

## 2 EXECUTIVE SUMMARY

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### 2.1 PROJECT UNDER REVIEW

This Draft SEIR evaluates the environmental impacts related to implementation of the proposed CEMEX Mining and Reclamation Permit Amendment Project (project or proposed project). The proposal would amend the approved mining and reclamation permits to: 1) extend the term of the permit approvals by 20 years; 2) allow mining of more total tonnage (22.3 million additional tons mined; 20.0 million additional tons sold); 3) increase the allowed acreage of simultaneous disturbance; 4) increase the allowed area for processing activities; 5) allow reclamation in certain phases to occur later and to allow overall reclamation to occur later; 6) remove Phase 7 from the operation; 7) address inconsistencies in approved plans verses on-the-ground conditions; 8) modify phase boundaries; 9) modify reclamation plans to reclaim more area and modify reclamation end uses to decrease the area of reclaimed agriculture and increase the area of reclaimed lake; 10) increase the area of reclaimed habitat; and 11) modify other approvals to be consistent with the request. A complete description of the project is contained in Chapter 3.0, Project Description. A summary of physical changes in the project, changes in circumstances under which the project has been undertaken, and new information is provided in Chapter 4.0, Introduction to the Analysis.

### 2.2 AREAS OF CONTROVERSY

Section 15123 of the CEQA Guidelines requires the summary section of an EIR to include "areas of controversy known to the lead agency, including issues raised by agencies and the public..." The County published a Notice of Preparation (NOP) of the Draft SEIR in February 2021 to help identify the types of impacts that could result from implementation of the project, as well as potential areas of controversy. The NOP was mailed to public agencies, organizations, and individuals likely to be interested in the project and its potential impacts. Additionally, a public meeting to introduce the project and conduct a scoping session for the Draft SEIR was held on March 11, 2021, during a Planning Commission meeting. Eleven agencies/entities provided comments on the NOP and the topics identified in the letters were considered during preparation of this Draft SEIR. Copies of the NOP and the comment letters are included in Appendix A and B, respectively. The following areas of controversy have been identified:

- Impacts to agriculture
- Reclamation to agricultural
- Mitigation for loss of farmland
- Impacts to habitat

### 2.3 ISSUES TO BE RESOLVED

Section 15123 of the CEQA Guidelines requires the summary section of an EIR include "issues to be resolved including choices among alternatives and whether and how to mitigate significant effects." The following issues fit this requirement:

- Whether to extend the term of the approval.

- Whether to modify the approved reclamation plans.
- Whether to approve an increase in maximum extracted tons.

## **2.4 SUMMARY OF REGULATORY/POLICY CONSISTENCY**

Section 15125(d) of the CEQA Guidelines requires that EIRs include a discussion of any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. A number of plans and regulations apply to the proposed actions including, but not limited to, the Surface Mining and Reclamation Act, the Yolo County General Plan, the County Zoning Ordinance, the CCAP, and the Surface Mining and Reclamation Ordinance. Chapters 4.1 through 4.12 of this Draft SEIR include an analysis of the proposed project's consistency with applicable policies and regulations specific to each resource area.

## **2.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

This summary provides an overview of the analysis contained in Chapter 4 (Introduction to Analysis). This summary also includes discussions of: 1) effects found not to be significant; 2) significant impacts and recommended mitigation measures; and 3) unavoidable significant impacts.

### **Summary of Effects Found Not To Be Significant**

Section 15128 of the CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail. This Draft SEIR found that implementation of the proposed project would not result in new (or more severe) significant impacts in the following issue areas and therefore further analysis of them was not required:

- Aesthetics and Visual Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Population and Housing
- Public Services and Recreation
- Utilities and Service Systems
- Wildfire

These topics and impact areas were eliminated from further analysis (e.g., "scoped out") in Section 4.9 of this Draft SEIR. In the course of conducting the analyses required for this Draft SEIR, other areas of impact were found to be less-than-significant, and they are discussed throughout Section 4.1 through 4.8, and Chapter 5.0.

### **Summary of Effects Found to Be Significant and Avoidable with Mitigation Measures**

Under CEQA, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in the physical conditions within the area affected by the project. This includes, but is not limited to, concerns such as land, air, water, ambient noise, and resources of aesthetic significance. Implementation of the project would generate environmental impacts in

several areas, as described in the topical sections contained in Chapter 4 and summarized in Table 2-1.

Pursuant to CEQA Guidelines Section 16162, this Draft SEIR examines each required resource topic, including cumulative effects, to determine if the proposed project would result in new or substantially more severe significant effects that were not analyzed in the 1996 EIR. As necessary, this document updates or expands upon impact discussions in the 1996 EIR to evaluate changes associated with the proposed project and describes whether new or revised mitigation is required. A summary of identified impacts and appropriate mitigation is provided in Table 2-1.

### **Summary of Effects Found to Be Significant and Unavoidable**

Under CEQA, a significant and unavoidable effect of the project is one that would cause a substantial adverse effect on the environment and for which no mitigation is available or identified to reduce the impact to a less-than-significant level if the project is approved. All impacts are discussed in Chapter 4 of this Draft SEIR and summarized in Table 2-1. The following significant and unavoidable (“SU”) impacts related to implementation of the project were identified in this Draft SEIR:

- Impact 4.1-1: Implementation of the proposed project would have the potential to 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. The impact would be significant and unavoidable.
- Impact 4.8-1: Cause an increase in baseline total VMT. The impact would be significant and unavoidable.
- Cumulative Impact 5-2: Cumulative impacts to farmland. The project’s incremental contribution to cumulative farmland impacts is cumulatively considerable.
- Cumulative Impact 5-14: Cumulative impacts to transportation and circulation (net increase in VMT). The project’s incremental contribution to increases in VMT is cumulatively considerable.

## **2.6 SUMMARY OF ALTERNATIVES ANALYSIS**

Chapter 6.0 of this Draft SEIR includes the analysis of alternatives to the proposed project to meet the requirements of CEQA to analyze a range of reasonable alternatives to a project that would feasibly attain most of the project’s basic objectives and avoid or substantially lessen any of the significant effects of the project. The CEQA alternatives analyzed in Chapter 6 include:

- Alternative 1A, No Project Alternative – This alternative assumes the project is not modified as proposed, no permit extension is granted, and the current reclamation plan would stay in place. The current approvals would expire August 11, 2027. There would be no change in total mined tonnage.

- Alternative 1B, No Project Alternative, Compliance Concerns Corrected – This alternative assumes the project is not modified as proposed, no permit extension is granted, and the current reclamation plan would stay in place. The current approvals would expire August 11, 2027. There would be no change in total mined tonnage. This alternative does assume however, that modifications to the mining and reclamation plans are made to satisfy outstanding compliance concerns.

These modifications include: changes to the mining and reclamation plans to incorporate areas that were overmined and encroachments within the 200-foot Cache Creek setback; design and implementation of expanded hedgerows along the north boundary of the west half of Phase 1 and the entire west boundary between Phase 1 and Phase 2; resolution of temporary impacts to croplands in excess of the maximum 126 acres of disturbance assumed in the 1996 EIR; corrections to phasing numbering and order; corrections to lot lines; and modifications to fully comport all approvals over the years to one conformed set of mining and reclamation plans, reclamation narrative, and habitat restoration plan).

- Alternative 2, Shorter Permit Extension – This alternative assumes all proposed modifications to the project, except the permit extension is limited to 10 years which is one-half the requested period. Annual mined tonnage, mining footprint, and all other approved components of the project would continue. Total additional mining tonnage would be 10,668,263 tons mined (9,968,060 tons sold) which is 50-percent less than the requested amount.
- Alternative 3, Limited Mining During Extended Period – This alternative assumes the annual cap on extraction (1,204,819 tons mined; 1,000,000 tons sold), is reduced by 50 percent to 602,410 tons mined and 500,000 tons sold for the requested permit extension period (2027 to 2047). The approved 20 Percent Exceedance would continue, which would allow a maximum of up to 722,892 tons mined and 600,000 tons sold in any given year.

As detailed in Chapter 6, Alternatives, Alternative 2, Shorter Permit Extension, would result in reduced impacts compared to the proposed project, meet more of the project objectives than the other alternatives, and would be considered the Environmentally Superior Alternative.

## **2.7 IMPACTS AND MITIGATION SUMMARY TABLE**

Information in the following table (Table 2-1, Summary of Impacts and Mitigation Measures) has been organized to correspond with environmental issues discussed in Chapter 4. The summary table is arranged in four basic columns with the following information:

- Identified environmental impacts;
- Projected level of significance without mitigation;
- Recommended mitigation measures; and
- Projected level of significance after implementation of mitigation measures.

A series of measures are noted where more than one mitigation may be required to reduce the impact to a less-than-significant level. See Chapter 4 for a complete analysis and discussion of impacts and mitigation measures.

**Table 2-1: Summary of Impacts and Mitigation Measures**

Environmental Impact	Level of Significance Before Mitigation		Mitigation Measures	Level of Significance After Mitigation	
	LTS	S		LTS	SU
<b>4.1 Agricultural and Forestry Resources</b>					
<p><b>Impact 4.1-1</b> Implementation of the proposed project would have the potential to 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.</p>		X	<p><b>Mitigation Measure 4.1-1a</b> The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 153.6 acres (51.2 acres of unrealized reclaimed prime farmland at a 3:1 ratio) of equivalent or better unmined prime farmland that has not previously been used for mitigation under any program, compliant with the requirements of Section 8-2404(d), or compliant with Section 10-5.525(a), (b), (c), or (d). The total acreage placed in permanent easement may be reduced to a minimum of 51.2 acres (1:1 ratio) in accordance with Sections 8-2404(d) or 10- 5.525(a), (b), (c), or (d). The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review and approval by the Division of Natural Resources.</p> <p><b>Mitigation Measure 4.1-1b</b> The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 79.5 acres (159 acres of net larger simultaneous disturbance at a 0.5:1 ratio) of equivalent or better (quality and capability as compared to original) agricultural land located on unmined agricultural land that has not previously been used for mitigation under any program, compliant with the requirements of Sections 8-2404(d) and 10-5.525.</p>		X
<p><b>Impact 4.1-2</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract.</p>	X		None required.	X	
<p><b>Impact 4.1-3</b> 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.</p>	X		None required.	X	

<p><b>Impact 4.1-4</b> Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to agricultural resources.</p>	X		None required	X	
<b>4.2 Air Quality, Greenhouse Gases, and Energy</b>					
<p><b>Impact 4.2-1</b> The proposed project would conflict with or obstruct implementation of the applicable air quality plan.</p>	X		None required.	X	
<p><b>Impact 4.2-2</b> The proposed project would 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.</p>	X		None required.	X	
<p><b>Impact 4.2-3</b> The proposed project would expose sensitive receptors to substantial pollutant concentrations.</p>	X		None required.	X	
<p><b>Impact 4.2-4</b> The proposed project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.</p>	X		None required.	X	
<p><b>Impact 4.2-5</b> The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.</p>		X	<p><b>Mitigation Measure 4.2-5</b> Prior to the August 11, 2027 (the original date of expiration of the 1996 entitlements), the operator shall submit for review and approval, a Greenhouse Gas Reduction Plan (GHGRP) to the Yolo County Department of Community Services. In order to demonstrate that implementation of the proposed project would not result in a net increase in GHG emissions from baseline conditions, the GHGRP shall demonstrate how annual operational emissions of the proposed project would be reduced to or below the annual baseline emissions of 5,668 MTCO<sub>2e</sub>. Strategies to achieve emissions reductions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>a. Replacement of existing fossil fueled equipment with hybrid or electrically powered equipment</li> <li>b. Purchase of an increased proportion of electricity from renewable sources;</li> <li>c. Installation of on-site renewable energy systems (Note: The operator has an existing wind turbine that provides renewable energy and was accounted for in the impact</li> </ul>	X	

			<p>analysis. This measure would allow for installation of additional renewable energy systems.);</p> <p>d. Use of a blend of renewable diesel and biodiesel (80/20 mix) to power mobile equipment;</p> <p>e. Installation of electric vehicle (EV) charging stations in parking areas for passenger automobiles;</p> <p>f. Purchase of verified carbon credits. Credits purchased as part of this mitigation option shall be real, quantifiable, permanent, verifiable, enforceable, and consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such credits shall be based on protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the County and/or the YSAQMD. The credits must be purchased through one of the following: 1) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; 2) any registry approved by CARB to act as a registry under the California Cap and Trade Program; or 3) through the CAPCOA GHG Reduction Exchange.</p>		
<p><b>Impact 4.2-6</b>                  The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.</p>	X		None required.	X	
<p><b>Impact 4.2-7</b>                  The proposed project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation.</p>	X		None required.	X	
<p><b>Impact 4.2-8</b>                  The proposed project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</p>	X		None required.	X	
<p><b>Impact 4.2-9</b>                  The proposed project would cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted</p>	X		None required.	X	



for the purpose of avoiding or mitigating impacts to air quality, GHG emissions, or energy.					
<b>4.3 Biological Resources</b>					
<p><b>Impact 4.3-1</b> 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 CDFW or USFWS.</p>	X		<p><b>Mitigation Measure 4.3-1a</b> To demonstrate that potential impacts on Swainson’s hawk and bank swallow foraging habitat are adequately mitigated, the applicant shall:</p> <ul style="list-style-type: none"> <li>a. Demonstrate to the satisfaction of County Counsel that the 2081 authorization was appropriately conveyed from the executing parties to CEMEX; and,</li> <li>b. Determine to the satisfaction of County Counsel whether the 2081 authorization will terminate, require amendment, require reauthorization, or should be superseded by participation in the Yolo HCP/NCCP.</li> </ul> <p><b>Mitigation Measure 4.3-1b</b> COA #59 shall be revised as follows to reference applicable requirements for addressing potential impacts on VELB:</p> <p>The proposed <u>Reclamation Plan, including relevant plan sheets, the reclamation narrative, and the HRP, as appropriate,</u> shall be revised to include specific provisions to ensure compliance with the USFWS <u>“Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle.”</u> <del>“General Compensation Guidelines for the Valley Elderberry Longhorn Beetle.”</del> 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 pre-construction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of <u>each phase of mining</u>. 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 <u>CountyUSFWS</u> as a report summarizing the purpose, findings, and recommendations consistent with the</p>	X	

			<p>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.</p> <p><b>Mitigation Measure 4.3-1c</b>                  COA #61.5 shall be revised as follows to avoid native bird nests in active use and ensure compliance with the Migratory Bird Treaty Act and CDFW Code:</p> <ul style="list-style-type: none"> <li>• A pre-construction raptor <u>and native bird nesting</u> survey shall be conducted by a qualified wildlife biologist prior to initiation of mining <u>in each phase</u> to determine the presence or absence of active raptor <u>and other native bird nests</u> which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the <u>County CDFG</u> 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:</li> <li>• Conduct the survey 30 days prior to any <u>tree removal and grubbing</u>, grading or other habitat modifications if proposed during the breeding season for tree nesting raptors <u>and other native birds</u> (from <u>February March 1</u> through August <u>31.15</u>). <u>Confirmation surveys for ground nesting bank swallow shall be conducted as well during this period when grading and other habitat modifications are proposed during the breeding season.</u> 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.</li> <li>• If an active raptor <u>or other native bird</u> nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of <u>CDFWCDFG</u>. The perimeter of the buffer zone shall be <u>temporarily fenced or flagged</u> in the field at 50-foot intervals, and all construction activities,</li> </ul>		
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			<p>including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.</p> <ul style="list-style-type: none"> <li>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 <u>CDFW</u><del>CDFG</del>-approved relocation plan has been successfully implemented.</li> <li>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 <u>completed</u> nesting activity has been submitted in writing to <u>the County and CDFW</u> <del>CDFG</del>.</li> </ul> <p><b>Mitigation Measure 4.3-1d</b>                  The following measures will avoid inadvertent take of western red bat and other special-status bat species, if present in trees to be removed:</p> <ul style="list-style-type: none"> <li>A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist shall look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains or urine stains around openings in trees, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes, or loose and flaking bark have the highest chance of occupation and shall be inspected carefully.</li> <li>If signs of bats are detected, confirmation of presence or absence shall be determined by the qualified biologist, which may include night emergence or acoustic surveys. Appropriate measures shall be recommended by the qualified biologist to prevent loss or injury to individual bats if determined to be present. This may include phased removal of any occupied tree over multiple days</li> </ul>		
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			<p>to allow individual bats to disperse to other roosting locations.</p> <ul style="list-style-type: none"> <li>• If an active maternity roost is encountered during the maternity season (April 15 to August 31), CDFW shall be contacted for direction on how to proceed and an appropriate exclusion zone established around the occupied tree or structure until young bats are old enough to leave the roost without jeopardy. The size of the buffer would take into account the proximity and noise level of project activities, the distance and amount of vegetation or screening between the roost and construction activities; and species-specific needs, if known, such as sensitivity to disturbance.</li> <li>• Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. A qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.</li> </ul>		
<p><b>Impact 4.3-2</b> Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.</p>	X		None required.	X	
<p><b>Impact 4.3-3</b> 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.</p>	X		None required.	X	
<p><b>Impact 4.3-4</b> Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>		X	<p><b>Mitigation Measure 4.3-4</b> Implement Mitigation Measures 4.3-1(a through d), and Mitigation Measures 4.3-6 (a through c).</p>	X	
<p><b>Impact 4.3-5</b> Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan.</p>	X		None required.	X	
<p><b>Impact 4.3-6</b> The project has 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;</p>		X	<p><b>Mitigation Measure 4.3-6a</b> The proposed Habitat Restoration Plan shall be modified as follows:</p>	X	

<p>threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species.</p>			<ol style="list-style-type: none"> <li>1. The proposed HRP shall be modified and resubmitted for staff confirmation of compliance to incorporate a new section integrating hedgerow as a restoration planting type and including descriptive text, locations for required and expanded planting, cross-sections, and elevations substantively equal to or better than the equivalent information contained in the approved 1995/1997 HRP. The HRP shall define performance standards and completion benchmarks, and identify monitoring and reporting requirements. Proposed Exhibit A, Hedgerow Restoration Plan (see Figure 4.3-4), and proposed Exhibit B, Hedgerow Irrigation Plan (see Figure 4.3-5), shall also be integrated.</li> <li>2. Proposed Exhibit A, Hedgerow Restoration Plan, shall be modified to adjust the location and interval of woody plantings, and reference the seed mix and application rates in Table 4 of the proposed HRP. Where hedgerow treatments are required to be integrated into native grassland zones, tree and shrub plantings shall occur at minimum intervals of about 300 feet.</li> <li>3. 2022 Minor Modification Condition #4 shall be clarified as follows to reflect corrected information:                   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 <del>hedgerow</del> <u>riparian depression</u> plantings on the north. If the PG&amp;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, <u>and shall reflect the modifications described in Measure 4.3-6a(1) and (2) above. The applicant shall submit design plans (including proposed native species and irrigation) for County review and approval no later than September</u></li> </ol>		
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			<p><del>30, 2022.</del> All approved improvements shall be implemented within 90 days of County approval.</p> <ol style="list-style-type: none"> <li>4. All plans, permit documents, and exhibits shall be modified to be consistent with the final approved HRP as modified by mitigation measures and./or conditions of approval.</li> <li>5. The proposed HRP shall be modified to include hedgerow plantings integrated: (i) in the native grassland reclamation proposed for the sloped transition between unmined agricultural fields and reclaimed agricultural fields in phases 1 through 4 (shown in pink on Figure 4.3-8, Mitigation Measure 4.3-6 Expanded Hedgerows and Native Habitat Enhancement); and (ii) on the west, south, and east sides of the combined future reclaimed lake area within the proposed native grasslands buffer areas (shown in red on Figure 4.3-8).</li> <li>6. The minimum width of the proposed new hedgerow plantings in the agricultural transition area described in item 5(i) shall be the entire width of the transition slope. The minimum width of the hedgerow plantings around the lake area described in item 5(ii) shall be the entire width of the proposed native grassland buffer area as shown in the final approved HRP.</li> <li>7. Proposed native habitat enhancement adjoining the creek north of Phases 1, 3, and 4 (shown in purple on Figure 4.3-8) are acceptable, as revised by other mitigation measures and/or conditions of approval.</li> <li>8. Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain all hedgerows.</li> </ol> <p><b>Mitigation Measure 4.3-6b</b>                  The proposed HRP shall be revised to expand the Oak Savanna and Native Grassland treatment to a minimum of 200 feet south of the top of bank to Cache Creek along the entire existing Plant Site and west to I-505 (Kaupke parcel) (shown in</p>	
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		<p>green on Figure 4.3-8).</p> <p><b>Mitigation Measure 4.3-6c</b>                  The following modifications to the proposed HRP and Reclamation Plans are required:</p> <ol style="list-style-type: none"> <li>1. The proposed HRP shall be modified to:                         <ol style="list-style-type: none"> <li>a. Modify the size for both islands to 0.8 acres each measured above the high water elevation. Provide design details for both islands subject to review and approval by the County.</li> <li>b. Both islands shall be clearly identified in mining plans, reclamation plans, and revegetation plans in the proposed HRP as permanent features.</li> <li>c. Peninsulas and other modifications to shoreline treatments shall be shown on the reclamation plans.</li> <li>d. The east lake shoreline shall have a minimum of three smaller peninsulas with a total acreage equal to or exceeding the acreage as proposed, designed to improve habitat complexity (see Figure 4.3-9, Lake Shorelines with Peninsulas).</li> <li>e. Reclamation plans sheets and the final figures in the HRP shall be consistent. Reclamation Plan sheets shall be made consistent with HRP Figure 3, Typical Cross-Section detail.</li> </ol> </li> <li>2. COA #56 shall be replaced with the following:                      Characteristics of the two permanent islands and shoreline treatments shall include the following:                         <ol style="list-style-type: none"> <li>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.</li> </ol> </li> </ol>	
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			<p>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 land-bridge to permit vehicle access and maintenance of restoration plantings on the island may be included in the design, or alternative method defined to ensure maintenance and monitoring. If land-bridge access is used, it shall be removed following completion of the minimum five-year monitoring program for the restoration effort.</p> <p>c. The islands shall be revegetated with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of native grassland and scattered shrubs and trees provided over the top of the island. The HRP shall ensure successful establishment of vegetative cover on the islands, which shall include installation of temporary irrigation consistent with other tree and shrub plantings.</p>		
<p><b>Impact 4.3-7</b>                  Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>		<p>X</p>	<p><b>Mitigation Measure 4.3-7</b>                  The following revisions to the proposed HRP shall be implemented to expand species diversity, allow for verification of annual monitoring, and ensure control of noxious weed species as part of on-going and future maintenance:</p> <ol style="list-style-type: none"> <li>1. Increase the diversity of plantings in the shrub layer of the Oak Savanna to include wood rose (<i>Rosa californica</i>) (Table 3).</li> <li>2. Define additional controls for Noxious Grassland Species under the Weed Control Plan to address common invasive species with a moderate California Invasive Plant Council (IPC) rating of Moderate, with</li> </ol>	<p>X</p>	



			<p>corrective action taken to reduce their dominance and encourage native perennial species in areas of Native Grassland and Oak Savanna Understory any time estimated cover of target invasive species exceeds 5 percent.</p> <ol style="list-style-type: none"> <li>3. Include an Invasive Cover component of less than 5 percent in the Performance Criteria for Riparian Woodland and Oak Savannah (Table 7) where corrective action is to be taken as part of annual maintenance any time this threshold is exceeded.</li> <li>4. Expand the Performance Standards under the Weed Control Plan to clearly define corrective actions any time target species exceed the 5 percent cover threshold. This shall at minimum include options of mechanical or cultural (i.e., grazing) treatment on an annual basis as necessary to reduce abundance, particularly for more common invasive grass species which tend to dominate native grassland restoration areas.</li> <li>5. Revise the proposed HRP to require update as necessary of the list of target invasive species to be monitored based on input from the TAC Riparian Biologist, to ensure that new invasive species that may colonize the site are adequately addressed as part of future monitoring and treatments.</li> <li>6. Provide in annual reports, the GPS coordinates for test plot locations established as part of the annual monitoring effort, to allow for field inspection by the County.</li> <li>7. Modify the notation at the bottom of the Native Grassland Buffer Plant List (Table 4) to clarify that overall species diversity shall be maintained even where substitutions may be necessary based on availability and demonstrated suitability.</li> </ol>		
<p><b>Impact 4.3-8</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</p>	X		None required.	X	

mitigating an environmental effect.					
<b>4.4 Cultural Resources and Tribal Cultural Resources</b>					
<p><b>Impact 4.4-1</b>                  The proposed project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5.</p>		X	<p><b>Mitigation Measure 4.4-1</b>                  In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of an historical resource to a less-than-significant level. This measure, together with Mitigation Measure 4.5-5, replace Condition of Approval No. 73 and Condition of Approval No. 74.</p> <ul style="list-style-type: none"> <li>a. The operator shall modify the Reclamation Plans to add 8-10 inches of additional soil over the protected confidential reburial site, blended with the existing grade on the exterior and mounded in the center. Reclamation plantings shall consist of native grasses, and plants with a shallow root system. The added soil and plantings shall blend in with the surrounding restoration and reclamation.</li> <li>b. The operator shall fence the protected confidential reburial site for CA-YOL-69 to the specifications set by the County. Stake and wire fencing, or other fencing approved by the County, may be used to protect the site during mining. Sturdier permanent fencing shall be installed during final reclamation, including over a larger area than the reburial site.</li> <li>c. The operator shall design, develop, and install new signage to discourage access by operator’s personnel and approved visitors, subject to County approval. The operator shall be responsible for annual monitoring and regular ongoing maintenance of the signage.</li> <li>d. The operator shall record a deed restriction or Declaration of Covenants and Restrictions to protect the area, the choice between the two and the content shall be subject to County review and approval.</li> </ul>	X	

			<p>e. If isolated artifacts are encountered on other parts of the project site they shall be placed within the restricted area.</p> <p>f. Within six months of approval, the operator shall retain a qualified professional archaeologist, subject to approval by the County, to develop and implement a contractor awareness training program. A consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representative and monitors from culturally affiliated Native American Tribes. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The worker cultural resources awareness program shall describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential archeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native American and for behavior consistent with Native American Tribal values. A copy of the cultural resources awareness brochure and written verification of completion of the training program shall be submitted to the Yolo County Department of Community Services. All employees involved with ground disturbance and other related construction activities shall complete this training annually.</p> <p>g. Actions a, b, c, and e shall be performed by/under the direction of a professional archeologist and tribal monitor.</p>		
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<p><b>Impact 4.4-2</b>                  Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5.</p>		X	<p><b>Mitigation Measure 4.4-2</b>                  Implement Mitigation Measure 4.4-1.</p>	X	
<p><b>Impact 4.4-3</b>                  Disturb any human remains, including those interred outside of dedicated cemeteries.</p>		X	None required.	X	
<p><b>Impact 4.4-4</b>                  Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC 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: (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); or (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.</p>		X	<p><b>Mitigation Measure 4.4-4</b>                  Implement Mitigation Measure 4.4-1.</p>	X	
<p><b>Impact 4.4-5</b>                  The project has the potential to eliminate important examples of the major periods of California history or prehistory (CEQA Guidelines, Section 15065(a)(1)).</p>		X	<p><b>Mitigation Measure 4.4-5</b>                  Implement Mitigation Measure 4.4-1.</p>	X	
<p><b>Impact 4.4-6</b>                  Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to cultural and Tribal Cultural Resources.</p>	X		None required.	X	
<b>4.5 Geology and Soils, Mineral Resources, and Paleontological Resources</b>					
<p><b>Impact 4.5-1</b>                  Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.</p>	X		None required.	X	

<p><b>Impact 4.5-2</b> Result in substantial erosion or loss of topsoil.</p>	X		None required.	X	
<p><b>Impact 4.5-3</b> Be located on a geological 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.</p>	X		None required.	X	
<p><b>Impact 4.5-4</b> Be located on expansive soils, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property.</p>	X		None required.	X	
<p><b>Impact 4.5-5</b> Directly or indirectly destroy a unique paleontological resource.</p>		X	<p><b>Mitigation Measure 4.5-5</b> In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of a paleontological resource to a less-than-significant level. This measure together with Mitigation Measure 4.4-1 replace Conditions of Approval #73 and 74.</p> <p>Within six months of approval, the operator shall retain a qualified professional, subject to approval by the County, to develop and implement a contractor paleontological awareness training program. The program will provide resource sensitivity training regarding ground disturbing activities, discovery of paleontological resources, required protocols and notifications, and information about other related treatments or issues that may arise if paleontological resources are discovered during project construction. All employees involved with ground disturbance and other related construction activities shall complete this training annually.</p>	X	
<p><b>Impact 4.5-6</b> The loss of availability of a known mineral resource that would be of value to the region and the residents of the State.</p>	X		None required.	X	
<p><b>Impact 4.5-7</b> 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.</p>	X		None required.	X	
<p><b>Impact 4.5-8</b> Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of</p>	X		None required.	X	

avoiding or mitigating impacts to geology and soils, mineral resources, and paleontological resources.					
<b>4.6 Hydrology and Water Quality</b>					
<b>Impact 4.6-1</b> The proposed project could violate a water quality standard or waste discharge requirement or otherwise substantially degrade surface or ground water quality.	X		None required.	X	
<b>Impact 4.6-2</b> The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	X		None required.	X	
<b>Impact 4.6-3</b> 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: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 impede or redirect flood flows.	X		None required.	X	
<b>Impact 4.6-4</b> In flood hazard, tsunami, or seiche zones, result in release of pollutants due to project inundation.	X		None required.	X	
<b>Impact 4.6-5</b> Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	X		None required.	X	
<b>Impact 4.6-6</b> Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to hydrology and water quality.		X	<b>Mitigation Measure 4.6-6</b> No later than March 2031, the operator shall submit an updated hydraulic analysis of the CEMEX reach that utilizes and incorporates the most recent version of the County hydraulic model including updated/current site data. The model, method, and all inputs shall be reviewed and approved by the County, including review by the TAC geomorphologist and hydraulic engineer. Consistency with Section 10-4.429(e) and other applicable sections of the Mining and Reclamation Ordinances shall be demonstrated.	X	

			The analysis shall confirm containment of 100-year flood flows, continued control of erosive forces, and continued integrity of the 200-foot setback area between the channel boundary and the edge of mining, particularly in areas where prior over-mining has occurred. All recommendations, including bar skimming and other channel maintenance activities consistent with County regulations, the CCAP, and recommendations of the TAC shall be timely implemented by the operator.		
<b>4.7 Noise and Vibration</b>					
<b>Impact 4.7-1</b> 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.	X		None required.	X	
<b>Impact 4.7-2</b> Generation of excessive groundborne vibration or groundborne noise levels.	X		None required.	X	
<b>Impact 4.7-3</b> 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, expose people residing or working in the project area to excessive noise levels.	X		None required.	X	
<b>Impact 4.7-4</b> Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating noise impacts.	X		None required.	X	
<b>4.8 Transportation and Circulation</b>					
<b>Impact 4.8-1</b> Cause an increase in baseline total VMT.		X	<b>Mitigation Measure 4.8-1</b> Implement Mitigation Measure 4.2-5.		X
<b>Impact 4.8-2</b> Cause an inconsistency with applicable design standards.	X		None required.	X	
<b>Impact 4.8-3</b> Cause a substantial decrease in safety.	X		None required.	X	
<b>Impact 4.8-4</b> Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating transportation impacts.		X	<b>Mitigation Measure 4.8-4</b> The Board shall make the following findings to ensure consistency with the General Plan and CCAP, if this project is approved:	X	

			The Board hereby finds that acceptance of a reduced Level of Service under existing and future conditions at the intersection of SR 16 and CR 96 is appropriate pursuant to Policy CI-3.1(X) of the General Plan which allows for such exceptions in recognition of the benefits of preserving agriculture or open space land; enhancing the agricultural economy; preserving the rural character of the county; avoiding adverse impacts to alternative transportation modes; avoiding growth inducement; and where right-of-way constraints would make the improvements infeasible.		
<b>4.9 Topics Found to Have No Significant Impacts</b>					
Population and Housing	No Impact		None required		N/A
Public Services and Recreation	No Impact		None required		N/A
Utilities and Service Systems	No Impact		None required		N/A
Aesthetics and Visual Resources	X		None required	X	
Hazards and Hazardous Materials	X		None required	X	
Land Use and Planning	X		None required	X	
Wildfire	X		None required	X	
<b>5.0 Cumulative Impacts and Other Required Sections</b>					
<b>Growth Inducing Impacts</b>	X		None required	X	
<b>Impact 5-1</b> Cumulative impacts to aesthetics.	X		None required	X	
<b>Impact 5-2</b> Cumulative impacts to farmland.		X	<b>Mitigation Measure 5-2</b> Implement Mitigation Measure 4.1-1a and b		X
<b>Impact 5-3</b> Cumulative impacts to air quality.	X		None required	X	
<b>Impact 5-4</b> Cumulative greenhouse gas emissions.	X		<b>Mitigation Measure 5-4</b> Implement Mitigation Measure 4.2-5	X	
<b>Impact 5-5</b> Cumulative impacts to energy.	X		None required	X	



<b>Impact 5-6</b> Cumulative impacts to biological resources.	X		<b>Mitigation Measure 5-6</b> Implement Mitigation Measures 4.3-1(a-d), 4.3-6(a-c), and 4.3-7.	X	
<b>Impact 5-7</b> Cumulative impacts to cultural and tribal cultural resources.	X		<b>Mitigation Measure 5-7</b> Implement Mitigation Measure 4.4-1.	X	
<b>Impact 5-8</b> Cumulative impacts to geological and paleontological resources.	X		<b>Mitigation Measure 5-8</b> Implement Mitigation Measure 4.5-5.	X	
<b>Impact 5-9</b> Cumulative impacts from hazards and hazardous materials.	X		None required.	X	
<b>Impact 5-10</b> Cumulative impacts to hydrology and water quality.	X		<b>Mitigation Measure 5-10</b> Implement Mitigation Measure 4.6-6.	X	
<b>Impact 5-11</b> Cumulative impacts to land use.	X		None required.	X	
<b>Impact 5-12</b> Cumulative impacts from noise and vibration.	X		None required.	X	
<b>Impact 5-13</b> Cumulative impacts to public services, utilities, and service systems.	X		None required.	X	
<b>Impact 5-14</b> Cumulative impacts to transportation and circulation.		X	<b>Mitigation Measure 5-14</b> For increased VMT, implement Mitigation Measure 4.8-1.		X
	X		<b>Mitigation Measure 5-14</b> For LOS policy conflicts, implement Mitigation Measure 4.8-4.	X	
<b>Significant Irreversible Changes</b>	No Impact		None required.	N/A	

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