



*Patrick S. Blacklock*  
County Administrator

Office of the County Administrator  
**COUNTY OF YOLO**

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**NATURAL RESOURCES DIVISION**  
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February 18, 2021

Mr. Jason Smith  
Teichert Aggregates  
3500 American River Drive  
Sacramento, CA 95864  
[J.Smith@teichert.com](mailto:J.Smith@teichert.com)

**SUBJECT: Approval of Minor Modification (ZF #2021-0003); Teichert Schwarzgruber Reclamation Plan (ZF #2011-0035); APN: 025-350-038; 16550 County Road 96, Woodland CA 95695**

Dear Mr. Smith,

On January 19, 2021, Teichert Aggregates submitted an application for a minor modification to the approved reclamation plan (ZF #2011-0035) for the Teichert Schwarzgruber operation. This site was approved for aggregate mining to within 50 feet of the creek bank from 1938 until approximately 2012, when it was purchased and re-permitted by Teichert Aggregates. The prior vested mining rights were relinquished and new conditional mining and reclamation permits were approved by Yolo County. The prior operation preceded modern requirements to stockpile top soils for reclamation purposes, and the lack of topsoil to support a vigorous reclamation of the site was a recognized existing condition at the time of the Schwarzgruber 2012 permit approval. The prior operation also involved ongoing soil disturbance to within 50 feet of the top of bank. The County's current regulations establish a 700-foot setback from the creek which may be reduced under limited circumstance to no closer than 200-feet to the bank.

As part of the 2012 Teichert Schwarzgruber approval, the operator was precluded from mining any closer than 700 feet, and agreed to reclaim the area within the 700-foot setback to modern revegetation standards at the conclusion of mining (see Paragraph 2.2.8(ii) of Development Agreement 12-152). To this end, conditions #24 and #53 of the 2012 approval required the following:

24. The applicant shall place a minimum of one-foot of soil on all reclaimed slopes and land surfaces consistent with the reclamation plan. If a topsoil shortage occurs, importation

will be as necessary to meet the reclamation standard. This may require additional approvals which will be the responsibility and expense of the applicant.

53. Mitigation Measure 4.2-2b (Reclamation Plan Enhancement). The Reclamation Plan shall be revised to provide for additional wetland and riparian enhancement around the shoreline of the reclaimed pond and existing ponds, consistent with the intent of Action 6.4-2 of the OCMP. Specifically:

- Additional wetland and riparian habitat shall be created by installing terraces at appropriate elevations along the western and northern edge of the seasonal pond, modifying the locations and configurations of the proposed riparian wetland nodes, and installing terraces at appropriate elevations along portions of the edge of the existing ponds, as illustrated in Figures 4.2-2 and 4.2-3. The terraces (labeled “Riparian Enhancement” on Figure 4.2-2) and revised riparian wetland nodes shall be similar in elevation and function under similar conditions as the three “Riparian Wetland” nodes depicted in Figure 4 of the Proposed Reclamation Plan.

In addition to the enhancements shown on Figures 4.2-2 and 4.2-3, Teichert shall ensure that the southwest and southeast corners of the mining pit are reclaimed with more fanning, scalloping, and more gradual slopes than depicted. Implementation of the mining plan variation shown in the inset of Figure 4.2-2 would accomplish this in the southeast corner. Planting plans, success criteria and monitoring provisions for these areas shall be revised from “Grassland” to “Riparian Wetland.” Target acreages for created “Grassland” and “Riparian Wetland” habitat shall be adjusted accordingly in Table 1 in Section 4.0 of the Reclamation Plan. Slopes in one or two locations along the expanded terraces around the reclaimed pond shall be gentle enough to allow for future pedestrian access to the shoreline of the reclaimed pond. The additional wetland and riparian habitat areas shall be engineered so that they do not increase the potential for pit-capture during major flood events, given their location within the 700-foot setback area called for in the OCSMO.

- An oak woodland landscaped buffer shall be created within the upland area along the eastern shore as shown on Figure 4.2-2 and 4.4-7. This oak woodland landscaped buffer, which shall be more densely planted than typical oak woodland elsewhere at the Project Site, shall be installed and maintained consistent with the objectives of creating a visual screen and managed according to the Vegetation and Maintenance Plan described in Mitigation Measure 4.4-1.

The approved Reclamation Plan reflects implementation of these conditions. Recently, in the process of concluding mining at the site and preparing to undertake reclamation pursuant to the 2012 approval, the operator determined more processing fines were available from the Woodland processing facility than originally anticipated. The operator is proposing to expand

the area of enhanced riparian reclamation in the 700-foot setback area by an additional 7.5 acres, and to deepen the vertical extent of reclaimed soil in those areas to between 10 and 20 feet, in order to improve the success rate and longevity of revegetation. Minor modification of the approved Schwarzgruber reclamation plan and narrative to reduce grassland habitat by 7.5 acres, is required to allow for this change.

Yolo County Code Sections 10-5.210 and 10-5.804 provide that the County Administrator or his/her designee may approve minor modifications of reclamation plans if “it is found that such changes would be consistent with the conclusions of the EIR ..., and that such changes will not have a significantly adverse effect on the successful achievement of the approved reclamation plan.” On behalf of the County Administrator, and in accordance with these requirements, I have reviewed and deliberated the proposed request and hereby make the following findings:

- a) The proposed change in the approved reclamation plan does not substantially alter the intent or the conditions of the reclamation plan (Section 10-5.218).
- b) The proposed request requires no exceptions to the County reclamation standards (Section 10-5.803).
- c) The proposed request is consistent with the prior approval, and fully covered under the Teichert Aggregates Schwarzgruber Mining and Reclamation Environmental Impact Report (SCH# 2011122025) certified November 13, 2012 (Section 10-5.804). No changes to the EIR are required as supported by the conclusions reached in a CEQA Initial Study completed by staff.
- d) The proposed request will not have a significantly adverse effect on the successful achievement of the approved reclamation plan (Section 10-5.804). Rather it will have a beneficial outcome.
- e) The proposed request is consistent with the Yolo County General Plan.
- f) The proposed request is in compliance with the Teichert Schwarzgruber Mining and Reclamation Permit (ZF #2011-0035) and Development Agreement #12-152.
- g) Accordingly, the proposed request is considered a minor modification consistent with the requirements of Sections 10-5.218 (Minor Modification), 10-5.803 (Amendments: Exceptions and Changes), and 10-5.804 (Minor Modifications) of the County Reclamation Ordinance (Yolo County Code Title 10, Chapter 5).
- h) Pursuant to Section 2772.1(a)(1) of the California Public Resources Code and Section 3502(d) of the California Code of Regulations, the proposed changes do not constitute a “substantial deviation” from the approved Reclamation Plan.

These findings are based on the following facts:

- The proposed request will not result in a substantial increase in the disturbance of a surface area or in the maximum depth of mining, because the proposed enhanced riparian reclamation occurs in the 700-foot setback area and will have no effect on the surface area or depth of approved mining. The operator is not requesting any changes to the mining approvals, including maximum annual or maximum total tonnage.
- The proposed request will not require a substantial extension of the termination date of the mining operation as set out in the approved reclamation plan. The operator is not requesting any modification of the termination date (January 1, 2028) of the approved permit.
- The proposed request will not result in changes that would substantially affect the approved end use of the site as established in the reclamation plan. The proposed changes merely increase the amount of desirable riparian reclamation that will be completed following mining. Pursuant to the reclamation plan adopted by the Board of Supervisors on November 13, 2012, the end uses for the entire property including both the mining area and 700-foot setback area will be: 36.3 acres of open water lake and ponds, 44.9 acres of habitat, and 15 acres of landscaped buffers and slopes. The proposed minor modification will result in no changes to these end use acreages as demonstrated in the table below.

<b>SCHWARZGRUBER RECLAMATION PLAN MODIFICATION SUMMARY OF HABITAT TYPES</b>		
<b>Habitat Type</b>	<b>Acreage</b>	<b>Change in Acreage</b>
Seasonal Pond (Open Water Lake)	32.4	0
Riparian Wetland	2.5	0
<b>Riparian Enhancement</b>	<b>12</b>	<b>+7.5</b>
Oak Riparian Woodland	1.7	0
Visual Landscape Buffer	1	0
<b>Grasslands</b>	<b>27.7</b>	<b>-7.5</b>
Grassland Slopes	14	0
Existing Pond	3.9	0
Existing Riparian Vegetation	1	0
<b>Total</b>	<b>96.2</b>	<b>0</b>

- The proposed request will be consistent with the previously adopted environmental determination. The County certified the Teichert Aggregates Schwarzgruber Mining and Reclamation Environmental Impact Report (SCH# 2011122025) on November 13, 2012. The proposed changes do not require revision to the EIR.

- The proposed request would require no other substantial deviations from the requirements of the Surface Mining and Reclamation Act. All conditions of approval contained in the approval will remain in place.

I hereby approve these minor modifications as described on Reclamation Plan sheets received February 16, 2021 (seven sheets prepared by Cunningham Engineering) and the Reclamation Plan narrative, dated February 2021 (prepared by Teichert Aggregates) submitted as a part of the applicant's application.

In accordance with Section 10-5.607, I further direct that notification of this decision be:

- mailed to the applicant and all property owners and property occupants located within 300 feet of the exterior boundaries of the Schwarzgruber property and Woodland plant site;
- posted online at [www.yolonaturalresources.org](http://www.yolonaturalresources.org); and
- published in a newspaper notice.

This decision shall become final within 15 days of the date of issuance unless a written appeal is filed with the Clerk of the Planning Commission pursuant to Section 10-5.1101 of the County Reclamation Ordinance.

The approval document and all related project documents are available for public review online at [www.yolonaturalresources.org](http://www.yolonaturalresources.org) or in person at the Yolo County Planning and Public Works Department (292 W. Beamer Street, Woodland, CA 95695) during regular business hours. Questions may be directed to me at [Elisa.Sabatini@yolocounty.org](mailto:Elisa.Sabatini@yolocounty.org) or (530) 406-5773.

Sincerely,



Elisa Sabatini  
Manager of Natural Resources