



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

Taro Echiburú, DIRECTOR

COUNTY OF YOLO CEQA DETERMINATION

Pursuant to Section 21166 of the Public Resources Code and Section 15164 of Title 14 of the California Administrative Code ("CEQA Guidelines"), the **County of Yolo** does hereby issue this CEQA Determination for the project described below.

PROJECT TITLE: CEMEX Mining Plan Minor Modification (ZF #2022-0037)

PREVIOUSLY CERTIFIED EIR: Solano Long-Term Off-Channel Mining Permit Application Environmental Impact Report (SCH #96012034) certified November 25, 1996 (see Attachment 1)

PROJECT DESCRIPTION: CEMEX proposes (see Attachment 2) to modify their approved mining plan by reversing the sequencing of Phases 5 and 6. Phase 5 will be reordered and renumbered to become Phase 6, and Phase 6 will be reordered and renumbered to become Phase 5. In conjunction with this change the applicant proposes to commence mining on up to 20 acres in renumbered Phase 5 immediately south of where mining is currently underway in Phase 4. Mining on phases 3 and 4 is transitioning to reclamation, as mining to the south on proposed renumbered Phase 5 begins.

In related actions, CEMEX also proposes to: place 110 acres in Phase 1 into productive agriculture no later than September 30, 2022; 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 Conservation Easement boundary on the north, in permanent agricultural easement no later than September 30, 2022; and remove Phase 7 (15 acres) from the approved mining area no later than March 31, 2023.

PROJECT LOCATION: The project site is located at 30288 State Route 16, Woodland, California 95653, in the central portion of unincorporated Yolo County, near the town of Madison, approximately seven miles west of the city of Woodland. The excavation area, processing plant, and office are currently accessed from an existing driveway entrance on the north side of State Route 16. The project site consists of 12 adjacent assessor parcels: 025-450-001; 049-060-004; 049-060-007; 049-070-004; 049-070-005; 049-070-006; 049-070-009; 049-070-010; 049-070-011; 049-070-019; 049-070-020; 049-070-021. The total project area is approximately 1,902 acres.

NAME OF PUBLIC AGENCY APPROVING PROJECT: County of Yolo, County Administrator's Office, Natural Resources Division

CONTACT PERSON: Elisa Sabatini, Manager of Natural Resources
(530) 406-5773, Elisa.Sabatini@yolocounty.org

NAME OF APPLICANT: CEMEX Construction Materials Pacific, LLC

FINDINGS/ACTIONS IN SUPPORT OF DETERMINATION:

Pursuant to Section 15164 of the CEQA Guidelines, the County of Yolo has reviewed the previously certified project-level EIR that is relevant to the proposed project. Based on the substantial evidence

and analysis provided in the attached CEQA Initial Study Checklist, the County has determined that no changes or additions are necessary, and none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

As directed in the CEQA Guidelines, no further action is necessary. The proposed minor modifications fall within the scope of the previously certified EIR. The attached Initial Study Checklist and analysis support this CEQA Determination. This EIR may be viewed at the following webpages, and is also accessible at www.yolonaturalresources.org:

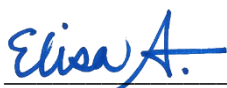
- Volume I: <https://bit.ly/1996-Solano-EIR-Volume-I>
- Volume II: <https://bit.ly/1996-Solano-EIR-Volume-II>

The Yolo County, County Administrator's Office, Natural Resources Division will consider this CEQA Determination, initial study checklist and analysis, and the previously certified EIR prior to making a decision on the project. The reasons for the County's decision not to prepare a subsequent EIR pursuant to Section 15162 are as follows:

- There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the prior EIR is required.
- There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the prior EIR is required.
- There is no new important information that was not previously known at the time of the prior EIR. There are no related new significant impacts, more substantial increase in the severity of previously identified significant impacts, previously dismissed mitigation that is now feasible, previously dismissed alternatives that are now feasible, different more effective mitigation, or different more effective alternatives that have emerged or become known.
- Therefore, implementation of the proposed project would not require changes to the previously conducted environmental impact analysis.

The approval document and all related project documents are available for public review online at www.yolonaturalresources.org, or in-person at the offices of the Yolo County Department of Community Services (292 West Beamer Street, Woodland, CA 95695) during regular business hours. Questions may be directed to Elisa Sabatini, Manager of Natural Resources, at Elisa.Sabatini@yolocounty.org or (530) 406-5773.

MITIGATION MEASURES/CONDITIONS OF APPROVAL: Previously approved CEQA mitigation measures and conditions of approval apply to the project (see Attachment 3). New conditions of approval for the Minor Modification have been identified (see Attachment 4).

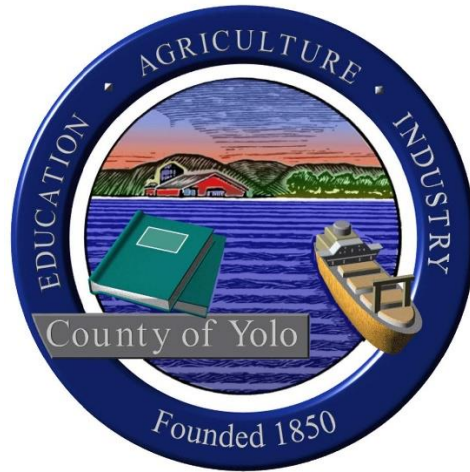


Elisa Sabatini, Manager of Natural Resources
Yolo County Natural Resources Division

May 10, 2022

Date

County of Yolo
Department of Community Services



**CEMEX Mining Plan Minor Modification
ZF #2022-0037**

CEQA Initial Study Checklist and Analysis

May 10, 2022

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ATTACHMENTS

1. Solano Long-Term Off-Channel Mining Permit Application Environmental Impact Report (SCH #96012034), certified November 25, 1996 (Volume I and Volume II)
2. Minor Modification Application Materials
3. Existing Conditions of Approval
4. Proposed New Additional Conditions of Approval for Minor Modification

CEQA INITIAL STUDY PROJECT SUMMARY

PROJECT NAME:	CEMEX Mining Plan Minor Modification (ZF #2022-0037)		DATE: May 10, 2022
SITE ADDRESS:	30288 SR 16, Madison, California		APNs: 025-450-001; 049-060-004; 049-060-007; 049-070-004; 049-070-005; 049-070-006; 049-070-009; 049-070-010; 049-070-011; 049-070-019; 049-070-020; 049-070-021
APPLICANT:	CEMEX Construction Materials Pacific, LLC ("CEMEX")		PHONE: (831) 970-9559
PROPERTY OWNER:	CEMEX	Previously Certified EIR: Solano Long-Term Off-Channel Mining Permit Application Environmental Impact Report (SCH# 96012034) certified November 25, 1996	
PREPARED BY:	Yolo County Natural Resources Division		
PREPARED FOR:	County of Yolo Department of Community Services 292 West Beamer Street Woodland, CA 95695 (530) 666-8041 Contact: Elisa Sabatini Manager of Natural Resources (530) 406-5773		
Referenced documentation is available for public review at:			
County of Yolo Department of Community Services 292 West Beamer Street Woodland, CA 95695 Or online at: www.yolonaturalresources.org			

INTRODUCTION:

CEMEX has submitted an application (ZF #2022-0037) for a minor modification to the CEMEX Mining and Reclamation Project (ZF #95-093) approved in 1996, to renumber and reverse the sequencing of Phases 5 and 6.

ENVIRONMENTAL SETTING:

The project site totals 1,902 acres located at 30288 State Route 16, Woodland, California 95653, in the central portion of unincorporated Yolo County, near the town of Madison, approximately seven miles west of the city of Woodland. The excavation area, processing plant, and office are accessed from an existing driveway entrance on the north side of State Route 16 (SR-16).

The site is bounded by Cache Creek to the north; Interstate 505 (I-505) to the west; SR-16 to the south; and privately owned agricultural land to the east. Land uses in the vicinity of the project site consist of freeway, Cache Creek, agriculture, and occasional farm residences.

BACKGROUND:

The project site has been mined since 1971. Permits were secured originally by Solano Concrete. The operation was subsequently sold to Kiewit, Rinker, and most recently in 2008, to CEMEX. The current mining and reclamation permits were issued in 1996 with modifications in 1998, 2001, 2003, 2014, and 2015. The County is currently processing a Major Modification application (submitted February 2018) to amend the approved permits to, among other things, extend the expiration an additional 20 years and make various modifications to the proposed reclamation plan. The Major Modification application materials can be accessed at the project-specific site at www.yolonaturalresources.org. The subject Minor Modification application was submitted in April 2022 (see Attachment 2).

PROJECT DESCRIPTION:

CEMEX proposes to modify their approved mining plan by reversing the sequencing of Phases 5 and 6. Phase 5 will be reordered and renumbered to become Phase 6, and Phase 6 will be reordered and renumbered to become Phase 5. In conjunction with this change they propose to commence mining on up to 20 acres in renumbered Phase 5 immediately south of where mining is currently underway in Phase 4.

In prior approvals, the applicant was authorized applicant already has approval to mine to the east and to the south. In the EIR, the phase that is currently Phase 4 was originally analyzed as Phase 6, the phase that is currently Phase 5 was originally analyzed as Phase 5, and the phase that is currently Phase 6 was originally analyzed as Phase 4. The phase order was modified in a 2003 permit amendment (ZF #2002-127) approved by the County. In conjunction with this change the applicant proposes to commence mining on up to 20 acres in renumbered Phase 5 immediately south of where mining is currently underway in Phase 4. Mining on phases 3 and 4 is transitioning to reclamation, as mining to the south on proposed renumbered Phase 5 begins.

The proposed phasing sequence change would not accelerate or increase temporary or permanent land disturbance as compared to the current approved mining plan, and would be consistent with the phase order originally analyzed in the EIR. No change to mining methods, depth, tonnage, operations, employment, or any aspect of existing mining except the direction of the next phase is proposed. The change would facilitate mining in a logical progression to the south (instead of to the east) for consistency with the pending Major Modification, without committing the County to approving the pending Major Modification.

In related actions, CEMEX also proposes to place 110 acres in Phase 1 into productive agriculture no later than September 30, 2022; 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 Conservation Easement boundary on the north, in permanent agricultural easement no later than September 30, 2022; and remove Phase 7 (15 acres) from the approved mining area no later than March 31, 2023. These actions do not require amendment of the mining operations or permit approvals.

SUPPORTING INFORMATION:

A project EIR for the approved mining and reclamation operation was certified in 1996 in conjunction with approval of the current operation (see Attachment 1). Conditions of approval were required of the current operation (see Attachment 3). New additional conditions of approval are proposed by the County in conjunction with the Director's approval of the proposed Minor Modifications (see Attachment 4).

CEQA INITIAL STUDY CHECKLIST AND ANALYSIS

This modified CEQA Initial Study Checklist (Checklist) has been prepared to analyze the potential environmental effects associated with the proposed project and determine the appropriate CEQA document. The Checklist has been prepared consistent with CEQA Guidelines and the standard Yolo County Initial Study format. Pursuant to PRC Section 21166 and CEQA Guidelines Section 15162(a), the Checklist focuses on whether the proposed minor modifications to the CEMEX Mining Plan would result in any of the following:

- 1) Substantial changes in the project, subject to a 3-part test:
 - a. Result in new significant effects, or
 - b. Result in substantial increase in severity of previously identified significant effects, and
 - c. Require major revisions of the relevant EIRs
- 2) Substantial changes in the circumstances under which the project will be undertaken, subject to a 3-part test:
 - a. Result in new significant effects, or
 - b. Result in substantial increase in severity of previously identified significant effects, and
 - c. Require major revisions of the relevant EIRs
- 3) New information, subject to the following multi-part test:
 - a. The new information is of substantial importance, and
 - b. It was not known and could not have been known (with the exercise of reasonable diligence) at the time of the prior EIRs, and the new information shows any of the following:
 - i. The project will have one or more significant effects not discussed in the prior EIRs, or
 - ii. Significant effects examined in the prior EIRs will be substantially more severe, or
 - iii. Mitigation measures previously found not be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but the applicant has declined to adopt them, or
 - iv. Alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but the applicant has declined to adopt them, or
 - v. Mitigation measures considerably different from those analyzed in the prior EIRs would substantially reduce one or more significant effects but the applicant has declined to adopt them, or
 - vi. Alternatives considerably different from those analyzed in the prior EIRs would substantially reduce one or more significant effects but the applicant has declined to adopt them.

This checklist examines the conclusions reached in the project EIR, for each CEQA impact category identified in CEQA Guidelines Appendix G. For each CEQA impact area, a brief discussion of the impact and the relevant conclusions of the previous EIR is provided, a description of the contribution of the proposed project to impacts in the category is given, and conclusions are reached regarding whether any of the considerations identified in Section 15162(a) would occur in the given impact area as a result of implementing the proposed project.

A “no” answer in the table summary for impact area does not necessarily mean that there are no project changes or new information relative to the environmental impact category, but rather that the project changes or new information does not rise to the level that triggers a subsequent EIR or supplement to an EIR. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted with the certification of each of the previous EIRs, that accepted the possibility of unmitigable impacts in some of the impact categories regardless of whether feasible mitigation measures were identified. Where relevant, this is identified in the analysis discussion. As discussed for relevant impact categories, this does not preclude a determination that project changes or new information fail to reach a level that would require a subsequent EIR or supplement to an EIR.

Explanation of Environmental Impact Categories

Previous EIR: This column provides the conclusion reached in the prior EIR. The following abbreviations are used:

- N/A = Not Analyzed
- NI = No Impact
- LS = Less-than-Significant
- LS w/ MMs = Less-than-Significant with Implementation of Mitigation Measures
- SU = Significant and Unavoidable
- SU w/MMs = Significant and Unavoidable with implementation of Mitigation Measures

A more detailed description of the prior EIR analysis is provided in the text under the same heading, including the relevant Section and page number references.

Question #1 Substantial Changes in the Project: Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this column indicates whether the changes resulting from the proposed project as compared to the original project would result in significant new impacts or a substantial increase in the severity of previously identified significant impacts, and as a result would require major revisions of the prior EIR.

Question #2 Substantial Changes in the Circumstances Under Which the Project will be Undertaken: Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether the changes in circumstances under which the project would be undertaken as compared to originally assumed conditions would result in significant new impacts or a substantial increase in the severity of previously identified significant impacts, and as a result would require major revisions of the prior EIR.

Question #3 Important New Information Not Previously Known: Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether new information of substantial importance has been identified, that was not known (and could not have been known)¹ at the time, is available and would result any of the following: new significant impacts not previously addressed; substantially more severe impacts; new feasible or additional effective mitigation measures rejected by the applicant; or new feasible or additional effective alternatives rejected by the applicant. Question #3 would also apply to any new regulations that might change the nature of analysis or the requirements of a mitigation measure (pursuant to Section 15162(a)(d)). However, if additional analysis is conducted as part of this assessment, and the environmental conclusion remains the

¹ *Citizens of Responsible Equitable Development v. City of San Diego* (2011) 196 Cal.App.4th 515.

same, no new or additional mitigation is necessary. If the analysis indicates that a mitigation requires modifications, no additional environmental documentation is needed if it is found that the modified mitigation achieves a reduction in impact to the same level as originally achieved.

Discussion: This section contains more detailed analysis in support of the conclusions is provided. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

Conclusion: This section provides overall conclusions regarding the impact category and the effects of the proposed project. Identified changes, if any, to mitigation measures are summarized here.

I. AESTHETICS.		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
<i>Would the project:</i>					
a.	Have a substantial adverse effect on a scenic vista?	LS w/MMs	No	No	No
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	NI	No	No	No
c.	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	LS	No	No	No
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LS	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to aesthetics were analyzed in Section 4.10 of the prior EIR (see Attachment 1). Impacts to public views and vistas post-reclamation, visual incompatibility, and lighting and glare were found to be LS with no mitigation measures required. Impacts to public views and vistas during mining were found to be LS with compliance with identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County’s mining and reclamation ordinances: Sections 10-4.404 and 10-5.502 (Aesthetics), and Section 10-4.429 (Setbacks) related to setbacks, buffers, and screening when located within 1,000 feet of a public right-of-way.

There are no state scenic highways in Yolo County, and the project site is not located near any County-designated scenic roadway segments. Therefore, the project would result in no impact to scenic highways.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements:

- Conditions 27, 29, 35, 37, 40, and 71 require implementation of Section 10-4.429 related to setbacks, buffers, and screening.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. The applicant has installed landscape screening along I-505 that screens public views from the highway. Sections 10-4.404 and 10-5.502 related to performance standards for aesthetics, and Section 10-5.521 related to use of stockpiles and berms for visual screening is also addressed in the approved mining and reclamation plans for the current operation.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on aesthetics.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts related to aesthetics beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of aesthetic impacts.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce aesthetic impacts.

II. AGRICULTURE AND FORESTRY RESOURCES.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	SU w/MMs	No	No	No
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	LS	No	No	No
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	NI	No	No	No
d. Result in the loss of forest land or conversion of forest land to non-forest use?	NI	No	No	No
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	LS w/MMs	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to agricultural resources were analyzed primarily in Section 4.5 of the prior EIR (see Attachment 1). Temporary related loss of agricultural production, erosion of stockpiled soil, impacts to farmland post-reclamation, impacts to Williamson Act contracts, and conflicts with adjacent agricultural uses were found to be LS with no mitigation measures required. Impacts from high seasonal groundwater on crop productivity were found to be LS with implementation of identified mitigation measures. Permanent and cumulative loss of prime farmland was found to be SU even with compliance with identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County’s mining and reclamation ordinances: Section 10-4.433 (Soil Stockpiles), Section 10-5.511 (Field Drainage), Section 10-5.516 (Lowered Elevations for Agricultural Fields), 10-5.522 (Phasing Plans), and Section 10-5.525 (Farmland Conversion).

Impact 4.4-7 in Section 4.4 (Hydrology and Water Quality) identified flooding impacts to reclaimed agricultural fields from high groundwater conditions as LS with implementation of mitigation subsequently adopted as Section 10-5.516 (Lowered Elevations for Agricultural Fields).

There are no forest or timberland resources at the project site, nor is the site designated as such. Therefore, the project would result in no impact to forest or timberland resources.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to agricultural resources:

- Condition 10 requires enrollment of reclaimed agriculture in Williamson Act and permanent protective easement.
- Condition 26 requires installation of hedgerows and other, vegetated with native species, between restored habitat and adjoining farmland.
- Conditions 29, 47, and 49 require implementation of Section 10-5.516 related to elevation of agricultural fields.
- Conditions 48 and 50 require implementation of Section 10-5.525 related to farmland conversion.
- Conditions 60 and 80 require implementation of Section 10-4.433 related to soil stockpiles.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Compliance with Section 10-5.511 related to field drainage is addressed in the applicant's approved reclamation plan. Compliance with Section 10-5.522 related to mining and reclamation phasing is addressed in the approved mining and reclamation phasing which is reflected in the approved mining and reclamation plans.

The approved reclamation plans identify specific portions of the mining area to be reclaimed farming. In addition 175 acres of unmined farmland located offsite have been previously placed into a permanent agricultural conservation easement.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbering of mining Phases 5 and 6 would not have any material effect on agricultural resources.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to agricultural resources beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of agricultural resources.

The following new additional conditions of approval (see Attachment 4) are proposed for the subject application and would be beneficial for agricultural resources:

- Condition 2 related to planting crops on 110 acres of reclaimed agricultural fields.

- Condition 3 related to placing an additional 50 acres of unmined agricultural land located off-site into permanent agricultural conservation easement.
- Condition 5 related to expanding, maintaining, and monitoring agricultural hedgerows.
- Condition 8 related to removal of previously approved Phase 7 from the current operation.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce impacts to agricultural resources, including cumulative impacts.

III. AIR QUALITY.

Would the project:

		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a.	Conflict with or obstruct implementation of the applicable air quality plan?	SU w/MMs	No	No	No
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	SU w/MMs	No	No	No
c.	Expose sensitive receptors to substantial pollutant concentrations?	LS	No	No	No
d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	LS	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to air quality were analyzed in Section 4.7 of the prior EIR (see Attachment 1). Impacts from vehicle generated carbon dioxide (CO), impacts to sensitive receptors, odor were found to be LS with no required mitigation measures. Emissions of dust and criteria pollutants, and related impacts, were found to be SU even with compliance with identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County's mining and reclamation ordinances: Sections 10-4.407 (Conveyor Systems), 10-4.414 (Dust Control), and 10-4.415 (Equipment Maintenance).

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to air quality:

- Conditions 63, 64, and 65 require installation of conveyors pursuant to Section 10-4.407 and implementation of dust control pursuant to Section 10-4.414.
- Condition 65.1 addresses use of cleaner vehicles and equipment, and use of cleaner energy to reduce pollutant emissions, pursuant to Section 10-4.414.1 (Energy).
- Condition 77 requires compliance with equipment maintenance requirements pursuant to Section 10-4.415.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Electric conveyors to transport materials from the mining are to the plant

were installed in 2002. The operator installed a wind turbine energy system in 2012 which supplies renewable energy for up to 30 percent of the energy demand at the plant.

Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on air quality.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to air quality beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of air quality.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505, but would not reduce allowed tonnage. For this reason, implementation of this condition may reduce air emissions associated with mining and reclamation on the west side of I-505, disconnected from the operations on the east side of the freeway, but because there is no change in tonnage, air emissions associated with mining and reclamation overall would not change.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	LS w/MMs	No	No	No
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	LS w/MMs	No	No	No
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	LS w/MMs	No	No	No
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	LS w/MMs	No	No	No
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	LS w/MMs	No	No	No
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	LS w/MMs	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to biological resources were analyzed in Section 4.6 of the prior EIR (see Attachment 1). Post-reclamation impacts were found to be LS with no mitigation measures required. Impacts to habitat, sensitive species, and foraging land were found to be LS with implementation of identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County’s mining and reclamation ordinances: Sections 10-4.418 and 10-5.514 (Habitat Conservation Plan Compliance), Sections 10-4.420.1 and 10-5.517 (Mercury Bioaccumulation in Fish), Section 10-4.436 (Vegetation Protection), Section 10-4.439 (Wetlands), Section 10-4.440 (Wildlife Habitat), Section 10-5.509 (Fence Row Habitat), Section 10-5.515

(Habitat Plan Referral), Section 10-5.523 (Planting Plans), Section 10-5.527 (Recreation and Habitat Uses of permanent Wet Pits), and Section 10-5.533 (Wetland Habitat).

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to biological resources:

- Conditions 26 and 51 require hedgerows and other vegetated buffers consistent with Section 10-4.440 (Wildlife Habitat), Section 10-4.523 (Planting Plans), the approved HRP, and the 2081 agreement with the state Department of Fish and Wildlife (CDFW).
- Condition 52 requires protection of on-site mature oak trees through compliance with Section 10-4.435 related to protection of vegetation.
- Condition 53 requires temporary fencing around the habitat restoration area through compliance with Section 10-4.435 related to protection of vegetation.
- Condition 54 required bank protection and channel stabilization improvements to protect existing habitat.
- Condition 55 requires removal of tamarisk and giant reed from the site in conjunction with required riparian restoration.
- Condition 56 requires one permanent island in the reclaimed lake, and artificial islands and submerged peninsulas on all lakes.
- Condition 57 requires preservation of the bluff habitat at the north of current Phase 6 (Snyder East parcel).
- Condition 58 requires a 2081 agreement with CDFW.
- Condition 59 requires compliance with elderberry shrub protection, including pre-construction surveys before commencement of mining in new phases.
- Condition 60 requires compliance with Section 10-4.433 related to soil stockpiles.
- Condition 61 requires restoration of bank swallow habitat north of Phase 1 (Hudson parcel).
- Condition 61.5 requires pre-construction raptor surveys prior to commencement of mining in each phase.
- Condition 62 required coordination with other responsible agencies prior to installation of channel bank modifications.
- Condition 79 requires compliance with Sections 10-4.420.1 and 10-5.517 related to mercury monitoring and remediation.

- Condition 80 requires use of native vegetation for compliance with Section 10-5.533 related to wetland habitat.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Prior to commencement of mining in the new phase, the applicant will perform pre-construction surveys for biological resources as described in Conditions 59 and 61.5.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on biological resources. Prior to commencement of mining in the new phase, consistent with the adopted mitigation measures, the applicant will perform pre-construction surveys for biological resources to confirm this, as described in existing Conditions 59 and 61.5.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to biological resources beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of biological resources.

The following new additional conditions of approval (see Attachment 4) are proposed for the subject application and would be beneficial for biological resources:

- Condition 2 related to planting crops on 110 acres of reclaimed agricultural fields.
- Condition 3 related to placing an additional 50 acres of unmined agricultural land located off-site into permanent agricultural conservation easement.
- Condition 5 related to expanding, maintaining, and monitoring agricultural hedgerows.
- Condition 8 related to removal of previously approved Phase 7 from the current operation.
- Condition 12 related to completion of a pre-construction survey for biological resources in the new (renumbered) Phase 5 prior to commencement of mining in that phase.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce biological impacts associate with mining in that Phase.

V. CULTURAL RESOURCES.		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
<i>Would the project:</i>					
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	NI	No	No	No
b.	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	LS	No	No	No
c.	Disturb any human remains, including those interred outside of dedicated cemeteries.	LS	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to cultural resources were analyzed in Section 4.11 of the prior EIR (see Attachment 1). Impacts to historical resources were found to be LS with no mitigation measures required. Impacts to archeological (including tribal) resources were found to be SU even with implementation of identified mitigation measures. The identified mitigation measures were integrated into the Section 10-4.410 (Cultural Resources) of the County’s mining ordinance.

See item VII (Geology and Soils) of this Checklist for discussion of paleontological resources.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to cultural resources:

- Condition 72 requires compliance with Section 10-4.410 should unknown cultural resources be discovered.
- Condition 73 requires the operator to establish a cultural resources training program.
- Condition 74 required analysis, mapping, and relocation of cultural resources known to exist within and adjacent to current Phases 4 and 6 (Snyder West parcel)

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on cultural resources.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to cultural resources beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of cultural resources.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce potential impacts associated with unknown cultural resources in that phase.

VI. ENERGY. <i>Would the project:</i>		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a.	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	LS	No	No	No
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	NI	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Energy impacts were addressed in the Initial Study prepared for the prior EIR. Because aggregate mining was/is an allowed use consistent with the zoning and CCAP, energy use for the project was not found to be wasteful or inefficient, and therefore the potential for impact in that category was identified as LS with no mitigation measures required. The EIR Initial Study identified no adopted plans with which energy use by the project would be in conflict, and therefore concluded there was no potential for impact in that category.

Discussion

For the reasons stated above, there were no mitigation measures identified for energy impacts required for impacts. However, the existing operation was approved with conditions, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) establish additional performance standards relevant to energy:

- Condition 65.1 addresses use of cleaner vehicles and equipment, and use of cleaner energy to reduce pollutant emissions, pursuant to Section 10-4.414.1 (Energy).
- Condition 77 requires compliance with equipment maintenance requirements pursuant to Section 10-4.415.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. No significant effects would occur with respect to energy as a result of the subject minor modification because the proposed phasing sequence change would not accelerate or increase temporary or permanent land disturbance as compared to the current approved mining plan, and would be consistent with the phase order originally analyzed in the EIR. The proposed project would not result in an increase in population, employment, or rate of aggregate production. Therefore, no additional or changed demand for electricity, natural gas, or fuel would be created by the project with or without the proposed mining plan modification, and no impact would occur.

Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any increase in project energy use. Allowing for continued operation of the dredge to the south based on the phasing proposed in this minor modification application, rather than relocating the dredge to the east following the phasing as currently approved, would preclude the need to expend energy on equipment relocation.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR related to energy impacts.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505, but would not reduce allowed tonnage. For this reason, implementation of this condition may reduce energy impacts associated with mining and reclamation on the west side of I-505, disconnected from the operations on the east side of the freeway, but because there is no change in tonnage, energy use associated with mining and reclamation overall would not change.

VII. GEOLOGY AND SOILS.		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
<i>Would the project:</i>					
a.	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	LS	No	No	No
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	LS	No	No	No
ii.	Strong seismic ground shaking?	LS	No	No	No
iii.	Seismic-related ground failure, including liquefaction?	LS	No	No	No
iv.	Landslides?	LS	No	No	No
b.	Result in substantial soil erosion or the loss of topsoil?	LS w/MMs	No	No	No
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	LS	No	No	No
d.	Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	LS	No	No	No

VII. GEOLOGY AND SOILS.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	NI	No	No	No
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	LS w/MMs	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to geology and soils were analyzed in Section 4.3 of the prior EIR (see Attachment 1). Impacts related to decreased availability of aggregate resources and effects of expansive soils were found to be LS with no mitigation measures required. Impacts from seismic shaking, slope erosion, and pit capture were found to be LS with implementation of identified mitigation measures. The identified mitigation measures: Section 10-4.406 (Benches), Section 10-4.411 (Dam Requirements), Sections 10-4.413 and 10-5.507 (Drainage), Section 10-4.416 (Flood Protection), Section 10-4.429 (Setbacks), Section 10-4.431 and 10-5.530 (Slopes), Section 10-5.504 (Backfilled Excavations: Improvements), Section 10-4.505 (Backfilled Excavations: Inspections), Section 10-5.506 (Bank Stabilization Maintenance), Section 10-5.508 (Erosion Control), Section 10-5.512 (Field Releveling), and Section 10-5.526 (Repair of Damage Due to Natural Disaster).

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to geology and soils:

- Conditions 33 and 78 require compliance with Section 10-4.406 related to excavated benches and slope steepness within the mining area.
- Condition 43 requires compliance with Section 10-4.411 related to sign-off by the State Division of Dam Safety.
- Conditions 29, 33, 45, and 46 require compliance with Section 10-4.413 and 10-5.507 related to drainage design and erosion control.
- Condition 37 requires compliance with Section 10-4.416 related to flood protection and pit capture.
- Conditions 27, 29, 35, 37, 40, and 71 require compliance with Section 10-4.429 related to setbacks, excavation within 700 feet of the creek, and creek stabilization.
- Conditions 33, 45, 46, and 78 require compliance with Sections 10-4.431 and 10-5.530 related to slope steepness.

- Condition 32 requires compliance with Section 10-5.504 requiring a geotechnical investigation for construction of public facilities within the mining pits and Section 10-5.505 related to inspection of backfilled mining areas after strong seismic events.
- Conditions 37 and 40 require compliance with Section 10-5.506 related to mining within 700 feet of the active channel.
- Conditions 33 and 80 require compliance with Section 10-5.508 related to erosion control on mining pit slopes.
- Condition 32 requires compliance with Section 10-5.512 related to releveling reclaimed agricultural fields after the first two crop seasons.
- Condition 32 requires compliance with Section 10-5.526 related to repair of reclaimed land for damage caused from natural disasters.
- Condition 34 required the applicant to update the channel boundary with project-level hydraulic modeling.
- Condition 35 required the applicant to revise the northerly boundary of all phases to reflect the minimum 200-foot setback from Cache Creek.
- Condition 36 required levee improvements to ensure 100-year flood protection.
- Condition 38 requires ongoing monitoring and maintenance of channel banks and levees.
- Condition 39 requires installation of bank protection downstream from the I-505 bridge.
- Condition 41 requires installation of bank stabilization to enable mining to occur as close as 200-feet from the channel bank.
- Condition 42 required implementation of the CCIP along the project creek frontage.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on geology or soils.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to geology and soils beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of geology and soils.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce impacts to geology and soils.

VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	N/A	No	No	No
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	N/A	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to greenhouse gas emissions were not addressed in the prior EIR. This topic was not a part of the Initial Study checklist used for the prior EIR or a required component of CEQA at that time.

Discussion

While the EIR did not address greenhouse gas impacts, no significant effects would occur with respect to greenhouse gas emissions because the proposed phasing sequence change would not accelerate or increase temporary or permanent land disturbance as compared to the current approved mining plan, and would be consistent with the phase order originally analyzed in the EIR. The proposed project would not result in an increase in population, employment, or rate of aggregate production. Therefore, no additional or changed greenhouse gas emissions would occur as a result of implementation of the proposed mining plan modification. Therefore, no impact would occur.

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any increase in project greenhouse gas emissions. Allowing for continued operation of the dredge to the south based on the phasing proposed in this minor modification application, rather than relocating the dredge to the east following the phasing as currently approved, would preclude the need to emit greenhouse gases associated with equipment relocation.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505, but would not reduce allowed tonnage. For this reason, implementation of this condition may reduce greenhouse gas emissions associated with mining and reclamation on the west side of I-505, disconnected from the operations on the east side of the freeway, but because there is no change in tonnage, greenhouse gas emissions associated with mining and reclamation overall would not change.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	LS	No	No	No
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	LS w/MMs	No	No	No
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	NI	No	No	No
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	NI	No	No	No
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	NI	No	No	No
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	NI	No	No	No
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	NI	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to hazards and hazardous materials were analyzed in Section 4.12 of the prior EIR (see Attachment 1). Interference with emergency evacuation, exposure to existing hazards, and increased fire hazard were found to result in NI. Hazards to workers at the mining site and hazards from mosquitos attracted by open water at the mining pits were found to be LS with no mitigation measures required. Accidental release of hazardous materials and hazards associated with the open mining pits were found to be LS with implementation of identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County's mining and reclamation ordinances: Section 10-4.403 (Accident Reporting), Section 10-4.406 (Benches), Section 10-4.415 (Equipment Maintenance), Section 10-4.419.1 (Hazardous Materials Storage), Sections 10-4.420.1 and 10-5.517 (Mercury

Bioaccumulation in Fish), Sections 10-4.431 and 10-5.530 (Slopes), and Section 10-5.510 (Fencing).

Discussion

The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to hazards and hazardous materials:

- Conditions 17, 29, 46, and 79 require compliance with Sections 10-4.420.1 and 10-5.517 related to mercury monitoring and remediation.
- Condition 25 requires compliance with Section 10-4.403 related to accident reporting and Section 10-4.419.1 related to storage of hazardous materials and filing of Hazardous Materials Business Plans with the County.
- Conditions 29, 45, 46, and 78 require compliance with Section 10-5.510 related to fencing.
- Conditions 33 and 78 require compliance with Section 10-4.406 related to benches and Section 10-4.431 related to slopes.
- Conditions 33, 45, 46, and 78 require compliance with Section 10-5.530 related to slopes.
- Conditions 64 and 77 require compliance with equipment maintenance requirements pursuant to Section 10-4.415.
- Condition 78 requires compliance with Section 10-4.406 related to benches, Sections 10-4.431 and 10-5.530 related to steepness of slopes, and Section 10-5.510 related to fencing

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. No changes are proposed to the nature of mining, processing, and reclamation related activities with respect to the transportation, use, or disposal of hazardous materials. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on hazards and hazardous materials.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to hazards and hazardous materials beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of hazards and hazardous materials resources.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505, but would not reduce allowed tonnage. For this reason, implementation of this condition may reduce impacts related to hazards and hazardous materials associated with mining and reclamation on the west side of I-505, disconnected from the operations on the east side of the freeway, but because there is no change in tonnage, hazards and hazardous materials associated with mining and reclamation overall would not change.

X. HYDROLOGY AND WATER QUALITY.		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
<i>Would the project:</i>					
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	LS w/MMS	No	No	No
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	LS	No	No	No
c.	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:	LS	No	No	No
i.	Result in substantial erosion or siltation on- or off-site;	LS	No	No	No
ii.	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	LS w/MMS	No	No	No
iii.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	LS	No	No	No
iv.	Impede or redirect flood flows?	LS w/MMS	No	No	No
d.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	LS w/MMS	No	No	No
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	LS	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMS = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to hydrology and water quality were analyzed in Section 4.4 of the prior EIR (see Attachment 1). Loss of water to evaporation, alterations to topography and drainage patterns, and impacts of pumping to nearby water supply wells were found to be LS with no mitigation measures required. Potential degradation of water quality during mining and post-reclamation, and high-water impacts to reclaimed agricultural fields were found to be LS with implementation of identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County's mining and reclamation ordinances: Sections 10-4.413 and 10-5.507 (Drainage), Section 10-4.416 (Flood Protection), Section 10-4.417 (Groundwater Monitoring Programs), Section 10-4.420.2 and 10-5.517 (Mercury Bioaccumulation in Fish),

Section 10-4.427 (Protection of Nearby Drinking Water Wells), Section 10-4.428 (Sanitary Facilities), Section 10-5.510 (Fencing), Section 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields), Section 10-5.519 (Motorized Watercraft Prohibition), Section 10-5.524 (Post-Reclamation Groundwater Monitoring), Section 10-5.528 (Sewage Storage Prohibition), Section 10-5.529 (Shallow Depths), Section 10-5.530 (Slopes), and Section 10-5.532 (Use of Overburden and Fine Sediments in Reclamation).

The project site is not exposed to risks from tsunamis or seiches.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to agricultural resources:

- Condition 25 requires compliance with Section 10-4.419.1 related to storage of hazardous materials and filing of Hazardous Materials Business Plans with the County.
- Conditions 29 and 45 require compliance with Section 10-4.413 and 10-5.507 related to drainage, Section 10-4.417 related to groundwater monitoring, Section 10-4.427 related to protections for nearby drinking water wells, Section 10-4.428 related to sanitary facilities, Section 10-5.510 related to fencing, Section 10-5.519 related to motorized watercraft, Section 10-5.524 related to groundwater monitoring, Section 10-5.528 related to use of reclaimed mining pits for sewage or landfill purposes, and Section 10-5.530 related to slopes.
- Condition 33 requires compliance with Section 10-4.413 and 10-5.507 related to drainage, and Section 10-5.530 related to slopes.
- Condition 44 requires approval of a County Flood Hazard Development Permit (FHDP) for activity within the 100-year flood plain.
- Condition 46 requires compliance with the same sections as Condition 45 plus Section 10-5.517 related to mercury monitoring and remediation, and Section 10-5.532 related to use of overburden and fines in reclamation.
- Condition 47 requires compliance with Section 10-5.516 related minimum surface elevations for reclaimed agricultural fields.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on hydrology or water quality.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to hydrology or water quality beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of hydrology and water quality.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505, but would not reduce allowed tonnage. For this reason, implementation of this condition may reduce hydrology and water quality impacts associated with mining and reclamation on the west side of I-505, disconnected from the operations on the east side of the freeway, but because there is no change in tonnage, hydrology and water quality impacts associated with mining and reclamation overall would not change.

XI. LAND USE AND PLANNING

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Physically divide an established community?	NI	No	No	No
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	NI	No	No	No

N/A = Not Applicable; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Land use and planning impacts were analyzed in Section 4.2 of the prior EIR (see Attachment 1). Increased intensity of land use on the site, and consistency with the general plan, SMARA, the draft Yolo HCP, the RWQCB Basin Plan were all found to be LS with no mitigation measures required. Land use compatibility, and consistency with the OCMP, county zoning, and agricultural policies of the RCD were all found to be LS with implementation of identified mitigation measures. The identified mitigation measures included zoning amendments, conditions of approval which were required of the project related to hydrology and water quality (see discussion of item X (Hydrology and Water Quality) of this Checklist), and compliance with the net gains dedications identified in the now executed development agreement.

Land use and planning impacts were also addressed in the Initial Study prepared for the prior EIR. The EIR Initial Study concluded mining would not physically divide an established community or conflict with any plans, policies, or regulations.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards. The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with respect to land use or planning as a result of the subject minor modification because the proposed phasing sequence change would not result in any changes relevant to the approved and ongoing location or intensity of mining. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on impacts related to land use or planning.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the

severity of previously identified impacts, related to land use or planning beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of land use and planning.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition could reduce land use and planning impacts.

XII. MINERAL RESOURCES.		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
<i>Would the project:</i>					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	LS	No	No	No
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	LS	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to mineral resources were analyzed in Section 4.3 of the prior EIR (see Attachment 1) and found to be LS with no mitigation measures required.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards for the extraction of mineral resources and subsequent reclamation to new land uses. The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No changes to annual or total tonnage is proposed, nor to the location or depth of mining. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on mineral resources.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to mineral resources beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of mineral resources.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude aggregate extraction from occurring west of Interstate 505 under current approvals, but would not

result in loss of availability of aggregate from this phase in the future. For this reason, implementation of this condition would have no effect on availability of mineral resources.

XIII. NOISE. <i>Would the project result in:</i>		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a.	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LS w/MMs	No	No	No
b.	Generation of excessive groundborne vibration or groundborne noise levels?	LS w/MMs	No	No	No
c.	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	NA	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Noise impacts were analyzed in Section 4.9 of the prior EIR (see Attachment 1). Increases in ambient noise, exposure to sensitive receptors, potential for vibration were found to be LS with implementation of identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County's mining and reclamation ordinances: Sections 10-4.421 (Noise: General Standard), Section 10-4.422 (Noise: Sonic Safety Devices), and Section 10-4.423 (Noise: Traffic).

There are no airport or air strip facilities within two miles of the site.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to noise control:

- Condition 16 requires compliance with all applicable requirement of the County code which would include Section 10-4.423 related to traffic noise.
- Conditions 68 and 69 require compliance with Section 10-4.421 related to general noise standards.
- Condition 70 requires compliance with Section 10-4.422 related to sonic safety noise such as back-up beepers and conveyer alarms.

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. Several new additional conditions of approval are proposed (see

Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on noise.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to noise beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of noise.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce noise impacts to receptors on the west side of the freeway.

XIV. POPULATION AND HOUSING.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	NI	No	No	No
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	NI	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to population and housing were addressed in the Initial Study prepared for the prior EIR. Because no effects related to population or housing were identified for the existing operation, the EIR Initial Study concluded there was no potential for impact in that category.

Discussion

For the reasons stated above, there were no mitigation measures identified for population and housing impacts. However, the existing operation was approved with conditions, subject to annual compliance inspections and reporting (see Attachment 3). The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with respect to population or housing as a result of the subject minor modification because the proposed phasing sequence change would not result in an increase in population, employment, or rate of aggregate production. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any increase in population, employment, or impacts on housing.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR related to population and housing assumptions.

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Fire protection?	LS	No	No	No
b. Police protection?	LS	No	No	No
c. Schools?	LS	No	No	No
d. Parks?	NI	No	No	No
e. Other Public Facilities?	LS w/MMs	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to public services were addressed in the Initial Study prepared for the prior EIR. Effects related to fire and police protection, and parks were identified as LS for the existing operation with no mitigation measures required.

Impacts to County roadways are discussed in item XVII (Transportation) of this Checklist below.

Discussion

For the reasons stated above, there were no mitigation measures identified for fire, police, or parks. However, the existing operation was approved with conditions, subject to annual compliance inspections and reporting (see Attachment 3). The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with respect to fire, police, or parks as a result of the subject minor modification because the proposed phasing sequence change would not result in an increase in population or change in land use. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of

substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any increase in population or changes in land use that could affect the provision of public services.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR related to public services.

XVI. RECREATION.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	NI	No	No	No
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	NI	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to recreation were addressed in the Initial Study prepared for the prior EIR, and identified as NI for the existing operation.

Discussion

For the reasons stated above, there were no mitigation measures identified for recreation. However, the existing operation was approved with conditions, subject to annual compliance inspections and reporting (see Attachment 3). The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with respect to recreation as a result of the subject minor modification because the proposed phasing sequence change would not result in an increase in population or change in land use. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any increase in population or changes in land use that could affect the provisions of recreational facilities or services.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR related to recreation.

XVII. TRANSPORTATION. <i>Would the project:</i>		Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a.	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	LS	No	No	No
b.	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	N/A	No	No	No
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	LS	No	No	No
d.	Result in inadequate emergency access?	LS	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMS = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Transportation impacts were analyzed in Section 4.6 of the prior EIR (see Attachment 1). Impacts to emergency access were found to be LS in the EIR Initial study with no mitigation measures required. Impacts to non-standard roadway segments and to roadway operations were found to be LS with implementation of identified mitigation measures. The identified mitigation measures were integrated into the following sections of the County’s mining and reclamation ordinances: Sections 10-4.408 (County Road Improvements), 10-4.409 (County Road Maintenance), and Section 10-4.419 (Haul Roads).

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these requirements and/or establish additional performance standards relevant to traffic and circulation:

- Condition 66 required construction of a left-turn lane for eastbound movements on SR 16.
- Condition 67 required fair share contributions to improvements at SR 16 and CR 98.

These obligations were completed in 1999 (Condition 66) and 1997 (Condition 67) respectively. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Section 15064.3 of the CEQA Guidelines was added in 2018 at address requirements of Senate Bill (SB) 743 (Statutes of 2013) and a Technical Advisory issued by the Governor’s Office of Planning and Research (OPR) on “Evaluating Transportation Improvements in CEQA.” Pursuant to this Section, the OPR Technical Advisory, and subsequent case law, the State has determined that analysis of vehicle miles traveled (VMT) is attributable to a project is generally the most appropriate measure of transportation impacts. However, as related to the subject minor

modification, the project would have no effect on project-related VMT because there is no change in operations associated with the proposed phase changes.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on traffic or circulation.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to traffic or circulation beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to the assessment of traffic and circulation.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would eliminate transportation impacts associated with mining and reclamation west of I-505 including transport of raw aggregate from this disconnected phase, to the plant.

XVIII. TRIBAL CULTURAL RESOURCES.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	LS	No	No	No
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	SU w/MMs	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts to tribal cultural resources were analyzed in Section 4.11 of the prior EIR (see Attachment 1). Impacts to historical resources were found to be LS with no mitigation measures required. Impacts to archeological (including tribal) resources were found to be SU even with implementation of identified mitigation measures. The identified mitigation measures were integrated into the Section 10-4.410 (Cultural Resources) of the County’s mining ordinance.

Discussion

The existing operation was approved with conditions to ensure compliance with the mitigation measures identified in the EIR, subject to annual compliance inspections and reporting. The following existing conditions of approval (see Attachment 3) ensure compliance with these

requirements and/or establish additional performance standards relevant to tribal cultural resources:

- Condition 72 requires compliance with Section 10-4.410 should unknown cultural resources be discovered.
- Condition 73 requires the operator to establish a cultural resources training program.
- Condition 74 required analysis, mapping, and relocation of cultural resources known to exist within and adjacent to current Phases 4 and 6 (Snyder West parcel)

The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval. The previously recorded resource location was analyzed, mapped, and relocated to a confidential area approved at the time by the County, representatives of the operator at the time, and tribal representatives.

Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on tribal cultural resources.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, related to cultural resources beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR relevant to tribal cultural resources.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce potential impacts associated with unknown tribal cultural resources in that phase.

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	NI (electricity; natural gas; communications; water and water treatment; sewer and septic) LS (storm water drainage)	No	No	No
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	LS	No	No	No
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	NI	No	No	No
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	NI	No	No	No
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	NI	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to utilities and service systems were addressed in the Initial Study prepared for the prior EIR, and identified as NI for the existing operation for all areas except storm water drainage which was analyzed in item X (Hydrology and Water Quality) where it was found to be LS with no mitigation measures required. Water supply impacts were also analyzed in item X (Hydrology and Water Quality) and found to be LS with no mitigation measures required.

Discussion

For the reasons stated above, there were no mitigation measures identified for utilities or service systems. However, the existing operation was approved with conditions, subject to annual compliance inspections and reporting (see Attachment 3). The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with respect to utilities and service systems as a result of the subject minor modification because the proposed phasing sequence change would not result in any change to operations. Several new additional conditions of approval are proposed (see

Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any change in operation that could affect the provision of utilities.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR related to utilities and service systems.

XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	LS	No	No	No
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	LS	No	No	No
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	LS	No	No	No
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	LS	No	No	No

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

Impacts related to wildfire and emergency response were analyzed in the Initial Study for the prior EIR and found to be NI or LS (see Attachment 1) with no mitigation measures required.

Discussion

For the reasons stated above, there were no mitigation measures identified for wildfire impacts. However, the existing operation was approved with conditions, subject to annual compliance inspections and reporting (see Attachment 3). The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with respect to wildfire as a result of the subject minor modification because the proposed phasing sequence change would not result in any change to operations. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not result in any change in operation.

The proposed project would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, beyond what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR related to wildfire.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505. For this reason, implementation of this condition would reduce wildfire impacts.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

	Previous EIR	Question #1: Substantial Changes in the Project?	Question #2: Substantial Changes in the Circumstances Under Which the Project will be Undertaken?	Question #3: Important New Information Not Previously Known?
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	LS w/ MMs	No	No	No
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	LS w/ MMs	No	No	No
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	LS w/ MMs	No	No	No

N/A = Not Analyzed; NI = No Impact, LS = Less-than-Significant, w/MMs = with implementation of Mitigation Measures; SU = Significant and Unavoidable

Previous EIR

See discussion of items IV (Biological Resources) and V (Cultural Resources). As discussed, the EIR identified some significant impacts, but all could be reduced to a less-than-significant level with identified mitigation.

Cumulative impacts for the CCAP were summarized in Section 5.1 of the prior EIR (see Attachment 1). All cumulative effects were fully mitigatable except cumulative impacts to agriculture, air quality, truck trips, and impacts to views and vistas. The EIR identified that the CEMEX operation would contribute proportionately to those cumulative impacts, and would be cumulatively considerable for loss of agricultural resources and impacts to air quality.

Analysis of other potential adverse effects on human beings are addressed under previous discussion items in this Checklist.

Discussion

The existing operation was approved with conditions, subject to annual compliance inspections and reporting (see Attachment 3). The applicant has completed and/or demonstrated ongoing compliance with each of these conditions of approval.

No significant effects would occur with from implementation of the subject minor modification because the proposed phasing sequence change would not result in any materials change to operations or other aspects of the project. Several new additional conditions of approval are proposed (see Attachment 4) for the subject application that add additional requirements and performance standards with which the project must comply.

Conclusion

The proposed minor modification would not result in substantial changes to the project or the circumstances under which the project is being undertaken. There is no new information of substantial importance that has emerged. The proposed renumbered of mining Phases 5 and 6 would not have any material effect on operations or other components of the project.

The proposed minor modification would not result in any change to the impact assessment in the EIR. The proposed project would not result in any new impacts, nor a substantial increase in the severity of previously identified impacts, what was analyzed in the prior EIR.

The proposed renumbering of mining Phases 5 and 6 would not change the scope of approved mining or processing related activities, and would remain consistent with the assumptions in the EIR.

Proposed new Condition 8 related to removal of previously approved Phase 7 from the current operation would result in a net reduction of 15 acres in the approved mining area and preclude mining from occurring west of Interstate 505, but would not reduce allowed tonnage. For this reason, implementation of this condition may reduce physical impacts associated with mining and reclamation on the west side of I-505, disconnected from the operations on the east side of the freeway, but because there is no change in tonnage, emissions associated with mining and reclamation overall would not change.

ATTACHMENT 1

SOLANO LONG-TERM OFF-CHANNEL MINING PERMIT APPLICATION
ENVIRONMENTAL IMPACT REPORT (SCH #96012034)
CERTIFIED NOVEMBER 25, 1996

VOLUME I

<https://bit.ly/1996-Solano-EIR-Volume-I>

VOLUME II

<https://bit.ly/1996-Solano-EIR-Volume-II>

ATTACHMENT 2

MINOR MODIFICATION APPLICATION MATERIALS

<https://bit.ly/zf2022-0037>

ATTACHMENT 3

EXISTING CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL
MINING PERMIT AND RECLAMATION PLAN NO. ZF #95-093

CEMEX MINING AND RECLAMATION PROJECT

Confirmed Official Conditions: October 22, 2020
2020 Ten-Year Permit Review: February 11, 2021

The following conditions of approval include all mitigation measures contained within the Final EIR, except where noted in the staff report. Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

1. The operator shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the operators of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,204,819 tons mined weight). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons (sold weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.
3. The operator shall pay tonnage fees to the County and the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the

CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

4. Pursuant to Section 10-11.02(e) of the Gravel Mining Fee Ordinance, operators approved to utilize the Twenty Percent Production Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
5. The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.
6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year of permit approval, then this Mining Permit and its accompanying entitlements shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply to renew the permit. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.
8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$699,655 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.
9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.
10. In compliance with Section 10-5.520.2 (Permanent Easements) of the Reclamation Ordinance, upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, or other equivalent

long-term easements or deed restrictions satisfactory to the County, for the purpose of protection of the agricultural use of the reclaimed land in perpetuity.

11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), only that portion of the Farnham East parcel in Phase 3 (APN: 049-070-05) which will be reclaimed to prime agricultural land, shall be mined prior to 2006.
12. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.
13. The operator shall reclaim the areas south of the permanent lakes in Phases 1, 3, 4, 5, and 6 to the agricultural production of tree crops, as described in the application.
14. The aggregate processing plant, located on the northern 20 acres of the Kaupke parcel (APN: 049-070-13) shall be reclaimed in accordance with the CCAP.
15. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.
16. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, the County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
17. The operator is prohibited from proceeding with any new wet excavation, unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.
18. The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing road levee. The pit slopes in modified areas may be steepened to 2:1, if supported by site-specific slope stability analyses. A slope stability analysis, prepared by a Registered Engineer, and revised mining

and reclamation plans shall be submitted to the Community Development Director prior to the commencement of mining in Phase 3.

19. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the CEMEX aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.
20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.
- 21 - 24. Deleted due to repeat language.
25. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).
26. Pursuant to Action 6.4-8 of the OCMP, Section 10-4.440 of the Mining Ordinance, and Section 10-5.523 of the Reclamation Ordinance, hedgerows and other vegetated buffers required between restored habitat areas and adjoining farmland, shall use entirely native species. These hedgerows/buffers are intended to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.
27. Pursuant to Action 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

If, in moving from any one phase of mining to the next, the operator is unable to fulfill this condition within 12 months, due to delays outside of the control of the operator, the operator may optionally enter into an agreement with the County that allows deferral of construction of the channel improvements that would have otherwise been required at that time, to a reasonable future time when the events outside of the operator's control will no longer preclude meeting the condition. The operator must demonstrate to the County a good faith effort to satisfy the condition in order to enter into the optional deferral agreement. The use of the optional deferral agreement shall not allow any channel improvements that would have been required under this condition to be waived. The intent of allowing the optional deferral agreement to address a possible situation wherein the operator may be unable to satisfy the condition due to disagreement between responsible/permitting agencies, delay on the part of the County in identifying the specific improvements, or other similar circumstances.

28. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.
- 28.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 2005. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 2006, describing the reasons for delay and a revised deadline for installation.
- 28.6 Total production allowed under this Mining Permit shall not exceed 26.7 million tons (sold weight) and 32.2 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMF and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.
- 28.7 The applicant shall be in full compliance and good standing at all time with the terms of other required federal, state, and regional agency permits.

EIR MITIGATION MEASURES

Land Use and Planning

29. Implement Mitigation Measures 4.4-3a, 4.4-4a, and 4.4-7a of the Final EIR for the proposed project (Mitigation Measure 4.2-1a).
30. The project mining schedule or reclamation plan shall be modified to ensure that if Phase 3 lands are to be mined before the Williamson Act contracts expire, then reclamation shall be

to prime agricultural uses only. Alternatively, if mining in Phase 3 does not begin until after 2006, no change to the reclamation plan would be required (Mitigation Measure 4.2-3a).

31. The County shall determine whether the operator's offer to dedicate reclaimed lands in Phases 5 and 6 for the proposed Recreation Node fulfill the policies of the CCRMP. The County and the operator shall enter into discussions to resolve how public access to the future recreation facility can be accommodated. If determined to be feasible, the project plans shall be modified to include a public access road along the eastern boundary of the site (Mitigation Measure 4.2-8a).

Geology and Soils

32. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).
33. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).
34. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay Bridge with a three-span bridge. If this assumption changes, additional HEC-2 modeling shall be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4a).
35. Portions of the northern margin of Phases 2, 3, 5, 6, and 7 shall be redesigned to provide a minimum 200-foot setback from the existing Cache Creek stream bank, in conformance with the requirements of Section 10-4.429 of the County Off-Channel Mining Ordinance. The revised project design shall be submitted prior to the commencement of mining within Phase 3 and shall be consistent with the recommended slope design presented in the current application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required (Mitigation Measure 4.3-4b).
36. The portions of the levee in Phases 3, 5, and 6 shall be raised to provide 100-year flood protection for these areas. Prior to raising the levee, a hydraulic analysis prepared and signed by a licensed engineer, demonstrating that off-site flooding impacts would not be created, must be submitted to the County for review. This mitigation measure would be consistent with the proposed project and the requirements of the OCMP. Any levee work performed shall be completed prior to the commencement of mining within the affected phases (Mitigation Measure 4.3-4c).

37. Implement the performance standards included in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community Development Director with the Annual Mining and Reclamation Report. The report shall identify the location (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.3-4d).

38. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. The landowner shall be responsible for continued monitoring and maintenance. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same (Mitigation Measure 4.3-4e).
39. The project design shall be revised to provide a biotechnical bank protection design to replace the placement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge unless engineering evaluations demonstrate that rip rap must be used to control erosion. The revised project design shall be submitted to the Yolo County Community Development Director and Caltrans for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4f).
40. In compliance with Section 10-4.429 and 10-5.506, mining within Phase 7 shall not be conducted within 700 feet of the existing stream bank until stream bank stabilization is provided for that portion of the south bank of Cache Creek upstream from the I-505 bridge. The bank protection shall be performed in accordance with the guidelines presented in the Cache Creek Resource Management Plan and Cache Creek Improvements Plan. The bank protection design shall be submitted to the Yolo County Community Development Director for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4g).
41. Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase

to be mined. Prior to construction of the improvements, detailed plans identifying the type of stream bank protection shall be submitted to the Technical Advisory Committee (TAC) for review and approval. The bank protection plans shall incorporate biotechnical methods of bank stabilization when appropriate to erosion control (Mitigation Measure 4.3-4h).

42. The operator shall enter into a Development Agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition #27. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and channel maintenance mining recommended by the County (Mitigation Measure 4.3-4i).
43. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.3-4j).

Hydrology and Water Quality

44. The operator must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development designated 100-year floodplains, as required by the County General Plan and the County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).
45. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).
46. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).
47. Pursuant to Section 10-5.516 of the Reclamation Ordinance, all reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West parcel (Phase 7) shall be modified to meet this requirement (Mitigation Measure 4.4-7a).

Agriculture

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).

49. Implement the performance standard included in Section 10-5.516 of the County Surface Mining Reclamation Ordinance to mitigate the potential impacts of high seasonal groundwater on crop productivity. The mitigation requires that all reclaimed agricultural surfaces are a minimum of five feet above the average seasonal high groundwater level. To meet this standard, the elevation of the reclaimed agricultural fields within the Solano West parcel in Phase 7 shall be raised two or more feet above the reclaimed surface elevation (Mitigation Measure 4.5-5a).
50. Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).

Biological Resources

51. Figure 8 of the HRP shall be revised to indicate the location of hedgerow plantings, around the Hutson parcel in Phase 1 or as specified as part of habitat enhancement in a Section 2081 permit if required by the CDFG, or to mitigate as a 1:1 ratio the actual loss of fence row habitat (Mitigation Measure 4.6-2a).
52. Mature oak trees at the fringe of mining areas shall be preserved. These shall include: the two oaks at the southwestern corner of the mining area on the Solano West parcel in Phase 7; the two oaks at the southeastern corner of the mining area along the boundary between the Farnham West and Hutson parcels on Phase 1; and the single oak at the southeastern edge of the mining area on the Snyder East parcel in Phase 4. Stockpiling of topsoil and overburden in the vicinity of these five trees shall be restricted to beyond the tree driplines. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline of these trees to prevent possible construction-related damage. Fencing shall remain in place until stockpiles are removed and the surrounding lands are returned to agricultural production (Mitigation Measure 4.6-2b).
53. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the habitat restoration area along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (Mitigation Measure 4.6-2c).
54. Levee and channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Levee improvements on the Snyder East and West parcels in Phases 3, 5, and 6 shall be set back from the edge of the upper terrace to eliminate fill slopes which would extend into the riparian habitat. The project design shall be revised to provide a biotechnical bank protection design to replace the replacement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge,

unless engineering evaluations demonstrate that rip rap must be used at certain locations to control severe erosion (Mitigation Measure 4.6-2d).

55. The HRP shall be revised to include provisions to remove tamarisk and giant reed from the site as part of the creek restoration effort and to modify restoration plans for the in-channel depression north on the Snyder East parcel in Phase 6 to enhance the existing riparian woodland rather than establishing seasonal marsh at this location (Mitigation Measure 4.6-2e).
56. At least one permanent island shall be created on one of the permanent lakes to improve their wildlife habitat value. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following:
 - a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 125-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
 - b. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five year monitoring program for the restoration effort.
 - c. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland and scattered shrubs provided over the top of the island (Mitigation Measure 4.6-3a).
57. The unique bluff habitat between the upper terrace and the existing haul road on the Snyder East parcel in Phase 6 shall be preserved. Mitigation Measure 4.3-4a of the Final EIR for the proposed project provides appropriate mitigation for this impact (Mitigation Measure 4.6-3b).
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).
59. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting

shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

60. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-5b).
61. The HRP shall be revised to include specific provisions to replace the artificial bank swallow nesting habitat created by past mining activities on the Hutson parcel. These provisions shall include design, construction, and maintenance activities necessary to implement one or more of the following options: establishing suitable nesting habitat on designated side slopes of the permanent lakes, replicating conditions on the Hutson parcel in Phase 1 at a new location; restoring the vertical bluffs above the mining-related riparian habitat in the northern portion of the Snyder East parcel in Phase 6; and/or creating and perpetuating a vertical bank along a designated segment of the active channel of Cache Creek (Mitigation Measure 4.6-5c).
- 61.5 A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to initiation of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:
 - Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.
 - If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.

- Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.
 - Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-5d).
62. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. Use of biotechnical bank protection design methods shall be encouraged where bank stabilization is required, such as the segment of active erosion on the Kaupke parcel north of Phase 2 (Mitigation Measure 4.6-6a).

Air Quality

63. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).
64. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).
65. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).
- 65.1 The operators are encouraged to use cleaner vehicles and equipment and retrofit existing vehicles and equipment with diesel particulate filters (DPFs). Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions.

Traffic and Circulation

66. By July 1, 1999, the operator shall construct a left-turn lane for eastbound movements on State Route 16 into the processing plant. The operator shall be responsible for 100 percent of the costs of the improvement. Encroachment Permits from Caltrans will be obtained prior to construction (Mitigation Measure 4.8-1a).
67. The operator shall pay a fair share toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining,

the operator shall pay \$1,200 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-2a).

Noise

68. In compliance with Section 10-4.421 (Noise: General Standard) of the Mining Ordinance, daytime noise levels at the property boundary shall not exceed 80 dBA L_{eq} during mining and reclamation of the site. If earth-moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time (Mitigation Measure 4.9-1a).
69. Implement the performance standards included in Section 10-4.421 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).
70. Implement the performance standard included in Section 10-4.422 (Noise: Sonic Safety Devices) of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-3a).

Aesthetics

71. Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.10-1a).

Cultural Resources

72. Implement the performance standard included in Section 10-4.410 (Cultural Resources) of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).
73. The operator shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).
74. No mining within the Snyder West parcel (Phases 4 and 6) shall be conducted until an accurate mapping of YOL-69 is completed, and the site is evaluated by an archaeologist to determine its significance and uniqueness. The following tasks shall be performed:
 - a. Contract a surveyor to accurately map the cultural resource site on a topographic map, based on information, preliminary map, and recommendations contained in the YOL-69 mechanical subsurface testing report (Holman & Associates, 1996). Upon

completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.

- b. Mapping of the resource shall be completed prior to commencement of mining in mining areas that include the resources.
 - c. Register the information obtained, including a map of the Yol-69 site, on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director.
 - d. Before mining begins on Yol-69, an archaeologist shall be contracted to evaluate the Yol-69 site and determine its significance and uniqueness as defined in Appendix K of CEQA. A program of in-field evaluation testing shall be undertaken inside the newly recorded borders of Yol-69 to determine its significance. The evaluation of this site shall be extensive enough to guide the development of a mitigation program if the site is found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of this site to monitor for indicators of human skeletal remains.
 - e. If it is determined that the site contains significant cultural resources, an appropriate mitigation program shall be developed, before mining begins on Yol-69, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and could include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (Mitigation Measure 4.11-2a).
75. Implement Mitigation Measure 4.11-1b of the Final EIR for the proposed project (Mitigation Measure 4.11-2b).
76. Implement Mitigation Measure 4.11-1a of the Final EIR for the proposed project (Mitigation Measure 4.11-2c).

Hazards

- 77. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).
- 78. Implement the performance standard included in Sections 10-4.406 and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.12-3a).

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

- 79. Comply with Section 10-4.420.1 of the County Mining Ordinance and 10-5.517 of the County Reclamation Ordinance related to Mercury Bioaccumulation in Wildlife.
- 80. Pursuant to Sections 10-4.433 (Soil Stockpiles), 10-5.508 (Erosion Control), 10-5.533 (Wetland Habitat), and 10-5.601(c)(1) of the Reclamation Ordinance, reclamation, restoration, vegetative erosion control, etc. occurring after December 31, 2020 shall utilize plant material and/ seed mixes collected in the vicinity of the project site in order to control the origin of the genetic stock and provide the most site-adapted ecotypes. Native seeds, plants, and cuttings used for such activities shall be ecotypes of Cache Creek Watershed genetic origin including areas outside of Yolo County and of Yolo County genetic origin when materials are used that originate from outside of the Cache Creek Watershed.

Additional relevant conditions of approval:

Board of Supervisors Resolution No. 00-228, approved via Minute Order No. 00-048 on December 12, 2000:

Board of Supervisors Minute Order No. 01-126, approved April 22, 2001:

- 1. The project shall be in compliance with all adopted conditions of approval for Zone File #2000-087 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736.
- 2. The project shall be completed in compliance with all applicable Federal and State laws, Yolo County Code Regulations and Engineering Design Specifications and Standards.
- 3. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards)

against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

4. Caltrans shall be forwarded a copy of any future development on the subject parcels to ensure that no significant impact to State Highway 16 and right-of-way are created.
5. Properties which are subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless a division of the Williamson Act Contract is first approved as provided in Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).
6. Upon acceptance and approval of the Williamson Act Contracts by the Yolo County Board of Supervisors, a record copy shall be provided by the applicant to the Planning and Public Works Department.
7. A “Certificate of Acceptance” will be issued by the Planning and Public Works Department within 30 days of receiving the recorded contracts.
8. Within thirty (30) days of the issuance of the “Certificate of Compliance” the applicant shall record the certificate accompanied by map and legal description of the approved Lot Line adjustment and Williamson Act Contract Division with the County Recorder’s Office, or it shall be deemed null and void.
9. Prior to final Building Approval for the new batch plant, any areas of bare ground at the abandoned batch plant site in the town of Madison shall be re-vegetated to the satisfaction of the and Public Works Director to increase filtration and prevent erosion and runoff onto State Highway 16.
10. The applicant shall obtain all necessary building permits for any demolition, construction and/or repair of any existing structures on either site, including approval from the County Environmental Health Division and the Madison Fire District, if appropriate, for compliance with adopted Health, Safety, Building, and Fire Codes, as amended.
11. Relocation of the batch plant shall commence within one (1) year of the effective date of the Planning Commission’s approval, or said Use Permit shall be deemed null and void without further action.

12. The site of the existing batch plant shall be cleared of all weeds, brush and debris, prior to issuance of the Final Building Permit for the relocated batch plant.
13. Prior to issuance of the Final Building Permit, the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$30,000 to provide financial assurance for the new plant area.
14. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:
 - Non-issuance of future building permits;
 - Revocation of the Conditional Use Permit and/or Mining Permit;
 - Legal action.

Board of Supervisors Minute Order No. 03-112, approved April 15, 2003:

1. The project shall be in compliance with all adopted conditions of approval for Zone File #2002-127 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736, and in particular, Condition No. 74 and Mitigation Measure 4.11-2a of Development Agreement No. 96-287 for the CEMEX Long-term Off-channel Mining Permit.
2. The project shall be completed in compliance with all applicable Federal, State and County laws and regulations.
3. All aspects of Phases IV and VI shall be included as part of the interchange in the phasing sequence.
4. There shall be no change to any aspect of the approved Mining and Reclamation Plan with the exception of the interchanging of Phases IV and VI. All other aspects of Development Agreement No. 96-287 for the CEMEX Long-Term Off-Channel Mining Permit shall remain in full force and effect.
5. Prior to conducting any mining activity in Phase VI (propose Phase IV) the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$348,372 to provide financial assurance for the subject phase.
6. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:
 - Non-issuance of future permits to the applicant for projects or activities at the site;
 - Revocation of the approved Mining Permit;
 - Legal action

ATTACHMENT 4

PROPOSED NEW ADDITIONAL CONDITIONS OF APPROVAL FOR MINOR MODIFICATION

CEMEX MINING PLAN MINOR MODIFICATION (ZF #2022-0037)
PROPOSED NEW ADDITIONAL CONDITIONS OF APPROVAL

1. Modification of current approved Phase 6 to become Phase 5, and current approved Phase 5 to become Phase 6, and authorization to commence dry mining on a portion of new Phase 5 totaling a maximum of 20 acres due south of the current area of mining in current Phase 4 is hereby approved and such modifications shall be noted on the approved plans and shall be initialed by the Director pursuant to Section 10-4.604.
2. The applicant shall complete field leveling and plant raptor-friendly crops on a minimum of 110 acres in Phase 1 no later than September 30, 2022. The applicant shall provide the County with verification from the Yolo Habitat Conservancy that the proposed crops and crop rotation will provide acceptable foraging habitat for Swainson's hawk.
3. The applicant shall 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 Conservation Easement boundary on the north, in permanent agricultural easement no later than September 30, 2022. The terms of the easement shall be satisfactory to the County and shall ensure crops and crop rotation will provide acceptable habitat for Swainson's hawk.
4. Implement hedgerow planting to provide required vegetative cover within a continuous uninterrupted band along the north boundary of the west half of Phase 1 and the entire west boundary between Phase 1 and Phase 2. The width of the new hedgerow planting shall match the width of the existing hedgerow plantings on the north. If the PG&E powerline easement prohibits the planting of species identified for the rest of the hedgerow, alternative native species may be proposed for the powerline easement right-of-way area. The design shall be approved by the County with input from the Cache Creek Area Plan Technical Advisory Committee's Riparian Biologist. The applicant shall submit design plans (including proposed native species and irrigation) for County review and approval no later than September 30, 2022. All approved improvements shall be implemented within 90 days of County approval.
5. Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain the hedgerows.
6. Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain the 5.7 acres of restored habitat.
7. The applicant was required under the 2081 MOU to dedicate the Restored Habitat property to the County in fee title no later than 1998. To address this outstanding commitment, the applicant shall make an irrevocable offer of dedication (IOD) to the County no later than September 30, 2022 (with a deadline for acceptance by the County

no earlier than August 11, 2027, which is coincident with the expiration of the approved permits) to dedicate to the County, in fee title, the fenced restored habitat area totaling 5.7 acres, including ongoing maintenance to the County's satisfaction until the dedication is executed. If the current approved permits are extended, as requested in the pending Major Modification application, the deadline for acceptance of the IOD shall be extended to align with the new permit expiration or other equivalent assurances of future dedication (e.g., amendment of this commitment into the revised Development Agreement) on a timetable acceptable to the County shall be made. The parties agree the deadline for acceptance of the IOD, and discussion of connecting this property to subsequent trail easement dedications and/or substituting this property for other equivalent land that is connected to future land dedications, shall be discussed in concert with Development Agreement negotiations pertinent to the pending Major Modification.

8. No later than ten days after the effective date of this approval, CEMEX shall submit an amendment to the pending Major Modification application requesting to modify Mining and Reclamation Permit ZF #95-093 to: a) remove Phase 7 (and any related activity west of Interstate 505 from the project boundary and approvals); and b) identify additional proposed actions to resolve temporary impacts to croplands in excess of the maximum of 126 acres assumed in the 1996 project EIR, or request a change in the maximum area of land disturbance identified as an element of the project in the project EIR to a feasible amount and provide substantiation of the operational reasons for the revised acreage maximum.
9. The combined 225-acre farmland easement area (2012 Easement totaling 175 acres and new conservation easement totaling 50 acres), shall be maintained in active agricultural production unless fallowing is required and/or beneficial for agricultural purposes. Fallowing for non-agricultural purposes is prohibited. Fallowing of any portion of the property for greater than one year requires approval of the Agricultural Commissioner.
10. The applicant may not withdraw or unreasonably delay processing of the pending Major Modification.
11. The applicant shall take all necessary steps to A) re-designate the mining site and plant as "place of sale" for the purposes of establishing the retail sales location and calculating the sales tax obligations of the operation, or B) compensate the County for the equivalent of the County's portion of sales tax revenues that would be generated from CEMEX's aggregate sales on a per ton basis. Reinstatement of the sales tax share to Yolo County, or obligation for equivalent compensation, shall commence on October 1, 2022, and shall extend for the life of the Mining and Reclamation permit approval (including any subsequent amendment or extension). Payment of equivalent compensation shall be due with the first quarter payment of per-ton gravel fees every March 31st (unless subsequently amended by the County). The parties agree this obligation will be

integrated into the Development Agreement in conjunction with any amendments that occur relevant to final action on the pending Major Modification.

12. In compliance with approved mining and reclamation permit conditions 59 and 61.5 the applicant shall engage the services of a qualified biologist to undertake a biological resources assessment of the new (renumbered) Phase 5 area prior to commencement of mining in that phase. Results shall be presented to the County demonstrating no impacts to special status species.