

4. REVISIONS TO THE DRAFT EIR TEXT

4.1 INTRODUCTION

This chapter provides all corrections, additions, and revisions made to the Draft EIR. In addition to the text revisions made in response to comments, as presented in Chapter 3 of this Final EIR, this chapter provides other text revisions and corrections to the Draft EIR initiated by Yolo County based upon further review of the document since publication. The changes correct errors, and/or provide minor clarifications and amplifications of analysis contained in the Draft EIR. The revisions do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR. As discussed in Section 1.4 of Chapter 1 of this Final EIR, the County has determined that the provisions of Section 15088.5 of the CEQA Guidelines are not triggered and recirculation of this EIR is not required. A more detailed description and substantiation of this determination will be included in the CEQA Findings of Fact.

4.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

Page v, Draft EIR Table of Contents (all volumes), Appendix Q is hereby corrected as follows:

Appendix Q Moore Canal Southern Alignment Alternative Tech Memos

- Q1: Moore Canal Avoidance ~~Southern Alignment Alternative~~ Geotechnical Addendum
- Q2: Moore Canal Avoidance ~~Southern Alignment Alternative~~ Groundwater Memo

2 Executive Summary

Please see Appendix M which provides a revised/corrected version of the impact and mitigation summary table, Table 2-1.

3 Project Description

Page 3-1, Draft EIR Chapter 3, Section 3.2, second paragraph, line 6 is hereby corrected as follows:

The proposed project is located within the ~~boundaries~~ boundaries of the Cache Creek Area Plan (CCAP) adopted by the Board of Supervisors in 1996, and most recently updated in 2019.

Page 3-3, Draft EIR Chapter 3, Section 3.2, fourth paragraph is hereby corrected as follows:

In November 2012, the County approved the Teichert Schwarzgruber operation with mining to commence following the completion of mining at the Teichert Woodland sites.



Mining at the 41-acre Schwarzgruber site was approved for a total of 4.65 million tons (4.0 million tons sold) over a maximum 15-year period at an annual rate not to exceed 1,176,471 tons mined (1.0 million tons sold) per year (Zone File 2011-0035). Mining on the Schwarzgruber site commenced in 2017 and ~~is~~ is anticipated to be completed in ~~2020~~ 2021, depending on market demand. Aggregate extracted from the Schwarzgruber site is being processed at the Teichert Woodland Plant. Teichert is seeking approval of mining at the Shifler property to commence following the completion of mining at the Schwarzgruber site. The Schwarzgruber site will be reclaimed to habitat uses, consisting of seasonal pond, grassland, riparian, and riparian wetland habitat. Teichert is requesting to transfer the annual production allotment from the Schwarzgruber operation to the Shifler site.

Page 3-8, Draft EIR Chapter 3, Section 3.3, fourth paragraph is hereby revised as follows:

Existing surface elevations on the project site range from approximately 98 to 112 feet above mean sea level (MSL), with the proposed mining area elevations between approximately 103 and 112 feet above MSL. On-site soils include Brentwood silty clay loam, 0 to 2 percent slopes, Loamy alluvial land, Riverwash, Sehorn-Balcom complex, 2 to 15 percent slopes, Sehorn-Balcom complex, 30 to 50 percent slopes, eroded, and Yolo silt loam, 0 to 2 percent slopes. ~~Approximately~~ Previously, approximately 107 acres of the project site ~~are~~ was located within Mineral Resources Zone (MRZ)-2, which generally includes areas underlain by mineral deposits where geologic data show that significant measured or indicated resources are present. The remainder of the project site ~~is~~ was located within MRZ-3, which indicates that this area includes mineral deposits, the significance of which cannot be evaluated from available data. However, effective May 20, 2021, the State Mining and Geology Board (SMGB) redesignated the entirety of the subject property MRZ-2.

The revisions to Chapter 3, Project Description, do not change the conclusions of the analysis in the Draft EIR.

4.2 Agricultural Resources

Page 4.2-23, Draft EIR Chapter 4.2, Section 4.2.4, the first paragraph under Impact 4.2-1 is hereby revised as follows:

While much of the site is currently used for agriculture, the site falls within the boundaries of the CCAP and within the Planning Area for the OCMP (see Figure 4.2-3). ~~Approximately 107 acres of the site is designated by the California State Mining and Geology Board as MRZ-2. Effective May 20, 2021, the State Mining and Geology Board (SMGB) redesignated the entire project site MRZ-2, reflecting The MRZ-2 designation reflects~~ the existence of known significant mineral deposits or a high likelihood for the presence of mineral deposits. ~~The remaining approximately 212 acres of the project site is designated MRZ-3, indicating an area of known reserves of unknown significance (see Figure 4.2-4). The applicant as submitted an application to the DOC in July 2020 to change the MRZ-3 State designation of the site to MRZ-2 to reflect the existence of known significant aggregate reserves over the entire project site.~~ The property is identified for Future Proposed Mining on Figure 5 of the CCAP. As such, proposed mining at the property is consistent with the CCAP and mining operations are an anticipated use.

The foregoing revisions to Chapter 4.2, Agricultural Resources, do not change the conclusions of the analysis in the Draft EIR.



4.4 Biological Resources

Page 4.4-6, Draft EIR, Chapter 4.4, Section 4.4.2, the third and fourth paragraphs are hereby revised as follows:

A delineation of wetlands and other waters of the U.S. was prepared for the project site by ECORP. The USACE issued a preliminary jurisdictional determination (PJD) in July 2012. Subsequent to the USACE PJD, EcoSynthesis provided a new wetland delineation of the Shifler site using up-to-date methodologies and equipment. EcoSynthesis submitted the findings of the updated wetland delineation to the USACE, which issued a PJD on June 3, 2020 concurring with the findings of EcoSynthesis. Based on the updated delineation efforts prepared for the project, the project site contains a total of 2.205 acres of ~~potentially~~ jurisdictional waters of the U.S. – which would also be considered waters of the State. The ~~potentially~~ jurisdictional waters on-site consist of Moore Canal and Magnolia Canal (see Figure 4.4-1). However, USACE determined that the canals were exempt from permitting requirements of the Clean Water Act (CWA), Section 404.

Previous wetland delineations prepared by ECORP for the project site identified other features on-site that were considered potentially jurisdictional at the time ECORP prepared the site delineation. As further explained in the Aquatic Resources Delineation memorandum prepared by EcoSynthesis on July 5, 2020, all potential aquatic resources within the site other than Moore Canal and Magnolia Canal have been determined not to be aquatic resources. ~~In addition, the USACE confirmed to EcoSynthesis that the on-site irrigation ditches (such as the Moore Canal and Magnolia Canal) are not considered jurisdictional. The USACE’s PJD issued on June 3, 2020 is considered the definitive determination of potentially jurisdictional features on-site. Given the conclusions of the USACE, the project site does not contain any aquatic features that would be considered jurisdictional waters by the USACE.~~

Page 4.4-8, Draft EIR, Chapter 4.4, Section 4.4.2, the third paragraph is hereby corrected as follows:

The USACE confirmed that both Moore Canal and Magnolia Canal meet the CFR’s definition of irrigation ditches. Per the Section 404(f) exemption found in 33 CFR 323.4(a)(3), permits from USACE are not required for construction and maintenance of irrigation ditches ~~as irrigation ditches are not considered waters of the U.S. Nevertheless, the irrigation ditches may be considered to be waters of the State. In addition, per the determination of the RWQCB, realignment of Moore Canal and Magnolia Canal would not require permitting by the RWQCB.~~

Page 4.4-24, Draft EIR, Chapter 4.4, Section 4.4.3, the discussion under the California Fish and Game Code Section 1600 et seq. heading is hereby corrected as follows:

Section 1602 of the Fish and Game Code requires ~~a Streambed Alteration Agreement (SAA) be submitted to notification to CDFW for before beginning~~ “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW ~~must be notified prior to any such activities and will review the proposed action(s). If necessary, the CDFW will propose CDFW determines that the proposed activity will substantially affect fish and wildlife resources, it will require a Streambed Alteration Agreement (SAA), which will contain~~ measures to protect affected fish and wildlife resources. The SAA is comprised of the final mitigation measure(s) and condition(s) mutually agreed-upon by the CDFW and the Applicant.



Often, projects that require a SAA also require a permit from the USACE under Section 404 of the CWA. In such instances, the conditions of the Section 404 permit and the SAA may overlap.

Page 4.4.-25, Draft EIR, Chapter 4.4, Section 4.4.3, the third paragraph under the Porter-Cologne Water Quality Act heading is hereby corrected as follows:

Under the Porter-Cologne Water Quality Control Act (Cal. Water Code Section 13000-14920), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the State's waters. In response to the narrowing of federal jurisdiction over certain aquatic features by various legal decisions, most notably Solid Waste Agency of Northern Cook County (SWANCC) v. USACE, the RWQCB adopted its own program to regulate the discharge of waste to waters of the State. This program – known as the State Wetland Definition and Procedures for Discharges of Dredged and Fill Material (State Wetland Procedures) – was adopted by the SWRCB in April of 2019. Therefore, even if a project does not require a federal permit (i.e., a Nationwide Permit from the USACE), the project may still require review and approval by the RWQCB, pursuant to the State Wetland Procedures. in light of the approval of new NWP's on March 9, 2000 and the Supreme Court's decision in the case of the Solid Waste Agency of Northern Cook County (SWANCC) vs. USACE. The RWQCB in response to the above case, issued guidance for regulation of discharges to "isolated" water on June 25, 2004. The guidance states:

~~Discharges subject to Clean Water Act section 404 receive a level of regulatory review and protection by the USACE and are also subject to streambed alteration agreements issued by the CDFW; whereas discharges to waters of the State subject to SWANCC receive no federal oversight and usually fall out of CDFW jurisdiction. Absent of RWQCB attention, such discharges will generally go entirely unregulated. Therefore, to the extent that staffing constraints require the RWQCB to regulate some dredge and fill discharges of similar extent, severity, and permanence to federally protected waters of similar value. Dredging, filling, or excavation of "isolated" waters constitutes a discharge of waste to waters of the State, and prospective dischargers are required to submit a report of waste discharge to the RWQCB and comply with other requirements of Porter-Cologne.~~

Page 4.4-47, Draft EIR, Chapter 4.4, Section 4.4.4, the first paragraph under Impact 4.4-3 is hereby corrected as follows:

~~On June 3, 2020, the USACE provided confirmation that the project site does not contain jurisdictional features, and that permitting from the USACE would not be required. However, USACE determined that the canals were exempt from permitting requirements of the Clean Water Act (CWA), Section 404. Additionally, per the determination of the RWQCB, realignment of Moore Canal and Magnolia Canal, which are also considered waters of the State, would not require permitting by the RWQCB.~~ Accordingly, the following discussion focuses on the potential for the project to result in impacts to waters of the State or wetland features that are otherwise protected (for instance by the CDFW or RWQCB) that would necessitate notification of CDFW.

Page 4.4-48, Draft EIR, Chapter 4.4, Section 4.4.4, the second paragraph under Impact 4.4-3 is hereby corrected as follows:



A total of 2.205 acres of waters of the State have been delineated within the project site (see Figure 4.4-1 above). All such features would be affected by the proposed project. Specifically, the segment of the Moore Canal within the project site, as well as a section of the Magnolia Canal, would be relocated to follow the western and northern boundary of the site. In addition, Section 1602 of the Fish and Game Code requires ~~an SSA to be submitted to~~ notification to CDFW for before beginning “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake”, which ~~would~~ may include the proposed relocation of the Moore and Magnolia canals. If CDFW determines that the proposed relocation of the canals is within its jurisdiction, and that the activity will substantially affect fish and wildlife resources, it may require a SAA, which will contain measures to protect such affected fish and wildlife resources. The project would have the potential to involve the disturbance, removal, fill or hydrologic interruption of 2.205 acres of ~~waters of the State regulated by the RWQCB and/or the~~ aquatic resources potentially within the jurisdiction of CDFW. Given the nature of the proposed project, neither Moore Canal nor Magnolia Canal can be avoided. No wetlands or other special aquatic habitats (marsh, vernal pool, etc.) were identified on the site.

Page 4.4-48, Draft EIR, Chapter 4.4, Section 4.4.4, the third paragraph is hereby corrected as follows:

After mining has ceased on the project site, approximately 117 acres of the mining area would be reclaimed to agricultural use, 113 acres would be reclaimed to a lake, and 23.9 acres would be reclaimed to riparian woodland habitats. Thus, the proposed project would result in a net increase in on-site ~~wetlands and waters of the State~~ aquatic resources once reclamation is complete. ~~The net increase in on-site wetlands following project implementation is important because the CDFW and RWQCB pursue a “no-net-loss” approach to wetland conservation.~~ Typically, project applicants are required, either by the foregoing state agencies or the USACE, to purchase credits at mitigation banks to off-set the on-site loss of ~~wetlands~~ aquatic resources. In the case of the proposed project, the on-site aquatic features, which are related to existing irrigation ditches, would be retained through construction of relocated and modified irrigation ditch channels. The proposed alignment of Moore Canal would allow for the removal of approximately 1,200 feet of the existing alignment of Magnolia Canal. The removal of 1,200 feet of Magnolia Canal and loss of on-site irrigation ditch aquatic resource area would be substantially, if not completely, off-set through the increased length of Moore Canal, which would take a longer and more circuitous route following the northern and western boundary of the site. In addition to the increased length of Moore Canal serving to off-set most if not all of the removed area of Magnolia Canal, following reclamation of the project site, ~~the small amount of aquatic features lost during mining activities would be replaced with~~ reclamation of the site will also result in the creation of a permanent lake that would greatly expand the aquatic resources and wetland habitat available on-site. Consequently, the project would result in a net increase in aquatic resources and comply with the “no-net-loss” approach to wetland conservation.

Page 4.4-48, Draft EIR, Chapter 4.4, Section 4.4.4 the fourth paragraph is hereby corrected as follows:

The Yolo HCP/NCCP requires payment of fees to offset loss of wetlands. In ~~addition~~ addition, the Yolo HCP/NCCP contains two AMMs addressing impacts to wetlands and other waters: AMM 9 and AMM 10. AMM 9 requires the establishment of buffers around certain wetlands that will be avoided by a project. Because there are no wetlands on the project site, AMM 9 is not applicable. AMM 10 provides that project proponents must



comply with any requirements imposed by applicable National Pollutant Discharge Elimination System (NPDES) permits, as well as complying with applicable requirements of other agencies with jurisdiction of over the impacted features. ~~Because the waters on the project site cannot be avoided, AMM 9 is not applicable to the proposed project.~~

Page 4.4-49, Draft EIR, Chapter 4.4, Section 4.4.4, Mitigation Measure 4.4-3(b) is hereby revised as follows:

4.4-3(b) *Prior to disturbance associated with relocation of the Moore and/or Magnolia Canal, the applicant shall ~~secure a~~ notify CDFW pursuant to Section 1602 of the Fish and Game Code to determine whether a Lake or Streambed Alteration Agreement from CDFW, is required for the relocation of the Moore/Magnolia Canal and any other activities affecting the bed, bank, or associated riparian vegetation of the canals. The information provided in the application(s) shall include a description of all of the activities associated with the ~~proposed project,~~ and shall not be limited to those associated solely with the drainages and/or riparian vegetation relocation of the canals and any other activities affecting the bed, bank or any associated riparian vegetation of those features. Impacts to the canals and any associated riparian vegetation shall be outlined in the application and shall be substantially consistent with the impacts to biological resources outlined in this EIR. If this is not the case, the County shall be immediately notified to determine an appropriate response pursuant to CEQA. Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts, including compliance with the Yolo HCP/NCCP as applicable, shall be outlined per activity and as temporary or permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided as well as a description of storm water treatment methods. Mitigation may include restoration or enhancement of resources on- or off-site, purchase habitat credits from an agency-approved mitigation/conservation bank, off-site, working with a local land trust to preserve land, or any other method acceptable to CDFW. Written verification of the applicant's compliance with Section 1600 Lake or Streambed Alteration Agreement 1602 of the Fish and Game Code shall be submitted to the County.*

The foregoing revisions to Chapter 4.4, Biological Resources, do not change the conclusions of the analysis in the Draft EIR. The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

4.5 Cultural and Tribal Cultural Resources

Page 4.5-1, Draft EIR Chapter 4.5, Section 4.5.1, the first paragraph is hereby revised as follows:



[...] The information presented in this chapter is sourced primarily from the Cultural Resource Assessment prepared for the proposed project by Peak & Associates, Inc. (see Appendix G),¹ the Yolo County General Plan² and associated EIR,³ ~~and the Cache Creek Area Plan (CCAP) update EIR.⁴, and the tribal consultation record for this project.~~

Page 4.5-1, Draft EIR Chapter 4.5, Section 4.5.1, first bullet point following the second paragraph is hereby revised as follows:

- Potential impacts to Tribal Cultural Resources (Northwest Information Center and Native American Heritage Commission);

Page 4.5-2, Draft EIR Chapter 4.5, Section 4.5.1, is hereby revised to include the following paragraph at the end of the section:

“Tribal Cultural Resource,” as defined in Section 20174 of the PRC, is a resource of any form or function that is identified by culturally-affiliated California Native American tribes as being important. Information about Tribal Cultural Resources is obtained through a legally prescribed consultation process between the County and tribes, as described further below.

Page 4.5-6, Draft EIR Chapter 4.5, Description of Local Environment is hereby clarified as follows:

The northeastern portion of the site previously contained a ranch headquarters (Stevens Ranch); however, the structures that comprised the headquarters were burned down as part of a fire department training exercise in the late 1970s or early 1980s and the remains of the ranch headquarters were bulldozed, such that no integrity remains. Currently, structures do not exist at the location and the area is currently overgrown by low-lying brush. The northern portion of the site consists of scattered oak trees and ruderal grassland vegetation.

Page 4.5-7, Draft EIR Chapter 4.5, Section 4.5.2, is hereby revised as follows:

On-Site Cultural Resources

~~A records search of Records searches with the California Historical Resources Information System (CHRIS)² confirmed the project site has not been subject to past cultural resource surveys.⁵ Nor have any prehistoric period cultural resources been recorded within the project site. Near the northeast portion of Parcel 2 is the location of a former ranch headquarters (Stevens Ranch); however, structures do not exist at the location and the area is currently overgrown by low-lying brush. All that remains of the former structures is a building pad, a partially buried steel pipe of unknown use, and various refuse piles. and a cultural resources inventory by Peak & Associates have identified cultural resources within the project area. A summary of known historic-era cultural resources is provided below. Prehistoric resources were not identified within the project area.~~

¹ Peak & Associates, Inc. *Cultural Resource Assessment for the Shifler Mining and Reclamation Project, Yolo County, California*. January 2015.
² Yolo County. *2030 Countywide General Plan*. November 10, 2009.
³ Yolo County. *Yolo County 2030 Countywide General Plan Environmental Impact Report*. SCH# 2008102034. April 2009.
⁴ Yolo County. *Cache Creek Area Plan Update Project, Final Environmental Impact Report*. SCH# 2017052069. December 2019.



~~Three historic period resources have been recorded within the project vicinity: an oak grove, Monument Hill Memorial Park cemetery, and the Moore Canal. In addition, the project site contains a section of the Magnolia Canal which, as noted above, is a remnant part of the Moore Canal.~~

⁵ Northwest Information Center. County File Number ZF2018-0078 / Portions of APNs 025-120-032, 025-120-033, 025-430-001, and 025-430-002 / Teichert Shifler Mining and Reclamation. September 5, 2019.

Page 4.5-8, Draft EIR Chapter 4.5, Section 4.5.2, first heading and first paragraph are hereby revised as follows:

Stevens Ranch Headquarters

Near the northeast portion of Parcel 2 is the location of a former ranch headquarters (Stevens Ranch). Although this was visible on aerial photographs as early as 1937, structures do not exist at the location. The site was bulldozed after it was burned down by the fire department, and the area is currently overgrown by low-lying brush. All that remains of the former structures is a building pad, a partially buried steel pipe of unknown use, and various refuse piles. As such, there is no potential to yield subsurface archaeological data at the site.

Page 4.5-8, Draft EIR Chapter 4.5, Section 4.5.2, final heading and final paragraph are hereby revised as follows:

Tribal Cultural Resources

Based on a search of the Native American Heritage Commission (NAHC) Sacred Lands File, as described in further detail in the Method of Analysis section below, no Native American sacred sites or traditional cultural properties have been previously recorded within the project site. Per the NAHC's suggestion, Peak & Associates, Inc. contacted each of the Native American tribes or individuals indicated by the NAHC to potentially have knowledge of cultural resources in the project area. In addition ~~to the above,~~ the County conducted Assembly Bill (AB) 52 and Senate Bill (SB) 18 tribal consultation for the project, and implemented an archaeological trenching program (with negative results) in coordination with the Yocha Dehe Wintun Nation in 2021, as described in the Method of Analysis section below. ~~Additional tribal cultural resources were not identified for the project site.~~

Page 4.5-10, Draft EIR Chapter 4.5, Section 4.5.3, second paragraph is hereby revised as follows:

State historic preservation regulations affecting this project include the statutes and guidelines contained in CEQA (PRC Sections 21083.2 and 21084.1 and Sections 15064.5 and 15126.4 (b) of the CEQA Guidelines). CEQA requires lead agencies to consider the potential effects of a project on historical resources and unique archaeological resources. A "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (PRC Section 5020.1). Under Section 15064.5 of the CEQA Guidelines, a resource is considered "historically significant" if one or more of the following CRHR criteria have been met:

Page 4.5-11, Draft EIR Chapter 4.5, Section 4.5.3, first paragraph is hereby revised as follows:



Public Resource Code Section 5024.1

~~The State Historic Preservation Officer (SHPO)~~ The California Office of Historic Preservation (OHP) maintains the CRHR. Properties that are listed on the NRHP are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys. Criteria to determine eligibility under the CRHR are listed above.

Page 4.5-17, Draft EIR Chapter 4.5, Section 4.5.4, the final two paragraphs are hereby revised as follows:

Method of Analysis

The analysis of cultural resources presented within this chapter is based primarily on the Cultural Resources Assessment prepared for the proposed project by Peak & Associates, Inc. The analysis of Tribal Cultural Resources in this chapter considers the tribal consultation record under AB 52 and SB 18, including the 2021 trenching program. The methods of these analyses are summarized below.

Peak & Associates, Inc. staff complete a pedestrian survey of the project site on August 30 and September 3, 2012 using 15-meter-wide transects. A second visit was made to the project site on October 3, 2013 to gather additional information related to the on-site ditches. In addition to the field surveys, the Cultural Resources Assessment included a review of site-specific information from the CHRIS database provided by the Central California Information Center on August 20, 2012. Additional research on the history of the development and use of the Moore Canal was conducted at the Yolo County Archives and the California Room of the California State Library, as well as through internet sources including Ancestry.com, the Internet Archive, and the USGS topographic map collection. Sources utilized include maps, published reports, and county histories.

In 2021, the County retained ECORP Consulting, Inc. and the Yocha Dehe Wintun Nation to design and implement a subsurface trenching program in areas determined by the tribe to be sensitive for Tribal Cultural Resources. Because Cache Creek is a perennial water source that has been used and managed by traditional Native American cultures, including Wintun tribes and Patwin speaking groups, for thousands of years, occupational and resource procurement sites are frequently located along the banks of the creek. These sites were typically buried by alluvium (stream channel deposits) because of flood events or stream channel meandering. The result is that sites that were at one time occupied on the banks of the creek may now be located some distance from the current channel and at a depth below the surface that cannot be detected from surface survey alone. Given the proximity of the Project Area to Cache Creek, there exists a potential for the discovery of buried cultural deposits that may occur during project implementation. Buried sites, if present, would be expected to be located within the loamy and sandy alluvium, or A horizon, and above the heavier gravels that form current and ancient stream beds. Based on the geomorphology of the floodplain, this potential varies with distance from the current creek channel.

Therefore, on May 17, 2021, a program of backhoe trenching was employed at four locations in the phases of proposed mining that are closest to the current creek channel. The location of the trenches was selected in consultation with the project applicant, County staff, the Yocha Dehe Wintun Nation, and a professional archaeologist from ECORP Consulting, Inc. Trenching was carried out under the direction and observation of professional archaeologists and a tribal monitor. The



purpose of the trenching was to determine whether or not buried archaeological deposits were present at those locations and to help inform the environmental review.

In addition, on August 19, 2012, Peak & Associates, Inc. sent letters to the following Native American tribes or individuals indicated by the NAHC to potentially have knowledge of cultural resources in the project area: the Yocha Dehe Wintun Nation and the Cortina Rancheria Band of Wintun Indians of California. ~~Representative A~~ representative of the firm indicated in their report that responses from the tribes were not received.

Page 4.5-18, Draft EIR Chapter 4.5, Section 4.5.4, first paragraph, bulleted list of tribal consultation, and second paragraph is hereby revised as follows:

~~In~~ Separately, in compliance with AB 52 ~~and SB 48~~, the County conducted tribal consultation for the project, as follows:

- 12/18/2018 The County sent letters to five tribes ~~requesting to initiate to~~ offer consultation under AB 52 ~~consultation~~ and requested response within 30 days: the Yocha Dehe Wintun Nation; the Cortina Rancheria Band of Wintun Indians of California; the lone Band of Miwok Indians; the Wilton Rancheria; and the Torres Martinez Desert Cahuilla Indians.
- 1/10/2019 The Yocha Dehe Wintun Nation requested initiation of formal consultation with the County, along with copies of various project materials related to cultural resources (see Appendix G).
- 1/23/2019 The County acknowledged Yocha Dehe Wintun Nation and sent the Cultural Resources Report for the proposed project. The County requested a meeting.
- 1/28/2019 The Yocha Dehe Wintun Nation emailed offers for several meeting dates.
- 2/11/2019 A consultation/coordination meeting was held at tribal offices (meeting minutes included in Appendix G).
- 2/11/2019 The Cultural Resources Report was resent to the tribe. The County also sent a copy of the Biological Resources Report sent to the tribe.
- 3/11/2019 The County sent minutes of the meeting to the tribe and agreed to set up a site visit.
- 4/1/2019 The County provided an email confirming the field meeting.
- 5/6/2019 Representatives from the County and the applicant conducted a tour of the project site, attended by Isaac Bojorquez and other representatives of the Yocha Dehe Wintun Nation.



- 5/21/2019 The County received a letter from the tribe recommending monitoring during “development and ground disturbance”.
- 2/2/2021 The Yocha Dehe Wintun Nation sent a comment letter to the County on the DEIR with suggested revisions to the document.
- 5/3/2021 A field consultation meeting was held by the County and the Yocha Dehe Wintun Nation. The tribal representative stated that there is a potential for encountering buried archaeological resources in certain portions of the project area, and that such resources could be considered to be Tribal Cultural Resources and unique archaeological resources.
- 5/17/2021 At the request of the Yocha Dehe Wintun Nation, a program of subsurface trenching was carried out in areas selected by the tribal representatives and the County’s archaeological consultant to determine whether or not buried resources are likely to be present.
- 6/24/2021 A tribal monitoring plan was sent to the Yocha Dehe Wintun Nation for review and comment.
- 8/3/2021 The County concluded tribal consultation in agreement with the Yocha Dehe Wintun Nation by letter.

In compliance with SB 18, the County conducted tribal consultation for the project, as follows:

- 6/28/2021 The County requested an updated list of tribal contacts from the NAHC under SB 18.
- 6/28/2021 The County sent letters to five tribes to offer consultation under SB 18 and requested response within 30 days, although all tribes had up to 90 days to respond: the Yocha Dehe Wintun Nation; the Cortina Rancheria Band of Wintun Indians of California; the Lone Band of Miwok Indians; the Wilton Rancheria; and the Torres Martinez Desert Cahuilla Indians.
- 7/15/2021 The Yocha Dehe Wintun Nation responded to accept consultation and requested information.
- 7/19/2021 The County sent a letter to the Yocha Dehe Wintun Nation to provide the requested information.
- 7/21/2021 The NAHC responded with a list of tribes. Only one additional tribe, the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, was named on the list that was not previously noticed.



- 7/26/2021 The County sent a letter to the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community to offer consultation under SB 18 and requested response within 30 days, although the tribe has up to 90 days to respond.
- 8/3/2021 The County concluded tribal consultation with the Yocha Dehe Wintun Nation in agreement, by letter.
- 8/12/2021 The Yocha Dehe Wintun Nation responded to request an update meeting.
- 9/13/2021 Yocha Dehe Wintun Nation and County participated in a project update meeting.

Based on the above, the County has provided written notification of the proposed project to all applicable local tribes and has provided an opportunity for the tribes to comment on methods for protection of unknown ~~tribal cultural resources~~ Tribal Cultural Resources and sacred sites potentially occurring within the project area. Additional opportunity for comment and collaboration will include through tribal review of this EIR. Thus, the County has fully satisfied AB 52 and SB 18 tribal consultation requirements for the proposed project.

Page 4.5-19, Draft EIR Chapter 4.5, Section 4.5.4, the third, fourth, and fifth paragraphs under Impact 4.5-1 are hereby revised as follows:

The northeast portion of the project site contains remnants of the former Stevens Ranch headquarters; ~~however,~~ While the Stevens name is known in various parts of Yolo County, information could not be found to suggest that the Stevens name is associated with any important events or persons in history such that it rises to the level of importance that would render it eligible with CRHR Criteria 1 or 2. The structures do not exist at the location (CRHR Criterion 3) and the area is currently overgrown by low-lying brush. All that remains of the former structures after being used in a fire training exercise is a building pad, a partially buried steel pipe of unknown use, and various refuse piles, and there is no potential for associated archaeological materials that would yield important information in history (CRHR Criterion 4). ~~Given Furthermore, given~~ that the integrity of the former Stevens Ranch headquarters has been substantially degraded, the headquarters is not eligible for ~~consideration as~~ inclusion in the CRHR and is not a historical resource per the CRHR criteria under Section 15064.5 of the CEQA Guidelines.

Per the Cultural Resource Assessment, the Magnolia Canal is not considered ~~significant under subsections~~ a historical resource under Section 15064.5(A) and (B) of the CEQA Guidelines because it is not ~~currently~~ associated with important people and events (CRHR Criteria 1 and 2). In addition, the lack of continuous use and major alterations, as well as the re-naming and the alteration of water source, also make the Magnolia Canal ineligible under ~~subsections (C) and (D) of CEQA Guidelines Section 15064.5~~ CRHR Criterion 3. The canal does not possess important information in history beyond what has already been recorded (CRHR Criterion 4). Therefore, the Magnolia Canal is not eligible for ~~consideration as a significant historical resource under the CRHR~~



inclusion in the CRHR and is not a historical resource under Section 15064.5 of the CEQA Guidelines, and removal of a segment of the canal as part of the proposed project would not result in any significant impacts.

The Moore Canal has been described as being the oldest ditch in Yolo County, and ~~is considered to be a significant historical resource eligible for inclusion in the NRHP~~ was previously evaluated as eligible for inclusion in the NRHP, and therefore, also a historical resource under CEQA. In addition to being the oldest canal, the Moore Canal is relevant in the history of water rights policy in the California.

Page 4.5-20, Draft EIR Chapter 4.5, Section 4.5.4, sixth paragraph under Impact 4.5-1 is hereby revised as follows:

Per the Cultural Resource Assessment, the Moore Canal appears to be significant and eligible for the CRHR under CRHR Criterion 1, for its associations with important events. The Moore Canal is also significant and eligible under CRHR Criterion 3, as the earliest canal in Yolo County. As the original canal allowed the seasonal irrigation of many acres of otherwise dry lands useful only for grazing or grain crops, the changes in land use changed the patterns of development of the region. The section of the Moore Canal in the project site retains integrity of location (in part), setting, feeling, and association. However, the materials have been changed with the lining of the ditch at some point in the past. Based on the above, the Moore Canal is considered to be eligible for inclusion in the CRHR and the NRHP and is considered a historical resource under CEQA.

Page 4.5-21, Draft EIR Chapter 4.5, Section 4.5.4, first and third paragraphs under Impact 4.5-2 are hereby revised as follows:

Evidence of ~~prehistoric cultural resources, including archaeological resources, unique archaeological resources or human remains~~ has not been identified within the project site by prior cultural resource studies and was not noted during the field survey of the project site conducted by Peak & Associates, Inc. or the archaeological trenching performed in 2021. In addition to the on-site ground-disturbing activities associated with the proposed project, the project would require installation of a new water pipe, to be located partially off-site alongside the existing conveyor belt alignment. However, installation of the pipe would not require trenching in areas that have not already been subject to substantial prior disturbance associated with the conveyor belt. Similarly, the addition of new equipment at the Woodland Plant would occur entirely within the footprint of the existing Plant and would not require substantial ground disturbance. As such, ground-disturbing activities associated with the proposed mining and reclamation activities would not be likely to disturb any unique archaeological resources or human remains.

With regard to lands proposed for dedication, the future recreation, trails, and public open space uses and activities would occur on reclaimed lands subsequent to mining and reclamation. Dedication of the Shifler In-Channel property would involve change of ownership but no other specific land use changes or improvements beyond the improvements identified



under Mitigation Measure 4.8-4(a through c) which would be subject to the requirements of the OCSMO and Mitigation Measure 4.5-3(a and b). Recreational, parkway, and open space use would rely primarily on existing trails and roads on the Shifler In-Channel property.

Nonetheless, the possibility exists that previous activities have obscured prehistoric or historic period artifacts or habitation areas, eliminating surface evidence that would permit discovery of such resources, and if found, those could constitute unique archaeological resources. In the event that an inadvertent discovery of ~~prehistoric~~ potential unique archaeological resources or human skeletal remains occurs during excavation activities, the project applicant would be required to implement the provisions of OCSMO Section 10-4.410. The provisions require immediate cessation of all work within 75 feet of the discovery, notification of the Yolo County Coroner (if human remains are encountered), contact with the appropriate Native American community, and recording

Page 4.5-22, Draft EIR Chapter 4.5, Section 4.5.4, analysis under Impact 4.5-3 and Mitigation Measure 4.5-3(a) is hereby revised as follows:

~~Based on a search of the NAHC Sacred Lands File there are no recorded Native American sacred lands or traditional cultural properties within the project site vicinity. However, the Yocha Dehe Wintun Nation expressed concern that the project could impact Tribal Cultural Resources. The potential exists for previously undiscovered Tribal Cultural Resources associated with local tribes to occur in the vicinity of the project site, particularly within the upper layers of overburden material within the project site. The Yocha Dehe Wintun Nation has requested that a tribal monitor be present on site during initial ground disturbance associated with the proposed project.~~

~~Because, ground disturbing activities associated with the proposed project could unearth an unknown Tribal Cultural Resource as defined in PRC Section 21074, a **significant** impact could occur.~~

Although the trenching program failed to yield indications of buried archaeological sites, the trenching only examined a small proportion of the Project Area. Because pre-excavation of the entire Project Area is neither feasible nor appropriate in advance of project approval, and because the potential for encountering subsurface deposits during project implementation remains higher in certain locations, ground-disturbing activities associated with the proposed project could unearth an unknown Tribal Cultural Resource as defined in PRC Section 21074, a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

- 4.5-3(a) ~~Prior to initiation of ground-disturbing activities associated with removal of overburden material on the project site, within 500 feet of the Cache Creek bank (i.e., streamway influence zone), local Native American tribes or groups that have~~



~~responded to the request for information regarding sacred lands or other heritage sites that might be impacted by the proposed project shall be apprised by the applicant of the proposed mining schedule and be afforded the opportunity to provide a tribal monitor at their discretion. Written proof of notification shall be submitted to the Yolo County Department of Community Services. The opportunity to monitor shall be provided during all ground-disturbing activities occurring within 500 feet of the Cache Creek bank, down to a depth of 10 feet below the existing ground surface. The monitor shall meet all applicable Occupational Safety and Health Administration (OSHA) requirements and abide by the operator schedule. The operator shall be responsible for reimbursing the costs of one (1) tribal monitor.~~

Develop and Implement a Tribal Cultural Resources Monitoring Plan

The project proponent shall prepare, with input from the Yocha Dehe Wintun Nation, a Tribal Cultural Resources Monitoring Plan for County approval that includes the following components. The Plan shall be fully executed and copies provided to the County prior to the initiation of ground-disturbing activities associated with the approved project.

- Awareness Training -- The scope, format, and timing of delivery of a contractor awareness training program to inform equipment operators and their supervisors of the procedures required by the Monitoring Plan, which includes, at a minimum, annual training for all personnel involved in project implementation. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The program shall describe appropriate avoidance and minimization measure (as described in the executed Monitoring Plan) for resources that have the potential to be located on the project site and shall outline specific actions and contacts should any potential archeological resources or artifacts be encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any finds of significance to Native American peoples and for behavior consistent with Native American Tribal values. A copy of the contractor awareness training program materials and written verification of completion of the training program shall be submitted to the Yolo County Department of Community Services.
- Compliance with Applicable Laws – The Monitoring Plan shall describe applicable laws and regulations relevant to potential cultural resource finds, including specific procedures to ensure compliance during implementation.
- Extent of Monitoring – The plan shall include a description of the extent that monitoring will be required. Monitoring shall be limited to the depth of overburden (topsoil), which is the area in which unknown Tribal Cultural Resources



could occur. The plan shall acknowledge that monitoring of the excavation of gravels and aggregate materials, or backfilling and restoration, is not required. The parties may identify a phasing system to facilitate efficient monitoring – this phasing shall not be in conflict with approved mining phasing. The level of monitoring may be determined in the field based on observed actual conditions as mining moves away from Cache Creek into areas where the likelihood of resources is reduced based on known cultural practices and activities.

- Reporting By Phase –The applicant shall file a written report to the County within 30 days of completion of monitoring for each monitoring phase. The report shall document compliance with the terms of the Monitoring Agreement and shall report on the nature and disposition of any cultural resource discoveries. Applicable requirements for confidentiality shall be observed in these reports.
- Treatment and Disposition of Cultural Items and Remains – Detailed unanticipated discovery procedures for cultural resources, unique archaeological resources, tribal cultural resources, or human remains that includes consultation with the County to ensure that any discoveries are treated in accordance with applicable state law before work can resume at the discovery location.
- Other Procedures and Requirements – Timing and procedures for other relevant actions necessary to implement the Monitoring Plan.

The County shall be afforded 15 calendar days to review and approve the draft Monitoring Plan prior to execution. Ground-disturbing activities subject to the Monitoring Plan cannot begin until the County approves the Monitoring Plan and the Plan is executed between the project proponent and the Yocha Dehe Wintun Nation.

Page 4.5-23, Draft EIR Chapter 4.5, Section 4.5.4, Mitigation Measure 4.5-3(b) is hereby deleted and combined with Mitigation Measure 4.5-3(a) as shown above:

~~4.5-3(b) — Prior to initiation of ground-disturbing activities, a consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representative and monitors from culturally affiliated Native American Tribes. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The worker cultural resources awareness program shall describe appropriate avoidance and minimization measures for resources that have the potential~~



~~to be located on the project site and shall outline what to do and whom to contact if any potential archeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native American and for behavior consistent with Native American Tribal values. A copy of the cultural resources awareness brochure and written verification of completion of the training program shall be submitted to the Yolo County Department of Community Services.~~

Page 4.5-23, Draft EIR, Chapter 4.5, Section 4.5.5, Mitigation Measure 4.5-4 is hereby revised as follows:

4.5-4 *Implement Mitigation Measures 4.5-1, and 4.5-3(a), and ~~4.5-3(b)~~.*

Page 4.5-25, Draft EIR Chapter 4.5, Section 4.5.4, Table 4.5-1, consistency discussion for Action CO-A64 is hereby revised as follows:

The project site has been subject to extensive ground disturbance, including tilling, associated with ongoing agricultural uses. Thus, the project would not involve earth disturbing activities on previously undisturbed soils. However, the possibility of encountering buried deposits below the plow zone will be addressed through Mitigation Measure 4.5-3(a). The proposed project would be consistent with this action.

The foregoing revisions to Chapter 4.5, Cultural and Tribal Cultural Resources, do not change the conclusions of the analysis in the Draft EIR. The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

4.6 Geology and Soils, Mineral Resources, and Paleontological Resources

Page 4.6-6, Draft EIR, Chapter 4.6, Section 4.6.2, the second paragraph is hereby revised as follows:

Yolo County has two primary mineral resources, aggregate (sand and gravel) and natural gas. Mining in Yolo County is regulated by the Off-Channel Mining Plan (OCMP). The MRZ-2 area along Cache Creek contains over 700 million tons of high-grade sand and gravel. Within the project site, 107-acres ~~are~~ were previously designated by the State as MRZ-2 reflecting known significant deposits and 212 acres ~~are~~ were previously designated MRZ-3 reflecting unknown significant deposits. However, based on analysis and testing conducted by the applicant, the quality and quantity of mineral resources underlying the entire site have been confirmed. In July 2020, the applicant submitted an application to the California Department of Conservation (DOC) in July 2020 to modify the MRZ-3 State designation of the site to MRZ-2 to reflect the existence of known significant aggregate reserves over the entire project site. Effective May 20, 2021, the State Mining and Geology Board (SMGB) redesignated the entire project site MRZ-2.



Page 4.6-29, Draft EIR, Chapter 4.6, Section 4.6.4, the second paragraph is hereby revised as follows:

The proposed project would result in extraction of aggregate mineral resources from the project site, consistent with the County's long-term plan for the management of aggregates along Cache Creek. ~~Approximately 107 acres of the site is designated by the California State Mining and Geology Board as MRZ-2, reflecting the existence of known significant mineral deposits or a high likelihood for the presence of mineral deposits. The remaining approximately 212 acres of the project site is designated MRZ-3, indicating an area of known reserves of unknown significance. The applicant has submitted an application to the California Department of Conservation (DOC) in July 2020 to change the MRZ-3 State designation of the site to MRZ-2 to reflect the existence of known significant aggregate reserves over the entire project site. Effective May 20, 2021, the State Mining and Geology Board (SMGB) redesignated the entire project site MRZ-2 reflecting known significant deposits of mineral resources.~~ Effective May 20, 2021, the State Mining and Geology Board (SMGB) redesignated the entire project site MRZ-2 reflecting known significant deposits of mineral resources. Re-designation of the entire site is supported by the fact that the area site is known to contain over 700 million tons of sand and gravel deposits.

Page 4.6-31, Draft EIR, Chapter 4.6, Section 4.6.4, the consistency discussion regarding Action CO-A43 is hereby revised as follows:

Effective May 20, 2021, the State Mining and Geology Board (SMGB) redesignated the entire project site MRZ-2. Currently, a portion of the project site is designated by the County with the General Plan Mineral Resource Overlay. Implementation of the proposed project would include redesignation of the remaining portion of the site with a Mineral Resource Overlay. Consequently, the project would comply with this action.

The foregoing revisions to Chapter 4.6, Geology and Soils, Mineral Resources, and Paleontological Resources, do not change the conclusions of the analysis in the Draft EIR. The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

4.8 Hydrology and Water Quality

Page 4.8-9, Draft EIR, Chapter 4.8, Section 4.8, the second paragraph is hereby corrected as follows:

In addition to wells located at the Teichert properties in the project vicinity, two water production wells (Pintail well and Canvas Back well) are used to supply the Wild Wings subdivision to the southwest of the project site, as noted in LSCE's 2020 Groundwater Memo. Both wells are located outside of the County-specified radii of influence for model analyses (i.e., 1,000 and 500 feet from wet pit boundaries for water level and water quality concerns, respectively). Of the two wells, the Canvas Back well is located closest to the project site, at a distance of 1,150 feet from the limits of the proposed mining area. The well extends to a depth of 425 feet below ground surface (bgs) and the well screen resides between 364 to 415 feet bgs. Pintail well is significantly deeper than the Canvas Back well, with well screens extending from 935 to 992 and from 1,021 to 1,061 feet bgs. Both wells produce groundwater with total arsenic concentrations that have been gradually increasing, such that operation of the Canvas Back well ceased in ~~2019~~ 2009 due to concentrations exceeding arsenic's Maximum Contaminant Level (MCL) for regulated drinking water contaminants in California (10 µg/L). Arsenic concentrations in the Pintail well have been approaching, but remain below, the MCL.



Page 4.8-41, Draft EIR, Chapter 4.8, Section 4.8.4, the impact statement for Impact 4.8-4 is hereby corrected as follows:

4.8-4 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows. This impact would be ~~less than~~ significant.

The foregoing revisions to Chapter 4.8, Hydrology and Water Quality, do not change the conclusions of the analysis in the Draft EIR. The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

4.10 Noise

Page 4.10-4, Draft EIR, Chapter 4.10, Section 4.10.2, the second paragraph under the Description of Regional Environment heading is hereby revised as follows:

The region is rural and sparsely populated, with urban development being primarily concentrated within small towns such as Capay, Esparto, and Madison, and the Wild Wings subdivision.

The foregoing revision to Chapter 4.10, Noise, does not change the conclusions of the analysis in the Draft EIR. The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

4.12 Transportation and Circulation

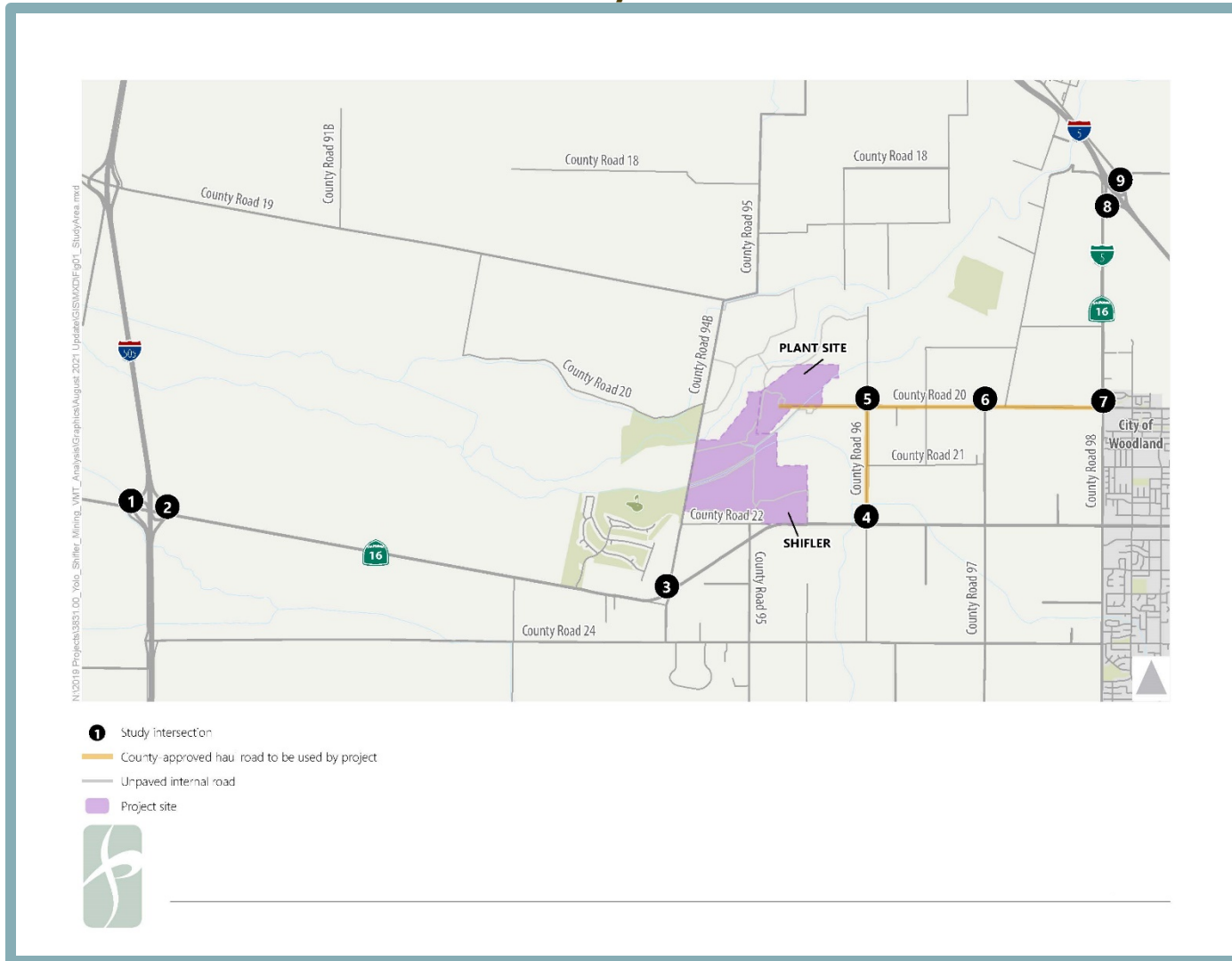
Page 4.12-3, Draft EIR, Chapter 4.12, Section 4.12.2, the final paragraph is hereby corrected as follows:

County Road 20 is a rural east-west roadway that extends from Teichert Woodland Plant in the west to SR 16/County Road 98 in the east, at which point the roadway becomes Kentucky Avenue. County Road 20 intersects SR 16 west of I-5, and becomes Kentucky Avenue in the developed area east of SR 16. County Road 20 is a two-lane roadway with a speed limit of ~~50~~ 55 mph within the project vicinity.

Page 4.12-5, Draft EIR, Chapter 4.12, Section 4.12.2, Figure 4.12-1 is hereby updated with a more detailed figure that has been prepared to show the internal circulation routes associated with the proposed project.



**Figure 4.12-1
Study Area**



Page 4.12-23, Draft EIR, Chapter 4.12, Section 4.12.4, the second paragraph is hereby corrected as follows:

[...]Comments were also received regarding a community petition to lower the posted speed limit on County Road 96, to improve traffic safety. The proposed project would not increase traffic volumes on County Road ~~96~~ 94B relative to existing conditions and, thus, would not exacerbate any potential pre-existing safety concerns.

Page 4.12-28, Draft EIR, Chapter 4.12, Section 4.12.4, Table 4.12-6 is hereby clarified to include the following note in the final row:

Percent Time Spent Following (PTSF) represents the freedom to maneuver and the comfort and convenience of travel.

Page 4.12-31, Draft EIR, Chapter 4.12, Section 4.12.4, Table 4.12-10 is hereby clarified to include the following note in the final row:

Note: Pcp1pm stands for passenger cars per lane per mile.

The foregoing revisions to Chapter 4.12, Transportation and Circulation, do not change the conclusions of the analysis in the Draft EIR.

Page 4.12-35, Draft EIR, Chapter 4.12, the text mid-page is clarified as follows:

The County shall condition the project, if approved, to require the applicant to fully construct the following improvement:

- The applicant shall install a paved shoulder, and 5 percent sloped aggregate base shoulders with a 2:1 back slope, along both sides of CR 96 similar to County of Yolo Improvement Standards Drawing No. 4-8, for the approximate one-mile segment between CR 20 and State Route 16. Engineered improvement plans shall be reviewed and approved by the County Engineer, and an encroachment permit shall be issued prior to beginning this work within the County right-of-way. The applicant shall install 5 percent shoulders with 2:1 back slope along both side of CR 96, for the approximately one-mile segment between CR 20 and CR 16

The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

6 Alternatives Analysis

Page 6-21, Draft EIR, Chapter 6, Section 6.3, the first paragraph under the Agricultural Resources heading is hereby revised as follows:

Agricultural Resources

The Moore Canal Avoidance Alternative would result in similar acreage of impacts to agricultural resources compared to the proposed project. As shown in Figure 6-5, of the 264.1-acre mining and reclamation area, 249.5 acres are mapped by the California Department of Conservation as Prime Farmland, 8.25 acres are mapped as Unique Farmland, 0.5 acres are mapped as Farmland of Statewide Importance, and 5.85 acres



are mapped as Farmland of Local Importance. As explained on pages 4.2-26 for the analysis of the project as originally defined, in order to mitigate for the permanent loss of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, the applicant would be required to adhere to the offset requirements of Section 10-5.525 of the SMRO and Section 8-2.404 of the County Code. Upon completion of the mining activities, the alternative would include reclamation of the site to agricultural lands and a lake. Because the approximately seven acres underlying the existing on-site canals cannot be farmed, similar amounts of agricultural land would be impacted by mining under this alternative; however, because the seven acres underlying the canals would not be reclaimed under the alternative, the total amount of agricultural land and lake reclaimed under this alternative would be slightly reduced compared to the proposed project, from 116.7 acres to approximately ~~409.7~~ 113.2 acres.

Thus, impacts to agricultural resources would be similar with slightly less reclamation back to agricultural uses. Overall for this comparative analysis this would result in a greater net impact to agriculture (total reclaimed acres would be lower) under this alternative. This alternative would result in a significant and unavoidable impact and still be subject to County Code requirements related to agricultural mitigation, as required per Mitigation Measure 4.2-1.

For informational purposes, Mitigation Measure 4.2-1 would need to be modified as shown below to be applicable to the Moore Canal Avoidance Alternative. Please note the revised mitigation is reflected in Chapter 6, Moore Canal Avoidance Alternative Mitigation Monitoring and Reporting Program, of this Final EIR.

- 4.2-1 *The applicant shall complete the following, subject to approval by the County. Item a) shall be completed in accordance with the approved reclamation plan and conditions of approval. Items b) and c) shall be completed prior to the commencement of mining activity on any Prime Farmlands, Unique Farmlands, or Farmland of Statewide Importance:*
- a) *Reclaim 113.2 acres of Prime Farmland onsite, equivalent in quality and capacity to existing Prime Farmland permanently converted as a result of the project.*
 - b) *Establish a permanent agricultural conservation easement on ~~452.4~~ 408.9 acres (~~267.50~~ 264 disturbed acres – 113.2 reclaimed acres, at a 3:1 ratio) of equivalent or better (in quality and capability) Prime Farmland compliant with the requirements in County Code Sections 8-2.404(d) and Section 8-2.404(e), (f) and (g). The total acreage placed in permanent easement may be reduced to a minimum of ~~450.8~~ 136.3 acres (~~264~~ 249.5 disturbed acres – 113.2 reclaimed acres at a 1:1 ratio) in accordance with Sections 8-2404(d) or 10-5.525(a), (b), (c), or (d), provided the total acreage is determined to be equivalent to the applicable ratio and acreage required under Section 8-2.404. The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review by staff and acceptance by the Board of Supervisors. The County may in its discretion approve phasing of the*



required easement so long as mitigation is satisfied prior to or coincident with impacts to Prime Farmland.

- c) *Establish a permanent agricultural conservation easement on 17.5 acres (0.5 acres + 8.25 acres, at a 2:1 ratio) of equivalent or (in quality and capability) better Farmland of Statewide Importance and Unique Farmland compliant with the requirements in County Code Sections 8-2.404(d) and 8-2.404(e), (f), and (g). The total acreage placed in permanent easement may be reduced to a minimum of 8.75 acres (0.50 acres + 8.25 acres, at a 1:1 ratio) in accordance with Sections 8-2.404(d) or 10-5.525(a), (b), (c), or (d), provided the total acreage is determined to be equivalent to the applicable ratio and acreage required under Section 8-2.404. The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review by staff and acceptance by the Board of Supervisors. The County may in its discretion approve phasing of the required easement so long as mitigation is satisfied prior to or coincident with impacts to Farmland of Statewide Importance and Unique Farmland.*

Page 6-24, Draft EIR, Chapter 6, Section 6.3, the description and analysis of the Moore Canal Avoidance Alternative is hereby revised to include Figure 6-5 and Figure 6-6 (on the following pages), which show the Farmland acreages and the location/impact of existing native oaks associated with the alternative, respectively. All subsequent figure numbers in Chapter 6 following the new Figures 6-5 and 6-6 are hereby revised, accordingly.

Page 6-24, Draft EIR, Chapter 6, Section 6.3, the paragraph under the Biological Resources heading is hereby revised as follows:

Biological Resources

Under the Moore Canal Avoidance Alternative, the existing Moore Canal and Magnolia Canal alignments would be retained. Thus, the alternative would not result in impacts to 2.205 acres of potentially jurisdictional wetlands and waters of the U.S. – which would also be considered waters of the State. However, impacts to the existing on-site seasonal wetland, seasonal marsh, drainage ditch, and pond would still occur. The alternative would still have the potential to impact the same species as the proposed project and would be subject to the same mitigation requirements for such species. As shown in Figure 6-6, under the Moore Canal Avoidance Alternative, seven oak trees would be impacted and the remainder would be avoided and retained in place. Overall, after accounting for the alternative's reduction in impacts to potentially jurisdictional wetlands and waters of the State, this alternative would result in slightly reduced impacts, on the whole, as compared to the proposed project. Mitigation Measures 4.4-1(a) through (c) and 4.4-1(e) through (o) ~~(e) and 4.4-3(a) and (b)~~ would be required for this alternative. Mitigation Measures 4.4-1(d) and 4.4-3(a) and (b) would not be required under this alternative.



Figure 6-5
Moore Canal Avoidance Alternative – Project Site Farmland Acreage Totals

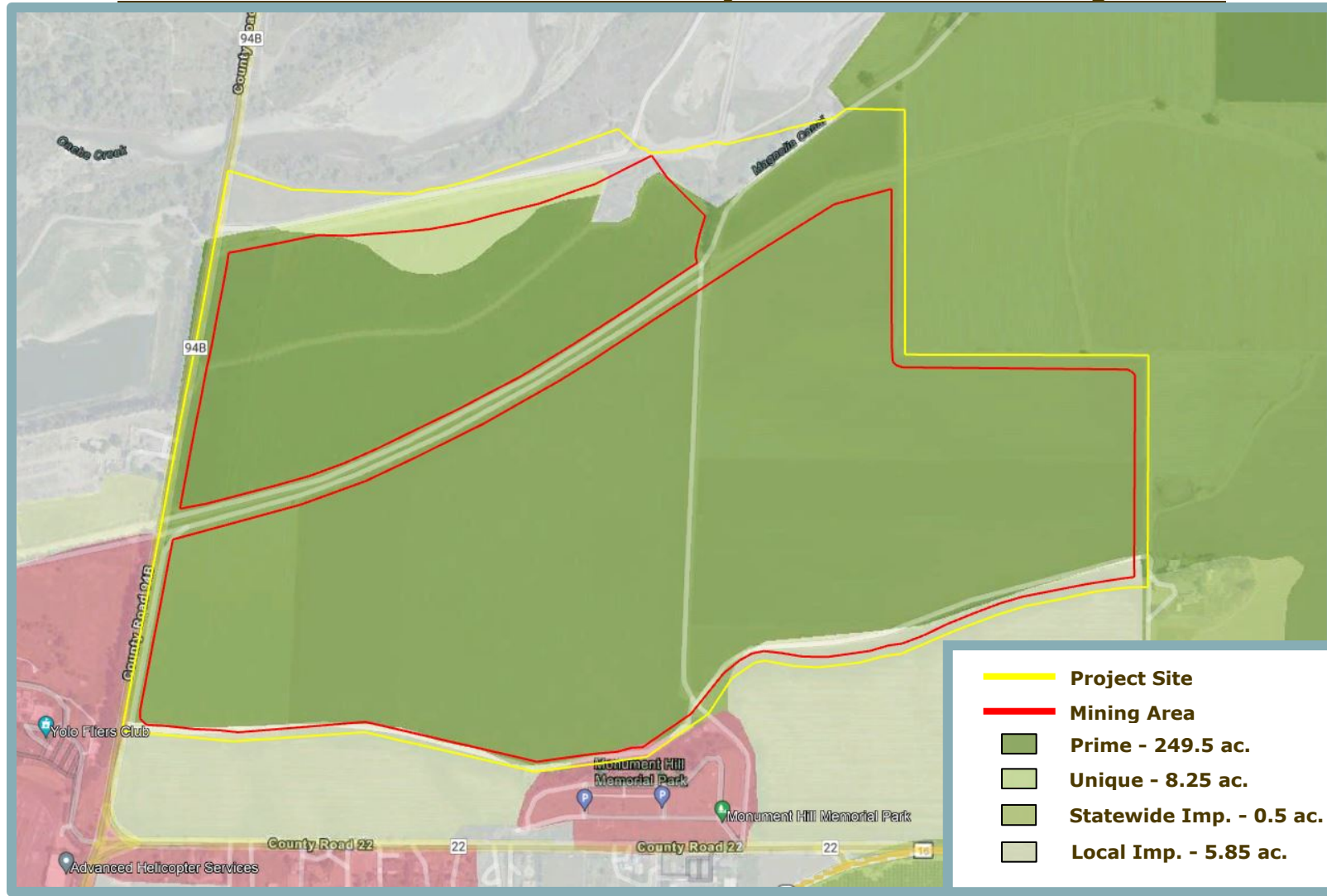
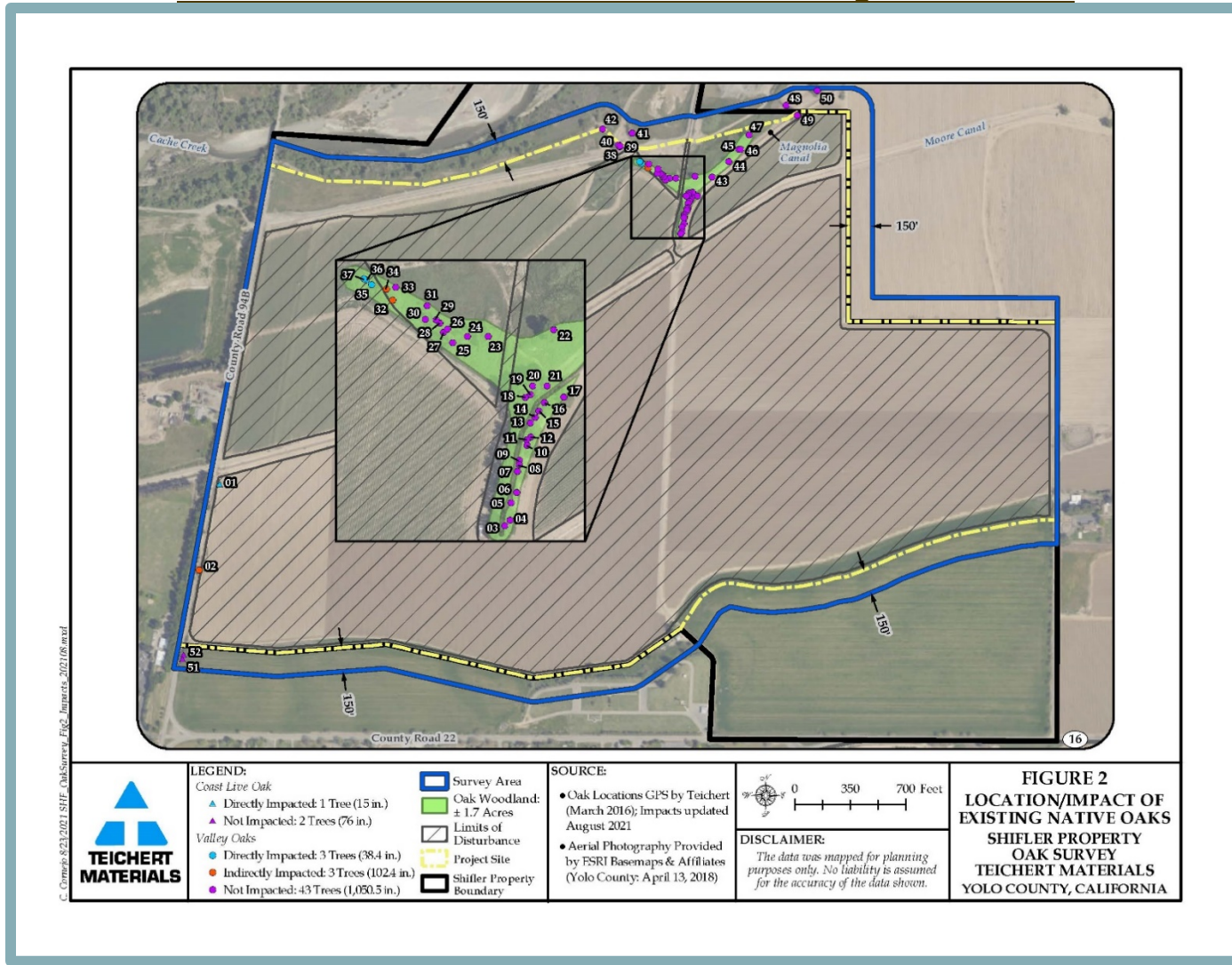


Figure 6-6
Moore Canal Avoidance Alternative Existing Native Oaks



Page 6-24, Draft EIR, Chapter 6, Section 6.3, the paragraph under the Cultural and Tribal Cultural Resources heading is hereby revised to be consistent with the revisions presented above in this chapter under “4.5 Cultural and Tribal Cultural Resources.” The revisions additionally account for the modifications proposed by the applicant to implement the Moore Canal Avoidance Alternative, as described in Section 1.3 of this Final EIR.

Cultural and Tribal Cultural Resources

Under the Moore Canal Avoidance Alternative, the overall area of disturbance would be slightly reduced compared to the proposed project. Therefore, this alternative would result in reduced potential for impacts related to unknown cultural, archeological, or tribal cultural resources during mining activities. However, because relocation of Moore Canal would not occur, Mitigation Measure 4.5-1 related to documentation of the canal would not be required. Alteration of the canal would be limited to installation of a canal overcrossing for heavy equipment. Therefore, this alternative would result in reduced impacts as compared to the proposed project, likely not resulting in a significant and unavoidable impact. Mitigation Measures 4.5-3(a) and (b) related to tribal monitoring during initial ground-disturbing activities would be required for this alternative. Mitigation Measure 4.5-3 also mitigates for adverse effects from this Alternative that could occur under Impact 4.5-4.

Page 6-33, Draft EIR, Chapter 6, Section 6.4, Table 6-1 is hereby revised to account for the foregoing revisions to the analysis of impacts under the Moore Canal Avoidance Alternative.

The foregoing revisions to Chapter 6, Alternatives Analysis, do not change the conclusions of the analysis in the Draft EIR. The revisions do not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revisions correct errors and/or provide additional clarification to information and analysis already conveyed.

Appendix K2: Supplemental Analysis of Groundwater Conditions

Page 2, Draft EIR, Appendix K2, the first paragraph is hereby corrected as follows:

Pintail well is significantly deeper than the Canvas Back well with well screens extending from 935 to 992 and from 1021 to 1061 feet (bgs). This well produces groundwater from aquifer zones far below the base of model domain (580 feet, bgs). Both wells produce groundwater with total arsenic concentrations that have been gradually increasing, such that operation of the Canvas Back well ceased in ~~2019~~ 2009 due to concentrations exceeding arsenic's Maximum Contaminant Level (MCL) for regulated drinking water contaminants in California (10 µg/L). Arsenic concentrations in the Pintail well have been approaching, but remain below, the MCL. As a result of proximity and construction, potential effects from mining and reclamation activities would first manifest in the Canvas Back well. Therefore, regarding the first concern, model analysis was conducted focusing on predicted effects on the Canvas Back well. For comparison, mining and reclamation activities are planned to occur in the aggregate materials of Layer 1 of the model. Teichert's main production well (i.e., Teichert plant well) is completed in model Layer 3. Regarding the second concern, LSCE consulted with the laboratory director of California Laboratory Services (CLS), Dr. James Liang about descriptions and comparison of analytical methods for arsenic in water (personal communication, J. Liang, CLS, December 10, 2019).



The foregoing revision to Appendix K2, Supplemental Analysis of Groundwater Conditions, does not change the conclusions of the analysis in the Draft EIR. The revision does not trigger any of the criteria set forth in CEQA Guidelines Section 15088.5(a) necessitating the recirculation of a Draft EIR subsequent to public review. The revision corrects an error.

