Regular 14.

Planning Commission
Meeting Date: 01/21/2021

Information

SUBJECT

ZF #2018-0078: Teichert Shifler Mining and Reclamation Project Draft Environmental Impact Report (EIR): Public meeting to receive comments on the Teichert Shifler Mining and Reclamation Project Draft Environment Impact Report (EIR) (Staff: E. Sabatini; S. Cormier; H. Tschudin)

SUMMARY

FILE # 2018-0078: Teichert Shifler Mining and Reclamation Project	
APPLICANT: Jason Smith, Teichert Materials	**OWNER:** Leslie Shifler, Shifler Family Trust
LOCATION: No situs address. Generally located to east of CR94B, south of Cache Creek, and north of Monument Hills Cemetery (35036 County Road 22) (APNs: 025-120-032 and -033; 025-430-001, -002, -009, and -011) **GENERAL PLAN:** AG (Agriculture) **ZONING:** A-N (Agricultural Intensive) **SUPERVISORIAL DISTRICT:** Dist. 5 (Barajas)	**SOILS:** Lm, SmD, SmF2, Ya **FLOOD ZONE:** X, portions of parcel 025-430-002 located within FEMA Flood Zone AE **FIRE SEVERITY ZONE:** Moderate, Non-Wildland/Non-Urban
ENVIRONMENTAL DETERMINATION: Environmental Impact Report (EIR)	

RECOMMENDED ACTION

That the Planning Commission take the following actions:

1. Receive a staff report regarding the proposed Teichert Shifler Mining and Reclamation Project and Draft Environmental Impact Report (EIR);
2. Accept public comments on the Draft EIR (distributed to the Commission and public on December 18, 2020); and
3. Provide comments on the Draft EIR

Note: there will be no transcription of oral comments at this meeting. Comments received will be summarized by staff for inclusion in the record and Final EIR. Those who wish to have their oral comments incorporated verbatim into the record and Final EIR must submit their comments in writing by the deadlines described below.

The Draft EIR is available online at the following website: Click here.

The Draft EIR is also available as follows:

- Woodland Public Library (250 First Street, Woodland, CA 95695) – Please note access may be restricted due to COVID-19 orders.
- Esparto Regional Library (17065 Yolo Avenue, Esparto, CA 95627) – Please note access may be restricted due to COVID-19 orders.

- Yolo County Department of Community Services, Planning Division (292 West Beamer Street, Woodland, CA 95695 – Please note that County offices may have limited or modified hours due to COVID-19 orders. It is recommended to verify hours by visiting our website.

This meeting is primarily an opportunity to provide comments on the Draft EIR. Staff will respond to questions if possible, but it is likely that immediate and/or direct answers on questions regarding the Draft EIR will not be provided. This information will be provided later in writing as part of the forthcoming Final EIR (Response to Comments) document.

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The purpose of the meeting is to receive comments from interested parties regarding the adequacy of the Draft EIR as an informational tool for making decisions regarding the proposed project. Although a public meeting to receive oral comments on Draft EIRs is not a procedural requirement, it is the County's practice to conduct such a meeting for certain projects.

The state guidelines for determining the adequacy of an EIR indicate the following:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines, Section 15151)

The California Environmental Quality Act (CEQA) Guidelines require that formal written responses be prepared and made available for relevant comments received on the Draft EIR, including oral comments. These responses, plus the Draft EIR, will comprise the Final EIR for the Teichert Shifler project.

PROJECT DESCRIPTION

This Draft EIR evaluates the environmental impacts related to construction and operation of the proposed Teichert Shifler Mining and Reclamation Project. The project site consists of approximately 319.3 acres located three miles west of the City of Woodland in unincorporated Yolo County, California (see Figure 3-2 (Project Area) and Figure 3-3 (Project Location Map) of Attachment B). The project site is bounded by Cache Creek to the north, County Road 94B to the west, County Road 22 to the south, and unpaved dirt access roads to the east. The site contains all, or portions of, the following Assessor's Parcel Numbers (APNs): 025-120-032, 025-120-033, 025-430-001, 025-430-002, 025-430-009, and 025-430-011.

Teichert Aggregates has submitted an application to the County to conduct mining and reclamation activities on 277.1 acres and undertake proposed modifications to portions of the Moore and Magnolia Canals. The proposal provides for setbacks, visual screening, noise and safety berms, aggregate conveyors, access roads, and other project-related uses on an additional 42.2 acres. The key proposed elements of this project are as follows:

- Relocation of a segment of Moore Canal to the northerly portion of the site and modification of Magnolia Canal to align with the relocated Moore Canal.
- Transfer of tonnage from the Teichert Esparto and Teichert Schwarzgruber operations to the Teichert Shifler operation.
- Continued operation and expansion of the Teichert Woodland Plant facilities (including new equipment and increased processing capacity).
- Excavation at the Shifler site.

- Reclamation of the Shifler site.
- Excavation at the Shifler site.
- Dedication of various reclaimed properties to the County.
- Completion of an in-channel gravel bar removal project.

The applicant proposes mining of 41.6 million tons (35.25 million tons sold) of aggregate resources (sand and gravel) over a requested 30-year period at an annual rate not to exceed 2.6 million tons mined per year (2.2 million tons sold) (see Figure 3-6 (Mining Plan) of Attachment B). Mining is proposed in two phases moving from north to south, commencing with Phase A on the north. Reclamation is proposed in three phases, ultimately resulting in approximately 85.8 acres of agricultural land on the west, approximately 30.9 acres of agricultural land on the east, a 112.9-acre open water lake in the central portion of the proposed mining area, 23.9 acres of riparian habitat along the lake frontage, and 23.6 acres in grassy slopes and access roads (see Figure 3-15 (Reclamation Plan) of Attachment B).

The aggregate excavated from the subject site would be processed at the adjoining Teichert Woodland Plant, which has been operating since the 1950s. The processing plant and associated processing facilities are located on 132.2 acres comprised of three parcels (APNs 025-350-018, 025-350-037, and 025-120-039). Teichert also has a long-term lease agreement with the County for the use of a fourth parcel as a part of their plant operations. This parcel, totaling 6.65 acres, is known as the County Borrow Site (APN 025-120-041). The Woodland Processing Plant, including associated processing facilities, is considered part of the proposed project; however, no new areas of disturbance at the Woodland Plant site are proposed.

CEQA ALTERNATIVES

The Draft EIR evaluates the following alternatives:

No Project Alternative: This alternative assumes that the applicant will finish mining out their operations at the Esparto and Schwarzgruber sites, followed by closure and reclamation of the two plant sites. The proposed excavation on the Shifler site would not occur at this time, and the site would remain in its current condition.

Off-Site Alternative: Under this Alternative, mining and reclamation activities that are currently proposed for the project site would instead occur on other off-site lands within the Cache Creek Area Plan area that are currently zoned SGRO. Mined aggregate would be hauled to the Woodland Plant for processing.

Reduced Tonnage Alternative: This alternative assumes the existing annual permitted tonnage allocation associated with the Teichert Esparto operation would not be transferred to the Teichert Shifler operation. Thus, the Alternative would be limited to a maximum of total of 1.4 million tons mined (1.2 million tons sold) in any given year.

Moore Canal Avoidance Alternative: This alternative assumes that mining and reclamation would commence as proposed except that the relocation of Moore Canal would not occur.

Moore Canal Southern Alignment Alternative: This alternative assumes that mining and reclamation would commence as proposed, except that Moore Canal would be relocated to the southern border of the project site rather than the northern border.

The Mining Setback 700-Feet from Creek Alternative was considered, but dismissed from analysis in the Draft EIR. The reason for dismissal included that this alternative would not result in a significant reduction of environmental impact overall, would not meet the objectives of the project, and would significantly reduce mined tonnage while still resulting in significant and unavoidable impacts similar to those identified for the project.

As required by CEQA, the Moore Canal Southern Alignment Alternative is identified in in Chapter 6 of the Draft EIR as the Environmentally Superior Alternative, because it would result in somewhat reduced impacts compared to the proposed project and generally meet the project objectives.

A comparison of environmental impacts for the project alternatives is provided in Table 6-1 on page 6-33 of the Draft EIR.

REQUIRED COUNTY ACTIONS

The project requires the following County approvals:

- General Plan Amendment (GPA) to extend the Mineral Resources Overlay (MRO) land use designation over approximately 212 acres of the 319-acre project site.
- Rezoning to add a Sand and Gravel Overlay (SG-O) over the entire project site.
- Approval of the proposed 30-year Off-Channel Surface Mining Permit for excavation on the Shifler site and to allow continued operation at the Woodland Plant site.
- Approval to transfer permitted tonnage allocation from the Teichert Esparto and Teichert Schwarzgruber operations to the Teichert Shifler operation.
- Approval of the proposed Reclamation Plan; authorization to exceed the maximum annual "base" permitted tonnage by up to 20 percent as provided in Section 10.4-405 of the Yolo County Off-Channel Surface Mining Ordinance (OCSMO).
- Approval to mine closer than 700 feet from the channel bank pursuant to Section 10-4.429(d) of the OCSMO.
- Approval of a new Development Agreement between Yolo County and Teichert Aggregates.

SUMMARY OF DRAFT EIR

Overview

An EIR is an informational document that examines and discloses the potential for adverse environmental impacts to result from approval and implementation of the proposed project. The DEIR provides an analysis of the potential for impacts in 12 topical areas, plus an evaluation of cumulative effects, and other required matters.

CEQA Basics

The California Environmental Quality Act (CEQA) regulates the EIR process. Pursuant to State law EIRs focus only on significant adverse physical impacts. However, there are other important considerations the Planning Commission and Board of Supervisors will ultimately consider such as beneficial, economic, and social factors. CEQA requires "reasonable" analysis – not perfect, speculative, or exhaustive analysis. EIR conclusions do not dictate Commission or Board action, they are meant to inform decision-making bodies.

Impact Analysis

For each environmental topic, the DEIR identifies the baseline (existing) condition, the significance threshold (the point at which the impact moves from acceptable to unacceptable), mitigation that would reduce or eliminate the impact, and whether the remaining effect (after mitigation) is acceptable or unacceptable. Here is a summary of some common CEQA terminology:

- Existing condition = setting = baseline for impact analysis
- No impact = no change in outcome from exiting conditions
- Less Than Significant impact = an acceptable outcome
- Significant Impact = an unacceptable outcome = impact that exceeds the significance threshold = adverse
- Mitigatable = a significant impact that will be reduced to less than significant levels by the mitigation

- Unavoidable = a significant impact that will not be reduced to less than significant levels by the mitigation

Mitigation Measures
The Draft EIR identifies mitigation measures in the following areas:

- Agricultural Resources (4.2-1)
- Greenhouse Gas Emissions and Energy (4.3-7 and 4.3-8)
- Biological Resources (4.4-1(a-o), 4.4-3 (a-b)
- Cultural and Tribal Cultural Resources (4.5-1, 4.5-3 (a-b), and 4.5-4)
- Paleontological Resources (4.6-5)
- Hazards and Hazardous Materials (4.7-2 (a-c))
- Hydrology and Water Quality (4.8-4(a-c))
- Noise (4.10-1(a-b))
- Transportation (4.12-2)

"Unavoidable" Impacts
The Draft EIR concludes that all impacts can be fully mitigated except for the following:

4.2-1 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.

4.5-1 Cause a substantial adverse change in the significance of a historical resources as defined in Section 15064.5.

4.5-4 The project has the potential to eliminate important examples of the major periods of California history or prehistory.

4.12-2 Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) related to Transportation Impacts.

5-2 Cumulative impacts to farmland.

5-14 Cumulative impacts to transportation and circulation.

Deadline for Comments
The DEIR was released on December 18, 2020, for review and comment. Comments will be accepted for a 46-day period that ends February 2, 2021, at 4:00pm. Pursuant to Section 15088(a) of the CEQA Guidelines, late comments will be considered only at the County's discretion.

Please direct all comments to:

Stephanie Cormier, Principal Planner
Yolo County Department of Community Services, Planning Division
292 West Beamer Street
Woodland, CA 95695
(530) 666-8041
Stephanie.Cormier@yolocounty.org

Response to Comments
A Final EIR (Response to Comments) document will be prepared following public review and comment. This subsequent volume will include responses to comments received on the Draft EIR, errata and/or other changes, modifications, or clarifications of the Draft EIR, identification of any other

pertinent data or information, and a mitigation monitoring and reporting plan (MMRP). The County will consider this information when deliberating the project.

Next Steps

As noted above, the comment period for the Draft EIR will end February 2, 2021, at 4:00pm. Staff expects to return to the Planning Commission on April 8, 2021, for a recommendation on the proposed Teichert Shifler project, including certification of the Final EIR. Final action from the Board of Supervisors is expected in May of 2021.

APPEALS

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

Attachments

Att. A. Draft EIR

Att. B. Project Exhibits

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	01/13/2021 02:31 PM
Leslie Lindbo	Leslie Lindbo	01/14/2021 09:52 AM
Taro Echiburu	Taro Echiburu	01/14/2021 10:59 AM

Form Started By: Stephanie Cormier **Started On:** 01/12/2021 12:46 PM

Final Approval Date: 01/14/2021