant to this article, the County may issue an order imposing administrative penalties of not more than five thousand dollars (\$5,000) per day, retroactive to the original date of noncompliance. When determining the amount of the penalty, the County shall consider, but may not be limited to, the following factors:

- (a) The nature, circumstances, extent, and gravity of the violation(s);
- (b) Any prior history of violations; and,
- (c) The degree of culpability by the applicant.

The order establishing administrative penalties shall be served by certified mail to the applicant. Any such order shall become effective upon issuance and the penalties imposed therein shall be paid to the Director within thirty (30) days, unless the order imposing administrative penalties is appealed to the Board, pursuant to Article 11 of this

chapter. If no writ petition is filed, then the order setting administrative penalties shall not be subject to review by any court or agency.

Any decision by the Board to order administrative penalties shall become effective within thirty (30) days, unless the applicant files a petition for writ of mandate in the superior court for review of the order. If no appeal is filed, then the order setting administrative penalties shall not be subject to review by any court or agency. The order establishing administrative penalties shall be served by certified mail to the applicant.

Payment of the administrative penalties shall be made by the applicant to the County within thirty (30) days of receipt of the order. However, if a petition for review has been filed, the payment shall be held in an interest bearing impound account until the matter has been resolved. Penalties collected by the Director shall only be used to cover the reasonable costs incurred by the County in administering either the Act or Chapters 3, 4, and 5 of Title 10 of this Code.

Sec. 10-3.1110. Violations: Public nuisance.

Any in-channel activity in violation of this title, or in violation of any permit or effective order of compliance approved pursuant to this chapter, shall be considered a public nuisance. If the applicant fails to comply with an effective order of compliance, issued pursuant to this article, the Director may refer the violation to the District Attorney for criminal remedies.

April 24, 2008

to

Mr. Kent Reeves
Natural Resources Planner
Yolo County Parks and Resource Dept

Dear Mr. Reeves

I have the following questions on the Proposed (CCAP) in-channel maintenance ~~mining~~ ordinance and the negative declaration.

1. How does allowing Section 2715.5 of the State Resources Code (PRC) and its amendment Bill 646 change the reclamation plan included in the original CCIP adopted August 20, 1996. Please list each change.

2. On pg. 11 of the Environmental Checklist No. VIII, Hydrology and Water Quality - F, why is the finding less-than-significant when mercury is a recognized problem in Cache Creek and disturbing the (aggregate) when mining would only increase the mercury available.

Discussion of Impacts

b. the groundwater in offstream pits used as recharge to mitigate is questionable because the question of polluting the groundwater from the water in the pits (mercury - agricultural sprays),

pg 2 - Sally Oliver

3. I could not find removal of sediment and organic matter in stream channel listed or addressed in any way. I realize aggregate mining is what drives these documents but the maintenance in-channel of the piles of sediment is the key to an effective ordinance, that means removal. Why was this left out of the ordinance.

Thank you

I would like your answers in writing. I will pick them up next week. Please call 530-662-2364

Sally Oliver
16634 Co. Rd 98
Woodland Ca
95695

**STATE MINING AND GEOLOGY BOARD**

DEPARTMENT OF CONSERVATION

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PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgbALLEN M. JONES, CHAIR
CHERYL BLY-CHESTER, VICE CHAIRJULIAN C. ISHAM
SEENA HOOSE
KATHY LUNDERIN GARNER
ROBERT TEPEL

April 24, 2008

VIA CERTIFIED MAIL: 7006 2150 0000 6804 2708Mr. Kent Reeves
Principal Natural Resources Planner
County of Yolo
Parks and Natural Resources Department
120 West Main Street, Suite C
Woodland, CA 95695**Re: Review of Yolo County's Negative Declaration/Initial Environmental Study -
Cache Creek Area Plan In-Channel Maintenance Mining Ordinance**

Dear Mr. Reeves:

In behalf of the State Mining and Geology Board (SMGB), I have reviewed the "Notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing to take Action on the Proposed CCAP In-Channel Maintenance Mining Ordinance", dated March 31, 2008.

In review of the Negative Declaration/Initial Study, no comments are provided. The study clearly and correctly states the nature of the project and environmental impacts. The County is to be commended for its extensive efforts in moving toward adoption of its In-Channel Mining Ordinance.

The SMGB has previously reviewed and commented on the proposed In-Channel Surface Mining Ordinance, and noted that it adequately addressed all the requirements pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA) and the SMGB's regulations. Upon adoption by the County's Board of Supervisors, a copy of the agenda, minutes, and copy of the ordinance placed before the Board of Supervisors for adoption, is anticipated to be forwarded to the SMGB. Upon receipt, the ordinance will be placed before the SMGB for certification consideration at its next regular business meeting.

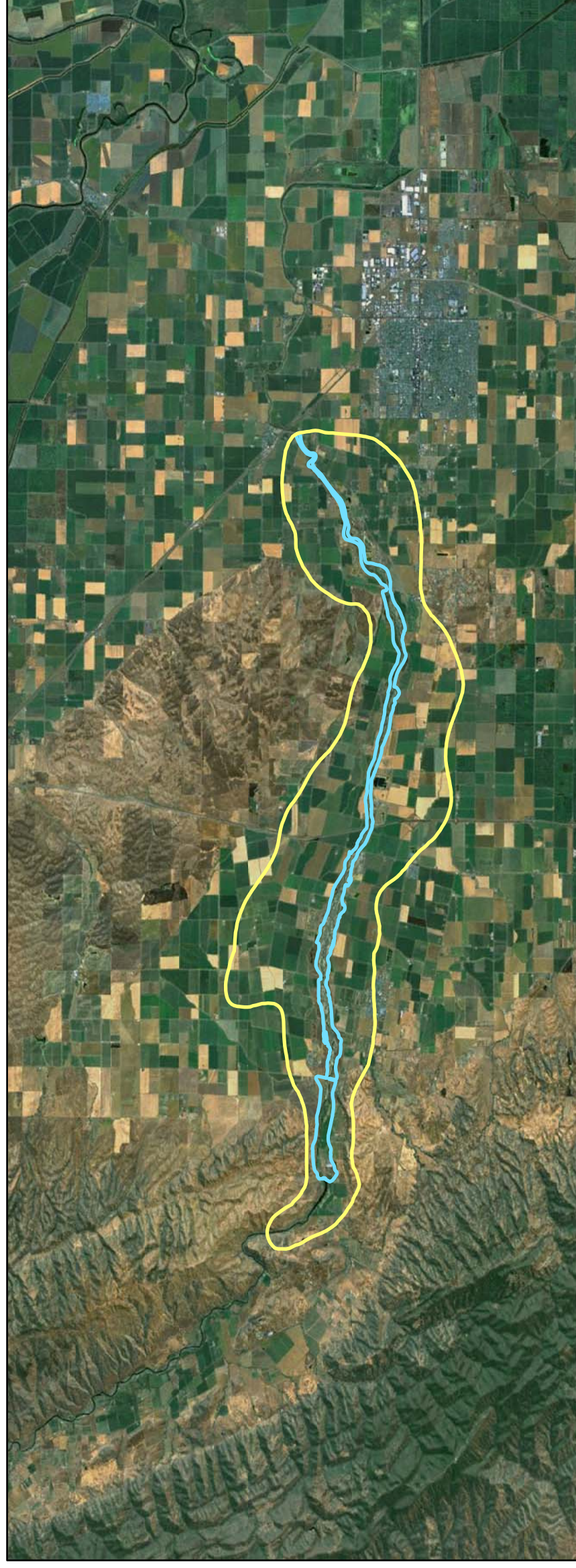
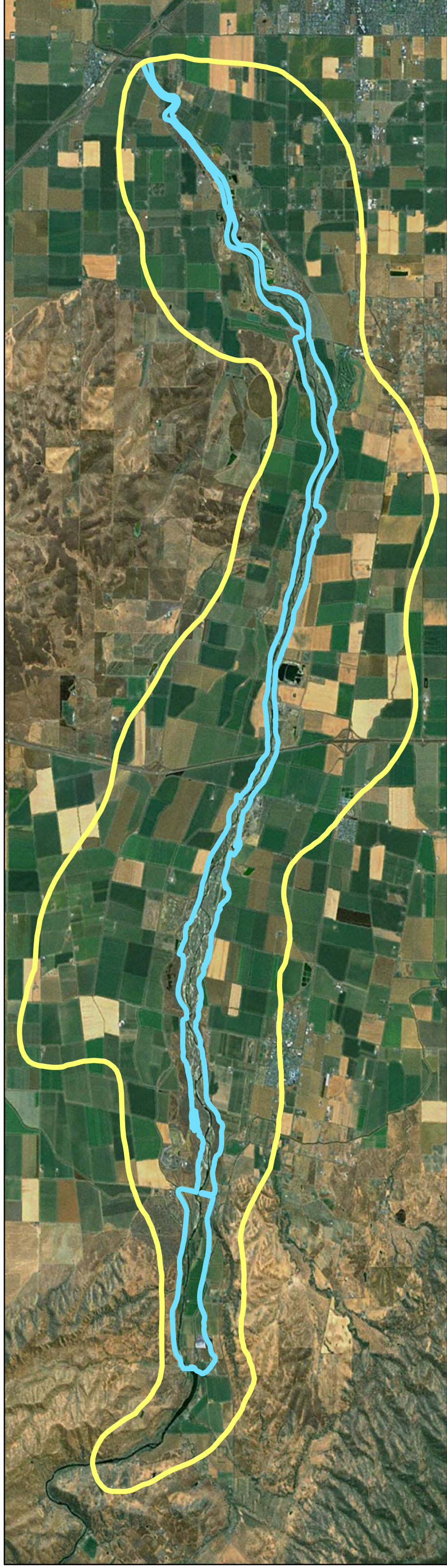
We appreciate the opportunity to review the Negative Declaration/Initial Study. Should you have any questions or require further clarification at this time, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.M. Testa', is written over a horizontal line.

Stephen M. Testa
Executive Officer

Cache Creek Resource Management Plan Area



In-Channel Boundary

Off-Channel Boundary



County of Yolo

PARKS AND RESOURCES DEPARTMENT

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Warren Westrup
DIRECTOR

PLANNING COMMISSION STAFF REPORT

MAY 8, 2008

PROJECT FILE NO. 2008-024: Off Channel Mining Plan (OCMP) Ten-Year Update	
APPLICANT: Yolo County Parks and Resources Department	
LOCATION: Off Channel Mining Plan (OCMP) area totaling 25,806 acres (APNs: numerous)	GENERAL PLAN: Agricultural (A) ZONING: Agricultural General (A-1) and Agricultural Preserve (A-P) FLOOD ZONE: n/a
ENVIRONMENTAL DETERMINATION: To be determined	
REPORT PREPARED BY:	REVIEWED BY:
_____ Heidi Tschudin, Contract Planner Parks and Resources Department	_____ Warren Westrup Director

RECOMMENDED ACTIONS

1. **HOLD** a public workshop to receive information about the required ten-year OCMP update and solicit public and agency comments;
2. **DISCUSS** the staff's proposed approach for completing the review.

REASONS FOR RECOMMENDATION

The county is required to update the Cache Creek Area Plan (CCAP), including both the Cache Creek Resources Management Plan (CCRMP), and the Off-Channel Mining Plan (OCMP), every ten years. The CCRMP was updated by the county in August 2002 for the purpose of securing new general permits from the U.S. Army Corps of Engineers, the Central Valley Regional Water Quality Control Board, and the California Department of Fish and Game. This update was determined to satisfy the ten-year requirement, and, thus, a subsequent update would not be required again until 2012. The update of the OCMP was to have been completed in 2006, and has not yet occurred. Staff is holding this workshop as a first step in initiating the OCMP update process.

AGENDA ITEM 7.4

BACKGROUND

The purpose of the required update of the OCMP is described in the OCMP (page 26) as follows:

Adoption of the Off-Channel Mining Plan

Both the Off-Channel Mining Plan and the companion Cache Creek Resources Management Plan are intended to be evolutionary documents, that adjust and change in response to new creek conditions. Adoption of the OCMP will allow the County to begin taking the first steps in managing the resources along Cache Creek, however, the plan should not be seen as a static vision of what the ultimate disposition of the creek will be in the future. As such, it is expected that the OCMP will undergo periodic review and updating, as additional data is gathered through monitoring and the success of habitat restoration projects and channel stabilization are known. The OCMP shall be updated every ten years to respond to new regulatory requirements. This will allow sufficient time for trends to become evident, yet still be early enough to change any policies that are having an unexpectedly adverse effect on resource management before significant harm is done. Future amendments to the OCMP will be appropriately processed under CEQA.

The following excerpt from the certified EIR (Draft Volume, Pages 3-15) is also applicable:

Update the OCMP every ten years to account for the results of monitoring programs and reclamation efforts, so that the plan remains responsive to the changing conditions of the creek.

In summary, the purpose of the Ten-Year update is to allow for amendment of the OCMP, as necessary, based on trend analysis in three primary areas:

- Changes in creek conditions related to habitat restoration and channel stabilization projects that have occurred over the prior ten years.
- Results from monitoring programs and reclamation efforts over the prior ten years.
- New regulatory requirements over the prior ten years.

PROPOSED GENERAL APPROACH

The following general approach is proposed in order to undertake the required analysis for each of the three areas identified above:

- Changes in creek conditions related to habitat restoration and channel stabilization projects that have occurred over the prior ten years.

Staff proposes to engage the Technical Advisory Committee (TAC) to analyze changes in creek conditions over the last ten years, based on analysis and interpretation of annual creek data collected by the county and/or available through other sources, including the mining operators. The focus of this analysis will be the required buffer between the banks of Cache Creek and permitted off-channel mining (see OCMP Action 4.4-8, CCRMP Performance Standard 6.5-14, and

Off-Channel Surface Mining Ordinance Section 10-4.429d). The OCMP will be reviewed in relation to the ten-year trend analysis, and the TAC will be asked to make recommendations for possible changes, if any, in OCMP policies and programs related to this setback area and off-channel areas.

- Results from monitoring programs and reclamation efforts over the prior ten years.

Staff proposes to itemize all monitoring that has been required through the CCAP and any other related program. The TAC would be engaged to analyze that information for trends relevant to the setback area between the creek and off-channel mining. The TAC would be tasked with providing recommendations as to whether additional monitoring is needed or whether there is monitoring currently required that may no longer be necessary.

As a part of this task, all reclamation that has occurred since 1996 would be identified. The TAC would be engaged to review reclamation results and make recommendations for possible changes, if any, in OCMP policies and programs.

- New regulatory requirements over the prior ten years.

Staff proposes to use the results from the prior ten-year interim permit review (see discussion below) to address this task. New inquiries would be sent to applicable agencies to capture new regulatory requirements that might have emerged since the date of the prior inquiries.

- Other clean up.

Staff proposes to identify other edits, modifications, or clarifications to improve the OCMP and to make appropriate recommendations.

APPLICABILITY OF TEN-YEAR PERMIT REVIEW

Under the authority of the OCMP, and the ordinances that implement it, the Board of Supervisors approved five off-channel mining and reclamation permits (permits) in November 1996. These permits were each for a thirty-year period, and they were contingent on individual Development Agreements (DAs) which were executed in January 1997.

Among the many conditions of the permits, one was the requirement for “Interim Permit Review”. Such reviews were required at ten years, twenty years, and thirty years (with a discretionary review allowed at fifteen years). January 1, 2007 was the date by which the first ten year interim review of the mining permits was to have been completed. The county completed the ten-year interim permit review in March 2007.

“New regulatory requirements” was one item relevant to the required update of the OCMP that was examined as a part of the required ten-year interim review of the mining permits in 2007. To prepare for the ten-year interim permit review, three discussion papers were prepared, released for public review, and presented to the Planning Commission. Each paper explored particular relevant issues in detail in order to allow for extensive public and agency involvement, education, and input, as a part of the review process. The papers were broadly circulated, including: mailed notices of availability to an extensive distribution list of agencies, property owners, and interested parties; electronic distribution to interested parties and agencies; and electronic posting on the county’s website. No comments on these analyses were received

from any member of the public, the operators, or any agency. The papers addressed the following:

- Discussion Paper #1 (released April 20, 2005) addressed the scope of the ten-year interim permit review and concluded it was limited to: 1) application of environmental regulations or statutory changes that has occurred since the mining permits were approved; and re-examination of the county's per-ton mining fees.
- Discussion Paper #2 (released September 26, 2005) examined changes in environmental regulations, and/or statutes, that occurred since November 1996 when the off-channel mining and reclamation permits were originally approved. Per the CCAP, the regulations/statutes considered were those promulgated by a responsible or trustee agency with authority over a particular environmental/natural resource. This included the Yolo-Solano Air Quality Management District, California Department of Fish and Game, California Department of Conservation, Regional Water Quality Control Board, State Lands Commission, State Reclamation Board, Yolo County, and the U.S. Army Corps of Engineers. The county concluded that the original terms and conditions of the permit approvals remained broad enough to address all issue areas of concern, and there were no significant relevant changes in environmental regulations and/or statutes that merited modification of the permits as a part of the interim review (although some minor clarifications were made).
- Discussion Paper #3 (released March 26, 2006) analyzed: 1) whether any unanticipated or unmitigated environmental changes had occurred since the 1996 approvals; and 2) whether CEQA was triggered by the interim permit reviews. Overall, there were no documented unanticipated or unmitigated environmental changes. Items of concern that were identified in the Inspection Reports and Compliance Reviews in all cases related to environmental issues that were anticipated during the approval process and mitigated through existing regulatory processes, conditions of approval, and/or CEQA mitigation measures. In all cases, items were corrected or otherwise satisfactorily addressed over time pursuant to the terms of the approval. The review and outcome were determined to be statutorily exempt under CEQA (Section 15061b3 of the State CEQA Guidelines).

COORDINATION WITH INTERESTED PARTIES

In order to kickoff the scoping of the OCMP update, the department will hold a series of consultations with interested parties including the Planning Commission, the Technical Advisory Committee, OCMP permit holders, and other interested parties through public meetings.

This workshop with the Planning Commission is intended to inform the public and agencies of the OCMP update requirement and process, and to solicit comments from any interested party.

The staff will meet with the Technical Advisory Committee members at their May 12, 2008 meeting to discuss the TAC's role and initiate the review process.

Staff met with OCMP permit holders in November and December 2007. The purpose of these consultations was to invite the parties regulated under the OCMP to identify changes for consideration by the county. Though not a required component of the OCMP update, the county inquired about operator interest in potential changes to the existing OCMP including changes in geographic and/or tonnage limitations. The following comments were received at the OCMP update meetings:

- The OCMP and implementing ordinances should be modified to increase the annual tonnage of 1.0 million sold to 1.2 million sold, with the permit period (currently 30 years) shortened appropriately. Overall allotment of 30 million tons sold would remain. The fee ordinance should be amended to require a “super-premium” per-ton fee for mining over the original 1.0 million tons sold threshold. Total tonnage allowed under the OCMP should be increased as well.
- On the operational side, trespass by ATV riders is rampant and enforcement is a huge problem. As a program, however, the OCMP works well. There should be no changes to the tonnage or area. If there are any changes, all operators should be treated equally. The public may react negatively to an increase in tonnage.
- The OCMP works well. If the county pursues increased tonnage, the OCMP permit holders would participate. Traffic, especially road impacts and roadway capacity for increased gravel trucks, will be a significant issue, especially along Highway 16 where casino trips are using road capacity and creating safety concerns.
- The program works well and has established a structure upon which the companies individually have based business decisions. There should be no changes to the tonnage or area. Communications with operators could be improved as related to annual inspections. Coordination with state and federal agencies that hold general (programmatic) permits should be improved, especially with new staff at the U.S. Army Corps of Engineers who are unfamiliar with the program.

These comments reflect that each operator seems generally satisfied with the OCMP as a program. The operators had differing concerns regarding potential tonnage expansion. Overall, there was no majority support for examining increased tonnage as a component of the OCMP review.

Staff's position is to not pursue increased tonnage as a part of this OCMP update. The CCAP appears to have an excellent ten-year track record overall and has been accepted by regulating agencies, the industry, and the public. Changes of this nature would reopen settled issues with these parties for no obvious benefit.

There is currently an unallocated 500,000 tons within the OCMP program. The fact that no operator has made an application to use that available unallocated tonnage, until Granite Construction's recent request/permit application, suggests that existing permits are satisfactorily accommodating demand. A better trigger might be if and when an operator applies for increased tonnage beyond the current OCMP.