



YOLO COUNTY COMMUNITY SERVICES DEPARTMENT

**Addendum #1 to the
Yolo County Off-Channel Mining Plan for Lower Cache Creek EIR
(SCH #95113034)**

ZF 2016-0035

January 2017

ADDENDUM TO EIR

CEQA REQUIREMENTS

This document has been prepared as an Addendum to the Yolo County Off-Channel Mining Plan for Lower Cache Creek (OCMP) EIR (SCH #95113034) in accordance with the CEQA Guidelines, Section 15164. This is the first Addendum to the Yolo County OCMP EIR, which was certified by the County when it approved the OCMP on July 30, 1996. This Addendum analyzes the proposal to modify the Off-Channel Surface Mining Ordinance (OCSMO), which was analyzed under the OCMP EIR, to allow dewatering from wet pits provided that no hydrogeological impacts occur.

CEQA Guidelines Section 15164 provides that the Lead Agency "shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." The conditions in Section 15162 include substantial changes in the project or the circumstances under which the project is undertaken that result in new significant environmental effects, or new significant information showing new significant environmental effects, among others. Pursuant to Section 15164(e) a brief explanation is provided herein documenting the County's decision that preparation of a subsequent EIR is not required.

The Guidelines go on to state that: 1) the addendum need not be circulated, but can be included in or attached to the Final EIR (Section 15164(c)), and 2) the County must consider the addendum with the Final EIR (Section 15164(d)).

Section 15164 was created in response to Public Resources Code Section 21166 which provides that no subsequent or supplemental EIR shall be required unless "substantial changes" in the project or the circumstances under which the project is being undertaken will necessitate "major revisions" of the EIR, or "new information" which was not known and could not have been known at the time the EIR was certified, becomes available.

The analysis provided in this document demonstrates that the circumstances, impacts, and mitigation requirements identified in the Yolo County OCMP EIR remain substantively unchanged by the situation described herein, and supports the finding that the proposed modifications do not raise any new issues and do not cause the level of impacts identified in the previous EIR to be exceeded.

BACKGROUND

The Yolo County Off-Channel Surface Mining Ordinance (OCSMO) was adopted by the Yolo County Board of Supervisors on August 6, 1996 as part of the County's Off-Channel Mining Plan (OCMP) development process. At that time, none of the four aggregate mining operators who elected to participate in the OCMP were proposing to dewater in conjunction with aggregate mining operations. Therefore, the County staff, in coordination with the participating aggregate producers, decided to prohibit dewatering rather than specifically analyzing the

effects of allowing dewatering. Thus, the OCSMO, which implements the OCMP, was adopted with a prohibition of dewatering.

The OCSMO currently prohibits dewatering as a part of surface mining operations. That prohibition is found in Section 10-4.412 of the OCSMO, which provides:

Under no circumstances, shall any off-channel excavation use dewatering as a part of their surface mining operations.

“Dewatering” is not defined in the OCSMO. However, County staff have interpreted the term to mean lowering the water level in a wet pit by pumping water from the pit, regardless of the purpose of the pumping.

The “project” that is the focus of this Addendum is an amendment of the OCSMO that would allow dewatering from a wet pit to occur, provided that no hydrogeological impacts occur.

Proposed OCSMO Amendment

The full text of the proposed OCSMO amendment is as follows:

Sec. 10-4.412. Dewatering prohibition

“Dewatering” shall mean lowering the water level in a wet pit by pumping water from the pit, regardless of the purpose of the pumping. Water generated from dewatering activities must be beneficially used or discharged on-site. Pumps systems used to dewater the wet pits shall be powered by electricity (i.e., through connection to power lines) or solar power. This ordinance does not permit water generated from dewatering activities to be used or discharged off-site. Under no circumstances, shall any No-off-channel excavation shall use dewatering as a part of their surface mining operations, unless site-specific technical analysis performed by a qualified Professional Engineer or Professional Geologist with experience in hydrogeology demonstrates that the proposed dewatering will not adversely affect off-site wells with respect to groundwater level and quality. The Professional Engineer or Professional Geologist shall demonstrate, using appropriate hydrogeologic analysis (i.e., using data-supported empirical, analytical, and/or numerical investigative tools), that the proposed dewatering activity will not adversely impact active off-site wells or other water resources (e.g., creeks and wetlands) within 1,000 feet of the proposed dewatering pit boundary. Average historic low groundwater levels in the subject well, shall be used for the analysis. Site-specific aquifer testing shall be conducted, if needed, to determine aquifer properties for the analysis. Consistent with the OCMP EIR, an effect shall be considered adverse if the reduction in simulated groundwater levels exceeds two feet at any well located within 1,000 feet of the pit boundary or results in well failure.

The hydrogeologic analysis shall be submitted to the County for review and approval prior to implementation of any dewatering activities. If an adverse impact is identified by the analysis (either impacts to existing wells or other water resources, including creeks and wetlands), dewatering activities will be modified to eliminate any adverse impacts, and/or the applicant shall otherwise mitigate adverse impacts to the satisfaction of the County.

Prior to and for the duration of dewatering activities, the applicant shall: 1) monitor water levels in the wet pit(s), and nearby monitoring wells on a quarterly basis; and 2) quantify the amount of water pumped from and returned to the wet pit(s). This monitoring data shall be reviewed by the applicant's Professional Engineer or Professional Geologist to determine whether any adverse impacts are occurring. Documentation of the monitoring and data evaluation shall be submitted the County annually. If adverse impacts are found to be occurring, dewatering activities will be modified to eliminate adverse impacts, or the applicant shall otherwise mitigate impacts to the satisfaction of the County. Any measures designed to mitigate adverse impacts identified after implementation of dewatering activities shall be approved by the Planning Commission at a regularly scheduled meeting, with written notice of the adverse impact and proposed mitigation measures given by mail to all property owners within 1,000 feet of the pit boundary in addition to any notice otherwise required by law.

For purposes of this section, mitigation measures of adverse impacts may include, but are not limited to, well modification, well relocation, compensation of well owners for increased pumping cost, or providing an alternative water supply. Such mitigation measures shall be paid for by the mining operator, with sufficient financial security to ensure completion of the measures.

Pumping of water from the wet pit in lieu of pumping of groundwater from a well shall not require predictive impact analysis in addition to analysis provided in the approved, site-specific CEQA document, unless the total annual water demand, as set forth in the CEQA document, is exceeded. This does not remove the requirement for monitoring and reporting activities described above.

Potential Impact Evaluation

The analysis provided in Table 1 (below) demonstrates that the circumstances, impacts, and mitigation requirements identified in the Yolo County OCMP EIR remain substantively unchanged by the proposed OCSMO amendment, such that an Amendment is warranted under Section 15164.

TABLE 1: Review of Proposed Amendment to the Off-Channel Surface Mining Ordinance Relative to the Initial Study Environmental Checklist Environmental Factors

Environmental Factor	Discussion	Level of Impact
Land Use	No land use change is proposed. Surface mining would continue to be allowed in the planning area of the Off-Channel Mining Plan (OCMP), and would continue to be subject to the Off-Channel Surface Mining Ordinance and the goals and objectives of the Off-Channel Mining Plan. Water generated from dewatering activities would be required to be used or discharged on-site. Off-site land uses could be affected if dewatering were to substantially impact the availability of groundwater off-site. However, as discussed under the Hydrology analysis below, the proposed amendment only allows dewatering in cases where it is demonstrated that no hydrogeological impacts would occur. Therefore, dewatering implemented under the proposed amendment would not impact off-site land uses. For these reasons, the proposed amendment would have no impacts related to land use.	No impact.
Aesthetics	The equipment used to dewater a wet pit would involve pipelines and pumps. This equipment would be small in size relative to other features, equipment, and structures found on mining sites (e.g., materials stockpiles, scrapers, trucks, and processing plants), and would not be distinctly visible from off-site locations. Furthermore, all mining operations, including dewatering activities, would continue to be subject to Section 10-4.404 of the Off-Channel Surface Mining Ordinance, which addresses aesthetics requirements, and to the aesthetics measures in the OCMP, OCMP EIR, and project-level EIRs. The measures require maintaining buffer distances between off-channel excavations (such as wet pits)/processing plants and off-site receptors/public rights-of-way, and require providing landscaped buffers and other measures to reduce aesthetic impacts when such distances cannot be maintained. For these reasons, the proposed amendment would have no impacts related to aesthetics beyond those evaluated in the OCMP EIR.	Less than significant.
Population and Housing	The proposed amendment would allow dewatering as part of surface mining operations. It would not include construction of new housing or any development that would draw people to the area. Therefore, the proposed amendment would have no impacts related to population and housing.	No impact.
Cultural and Paleo Resources	The proposed amendment would not increase the amount of excavation relative to what was analyzed under the OCMP EIR. Furthermore, dewatering does not have the potential to disturb paleontological, archaeological, historic, or other cultural resources because it does not disturb the ground surface. For these reasons, the proposed amendment would have no impacts related to cultural resources.	No impact.
Transportation and Circulation	Dewatering activities implemented as a result of the proposed amendment would not require additional vehicle or truck trips in and out of mining sites. Therefore, the proposed amendment would have no impacts related to traffic and circulation.	No impact.

Environmental Factor	Discussion	Level of Impact
Noise	Dewatering activities would not require additional vehicle or truck trips in and out of mining sites, and therefore would not have the potential to increase traffic noise. The equipment used to dewater a wet pit would involve pumps operated at the surface, which would generate noise, but would not be a source of perceptible vibration. The noise generated by pumps would be similar to, or lower, than other equipment found on mining sites (e.g., scrapers, trucks, and processing plants). Furthermore, all mining operations, including dewatering activities, would continue to be subject to Section 10-4.421 of the Off-Channel Surface Mining Ordinance, which requires noise levels at the property boundaries of a mining site to remain below daytime and nighttime standards of 80 dBA Leq and 65 dBA Leq, respectively, and to remain below 60 dBA Leq and 60 dBA CNEL at the nearest noise-sensitive land uses. Dewatering activities would also be subject to all OCMP policies regarding noise; and all applicable mitigation measures related to noise in the OCMP EIR and project-level EIRs. For these reasons, the proposed amendment would have no impacts related to noise beyond those evaluated in the OCMP EIR.	Less than significant.
Air Quality	The proposed amendment would require pump systems used for dewatering to be powered by electricity (i.e., through connection to power lines) or solar power. Pumping of water from the wet pits would be accomplished using similar electric pumps and energy demands that are used to pump groundwater from nearby wells. Because there would be no substantial change in the equipment or energy used to obtain water for mining operations, the proposed amendment would have no new impacts related to on-site criteria pollutant or toxic air contaminant emissions.	No impact.
Greenhouse Gas Emissions	The proposed amendment would require pump systems used for dewatering to be powered by electricity (i.e., through connection to power lines) or solar power. Pumping of water from the wet pits would be accomplished using similar electric pumps and energy demands that are used to pump groundwater from nearby wells. Because there would be no substantial change in the equipment or energy used to obtain water for mining operations, the proposed amendment would have no impacts related to greenhouse gas emissions.	Less than significant.
Wind and Shadow	The equipment used to dewater a wet pit would involve pipelines and pumps. This equipment would not be large enough to block wind or cast a shadow outside of the immediate area of the equipment. Therefore, the proposed amendment would have no impacts related to wind and shadow.	No impact.
Recreation	Dewatering activities would only occur in active mines that do not support any recreational activities available to the public. Therefore, the proposed amendment would have no impacts related to recreation.	No impact

Environmental Factor	Discussion	Level of Impact
Utilities and Service Systems	No new water or wastewater treatment facilities, or stormwater drainage facilities, would be required to support dewatering activities. Pumps would be connected to existing electrical utilities at the mines. Dewatering would not generate solid waste, nor would it require the expansion of water supply entitlements. Therefore, the proposed amendment would have no impacts related to utilities and service systems.	No impact.
Public Services	Dewatering activities would not require the construction of new public service facilities (e.g., fire protection, police protection, school, parks), and would not affect existing public service facilities. Therefore, the proposed amendment would have no impacts related to public services.	No impact.
Biological Resources	Biological resources could be affected if dewatering were to adversely impact water resources (e.g., creeks and wetlands) in the areas surrounding the wet pit(s) from which dewatering is occurring. This in turn could have an adverse effect on surrounding habitats and the species that rely on them. However, as discussed under the Hydrology analysis below, the proposed amendment only allows dewatering in cases where it is demonstrated that no hydrogeological impacts would occur to water resources. Furthermore, dewatering would take place concurrently with active surface mining operations, and all mining operations, including dewatering activities, would continue to be subject to biological resources protection measures in the Channel Surface Mining Ordinance, OCMP, OCMP EIR, and project-level EIRs. The protection measures require surface mining operations to support the preservation and enhancement measures in the Yolo County Habitat Conservation Plan; maintain a minimum setback of 25 feet from riparian vegetation; protect of existing vegetation, habitat, and wetlands, by providing buffers and/or enclosing tin temporary fencing; replace habitat, plants, and wetlands where complete avoidance is not possible; and avoid disturbance of sensitive wildlife habitat features such as nesting trees. For these reasons, the proposed amendment would have no impacts related to biological resources beyond those evaluated in the OCMP EIR.	Less than significant.
Geology and Soils	Subsidence of soils could occur if dewatering activities draw down groundwater levels in the areas surrounding the wet pit(s) from which dewatering is occurring. However, as discussed under the Hydrology analysis below, the proposed amendment only allows dewatering in cases where it is demonstrated that no hydrogeological impacts would occur to water resources. Therefore, the proposed amendment would have no impacts related to geology and soils.	No impact.

Environmental Factor	Discussion	Level of Impact
Hydrology and Water Quality	<p>The proposed OCSMO amendment would allow for surface mining operations to use dewatering if site-specific analysis prepared by a qualified Professional Engineer or Professional Geologist demonstrates that such dewatering would not result in off-site impacts to groundwater or other water resources (e.g., creeks and wetlands). Also, the water from dewatering must be put to a beneficial use and cannot be discharged off-site. The volumes of groundwater pumped from wet pits must be recorded and reported to the County.</p> <p>Under the proposed OCSMO amendment, monitoring of groundwater levels would be required prior to and for the duration of dewatering activities, to ensure that dewatering activities do not result in adverse effects to groundwater or other water resources (e.g., creeks and wetlands). If monitoring reveals adverse effects on neighboring wells within 1,000 feet or on other water resources (e.g., creeks and wetlands), dewatering activities must cease or measures must be implemented to ensure that impacts on affected wells are mitigated. Such mitigation may include well modification, well relocation, or compensation for increased pumping costs.</p> <p>One particular case was reviewed to determine whether dewatering from wet pits could occur without adverse effects to groundwater levels and/or biological resources. BASELINE reviewed data related to ongoing extraction (i.e., active pumping) of water from the Reiff and Mast wet pits at the Teichert aggregate mining and processing facility in Esparto.¹ The memorandum found that there was adequate information available to allow for the evaluation of potential hydrology, water quality, and water supply consequences related to the pumping of water from on-site wet pits rather than from the on-site supply well, and that there was substantial evidence to support a determination that there was no adverse environmental impacts related to the ongoing extraction of water from the on-site wet pits for use in the aggregate processing plant. In this case, water was being used on-site and did not exceed the amount approved in the project level EIR (consistent with the requirements of the proposed OCSMO amendment).</p> <p>Based on the fact that the proposed OCSMO amendment requires that it must be demonstrated by a Professional Engineer or Professional Geologist that dewatering would not result in adverse hydrogeological impacts, and that a specific case has been reviewed to demonstrate that this type of dewatering can occur without impacts, the proposed amendment would have no new impacts related to hydrology or water quality.</p>	Less than significant.

¹ BASELINE Environmental Consulting, 2016, Memorandum to Jeff Anderson, Yolo County entitled *Comments on Luhdorff and Scalmanini Consulting Engineers (“LSCE”) Letter entitled “Addendum - Recent Mining Activities, Water*

Environmental Factor	Discussion	Level of Impact
Hazards/Hazardous Materials	The proposed amendment would require pump systems used for dewatering to be powered by electricity (i.e., through connection to power lines) or solar power. Therefore, the only hazardous materials use associated with the dewatering activities would be the hazardous materials used in pump maintenance activities, such as lubricants. All mining operations, including dewatering activities, would continue to be subject to the hazards and hazardous materials control measures in the Channel Surface Mining Ordinance, OCMP, OCMP EIR, and project-level EIRs. The measures require spills to be reported and immediately controlled; monitoring programs for wet pits and the surrounding groundwater to be developed and implemented; and maintenance activities to be performed at least 100 feet from open bodies of water. For these reasons, the proposed amendment would have no impacts related to hazards and hazardous materials beyond those evaluated in the OCMP EIR.	Less than significant.
Mineral Resources	The proposed amendment to allow dewatering activities would not change the maximum annual production level for off-channel surface mining of 5.97 million tons sold, nor would it change the production allocations in the use permits issued for individual surface mines. Therefore, the proposed amendment would have no impacts related to mineral resources.	No impact.
Agricultural and Forest Resources	Dewatering would take place only in areas where active surface mining operations have been approved under the Off-Channel Mining Plan (OCMP). Therefore the proposed amendment would have no impacts related to agricultural and forest resources.	No impact.

DETERMINATION

The proposed amendment to Section 10-4.412 of the OCSMO to allow dewatering from pits provided that no hydrogeological impacts occur does not represent a substantive change in the approved Off-Channel Mining Plan for Lower Cache Creek Project as analyzed under the certified EIR.

In order to assess whether additional CEQA review is required for the additional operations, an analysis of the applicability of Section 15162 of the CEQA Guidelines has been prepared. Table 2 on the following pages provides verbatim wording from the Guidelines and a corresponding analysis of the applicability of each section to the proposed new operations.

TABLE 2: Comparison of CEQA Requirements and Request

Use, and Groundwater Conditions at the Teichert Esparto Plant, Yolo County, CA" dated 20 January 2016. January 25.

CEQA Requirement (Section 15162)	Relationship to Proposed Project
<p>(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:</p>	<p>The Yolo County Off-Channel Mining Plan (OCMP) EIR was certified by the Yolo County Board of Supervisors on June 30, 1996. Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan were also adopted at the same time.</p> <p>The information below summarizes the substantial evidence in support of the County's determination that the preparation of a Subsequent EIR is not required.</p>
<p>(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;</p>	<p>There are no changes in the proposed amendment to the Off-Channel Surface Mining Ordinance (OCSMO) that would require major revisions of the OCMP EIR. The amendment would not increase the total wet pit surface area analyzed under the OCMP EIR, and therefore would not increase the loss of water from groundwater aquifer storage due to evaporation. Additionally, the proposed amendment requires the evaluation of potential adverse impacts to off-site wells within 1,000 feet of the dewatering pit. This distance for considering potential adverse impacts to off-site wells that could be impacted by dewatering activities is consistent with the OCMP EIR, which requires off-site excavation that extends below the average high groundwater level to evaluate potential adverse impacts to off-site wells within 1,000 feet of the wet pit. Lastly, new significant environmental effects, or a substantial increase in the severity of previously identified significant effects would only occur if dewatering from wet pits caused hydrogeological impacts, which could lead to impacts to resources dependent on local hydrogeology, such as off-site well users and biological resources. The proposed amendment specifies that dewatering is only allowed if (1) a site-specific analysis prepared by a qualified Professional Engineer or Professional Geologist demonstrates that such dewatering would not result in off-site impacts to groundwater or other water resources (e.g., creeks and wetlands); (2) monitoring of groundwater levels is conducted prior to and for the duration of dewatering activities; (3) the water from dewatering is put to a beneficial use and is not discharged off-site; and (4) groundwater monitoring measurements and the volumes of groundwater pumped from wet pits are recorded and reported to the County annually. Given that dewatering would only be allowed under circumstances where it is continually demonstrated that the dewatering activities do not result in hydrogeological impacts, no new significant environment effects, or substantial increases in the severity of previously identified significant effects, would occur as a result of the proposed amendment. Table 1 presents the impact analysis for each environmental resource topic.</p>

CEQA Requirement (Section 15162)	Relationship to Proposed Project
<p>(2) Substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or</p>	<p>The OCSMO was approved in August 1996. No substantial changes have occurred with respect to the circumstances under which the off-channel surface mining is or will be undertaken that would warrant major revisions to the previous CEQA review. As described above and analyzed in Table 1 above, the proposed amendment would not create new significant environmental effects or increase previously identified effects. Therefore, the County has concluded that the proposed amendment is not a substantial change in circumstances.</p>
<p>(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:</p>	<p>There has been no new information of substantial importance that has become known since the OCSMO was approved in August 1996. The proposed amendment will not cause any new significant effects that were not discussed in the OCMP EIR.</p>
<p>(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;</p>	<p>The proposed amendment will not have any significant impacts that were not discussed in the previous EIR.</p>
<p>(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;</p>	<p>As noted above and analyzed in Table 1 above, the proposed amendment will not contribute to, or substantially increase the severity of, any previously identified significant impacts.</p>
<p>(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or</p>	<p>There are no relevant mitigation measures or alternatives previously found to be infeasible that would in fact be feasible in mitigating significant effects of the proposed amendment. As analyzed in Table 1, the proposed amendment includes conditions and requirements that would ensure that all potential adverse effects to groundwater and biological resources are avoided.</p>
<p>(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.</p>	<p>No mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR are included in the modified ordinance. The proposed amendment contains conditions and requirements that are not included in the OCMP EIR, but any facility operator that elects to dewater wet pits must agree to these conditions and requirements for the dewatering activity to be allowed under the modified ordinance.</p>

CEQA Requirement (Section 15162)	Relationship to Proposed Project
<p>b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.</p>	<p>A negative declaration was not adopted for the OCMP; therefore, this section does not apply.</p>
<p>c) If the project was approved prior to the occurrence of the conditions described in Subsection (a), the subsequent EIR or negative declaration shall be prepared by the public agency which grants the next discretionary approval for the project. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.</p>	<p>A subsequent EIR has been determined not to be required; therefore, this section is not applicable.</p>
<p>d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.</p>	<p>A subsequent EIR has been determined not to be required; therefore, this section is not applicable.</p>

SUMMARY

Based on the analysis provided in Table 1 and Table 2, amending the Off-Channel Surface Mining Ordinance as proposed would not result in new or more severe environmental impacts and no additional CEQA review is required. This addendum shall be attached to the OCMP EIR.