



PROJECT DESCRIPTION

FOR THE

CEMEX CONSTRUCTION MATERIALS PACIFIC, LLC.

MINOR MODIFICATION TO

CACHE CREEK MINING PERMIT ZF #95-093

Applicant:

CEMEX Construction Materials Pacific, LLC.
2365 Iron Point Road, Suite 120
Folsom, CA 95630

Prepared by:

Compass Land Group
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April 2022

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1.0 INTRODUCTION

1.1 Executive Summary

CEMEX Construction Materials Pacific, LLC. (“CEMEX”) proposes a minor modification to the approved Mining Permit No. ZF #95-093 to address County conditions of concern and allow an interim phasing sequence change to allow dry mining on up to 20 acres of current Phase 6 (“Project”). The County’s conditions of concern were presented to CEMEX in a letter from Elisa Sabatini, Manager of Natural Resources, dated April 7, 2022 (see **Attachment 1**).

Specifically, the proposed Project provides for:

1. Resolution of County concern #1, regarding the temporary loss of agricultural production beyond the temporal loss of 126 acres assumed in the 1996 EIR;
2. Resolution of County concern #2, regarding a potential 4.2 acre gap in implementation of the California Endangered Species Act Memorandum of Understanding between Solano Concrete and the California Department of Fish and Game (“2081 MOU”);
3. Resolution of County concern #3, regarding a potential 37.8 acre gap in implementation of the 2012 Conservation Easement Grant (Agreement No. 12-49) recorded July 30, 2012 (“2012 Easement”), which provided mitigation for the permanent loss of agricultural land and potential Swainson’s hawk impacts associated with the original project; and
4. An interim phasing sequence change to allow dry mining on up to 20 acres of current Phase 6 while the County completes processing of the major Mining and Reclamation Plan Amendment Project pending under ZF #2018-0015 (“Pending Major Modification”).

The Project is a minor modification that does not substantially alter the intent or the conditions of the approved mining plan. Except as outlined above, CEMEX proposes no change to any fundamental element of the existing operation (e.g., mining methods, maximum depth of mining, processing operations, use of settling ponds, production limits, water use, power use, truck traffic, or hours of operation).

1.2 Name and Addresses of Applicant’s Representatives

Owner / Applicant:

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2365 Iron Point Road, Suite 120
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1.3 Project Location

The Project is located at 30288 CA-16, Woodland, California 95653, in the central portion of unincorporated Yolo County. The mine, processing plant and office are currently accessed from an existing driveway entrance on the north side of California Highway 16. The site is predominantly located east of Interstate 505, but includes one parcel and mining phase (Phase 7) immediately west of Interstate 505.

The Project is located within the boundaries of the Cache Creek Area Plan (“CCAP”) adopted by the Board of Supervisors in 1996 and most recently amended in 2019. The CCAP incorporates the OCMP and Cache Creek Resource Management Plan (“CCRMP”). As pertains to this Project, the CCAP and OCMP are implemented through the OCSMO and SMRO.

1.4 Assessor Parcels, Ownership, Zoning, and General Plan Designations

The Project site’s assessor parcel numbers, ownership, County zoning and County General Plan land use designations are shown on Table 1, below.

**TABLE 1
ASSESSOR PARCELS, OWNERSHIP, ZONING AND GENERAL PLAN DESIGNATIONS**

APN	Assessor Acres¹	ROS Acres²	Ownership³	Zoning⁴	General Plan⁵
025-450-001	291.1	280.0	United Metro Materials Inc	A-N (SG)	AG, OS
049-060-004	6.3	6.3	Solano Concrete Co Inc	A-N (SG)	AG, OS
049-060-007	142.8	142.4	Solano Concrete Co Inc	A-N (SG)	AG
049-070-004	112.7	110.7	United Metro Materials Inc	A-N (SG)	AG, OS
049-070-005	98.5	112.8	United Metro Materials Inc	A-N (SG)	AG, OS
049-070-006	200.2	200.1	United Metro Materials Inc	A-N (SG)	AG, OS
049-070-009	444.0	461.6	United Metro Materials Inc	A-N (SG)	AG, OS
049-070-010	17.1	17.1	Solano Concrete Co Inc	A-N (SG)	AG, OS
049-070-011	26.2	26.5	Solano Concrete Co Inc	A-N (SG)	AG, OS
049-070-019	53.9	48.0	Solano Concrete Co Inc	A-N (SG)	AG, OS
049-070-020	212.2	218.5	United Metro Materials Inc	A-N (SG)	AG
049-070-021	276.4	278.3	Solano Concrete Co Inc	A-N (SG)	AG
Total:	1,881.4	1902.3			

Notes:

1. Source: Yolo County Assessor, accessed November 28, 2017.
2. Source: Record of Survey, filed January 12, 2018, in 2018 Book of Maps at pages 2-4.
3. United Metro Materials, Inc. and Solano Concrete Co Inc. are fully-owned subsidiaries of CEMEX.
4. A-N = Agricultural Intensive. The Sand and Gravel (SG) overlay zone applies to State designated mineral resource zones (MRZ-2) containing critical geological deposits needed for economic use in the future, as well as applying to existing mining operations. The portions of the parcels that are subject to mining already have the SG overlay.
5. Source: 2030 Countywide General Plan, with verification thru Yolo County GIS Public Viewer. AG = Agriculture. OS = Open Space. The Open Space land use designation applies to the portions of the parcels associated with Cache Creek.

1.5 Surrounding Land Uses

The predominant land uses in the vicinity of the Project include aggregate mining and processing, agriculture and open space associated with Cache Creek. To the north, the site is bound by Cache Creek and agricultural lands that lie beyond it. To the east, the site is bound by agriculture as well as a rural residential / commercial land use. To the south, the site is bound by California Highway 16 and agriculture, with a few rural residences. To the west (with the exception of Phase 7), the site is bound by Interstate 505. Phase 7 is bound to the west by agriculture and rural residences.

2.0 PROJECT PURPOSE, OBJECTIVES, AND JUSTIFICATION

2.1 Project Purpose

CEMEX proposes a minor modification to the approved Mining Permit No. ZF #95-093 to address County conditions of concern and allow an interim phasing sequence change to allow dry mining on up to 20 acres of current Phase 6. Specifically, the proposed Project provides for:

1. Resolution of County concern #1, regarding the temporary loss of agricultural production beyond the temporal loss of 126 acres assumed in the 1996 EIR;
2. Resolution of County concern #2, regarding a potential 4.2 acre gap in implementation of the California Endangered Species Act Memorandum of Understanding between Solano Concrete and the California Department of Fish and Game (“2081 MOU”);
3. Resolution of County concern #3, regarding a potential 37.8 acre gap in implementation of the 2012 Conservation Easement Grant (Agreement No. 12-49) recorded July 30, 2012 (“2012 Easement”), which provided mitigation for the permanent loss of agricultural land and potential Swainson’s hawk impacts associated with the original project; and
4. An interim phasing sequence change to allow dry mining on up to 20 acres of current Phase 6 while the County completes processing of the major Mining and Reclamation Plan Amendment Project pending under ZF #2018-0015 (“Pending Major Modification”).

CEMEX’s proposed resolution to each of the County’s concerns as well as the proposed interim phasing sequence change are described in more detail below.

The Project is a minor modification that does not substantially alter the intent or the conditions of the approved mining plan. Except as outlined above, CEMEX proposes no change to any fundamental element of the existing operation (e.g., mining methods, maximum depth of mining, processing operations, use of settling ponds, production limits, water use, power use, truck traffic, or hours of operation).

2.2 County Conditions of Concern

The County presented three conditions of concern to CEMEX in a letter from Elisa Sabatini dated April 7, 2022 (see **Attachment 1**), which were summarized by the County as follows:

1. The County has determined there are 184.8 acres of temporary loss of agricultural production on the site in excess of what was identified in the 1996 EIR and 2081 MOU.
2. The County has determined there is a potential gap of 4.2 acres of mitigation for impacts to habitat.
3. The County has determined there is a potential gap of 37.8 acres of permanently protected farmland.

The County's letter also presents potential remedies, which have been incorporated into this application. Each condition of concern and proposed resolution is discussed further below.

2.2.1 Item 1 – Temporary Loss of Agricultural Production

County Concern

As described in the County's letter, the 1996 EIR described that the approved project would result in the disturbance of a total of 585 acres of land in agricultural production (1996 EIR, Draft, page 4.5-14). Figure 1, Temporary Agricultural Impacts, provides an overlay of acres originally in farmland and currently disturbed acres, demonstrating that 310.8 acres of farmland are currently out of production. The 1996 EIR (Draft, pages 4.5-14 through 4.5-15) "assumed" that a maximum of 126 acres would be "out of production in any given year." Based on this information, the County has determined that there are currently 184.8 acres of cropland out of production beyond what was identified in the 1996 EIR (310.8 ac. – 126 ac. = 184.8 ac.).

CEMEX Opinion

CEMEX notes that neither its conditions of approval nor Solano Concrete's application specified that only 126 acres of farmland would be out of production in any given year. Nevertheless, the 1996 EIR concluded that a temporary impact of 126 acres "would be minor" and that "implementation of the proposed project would result in less than significant impacts to agricultural production and no additional monitoring or mitigation measures are required" (1996 EIR, Draft, pages 4.5-14 and 4.5-15).

2.2.2 Item 2 – Implementation of 2081 MOU

County Concern

The County relied on the 2081 MOU and the 2012 Easement as mitigation for impacts to Swainson's hawk and bank swallow habitat. The 2081 MOU identifies 372 acres of permanent habitat loss (223 ac. tree crop + 149 ac. lakes = 372 ac.) (2081 MOU Exhibit A, Section 3.1, page 3) and identifies mitigation in the form of 372 acres of habitat management lands (2081 MOU

Exhibit A, Section 4.7 on page 5) comprised of: 1) Preserved Parcels totaling 182.7 acres; 2) a Restored Parcel totaling 3.1 acres; 3) Bluff Habitat presumed to be 3.2 acres; and 4) Agricultural Parcels totaling 183 acres (182.7 ac. + 3.1 ac. + 183 ac. + 3.2 ac. = 372.0 ac.).

Based on this information the County has determined that there is currently a potential gap of 13.2 acres in required mitigation for permanent impacts to habitat:

Item	Acres
Excess reclaimed agriculture	+10.8
Gap in unmined agriculture	-15.0
Gap in hedgerows	0 ¹
Gap in restored habitat	0 ¹
Total potential gap in required habitat mitigation	-4.2

1. The County has requested that these items be resolved by providing additional information to the County and executing agreements or other mechanisms to ensure maintenance and/or dedication.

CEMEX Opinion

CEMEX notes that by entering into an executed agreement with CDFG (now CDFW) it has complied with Condition 58 of its permit, which requires:

Condition of Approval 58 – A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).

The County documented compliance with this condition since 1997 and most recently during the 2020 ten-year permit review approved by the Planning Commission on February 11, 2021. At that time the County specifically noted that *“This condition is implemented and fully discharged.”*

Nevertheless, as requested, this application provides information regarding the implementation of hedgerow and other restored habitats described in the 2081 MOU. Figure 2, 2081 MOU Habitat Areas, depicts the areas where hedgerows have been implemented and other habitats have been restored. Between 1997-2002, CEMEX’s predecessors implemented ±2.7 acres of hedgerow habitats north of Phase 1. Over time, the natural recruitment of vegetation has increased the vegetative cover in this area, as is visible in the figure. Today, it is estimated that ±3 acres serves as hedgerow habitat in this area. CEMEX has not actively maintained this area, but has asked Zentner to monitor the area moving forward. In addition, CEMEX has implemented and maintained ±5.7 acres of restored habitat north of Phase 3, in the location generally described in the 2081 MOU. This restoration exceeds that amount described in the 2081 MOU. This area will continue to be monitored by Zentner as part of their annual revegetation

monitoring report. Zentner's next report will be submitted to the County as part of CEMEX's annual compliance report to the County, which is due by November 1, 2022.

2.2.3 Item 3 – Implementation of 2012 Easement

County Concern

As described in the County's letter, Impact 4.5-2 in the 1996 EIR identified that 252 acres of prime farmland would be permanently converted (1996 EIR, Draft, page 4.5-15). This acreage was further reduced by 90 acres to reflect improvements to reclaimed soil conditions that would exceed the quality of original native conditions. Credit for the 90 acres brought the required mitigation acreage for permanent loss of farmland down to 162 acres (1996 EIR, Draft, Page 4.5-16) (252 ac. – 90 ac. = 162 ac.). The 2012 Easement mitigates this impact, in fact placing more land in easement than technically required. The permanent conservation easement was placed on 175 acres of the unmined Hutson parcel to prevent future conversion to non-agricultural uses. Credit was also given for impacts to Swainson's hawk. The 2012 Easement prohibited uses inconsistent with the agricultural and open space use of the property, including uses not allowed under the Williamson Act.

The County has acknowledged that the 2012 Easement results in a potential excess of 13 acres of mitigation for permanent loss of farmland (175 ac. – 162 ac = 13 ac.). The County is concerned, however, that the following of 50.8 acres in the western portion of Phase 1 since 2017 is not consistent with the spirit and intent of the easement to mitigate for loss of prime farmland, resulting in a potential gap of 37.8 acres of permanently protected farmland (50.8 ac. – 13 ac. = 37.8 ac.).

CEMEX Opinion

CEMEX does not agree that there is a gap in permanently protected farmland (and associated Swainson's hawk protection) or that the spirit or intent of the easement has been compromised for the following reasons:

1. Condition of Approval 48 states:
 - a. *Condition of Approval 48 – Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a). (emphasis added)*
2. Since 1997 (24 years), CEMEX and its predecessors have only mined in four out of seven approved mining phases. Impacts to large swaths of farmland in Phases 5 and 6 that will be mined in the future and reclaimed in large part with permanent conversions from farmland to lakes or habitat have yet to occur. The 1996 Development Agreement describes that 233 acres will be mined in Phases 5, 6, and 7 and that of that total 92 acres

would be reclaimed to agriculture. Thus, under current approvals, up to 141 acres (233 ac. – 92 ac.) could be converted from agriculture to other uses in the future. This also means that up to 141 acres of conversion (or permanent loss of farmland) has yet to occur.

3. Nevertheless, the 2012 Easement already mitigates for all of the anticipated permanent loss of farmland that would result from full build-out of the approved project, well in advance of the requirement of Condition 48, which explicitly allows for the phasing of mitigation.
4. Fallowing of farmland is not a bad thing. Studies have shown that land fallowing is beneficial to soil quality, crop production and overall long-term sustainability (Cusimano et. al., University of Arizona, 2014).¹ Fallowing is a common practice that can raise levels of carbon, nitrogen and organic matter, improve moisture holding capacity, and increase beneficial microorganisms in agricultural soil (Nadeem and Farooq, Oxford Research Encyclopedia of Environmental Science, 2019).² Research also suggests that some farmland is deliberately fallowed for up to five years (Agamerica Lending 2022).³ In CEMEX's case, the temporary fallowing of a portion of the 2012 Easement area has been partly due to the need to distribute and laser-level additional topsoil over the finish elevation of the Phase 1 field. This work will be completed this year.
5. Fallow farmland is arguably better for Swainson's hawk foraging than some row crops. As described in the East Contra Costa County HCP/NCCP, Swainson's Hawk "forages in agricultural lands (such as fallow fields and alfalfa fields) (Estep 1989, Babcock 1995)... Habitat with the highest foraging value includes ruderal fields, fallow fields, grain crops, and safflower fields."⁴ (emphasis added). The USFWS also recognizes fallow fields as "important foraging habitats" (USFWS, Woodbridge, B. 1998.).⁵
6. Finally, Sagara Farms will complete field re-leveling and plant crops in the Phase 1 area again by Fall 2022.

Based on the foregoing, CEMEX believes that the County's concern for an implementation gap relating to permanent loss of farmland or Swainson's hawk habitat associated with a temporary fallowing of a portion of the 2012 Easement area is unwarranted. In fact, in our view CEMEX has a 13 acre surplus not a 37.8 acre deficit on this item.

¹ <https://wrrc.arizona.edu/sites/wrrc.arizona.edu/files/AWR%20Winter%202014%2001-07-14.pdf>

² <https://www.semanticscholar.org/paper/Crop-Rotations%2C-Fallowing%2C-and-Associated-Benefits-Nadeem-Nawaz/b0deaa70b71fd327fad8bb258f9b85f713fe6f2c>

³ <https://agamerica.com/blog/the-how-what-when-where-and-why-of-resting-winter-farmland/>

⁴ <https://www.cocohcp.org/DocumentCenter/View/841/Swainsons-Hawk-Buteo-swainsoni-Species-Profile-PDF>

⁵ http://www.prbo.org/calpif/htmldocs/species/riparian/swainsons_hawk.htm

2.3 Proposed Resolution to County Conditions of Concern

Under this proposed Project, CEMEX proposes to implement the following actions to resolve the County's conditions of concern and support the interim phasing sequence change described in Section 2.4, below:

1. Place 110 acres of Phase 1 into productive agriculture no later than September 30, 2022, thus re-establishing productive agriculture. Phase 1 serves as hawk foraging habitat, with or without crop production.
2. Place 50 acres of unmined productive agriculture in the southerly portion of the Hutson parcel, adjoining State Route 16 on the south and the 2012 Easement boundary on the north, in a permanent agricultural easement no later than September 30, 2022. This proposal is made with the understanding that the permanent conservation of each acre of non-prime farmland would be accepted as offsetting the temporary impact to two acres, resulting in 100 acres (2:1) of credit from this action. This would provide permanent protection for existing productive agriculture and hawk foraging habitat.
3. Remove Phase 7 (15 acres) from the approved mining area no later than March 31, 2023. This would result in a net reduction of the approved mining area and preclude mining impacts from occurring west of Interstate 505 under current approvals or the Pending Major Modification.

2.4 Interim Phasing Sequence Change

CEMEX proposes an interim phasing sequence change to allow dry mining on up to 20 acres of current Phase 6 while the County completes processing of the Pending Major Modification. The location of the proposed dry mining area is shown on Figure 3, Interim Phase 6 Dry Mining Area, and Figure 4, Detail for Phase 6 Dry Mining Area. This polygon shown on Figures 3 and 4 measures 18.4 acres, including the dredge breach, but may be expanded up to a maximum of 20 acres. In pertinent part, the Pending Major Modification would substitute Phases 5 and 6 of the current approvals. Therefore, this interim proposal will ensure that mining conducted in the next year will be consistent with the phasing sequence of the Pending Major Modification. The County is currently preparing an Environmental Impact Report ("EIR") for the Pending Major Modification.⁶

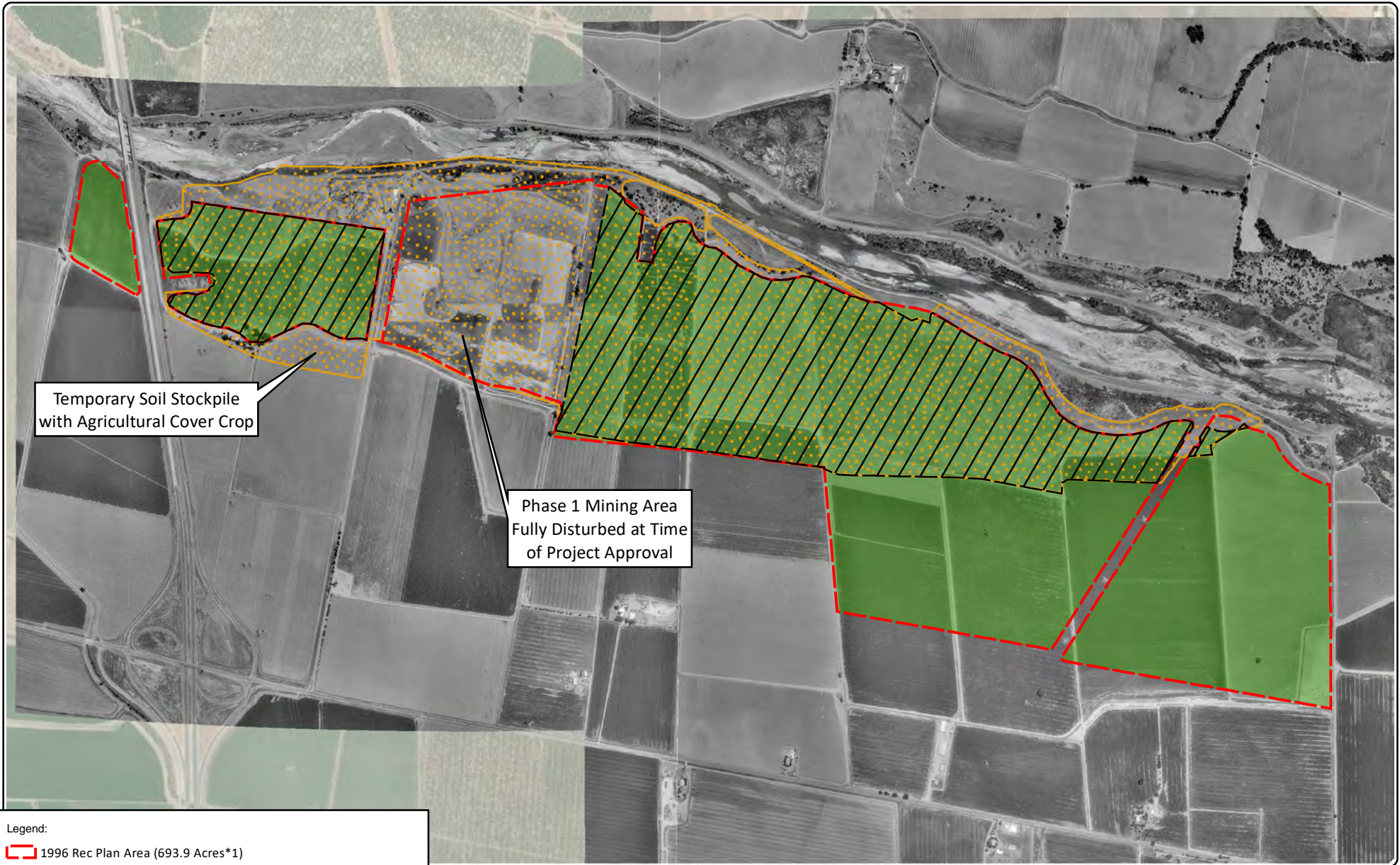
By July 2022, CEMEX must move to the next available area to begin dry mining to stay ahead of and develop a path forward for the dredge. Dry mining must be completed before the dredge can physically move (float) into a new mining area. Under current approvals, including the most recently approved 2015 minor modification to the mining plan (ZF #2014-0039), CEMEX would need to continue dry mining to the east onto what is currently Phase 5. This area would become Phase 6 under the Pending Major Modification. This area is located east of the large power transmission easement and is currently in agricultural production. This area is also closer to the residence located immediately east of the mine. To move into this area, CEMEX would need to

⁶ A Notice of Preparation for the EIR was published on February 26, 2021.

make large investments in temporarily moving the dredge anchor point, installing additional overland conveyor infrastructure, and relocating a water supply well that is used for irrigation by Sagara Farms. CEMEX had not planned on these investments given that the Pending Major Modification would defer mining in this easterly location for many years. Sagara Farms had also not planned for disruptions of crop rotations in this area. Moreover, if CEMEX moves into this area this summer, then CEMEX would be mining in the wrong location once the Pending Major Modification is approved. This would be an inefficient and confusing way to start mining under a new, improved mining plan.

Under the proposed Project (minor modification), CEMEX would progress dry mining to the south onto a maximum of 20 acres of what is currently Phase 6. This area would become Phase 5 under the Pending Major Modification. Therefore, CEMEX would begin mining in a limited area that is consistent with the Pending Major Modification. This area is currently also in agricultural production, but CEMEX has been working closely with Sagara Farms for months to minimize disruption to adjacent agricultural operations and crop rotations. Further, CEMEX would not need to make large unanticipated investments for additional overland conveyor infrastructure or relocation of the water supply well that Sagara Farms uses for irrigation. CEMEX would also avoid having to remove and re-locate the temporary dredge anchor point back to the south, at great expense and disruption to operations, once the Pending Major Modification is approved.

The proposed interim phasing sequence change would not accelerate or increase land disturbance as compared to the current mining plan allowances. The change is intended to facilitate mining in a logical progression to the south (instead of to the east) for consistency with the Pending Major Modification.



Temporary Soil Stockpile
with Agricultural Cover Crop

Phase 1 Mining Area
Fully Disturbed at Time
of Project Approval

- Legend:
- 1996 Rec Plan Area (693.9 Acres*1)
 - 1996 Farmland Areas within Rec Plan Area (585 Acres*2)
 - 2021 Identified Disturbed Areas (510 Acres)
 - Temporary Agricultural Impacts within Rec Plan Area (310.8 Acres)

Note:
 *1 693.9 acres per GIS digitization of plans. Approval documents describe ±686 acres.
 *2 The 1996 EIR reduced this total by 13 acres to reflect disturbance on the Farnham West parcel (page 4.5-14). Other differences reflect rounding error.

Farmland Designation Figure 4.5-1 from DEIR for Solano Long-Term Off-Channel Mining Permit Application. June 3, 1996.
 1996 Reclamation Area based on Solano Concrete Co. Inc. Off-Channel Reclamation. Cunningham Engineering, November 1995.

Temporary Agricultural Impacts Based on 1996 DEIR Figure 4.5-1 CEMEX Cache Creek Yolo County, California

Figure 1

4/12/2022

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

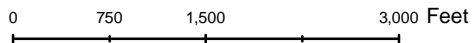


Figure 2
2081 MOU
Habitat Areas

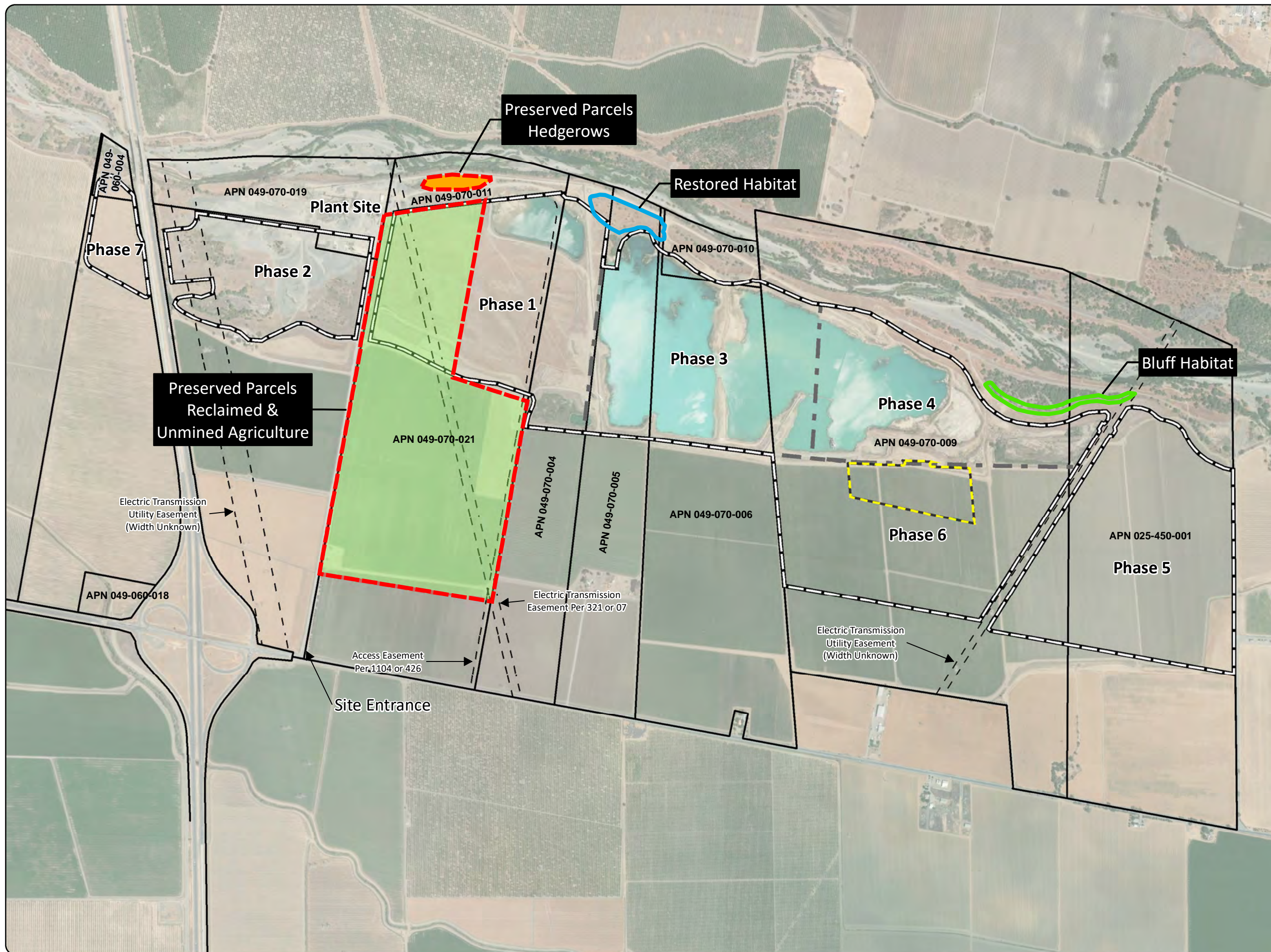
CEMEX Cache Creek
Yolo County, California

Legend:

- Yolo County Parcel
- - - Easement Boundary
- ▭ 1996 Rec Plan Boundary
- ▬ Phase Boundary
- ▭ Interim Phase 6 Dry Mining Area (18.4 Acres)

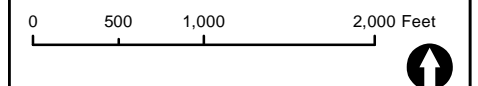
Habitat Areas

- ▭ Restored Habitat (~5.7 Acres)
- ▭ Bluff Habitat (~3.2 Acres)
- ▭ Preserved Parcels (~182.7 Acres)



4/12/2022

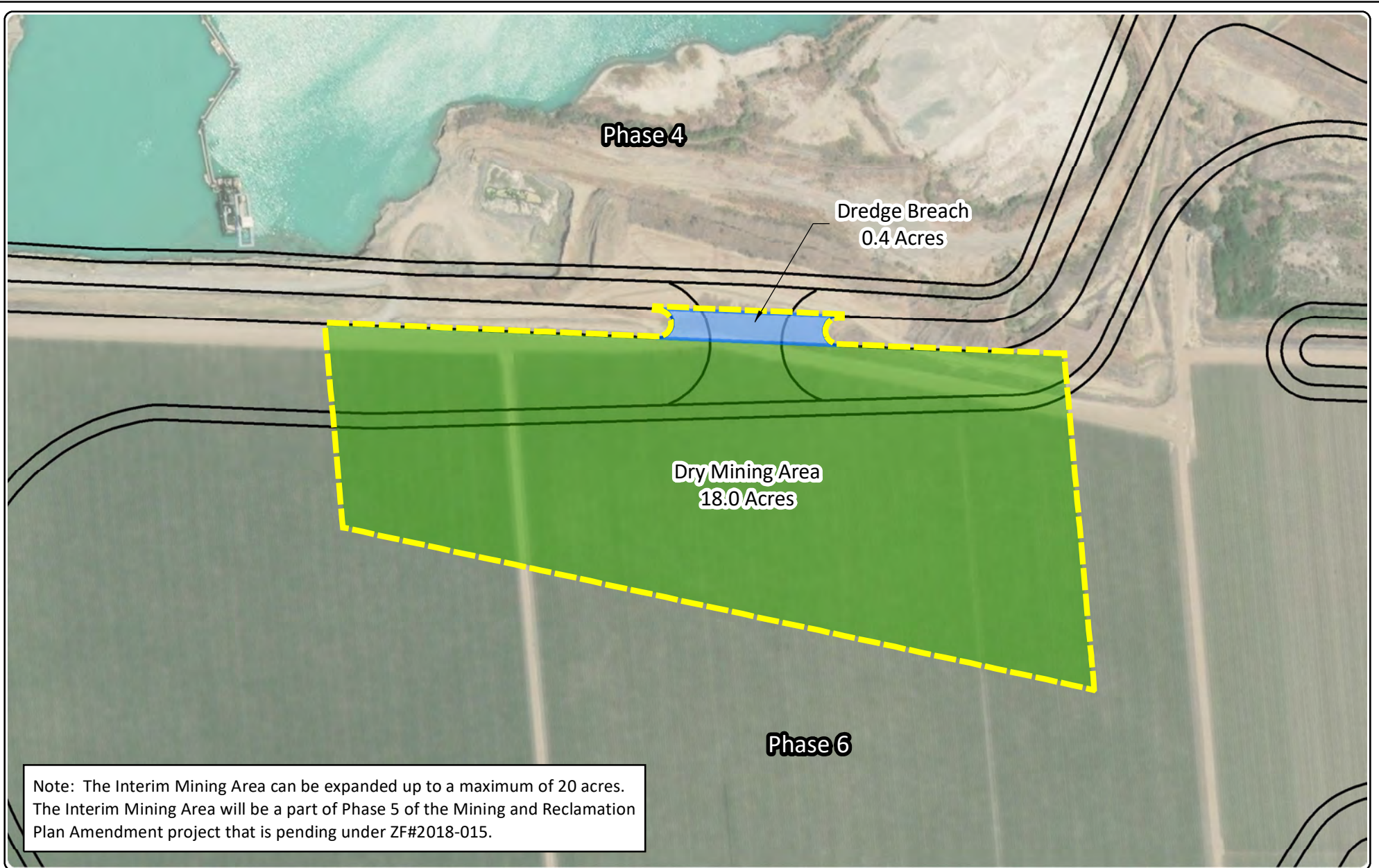
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.




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Note: The Interim Mining Area can be expanded up to a maximum of 20 acres. The Interim Mining Area will be a part of Phase 5 of the Mining and Reclamation Plan Amendment project that is pending under ZF#2018-015.

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend:	
	Interim Phase 6 Dry Mining Area (18.4 Acres)
	Dredge Breach (0.4 Acres)
	Dry Mining Area (18.0 Acres)

Detail for Interim Phase 6 Dry Mining Area CEMEX Cache Creek Yolo County, California

Figure 4

4/12/2022

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