

1. INTRODUCTION

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains responses to comments received on the Teichert Shifler Mining and Reclamation Project Draft EIR. This document has been prepared by Yolo County, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15132. In addition, this document integrates a request from the applicant to make CEQA Alternative 4 (Moore Canal Avoidance Alternative) the proposed project.

1.2 ACCEPTANCE OF COMMENTS

The County established a 46-day comment period for the Teichert Shifler Draft EIR extending from December 18, 2020, through, and including, February 2, 2021. On January 21, 2021, at the Planning Commission meeting to receive oral comments on the Draft EIR, staff noted that the County migrated to a new website hosting platform, and as a result, several search links were temporarily disabled. In recognition of this, the County indicated that any comments on the Draft EIR received after the deadline would be accepted through February 5, 2021.

1.3 REDEFINED PROJECT

On April 15, 2021, the Yolo County Flood Control and Water Conservation District notified the County and the project applicant, Teichert Aggregates (see Appendix A), of the District Board of Directors' vote on April 6, 2021, to retain the Moore Canal in its existing alignment. This action would preclude the project as described in Chapter 3, Project Description, of the Draft EIR and CEQA Alternative 5, Moore Canal Southern Alignment Alternative. As a result, Teichert Aggregates informed the County on April 27, 2021 of their intent to request approval of the Moore Canal Avoidance Alternative (Alternative 4) rather than the originally proposed project (see Appendix B). On June 21, 2021, the project applicant submitted supplemental information to clarify and provide technical details regarding the Moore Canal Avoidance Alternative (see Appendix C).

The Moore Canal Avoidance Alternative is analyzed in Chapter 6, Alternatives Analysis, of the Draft EIR, on pages 6-20 through 6-26. Appendix N of the Draft EIR included mining and reclamation plans for this alternative. Appendix O of the Draft EIR included a Geotechnical Addendum and Groundwater Memorandum. In addition to this information, the project applicant has supplemented the record with the following (see Appendix C):

- Moore Canal Avoidance Alternative Mining and Reclamation Plan Sheets, Cunningham Engineering, June 2021 (18 sheets): These exhibits update and replace Appendix N of the Draft EIR;
- Moore Canal Avoidance Alternative Reclamation Plan Narrative, Teichert Aggregates, June 2021;
- Moore Canal Avoidance Alternative, Applicant Project Description and Figures, Teichert Aggregates, June 2021; and



- Geotechnical Addendum – Moore Canal Avoidance Alternative, GEOCON, June 16, 2021: This report updates and replaces Appendix O of the Draft EIR.

One of the basic purposes of CEQA is to prevent significant impacts to the environment by requiring changes in projects through the use of alternatives, when the lead agency finds those changes to be feasible (CEQA Guidelines Section 15002[a][3]). In other words, CEQA contemplates choosing an alternative to the project, where feasible, as a way of meeting the same need with less environmental impact (CEQA Guidelines Sections 15002[h][4] and 15021[a][2]). In this case, the project applicant has requested consideration of the Moore Canal Avoidance Alternative, thus demonstrating feasibility, and the alternative is environmentally superior to the proposed project described in Chapter 3, Project Description, of the Draft EIR, as discussed on page 6-31 of the Draft EIR. A lead agency is required to recirculate a Draft EIR if “significant new information” is added after the Draft is EIR is circulated but before certification (CEQA Section 15088.5[a]). A discussion of this obligation is provided in Section 1.4 below. The differences between the project as proposed and the Moore Canal Avoidance Alternative as proposed are as summarized below in Table 1-1. All other features and components of the project are as described in Chapter 3 of the Draft EIR.

Project Feature	Project Description in DEIR	Moore Canal Avoidance Alternative as Proposed	Differences
Mining and reclamation area	277 acres	264 acres	-13 acres
Total proposed tonnage	41.6 mil tons mined 35.25 mil tons sold	35.4 mil tons mined 30.0 mil tons sold	-6.2 mil tons mined -5.25 mil tons sold
Proposed annual tonnage	2,588,237 tons mined 2,000,000 tons sold	2,588,237 tons mined 2,000,000 tons sold	None
Buffer from Cache Creek	200 feet	250 feet	+50 feet
Modification to Moore and Magnolia Canals	Yes. Relocation of Moore Canal to north and modification of Magnolia Canal to align with relocated Moore Canal	No changes to Moore or Magnolia Canals	Canals will not be modified.
Phase A mining	64.7 acres	61.8 acres	-2.9 acres
Phase B mining	212.4 acres	202.3 acres	-13.1 acres
Phase A reclamation	98.1 acres	61.8 acres	-36.3 acres
Phase B reclamation	142.2 acres	100.5 acres	-41.7 acres
Phase C reclamation	36.8 acres	101.8 acres	-65.0 acres
Agricultural reclamation	116.7 acre	113.2 acres	-3.5 acres
Grassland slopes reclamation	21.3 acres	32.8 acres	-4.0 acres
Lake reclamation	112.9 acres	90.9 acres	-22.0 acres
Riparian Woodland/Wetland reclamation	23.9 acres	24.7 acres	+0.8 acres
Access Road reclamation	2.3 acres	2.5	+0.2 acres



1.4 CONTENTS OF THE FINAL EIR

Pursuant to CEQA Guidelines Section 15132, this Final EIR consists of the following:

1. The separately published Draft EIR (three volumes);
2. A list of persons, organizations, and public agencies commenting on the Draft EIR (Chapter 2 of this Final EIR);
3. Comments and recommendations received on the Draft EIR (Chapter 3 of this Final EIR);
4. Revisions to the Draft EIR (Chapter 4 of this Final EIR); and
5. The additional information identified in the Appendices to this Final EIR.

Although CEQA requires responses for “significant environmental issues” only, the County has provided responses to all comments received. This is not intended to expand the County’s legal obligations under CEQA, but rather, the intention is to maximize opportunities for sharing information and increasing public understanding regarding the project and related review process.

1.5 CERTIFICATION OF THE FINAL EIR

State law requires that the County make several types of CEQA “findings” at the time of final action on the project. Findings describe the conclusions reached regarding particular issues, including specific evidence in support of those conclusions. The Final EIR typically provides much of the substantial evidence to support these findings. The required findings for the project are as follows:

- Certification of the Final EIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the Final EIR for decision-making purposes. The Lead Agency must make the following three determinations in certifying a Final EIR:
 1. The Final EIR has been completed in compliance with CEQA.
 2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
 3. The Final EIR reflects the Lead Agency’s independent judgment and analysis.
- Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings explain how the County chose to address each identified significant impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. A discussion of the feasibility of project alternatives is also required by this section (see also CEQA Guidelines Section 15126.6[f]).

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence. The Teichert Shifler Mining and Reclamation Project would result in significant and unavoidable impacts related to agricultural resources, cultural and tribal cultural resources, transportation and circulation, and cumulative impacts; thus, a Statement of Overriding Considerations must be adopted if the project is approved.



1.6 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following four chapters.

1. Introduction

Chapter 1 provides an introduction and overview of the document, describes the purposes of the Final EIR, and describes the organization of the Final EIR. This chapter also summarizes a request made by the project applicant to approve CEQA Alternative 4, Moore Canal Avoidance Alternative, rather than the project as proposed.

2. List of Draft EIR Commenters

Chapter 2 provides a list of all parties that commented on the Draft EIR.

3. Responses to Comments

Chapter 3 presents the comment letters received, and responses to each comment. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

The chapter includes several master responses prepared to comprehensively address multiple comments on similar issues. Where relevant, references to master responses are provided for individual comments.

4. Revisions to the Draft EIR Text

Chapter 4 summarizes changes made to the Draft EIR text including corrections, clarifications, and revisions of the analysis. Changes in the text are indicated by ~~strikeout~~ for deleted text and double underline for added text.

A lead agency is required to recirculate a Draft EIR if “significant new information” is added after the Draft EIR is circulated but before certification (CEQA Guidelines Section 15088.5[a]). Significant new information is defined as information that changes the EIR “...in a way that deprives the public of a meaningful opportunity to comment on...” a significant impact, a feasible way to mitigate an impact, or a feasible way to avoid an impact. The following identifies circumstances that would be considered “significant new information” that would trigger a recirculation:

- Information that shows a new significant impact;
- Information that shows an increase in the severity of an impact (unless mitigation measures are identified to reduce it to acceptable levels);
- Information that identifies a feasible new alternative or mitigation measure considerably different from other analyzed would clearly lessen project impacts and the applicant declines to implement the measure; and/or
- Information that demonstrates that the Draft EIR was fundamentally flawed, basically inadequate, and conclusory in nature, thus, precluding meaningful public review and comment.

Recirculation is not required if the information added to an EIR merely clarifies, amplifies, or makes insignificant modifications (CEQA Guidelines Section 15088.5[b]). As demonstrated in this Final



EIR, the revisions identified in Chapter 4 provide additional details regarding implementation of the Moore Canal Avoidance Alternative, and do not fall into any of the four circumstances identified by CEQA as triggering recirculation. The mining and reclamation plan sheets merely update the prior set provided in Appendix N of the Draft EIR to reflect:

- The prior set of mining plans reflected 3:1 mining slopes above the average low groundwater level in areas adjacent to the existing Moore Canal. The revised mining plans submitted in June 2021 have $\frac{3}{4}$:1 mining slopes consistent with the other mining slopes on the site and as allowed for mining slopes (as opposed to reclaimed slopes) under OCSMO Section 10-4.431;
- The mining setback was increased from 200 feet to 250 feet based on the TAC recommendation; and
- The prior set of reclamation plans inadvertently used different post-mining average high and low groundwater elevations than reflected in the 2016 LSCE groundwater report. This discrepancy has been corrected in the June 2021 submittal, which resulted in minor changes to the acreages of reclamation plan uses.

The Reclamation Plan Narrative submitted by the applicant updates the prior narrative provided in Appendix C of the Draft EIR, to reflect the updated mining and reclamation sheets. The Moore Canal Avoidance Alternative project description submitted by the applicant updates the prior project description, which was received as part of the project application determined to be complete on May 21, 2019 and used to prepare Chapter 3, Project Description, of the Draft EIR. This descriptive information is consistent with the description of the Moore Canal Avoidance Alternative on page 6-20 and 6-21 of the Draft EIR, but provides more details. The Geotechnical Addendum updates the prior geotechnical assessment provided in Appendix O1 of the Draft EIR, to reflect the updated mining and reclamation sheets. In all instances, the additional information clarifies, amplifies, and makes insignificant modifications to the information already provided in and fully analyzed in the Draft EIR.

In addition to the added information described above, this Final EIR includes information in Appendices D through M, and modifications to information in Chapter 3, Project Description, of the Draft EIR, all of which clarifies and amplifies information contained in the Draft EIR, in response to comments received from various parties. The County has determined that the additional information does not meet the thresholds set forth in Section 15088.5 of the CEQA Guidelines, and recirculation of the Draft EIR is not required. A more detailed description and substantiation of this determination will be included in the CEQA Findings of Fact described above.

5. Proposed Project Mitigation Monitoring and Reporting Program

CEQA Guidelines Section 15097 requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the Teichert Shifler Mining and Reclamation Project. Chapter 5 contains an MMRP for the project as originally described in the Draft EIR.



6. Moore Canal Avoidance Alternative Mitigation Monitoring and Reporting Program

CEQA Guidelines Section 15097 requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the Final EIR for the Moore Canal Avoidance Alternative (Alternative 4). Chapter 6 contains an MMRP for the currently proposed project as described in this Final EIR.

