4.1 AGRICULTURAL AND FORESTRY RESOURCES

4.1.1 INTRODUCTION

This Agricultural and Forestry Resources section of the Draft SEIR describes the agricultural characteristics of the project site and assesses the effects of the proposed project on the agricultural resources of the County. Forestry resources are a CEQA topic that was included with agricultural resources in the CEQA Guidelines 2018 update. While there are scattered wooded areas along the Cache Creek riparian corridor, there are no private timberlands or public lands with forests in Yolo County, as mapped by the California Department of Fish and Wildlife. Therefore, the topic of forestry resources is not further considered in this Draft SEIR.

Information for this section has been drawn primarily from the Yolo County General Plan[1] and associated EIR,[2] the Cache Creek Area Plan (CCAP) Update FEIR[3], the 1996 EIR[4], and the following project-specific reports:

- Site-Specific Soil Assessment and Productivity Classification of the Agricultural Horizon Soils for the Solano Long-Term Off-Channel Mining Area" prepared by Ag West Resources, November 1, 1995.

- Soil Fertility Results Report Letter, prepared by Dellavalle Laboratory, Inc, April 2017.[5]

Government agencies and the public were provided an opportunity to comment on the proposed project in response to the Notice of Preparation (NOP) that provided a preliminary summary of the proposed project. No written comments concerning agricultural resources were received by the County (NOP comment letters are included in Appendix B of this Draft SEIR). The following comments related to agricultural resources were expressed at the NOP public scoping meeting held on March 11, 2021, and responses are provided in *italics*.

- Conversion of prime farmland to non-agricultural uses.

- Reclamation to agriculture and potential loss of productivity.

- Mitigation for loss of farmland.

These comments are addressed in Section 4.1.4, Impacts and Mitigation Measures.

The following subsections describe the existing agricultural setting of the County and specifically in the lower Cache Creek area, the applicable regulatory framework, standards of significance

[1] Yolo County. 2030 Countywide General Plan. November 10, 2009.

[2] Yolo County. Yolo County 2030 Countywide General Plan Environmental Impact Report. SCH #2008102034. April 2009.

[3] Yolo County. Cache Creek Area Plan Update Project, Final Environmental Impact Report. SCH #2017052069. December 2019.

[4] Yolo County, 1996, Final Environmental Impact Report for Solano Long-term Off-Channel Mining Permit Application SCH #96012034, (combined DEIR and Responses to Comments documents).

[5] Dellavalle Laboratory, Inc, 2017. Soil Fertility Results Report Letter. April 4.

used to determine potential environmental effects that may result from implementation of the project, potentially significant impacts associated with relevant substantial changes in the project and/or the circumstances under which the project will be undertaken, and/or new information as defined by CEQA Guidelines Section 15162, and new or different feasible mitigation measures to reduce those impacts to a less-than-significant level, if applicable.

4.1.2 EXISTING ENVIRONMENTAL SETTING

The following setting information provides a brief summary of the conditions described in more detail in the above-referenced documents and includes updated information that has become available since those reports were completed.

Description of Regional Environment

The 1996 EIR described the regional environment associated with agricultural resources and the CCAP EIR updated that information relative to current information. In summary, over 85 percent of Yolo County's land is used for agriculture. Fruit crops, particularly tomatoes and wine grapes, dominate the County's agricultural economy. The County's most profitable agricultural commodities (in 2021) were almonds, processing tomatoes, grapes, organic crops, rice, walnuts, hay/alfalfa, sunflower seed, pistachios, and apiary. The County continues to see growth in higher value crops, organic products, wine grapes and wineries, olives, and specialty products such as grassfed beef. Dominant crop types within the CCAP area include wheat, tomatoes, seed crops, and almonds. Agriculture continues to be the dominant land use within the CCAP planning area, and farmlands are generally flat land composed of irrigated prime and nonprime soils, much of which is currently under intensive row crop or orchard cultivation.

Yolo County's agricultural landscape is dominated by irrigated agriculture. Since rainfall in Yolo County is inadequate to sustain most crops, agriculture depends on a reliable irrigation water supply from a combination of both groundwater and surface water. In most years, surface water is the primary source of irrigation water in Yolo County. The main sources of surface water supply in Yolo County are the Sacramento River, Colusa Basin Drain, Putah Creek, Cache Creek (including Clear Lake and Indian Valley Reservoirs), Yolo Bypass, Tule Canal, Willow Slough, and the Tehama-Colusa Canal. Farmers rely on groundwater for approximately 40 percent of their supply in a normal year and rely more heavily on groundwater during drought years.

The quality of agricultural soils is categorized and mapped by a number of classification systems. Consistent with the CEQA significance criteria, this analysis focuses on the California Department of Conservation Farmland Mapping and Monitoring Program classification approach. Under this classification system, much of the flatland acreage within CCAP area is comprised of highly rated soils for agricultural production, including Prime farmland, Unique farmland, and Farmland of Statewide Importance.

Description of Local Environment

The local agricultural environment has not changed significantly since the 1996 EIR. The CEMEX project site is located on the relatively flat terrain of an alluvial terrace formed along Cache Creek. The south bank of the creek forms the northern boundary of the project site. The creek bank

supports moderately well-developed riparian vegetation. The approved mining areas are located on the alluvial terrace surface, which generally slopes eastward from an approximate elevation of 150 feet above mean sea level (msl) at the southwest corner of mining area Phase 7 to 124 feet (msl) at the northeastern corner of proposed mining area Phase 6 (Figure 3-2). This general topography of the terrace surface is interrupted by existing mining and reclamation areas within the active mining areas of the project site.

Current Agricultural Use

As stated in the 1996 EIR, the agricultural fields at the project site currently support production of crops commonly grown in the lower Cache Creek basin. The common crop types, which are typically planted under crop rotation schedules, are: tomatoes, winter wheat, barley, safflower, corn, sunflowers, and alfalfa.

Farmland Designations and Soil Types

Similar to the crop types grown on the site, the soil types identified in the 1996 EIR for the areas to be mined and reclaimed on the project site have not changed significantly. Additionally, soil sampling was done in 2017[6] on the piles of overburden soil and an open field designated for agricultural crops. The samples were analyzed for fertility assays and the overburden pile soil samples were also analyzed for pesticide residues, specifically by EPA Method 8141A [formerly EPA Method 8140, organophosphate (OP) and organonitrogen (ON) insecticides, herbicides, and fungicides] and EPA Method 8151A [formerly EPA Method 8150, phenoxy and chlorinated herbicides]. The sampling findings determined that there are no limitations to using any of the overburden or open field soils for agricultural crop production. Once the overburden soils are spread on the field, it is recommended to sample the resulting soils in the field to best determine crop fertility needs.

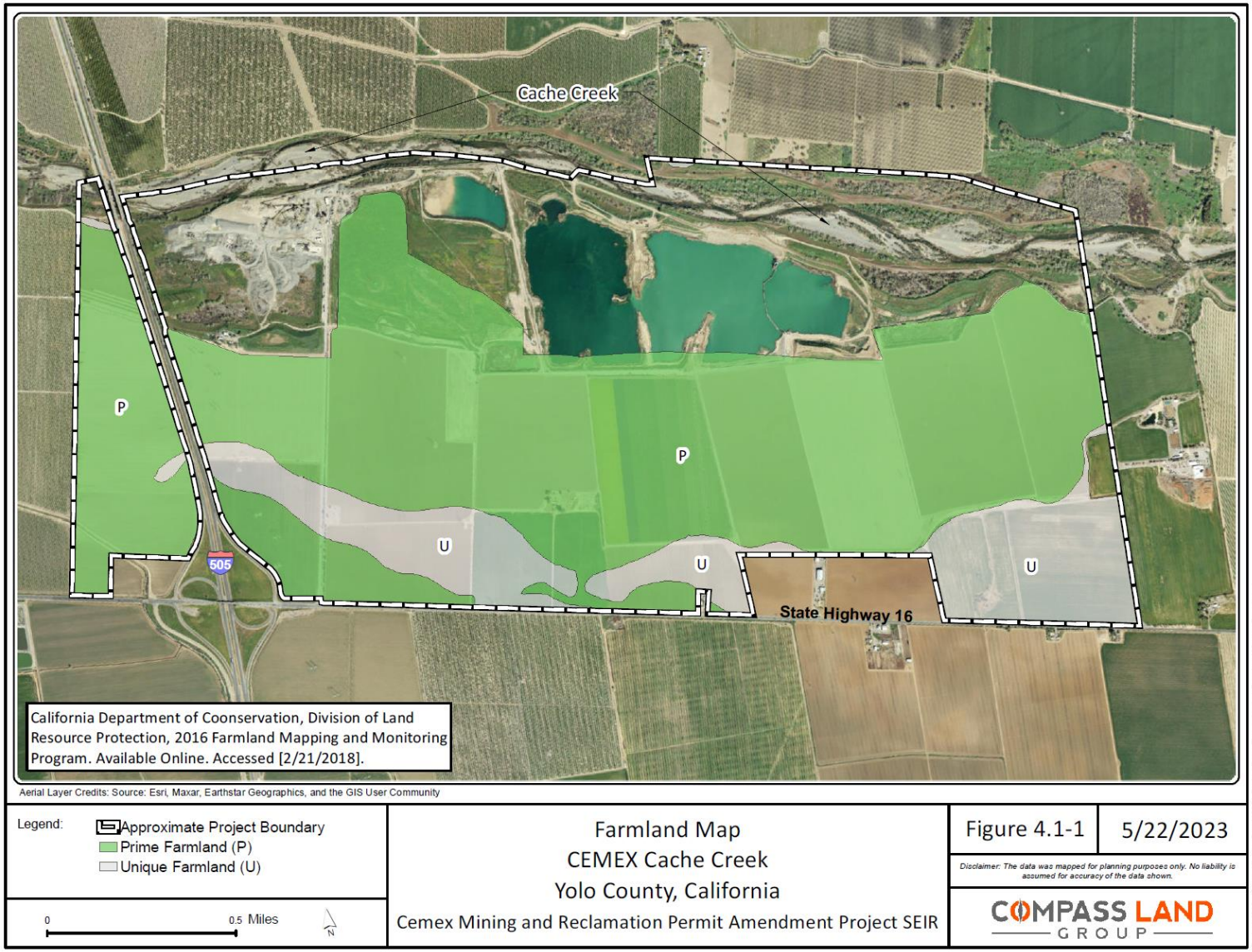
An updated farmland map that identifies locations of the Prime Farmland and Unique Farmland on the project site was prepared in 2018 and is shown in Figure 4.1-1.

Approved Agricultural Reclamation

Per the 1996 EIR, post-reclamation uses within the mining areas would include row crop agriculture (223 acres), tree crop production (223 acres), four lakes (161 acres), wildlife habitat (65 acres) and slopes and roads (26 acres). The 1996 EIR found that a total of 252 acres of farmland would be permanently converted to non-agricultural use as part of the project. This acreage was further reduced by 90 acres to reflect improvements to reclaimed soil conditions that would exceed the quality of original native conditions. The County has previously determined this 90-acre credit was derived from an overlay of the area of proposed agricultural reclamation on the portions of the property classified as having “severe” and “very severe” limitations. Soils conditions were documented in the “Site-Specific Soil Assessment and Productivity Classification of the Agricultural Horizon Soils for the Solano Long-Term Off-Channel Mining Area” prepared November 1, 1995, by Ag West Resources. This report (pages 25-26) identified where there were/are soils with severe limitations (Class III), very severe limitations (Class IV), and excessive

[6] Dellavalle Laboratory, Inc, 2017. Soil Fertility Results Report Letter. April 4.

Figure 4.1-1
Farmland Map



Boron levels. Therefore, Mitigation Measure 4.5-2a required an offset of 162 acres (252 ac. - 90 ac. = 162 ac.) to be protected offsite.

4.1.3 REGULATORY CONTEXT

The 1996 EIR and/or CCAP Update FEIR provided descriptions of the California Surface Mining and Reclamation Act (SMARA), the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the California Land Conservation Act, and the Williamson Act Program, as related to agricultural regulations. Where relevant that information is summarized here.

Federal Regulations

There have been no changes in federal regulations that are applicable to agricultural resources within the project area since certification of the 1996 EIR and no changes to federal regulations generally since certification of the CCAP Update FEIR.

State Regulations

There have been no changes in State regulations that are applicable to agricultural resources within the project area since certification of the 1996 EIR and no changes to state regulations generally since certification of the CCAP Update FEIR.

Local Regulations

The following are the regulatory agencies and regulations pertinent to the proposed project on a local level.

2030 Countywide General Plan

Subsequent to preparation and certification of the 1996 EIR, the County updated its General Plan in 2009. The 2030 Countywide General Plan contains the following goals, policies, and actions related to agricultural resources that are relevant to the proposed project:

Policy LU-1.1: Assign the following range of land use designations throughout the County, as presented in detail in Table LU-4 (Land Use Designations) *(the following is an excerpt of the relevant portions of the full policy)*:

Open Space (OS) includes public open space lands, major natural water bodies, agricultural buffer areas, and habitat. The primary land use is characterized by “passive” and/or very low-intensity management, as distinguished from AG or PR land use designations, which involve more intense management of the land. Detention basins are allowed as an ancillary use when designed with naturalized features and native landscaping, compatible with the open space primary use.

Agriculture (AG) includes the full range of cultivated agriculture, such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities and

equestrian facilities. It also includes agricultural industrial uses (e.g. agricultural research, processing and storage; supply; service; crop dusting; agricultural chemical and equipment sales; surface mining; etc.) as well as agricultural commercial uses (e.g. roadside stands, "Yolo Stores," wineries, farm-based tourism (e.g. u-pick, dude ranches, lodging), horseshows, rodeos, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. Agriculture also includes farmworker housing, surface mining, and incidental habitat.

Mineral Resource Overlay (MRO) applies to State designated mineral resource zones (MRZ-2) containing critical geological deposits needed for economic use, as well as existing mining operations.

Policy AG-1.4: Prohibit land use activities that are not compatible within agriculturally designated areas.

Policy AG-1.6: Continue to mitigate at a ratio of no less than 1:1 the conversion of farm land and/or the conversion of land designated or zoned for agriculture, to other uses.

Policy AG-1.14: Preserve agricultural lands using a variety of programs, including the Williamson Act, Farmland Preservation Zones (implemented through the Williamson Act), conservation easements, an Agricultural Lands Conversion Ordinance and the Right-to-Farm Ordinance.

GOAL AG-2: Natural Resources for Agriculture. Protect the natural resources needed to ensure that agriculture remains an essential part of Yolo County's future.

Policy AG-2.1: Protect areas identified as significantly contributing to groundwater recharge from uses that would reduce their ability to recharge or would threaten the quality of the underlying aquifers.

Policy AG-2.8: Facilitate partnerships between agricultural operations and habitat conservation efforts to create mutually beneficial outcomes.

Policy AG-2.9: Support the use of effective mechanisms to protect farmers potentially impacted by adjoining habitat enhancement programs, such as "safe harbor" programs and providing buffers within the habitat area.

Policy AG-2.10: Encourage habitat protection and management that does not preclude or unreasonably restrict on-site agricultural production.

Policy ED-1.2: Support the continued operation of existing aggregate mining activities within the County as well as new aggregate mining in appropriate areas, to meet the long-range construction needs of the region.

Policy ED-1.8: Retain and encourage growth in important economic export sectors, including mining, natural gas, tourism and manufacturing.

GOAL CO-3: Mineral Resources. Protect mineral and natural gas resources to allow for their continued use in the economy.

Policy CO-3.1: Encourage the production and conservation of mineral resources, balanced by the consideration of important social values, including recreation, water, wildlife, agriculture, aesthetics, flood control, and other environmental factors.

Policy CO-3.2: Ensure that mineral extraction and reclamation operations are compatible with land uses both on-site and within the surrounding area, and are performed in a manner that does not adversely affect the environment.

Action CO-A37: Designate and zone lands containing identified mineral deposits to protect them from the encroachment of incompatible land uses so that aggregate resources remain available for the future. (Policy CO-3.1)

Action CO-A39: Encourage the responsible development of aggregate deposits along Cache Creek as significant both to the economy of Yolo County and the region. (Policy CO-3.1)

Action CO-A40: Encourage recycling of aggregate materials and products. (Policy CO-3.1)

Action CO-A41: Regularly review regulations to ensure that they support an economically viable and competitive local aggregate industry. (Policy CO-3.1)

Action CO-A42: Implement the Cache Creek Area Plan to ensure the carefully managed use and conservation of sand and gravel resources, riparian habitat, ground and surface water, and recreational opportunities. (Policy CO-3.1)

Action CO-A43: Monitor updates to the State Mineral Resource classification map and incorporate any needed revisions to the County's zoning and land use map. (Policy CO-3.1)

Action CO-A44: Coordinate individual surface mining reclamation plans so that the development of an expanded riparian corridor along Cache Creek may be achieved. (Policy CO-3.1)

Action CO-A46: Maintain standards and procedures for regulating surface mining and reclamation operations so that potential hazards and adverse environmental effects are reduced or eliminated. (Policy CO-3.1, Policy CO-3.2)

Action CO-A47: Ensure that mined areas are reclaimed to a usable condition that is readily adaptable for alternative land uses, such as agriculture, wildlife habitat, recreation, and groundwater management facilities. (Policy CO-3.1)

Action CO-A48: Regularly update surface mining and reclamation standards to incorporate changes to State requirements, environment conditions, and County priorities. (Policy CO-3.1)

Action CO-A54: Implement the Cache Creek Area Plan (Policy CO-3.2).

Policy ED-1.2: Support the continued operation of existing aggregate mining activities within the county as well as new aggregate mining in appropriate areas, to meet the long-range construction needs of the region.

Policy ED-1.8: Retain and encourage growth in important economic export sectors, including mining, natural gas, tourism and manufacturing.

Yolo County Zoning Ordinance

Title 8 (Land Development) of the Yolo County Code contains the primary land development regulations of the County, including the Zoning Ordinance. In 2013, Yolo County completed a comprehensive update of the County Zoning Code (Chapter 2, Title 8 of the County Code) to modernize the code and ensure consistency with the General Plan which was updated in 2009. Among the many changes, the revised code eliminates two prior agricultural zone districts (Agricultural General [A-1] and Agricultural Preserve [A-P]) and creates two new agricultural zoning districts (Agricultural Intensive [A-N] and Agricultural Extensive [A-X]) that are not directly tied to the requirements of the Williamson Act. The CCAP Update incorporated these changes into the CCAP plans, policies, and regulations, where relevant, to ensure consistency with the revised Zoning Code.

The Yolo County Zoning Ordinance includes the following zoning designations in Article 3 for agriculture:

A-N The Agricultural Intensive (A-N) Zone is applied to preserve lands best suited for intensive agricultural uses typically dependent on higher quality soils, water availability, and relatively flat topography. The purpose of the zone is to promote those uses, while preventing the encroachment of nonagricultural uses. Uses in the A-N Zone are primarily limited to intensive agricultural production and other activities compatible with agricultural uses.

A-X The Agricultural Extensive (A-X) Zone is applied to protect and preserve lands that are typically less dependent on high soil quality and available water for irrigation. Such lands require considerably larger parcel sizes to allow extensive agricultural activities such as livestock and ranching operations, and dry land farming. These lands may also be used for open space functions that are often connected with

foothill and wetlands locations, such as grazing and pasture land, and wildlife habitat and recreational areas.

A-C The Agricultural Commercial (A-C) Zone is applied to existing and planned commercial uses in the agricultural areas. The Agricultural Commercial Use Types set forth in Section 8-2.303(c) and Table 8-2.304(c) do not require rezoning to the A-C Zone. The Agricultural Commercial Zone is to be applied only when the primary use of the property is for significant commercial agricultural activities.

A-I The Agricultural Industrial (A-I) Zone is applied to land in the rural areas for more intensive processing and industrial-type uses, which are directly related to the local agricultural industry. The A-I zone also allows mineral extraction uses, wind and solar power, gas and oil wells, electrical utilities and yards, and wireless communication towers.

A-R The Agricultural Residential (A-R) Zone shall be applied only to those lots created through a subdivision approved under the Clustered Agricultural Housing Ordinance (Section 8-2.403).

In addition to the five zones identified above, overlay zones including the Sand and Gravel Overlay (SGO) and the Sand and Gravel Reserve Overlay (SGRO), may be combined with the underlying agricultural zoning districts. Section 8-2.906(g) of the Zoning Ordinance establishes that the SGO and SGRO zones are intended to be combined with the A-N and A-X zones within the boundaries of the OCMP to indicate land areas in which surface mining operations may be conducted and/or considered. SGO identifies areas where mining is approved. SGRO identifies areas where mining is planned in the future but not yet approved.

Off-Channel Surface Mining Ordinance

Title 10, Chapter 4 of the Yolo County Code contains the Off-Channel Surface Mining Ordinance (Mining Ordinance), which provides the following requirements relevant to agricultural resources:

Section 10-4.103. Purpose. [excerpt]

The purposes of this chapter are as follows:

(a) The extraction of sand and gravel is essential to the continued economic wellbeing of the state and to the needs of society. Although the County encourages the production of sand and gravel, consideration must also be balanced by other societal values, including but not limited to recreation, water resources, wildlife, agriculture, and aesthetics; …

Section 10-4.220. Prime Agricultural Land.

"Prime agricultural land" shall mean all land which meets the definition of prime agricultural land set forth in Section 51201 of the Government Code of the State

as administered by the County in the administration of its agricultural preserve program.

Section 10-4.440. Wildlife Habitat.

Avoid disturbance to important wildlife habitat features such as bird nesting trees, colonial breeding locations, elderberry host plants for Valley Elderberry Longhorn Beetle, and mature riparian forest and oak woodland habitat. This shall include sensitive siting of haul roads, trails, and recreational facilities away from these features. Suitable habitat for special-status species shall be protected and enhanced, or replaced as a part of mitigation plans prepared by a qualified biologist where necessary, and through compliance with the Yolo HCP/NCCP for special-status species covered by that Plan. Mining and reclamation activities shall be performed in accordance with the State Fish and Wildlife Code, Migratory Bird Treaty Act, and other applicable regulations to protect bird nests when in active use.

Native-planted hedgerows and/or other vegetated buffers shall be included between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers will also reduce the noise, dust, and spraying generated by agricultural operations, in addition to providing valuable pollinator resources that in turn could enhance agricultural production.

Section 10-4.701. Annual Reports: Contents.

Every surface mining operator shall submit an annual report of surface mining operations no later than November 1 of each year, describing the activities of the previous twelve (12) months. Annual reports shall no longer be required, once final reclamation has been completed and financial assurances have been released. Operators shall submit one hard copy and one electronic copy to the County. Such reports shall contain the following information:

(a) A site plan submitted in the form prescribed by the Director, including all property proposed to be included in the reclamation plan, drawn to a scale of one-inch equals one-hundred feet (1" = 100'), or other scale acceptable to the Director for larger holdings, and showing the following information:

(1) Property boundaries and the boundaries of permitted mining areas, including the depiction of separate mining phases;

(2) The existing contours;

(3) Contours which show the areas and depth of mining which have occurred since the previous annual report;

(4) Identification of any significant changes in the topography, such as bank failures, levee breaches, extensive erosion, etc. which have occurred since the previous annual report;

(5) Identification of erosion control structures, levees, berms, stockpiles, haul roads, settling ponds, habitat avoidance areas, and processing facilities;

(6) The extent of areas reclaimed since the previous annual report;

(7) The extent of any borrow areas, where topsoil and overburden are excavated for use in the reclamation of mined lands; and

(8) Updated graphic depictions of the control cross-sections approved in the surface mining permit application.

The site plan shall include a certificate from a licensed land surveyor or registered civil engineer certifying that the site plan and cross-sections were prepared by or under the direct supervision of the surveyor or engineer;

(b) A statement of the total amount of minerals produced since the date of the initial permit approval and since the date of the preceding annual report. Such information shall be consistent with the data submitted to the Department, as required in Section 2207 et seq. of Chapter 2 of Division 2 of the Public Resources Code of California. Production information shall be considered confidential under Section 10-4.901 of this chapter. Such reports shall be submitted as a declaration under penalty of perjury;

(c) A statement of the total amount of concrete and asphalt materials recycled since the date of the preceding annual report, and a statement of the total amount of aggregate removed from Cache Creek as a result of channel maintenance and reshaping activities in accordance with the CCRMP;

(d) A report prepared by a qualified hydrologist describing the data obtained from the on-site groundwater monitoring program, prepared in accordance with Section 10-4.417. The report shall recommend appropriate remedial measures if contamination in exceedance of established thresholds is indicated;

(e) A report describing the previous year's crop yields on any land in the process of being reclaimed to agriculture in accordance with the approved reclamation plan. The report shall include a soil analysis and appropriate remedial measures prepared by a qualified agronomist if crop yields do not meet the production standards set forth in the approved reclamation plan;

(f) A report prepared by a qualified biologist describing the density, coverage, and species-richness of any on-site areas that are being revegetated with plants other than agricultural crops in accordance with the approved reclamation plan. The report shall compare the observed data with the performance standards set forth in the approved reclamation plan and shall recommend remedial measures if the previous year's revegetation efforts have not been successful;

(g) A report prepared by a Registered Geologist, a Licensed Geotechnical Engineer, or a Registered Civil Engineer describing the remedial measures necessary to remediate any slope failures, levee breaches, or other topographical problems referred to in the site plan above;

(h) A report describing the extent of mining carried out over the previous year and the conformance of the operation with the approved reclamation timetable and/or phasing plan. Said report shall also describe the proposed extent of operations to be carried out over the following year;

(i) A report describing the compliance of the surface mining operation with the approved conditions of approval;

(j) A table, matrix, or report identifying all adopted CEQA mitigation measures by number and text, and describing compliance with these measures, pursuant to the Mitigation Monitoring Program adopted for the project; and

(k) A statement describing the status of any permits or approval issued by other agencies of jurisdiction; and

(l) A report describing the compliance with the applicable terms of the approved Development Agreement.

Surface Mining Reclamation Ordinance

Title 10, Chapter 5 of the Yolo County Code contains the Surface Mining Reclamation Ordinance (Reclamation Ordinance), which provides the following requirements relevant to agricultural resources:

Section 10-5.103. Purposes.

The purposes of this chapter are as follows:

(a) The reclamation of mined lands is necessary to prevent or minimize the adverse effects of mining on the environment and to protect the public health and safety;

(b) The reclamation of mined lands shall provide for the protection and subsequent beneficial use of mined lands. However, mining takes place in diverse areas, with significantly different geologic, topographic, climatic, biological, and social conditions, so that the methods and operations of reclamation plans may vary accordingly to provide for the most beneficial reclamation of mined lands;

(c) In order to provide for reclamation plans that are specifically adapted to the requirements of particular mined lands; and to ensure that mined land is reclaimed to end uses such as agriculture, habitat, groundwater recharge, flood control, and channel stabilization in a consistent manner to maximize their overall management; this chapter imposes performance standards by which reclamation methods and operations shall be measured;

(d) The continued protection of agriculture and open-space uses is essential. As such, all off-channel, prime agricultural land and/or off-channel lands zoned Agricultural Preserve (A-P) and within a Williamson Act contract at the time that mining commences shall be reclaimed to an agriculturally productive state equal to or greater than that which existed before mining commenced. Prime agricultural land that is within the A-P Zone and is not within a Williamson Act contract shall be reclaimed to those uses which are declared by the County to be compatible with agricultural activities. Such uses include, but are not limited to, the following:

(1) Agriculture and range land;

(2) Groundwater storage and recharge areas;

(3) Native fish, wildlife, invertebrate, and plant habitat;

(4) Watercourses and flood control basins; and,

(5) Recreational or open space lands.

(e) Non-prime agricultural land shall be similarly reclaimed to one of the alternate uses described above; and

(f) Reclamation plans shall be designed to integrate with the long-term goals of encouraging agriculture and recreation while protecting, habitat, recreation, and protecting the riparian corridor. Provisions shall be made to continue monitoring and maintenance activities after reclamation is completed, where appropriate, in order to ensure that reclaimed uses remain compatible with and enhance local resource management.

Section 10-5.221. Prime Agricultural Land.

"Prime agricultural land" shall mean all land which meets the definition of prime agricultural land set forth in Section 51201 of the Government Code of the State as administered by the County in the administration of its agricultural preserve program.

Section 10-5.509. Fence Row Habitat.

Where fence row or field margin habitat previously existed, reestablish similar habitat as part of reclamation to agricultural use to replace and improve the wildlife habitat value of agricultural lands, allowing for the reestablishment of scattered native trees, shrubs, and ground covers along the margins of reclaimed fields. Reestablished habitat can be located in areas other than where it occurred originally. Restoration plans shall specify ultimate fence row or field margin locations, identify planting densities for trees and shrubs, and include provisions for monitoring and maintenance to ensure establishment. Restoration plans should be reviewed and approved by the TAC.

Section 10-5.512. Field Releveling.

The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be releveled to the field grade specified in the approved reclamation plan.

Section 10-5.516. Lowered Elevations for Reclaimed Agricultural Fields.

The final distance between lowered surfaces reclaimed to agriculture and the average high groundwater shall not be less than five (5) feet. The average high groundwater level shall be established for each proposed mining area. The degree of groundwater level fluctuation varies with location throughout the basin and within relatively small areas (proposed mining sites). The determination of the average high groundwater level shall be conducted by a Registered Civil Engineer or Certified Hydrogeologist and shall be based on wet season water level elevation data collected at the proposed site or adjacent areas with similar hydrogeological conditions. Water level records prior to 1977 shall not be used since they would reflect conditions prior to the installation of the Indian Valley Dam. The dam caused a significant change in hydrology of the basin and data collected before its installation shall not be used in estimating current average high groundwater levels. The wells shall be adequately distributed throughout the proposed mining site to reflect spatial variation in groundwater levels and fluctuations.

Section 10-5.520.2. Permanent Easements.

Upon completion of reclamation within each phase of the project, for land that will not be dedicated or deeded to the County, the operator shall enroll each parcel reclaimed to agriculture in Williamson Act contract, or other equivalent long-term easement or deed restriction satisfactory to the County, for the purpose of protecting the agricultural use of the reclaimed land in perpetuity.

Section 10-5.522. Phasing Plans.

All proposed mining and reclamation plans shall present a phasing plan for mining and reclamation activities. The phasing plan shall be structured to minimize the area of disturbed agricultural lands during each mining phase, and encourage the early completion of the reclamation of agricultural land.

Section 10-5.523. Planting Plans.

Site-specific planting plans shall be developed by a qualified biologist for proposed habitat reclamation projects. Restoration components of reclamation plans shall include provisions to enhance habitat for special-status species, where feasible.

Native-planted hedgerows and other vegetated buffers shall be included between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers will also reduce the noise, dust, and spraying generated by agricultural operations, in addition to providing valuable pollinator resources that in turn could enhance agricultural production.

Section 10-5.525. Farmland Conversion.

All mining permit applications shall identify the location and acreage of prime farmlands, unique farmland, and farmland of statewide significance, as shown on the State Farmland Mapping and Monitoring Program (FMMP) which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of farmland in these categories that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset the conversion of these lands, at a ratio consistent with Section 8-2.404 (Agricultural Conservation and Mitigation Program) of the County Code. This mitigation requirement may be satisfied using a variety of flexible options identified below so long as the total acreage of benefit is found to be equivalent to the applicable ratio and acreage required under Section 8-2.404 of the County Code, by type and amount of farmland being impacted, and so long as a minimum ratio of 1:1 of permanently protected agriculture land of equivalent or better quality/capability is achieved.

(a) Implementation of improvements, identified by a qualified soil scientist, to the agricultural capability of non-prime lands within the project site or

outside the project site but within the OCMP area, that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.

(b) Placement of permanent conservation easements on land of equal or better quality/capability. The operator shall be encouraged to target property "at risk" of conversion to non-agricultural uses in selecting areas for permanent protection. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject. A minimum ratio of 1:1 is required in this category.

(c) Dedication of land, funding, or equivalent improvements, consistent with the County's net gains goals, above and beyond the net gains benefits otherwise required under the CCAP program.

(d) Dedication of land, funding, or equivalent improvements, consistent with the Parkway Plan, above and beyond net gains benefits otherwise required under the CCAP program.

Section 10-5.531. Soil Ripping.

Where areas are to be reclaimed to agricultural usage, all A and B horizon soil shall be ripped to a depth of three (3) feet after every two (2) foot layer of soil is laid down, in order to minimize compaction.

Section 10-5.532. Use of Overburden and Fine Sediments in Reclamation.

Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) may be used in the backfill or reclamation of off-channel permanent lakes, for in-channel reshaping or habitat restoration, and/or as a soil amendment in agricultural fields provided the operator can demonstrate that no detrimental sediment toxicity exists (consistent with the state's Stream Pollution Trends Monitoring Program protocols) and fine-grained soil (<63 micron) do not exceed 0.4 mg/kg total mercury.

The operator shall use overburden and processing fines whenever possible to support reclamation activities for pit lakes. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within a pit lake or its drainage area, the operator must sample the soils prior to placement and analyze them for pesticides and herbicides (EPA Methods 8141B and 8151A, or equivalent) as well

as for total mercury (EPA Method 7471B, or equivalent). The operator shall collect and analyze samples in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846 (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations), or that contains fine-grained soils exceeding on average 0.4 mg/kg total mercury shall not be placed in areas that drain to the pit lakes.

Land reclaimed to a subsequent use that includes planting of vegetation (e.g., agriculture, habitat) shall be provided an adequate soil profile (i.e., depth and texture of soil) to ensure successful reclamation. At the discretion of the Director and at the operator's sole expense, the proposed reclamation plan for the project may be peer reviewed by an appropriate expert/professional, and recommendations, if any, shall be incorporated into the project as conditions of approval.

Agricultural Conservation and Mitigation Program

Section 8-2.404 of the Yolo County Code (Agricultural Conservation and Mitigation Program) provides the following requirements for offsets to mitigate for conversion of farmland to non-agricultural uses: (a) preservation of farmland at a 3:1 ratio for conversion of prime farmland; and, (b) 2:1 for projects that convert other farmland to non-agricultural uses. The program requires all agricultural mitigation to occur within two miles of a city or certain unincorporated towns, or within an area designated by the Board of Supervisors, and allows adjustments to the mitigation ratio down to a 1:1 ratio based on conservation easement placement in certain specified priority zones. The In-Lieu Agricultural Mitigation Fee (as described in Section 8-2.405) is available as an alternative to purchasing a conservation easement for projects that convert less than twenty acres of agricultural lands to nonagricultural uses.

Before the 2019 update to the CCAP, mining activities under the CCAP were subject to separate mitigation requirements and were exempted from Section 8-2.404's expanded mitigation requirements. The CCAP Update was adopted in December 2019 and included amendments to Section 10-5.525 (Farmland Conversion) of the County Reclamation Ordinance that merge and clarify the requirements for agricultural mitigation offsets for mining projects. Section 10-5.525 establishes requirements to compensate for the permanent loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that are equivalent to the countywide requirements identified in Section 8-2.404 of the County Code, but modified to reflect the unique requirements and outcomes of the CCAP.

Section 10-5.525 generally applies the same 3:1 and 2:1 mitigation ratio requirements from Section 8-2.404 that apply elsewhere throughout the County, including the ability to reduce the ratio to 1:1 in the priority zones, but also allows mining operations to demonstrate equivalency (down to a minimum 1:1 base mitigation ratio) based on several options that are identified in Section 10-5.525. These options include improvements to farmland quality, permanent easements, dedication of additional net gains (such as land, funding, or equivalent improvements consistent with the County's net gains goals) beyond those already required under the CCAP

program, and/or other benefits consistent with the Cache Creek Parkway that would not otherwise already be achieved through agreements and obligations that are already a component of the program.

Section 10-5.525 allows the County to accept additional net gains as an alternative to agricultural mitigation ratios in excess of 1:1, subject to a finding of "equivalency" between the two. County Code indicates that the mitigation requirement may be satisfied using a variety of flexible options, so long as the total acreage of benefit is found to be equivalent to the applicable ratio and acreage required under Section 8-2.404 of the County Code by type and amount of farmland being impacted, and so long as a minimum ratio of 1:1 of permanently protected agriculture land of equivalent or better quality/ capability is achieved.

4.1.4 IMPACTS AND MITIGATION MEASURES

The following section describes the standards of significance and methodology used to analyze and determine the changes in the proposed project's potential impacts related to agricultural resources. A discussion of the project's impacts, as well as mitigation measures where necessary, are also presented.

Standards of Significance

The significance criteria used for this analysis were developed from Appendix G of the CEQA Guidelines, and applicable policies and regulations of Yolo County. An agricultural resources impact is considered significant if the proposed project would:

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.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract.

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)).

d) Result in the loss of forest land or conversion of forest land to non-forest use.

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.

f) 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.

As noted previously, there are no private timberlands or public lands with forests in Yolo County; therefore, potential impacts to forest land related to criteria "c" and "d" would not occur. As a result, those criteria and potential forest land impacts are not further evaluated in this document.

The standards of significance presented in the 1996 EIR are listed below. For each standard, there is information (*in italics*) describing how the standard from the 1996 EIR is addressed by the updated standards listed above. The 1996 EIR considered that the project would have a significant effect on agricultural resources if it would:

- Permanently convert prime agricultural soils to a nonagricultural use.

  Conversion of prime agricultural soils is addressed by criterion "a" above.

- Cause the loss of agricultural productivity or crop values that represent a major proportion of the County's production or value of crops.

  Impacts related to the loss of agricultural productivity are addressed by criteria "a" and "e" above.

- Impair or degrade the existing productivity of agricultural soils, or adversely affect agricultural resources or operations, in the planning area or County.

  Impacts associated with the impairment or degradation of the existing agricultural resources are addressed by criteria "a" and "e" above.

- Conflict with adopted plans or policies of State and other agencies that seek to preserve or protect agricultural soils, lands, and operations.

  Impacts associated with a conflict with adopted plans or policies are addressed by criterion "f" above.

Impacts Identified in the 1996 EIR

The impacts and mitigation measures adopted in the certified 1996 EIR are summarized in Table 4.1-1. The table provides a discussion of the status of each mitigation measure.

Table 4.1-1: 1996 EIR Impact Statements, Mitigation Measures, and Discussion

Impact No.	Impact Statement from 1996 EIR	Mitigation Measures and Discussion
4.5-1	The proposed project would result in the temporary loss of agricultural production during mining and reclamation. This is considered to be a less-than-significant impact.	No mitigation measures for this impact were originally required. In reaching that conclusion, the 1996 EIR assumed that a maximum of 126 acres would be out of production in any given year and that reclamation would occur as each phase progressed. In 2022, the County determined that approximately 510 acres of the almost 600-acre mining site was disturbed and/or being mined, including the plant site and approved mining.

		The 1996 EIR identified that the project would result in the disturbance of a total of 585 acres of land in agricultural production, acknowledging that the phasing of the project resulted in a smaller area being disturbed at any given time (1996 EIR, Draft, page 4.5-14). Figure 4.1-2 provides an overlay of acres originally in farmland and currently disturbed acres, demonstrating that as of 2022, 310.8 acres of originally productive farmland were out of production. The 1996 EIR (DEIR, pages 4.5-14 through 4.5-15) identified a maximum of 126 acres "out of production in any given year." Based on this information, the County determined there were 184.8 acres of cropland out of production beyond what was identified in the 1996 EIR (310.8 ac. – 126 ac. = 184.8 ac.). This reflected additional temporary losses of agricultural production than originally anticipated. As summarized in Table 3-4, reclamation by phase was to have occurred sooner under the original approval than as proposed: Phase 1 by 2002 (proposed 2025) Phase 2 by 2012 (proposed 2026 west; 2048 east) Phase 3 by 2017 (proposed 2048) Phase 4 by 2021 (proposed 2039) Phase 5 by 2031 (proposed 2033 -- 2047) Phase 6 by 2026 (proposed 2048) Phase 7 by 2029 (will not be mined) Plant and other areas by 2029 (proposed 2048) It is not unusual for the actual pace of mining to vary in response to market conditions and operator business decisions. However, it is relevant to note that reclamation of early phases to productive agriculture as mining progressed has not occurred as originally assumed: • The 1996 project description stated reclamation would occur as each phase is mined (DEIR p. 3-17 to 3-19) • The 1996 EIR calculated a maximum of 126 acres out of production in any given year (DEIR 4.5-14) The 2012 Conservation Easement Grant (Agreement No. 12-49) (2012 Easement) recorded July 30, 2012, provided mitigation for the permanent loss of agricultural land at a 1:1 ratio, as required by Mitigation Measure 4.5-2a and the conditions of approval (1996 EIR Impact 4.5-2 and Condition of Approval No. 48). The Easement prohibited uses inconsistent with the agricultural and open space use of the property, including uses not allowed under the Williamson Act.

		The easement also provided mitigation for impacts to Swainson's hawk foraging habitat. Condition of Approval No. 48 requires: "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)." CEMEX received credit against permanent impacts to prime farmland for the 446 acres of approved reclaimed agriculture (223 ac. in row crops + 223 ac. in tree crops = 446 ac.), leaving a remainder of 252 acres unmitigated (1996 EIR, Draft, page 4.5-15). This acreage was further reduced by 90 acres to reflect improvements to reclaimed soil conditions that would exceed the quality of original native conditions. The 90-acre credit was derived from an overlay of the area of proposed agricultural reclamation over the portions of the property classified as having severe and very severe limitations. Soils conditions were documented in the "Site-Specific Soil Assessment and Productivity Classification of the Agricultural Horizon Soils for the Solano Long-Term Off-Channel Mining Area" prepared November 1, 1995, by Ag West Resources. Credit for the 90 acres described above brought the required mitigation acreage for permanent loss of farmland to 162 acres (1996 EIR, Draft, Page 4.5-16) (252 ac. – 90 ac. = 162 ac.). Mitigation for this was addressed with the 2012 Easement. A permanent conservation easement was placed on 175 acres of the unmined Hutson parcel to prevent future conversion to non-agricultural uses. The conservation easement was approved and accepted by the Board of Supervisors on August 25, 1998, and recorded on July 30, 2012. The 2012 Easement covers the previously mined and reclaimed western half of Phase 1 (50.8[7] acres identified as Area E) plus another 125[8] acres of native (unmined) agricultural land immediately south of Phase 1 (identified as Areas A [25 ac.], B [50 ac.], and C [50 ac.]). The County determined that the various properties in the easement resulted in 10.8 acres more than the 40-ac of reclaimed agriculture and 15.0 acres less than the 140 acres of unmined agriculture

[7] This area was 10.8 acres in excess of 40 acres required (correspondence from Elisa Sabatini, Yolo County to Steve Grace, CEMEX dated April 7, 2022, regarding Conditions of Concern)

[8] This area was 15.0 acres less than 140 acres required (correspondence from Elisa Sabatini, Yolo County to Steve Grace, CEMEX dated April 7, 2022, regarding Conditions of Concern)

		required by the mitigation measure, for a net deficit of 4.2 acres (10.8 ac. – 15.0 ac.). The 2012 Easement results in a potential excess of 13 acres of mitigation for permanent loss of farmland (175 ac. – 162 ac. = 13 ac.). However, the County determined that the fallowing of 50.8 acres in the western portion of Phase 1 was not consistent with the spirit and intent of the easement to mitigate for loss of prime farmland, resulting in a gap of 37.8 additional acres of farmland being temporarily out of agricultural production due to the project (175 ac. Conservation easement – 162 ac. permanent protected farmland required = 13 ac. excess; 13 ac. excess – 50.8 ac. fallowed = 37.8 ac.). In summary, there were 184.8 acres of temporary loss of agricultural production on the site in excess of what was identified in the 1996 EIR and 2081 MOU; a potential gap of 4.2 ac. of mitigation for impacts to habitat; and a potential gap of 37.8 acres of permanently protected farmland, for a total acreage of 226.8 acres. To bring the project more into conformance with the original project description and address these impacts, the applicant agreed on June 2, 2022, in conjunction with Minor Modification (ZF #2022-0037) to do the following: 1. Place 110 acres in Phase 1 into productive agriculture, thus re-establishing productive agriculture and hawk foraging habitat. This was required as Condition #2 of the 2022 Minor Modification and was completed in December 2022. The selected crop (winter wheat) was accepted by the Yolo Habitat Conservancy on November 22, 2022, as providing suitable foraging habitat for the Swainson's Hawk. 2. Place 50 acres of unmined productive agriculture in the southerly portion of the Hutson parcel, adjoining State Route 16 on the south and the 2012 Conservation Easement boundary on the north, in permanent agricultural easement. The permanent conservation of each acre of non-prime farmland was accepted by the County as offsetting the temporary impact to two acres, resulting in 100 acres of credit from this action. This easement will also provide permanent protection for existing productive agriculture and hawk foraging habitat. This was required as Condition of Approval No. 3 of the 2022 Minor Modification.

		Establishment of this easement is underway but has not been completed as of March 1, 2024. 3. Remove Phase 7 (totaling 15 acres) from the approved mining area which results in a net reduction of the approved mining area and precludes mining impacts from occurring west of I-505. This was required as a part of Condition of Approval No. 8a of the 2022 Minor Modification. This is proposed as a component of the subject project. These actions decrease temporarily disturbed cropland and increase permanent farmland and habitat benefits, with credit totaling 225 acres (110 ac. + 100 ac. + 15 ac. = 225 ac.), thus substantially resolving the identified gaps in mitigation of 226.8, leaving a minor differential of 1.8 acres (225 ac. – 226.8 ac. = -1.8 ac.). As a component of 2022 Minor Modification, CEMEX documented the location of 3.2 acres of hedgerows and 5.7 acres of restored habitat, in partial fulfillment of the obligations for these items under the 2081 MOU. The County accepted the additional acreage of restored habitat identified by CEMEX (5.7 acres of restored habitat area is 2.6 acres in excess of the 3.1 acres documented in the 2081 MOU) as satisfying the 1.8 acre "differential" noted above. Additional discussion of this is provided in Section 4.3, Biological Resources. In addition, the County added the following two relevant conditions with the 2022 Minor Modification: 1. Condition of Approval No. 8b: "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 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." As a component of the proposed project the applicant has requested a change in the maximum area of land disturbance. 2. Condition of Approval No. 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."
4.5-2	The proposed project would result in permanent conversion of 252 acres of prime farmland to nonagricultural uses. This is considered to be a significant and unavoidable impact.	Mitigation Measure 4.5-2a/Condition of Approval No. 48[a] requires: "Implement the performance standards included in Section 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with the mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase." As described above, recent actions have addressed conformance with this requirement. These actions decrease temporarily disturbed cropland and increase permanent farmland and habitat benefits, and result in excess mitigation of 2.6 acres. These actions constitute changes to the project that would avoid a substantial increase in severity of previously identified significant effects. Therefore, no mitigation is required.
4.5-3	Water or wind erosion of stockpiles of agricultural soils at the project site could result in permanent loss of an important agricultural resource. This is considered to be a less-than-significant impact.	No mitigation measures are required because the analysis relied on compliance with SMARA and County requirements for soil management and erosion control. There are no identified changes in the project, the circumstances under which the project will be undertaken, or new information relevant to this analysis or conclusion.
4.5-4	Proposed post-reclamation uses could result in impacts to agricultural lands and operations on- and off-site. This is considered to be a less-than-significant impact.	No mitigation measures required because no adverse impacts to existing ongoing agricultural operations from proposed agricultural reclamation were identified. There are no identified changes in the project, the circumstances under which the project will be undertaken, or new information relevant to this analysis or conclusion.
4.5-5	Lowering of reclaimed agricultural fields could result in adverse conditions for agricultural production. This is considered to be a significant impact.	Mitigation Measure 4.5-5a/Condition of Approval No. 49[a] requires: "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 surface 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 4.5-8a)." Under the current approved reclamation plans all reclaimed agricultural fields have been designed to be a minimum of five feet above the average high-water table. The proposed reclamation plans have been reviewed and confirmed to satisfy this requirement; therefore, no revisions are necessary. This mitigation measure will not be fully discharged until reclamation is complete.
4.5-6	The nonrenewal of current Williamson Act contracts for land affected by mining could result in a reduction of land under conservation for agriculture or open space uses. This is considered to be a less-than-significant impact.	No mitigation measures required. There are no remaining active Williamson Act contracts within the project site, and a condition of approval is proposed requiring compliance with Section 10-5.520.2 requiring reclaimed agriculture to be enrolled in Williamson Act and a long-term easement or deed restriction protecting the agricultural use of the reclaimed land in perpetuity.
4.5-7	Proposed reclamation of portions of mined areas to tree crop agriculture could potentially conflict with adjacent agricultural uses. This is considered to be a less-than-significant impact.	No mitigation measures required because no adverse impacts to existing ongoing agricultural operations from proposed tree crops were identified. There are no identified changes in the project, the circumstances under which the project will be undertaken, or new information relevant to this analysis or conclusion. The applicant proposes to decrease reclaimed tree crops by 150 acres and increase reclaimed row crops by 112 acres.
4.5-8	Implementation of the proposed project would contribute to the cumulative loss of agricultural land. This is considered to be a significant and unavoidable impact.	Mitigation Measure 4.5-8a/Condition of Approval No. 50[a] requires: "Implement Mitigation Measure 4.5-2a of the (1996) Final EIR for the proposed project." See discussion above for original Mitigation Measure 4.5-2a and Condition of Approval No. 48. Cumulative impacts related to conversion of protected farmland were analyzed in Impact AG-1 of the certified CCAP Update FEIR. With implementation of Section 10-5.525 of the Reclamation Ordinance this impact was determined to be reduced but not eliminated, and therefore, identified as remaining significant and unavoidable with mitigation.

Source: Baseline Environmental Consulting, 2021.

[a] County of Yolo, 2021. Conditions of Approval Mining Permit and Reclamation Plan No. ZF #95-093 CEMEX Mining and Reclamation Project. 2020 Ten-Year Permit Review as modified through February 11, 2021.

Impacts and Mitigation Measures for the Proposed Project

The discussion below examines relevant substantial changes in the project, substantial changes in the circumstances under which the project will be undertaken, and/or new information of substantial importance, as defined by CEQA Guidelines Section 15162. 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.

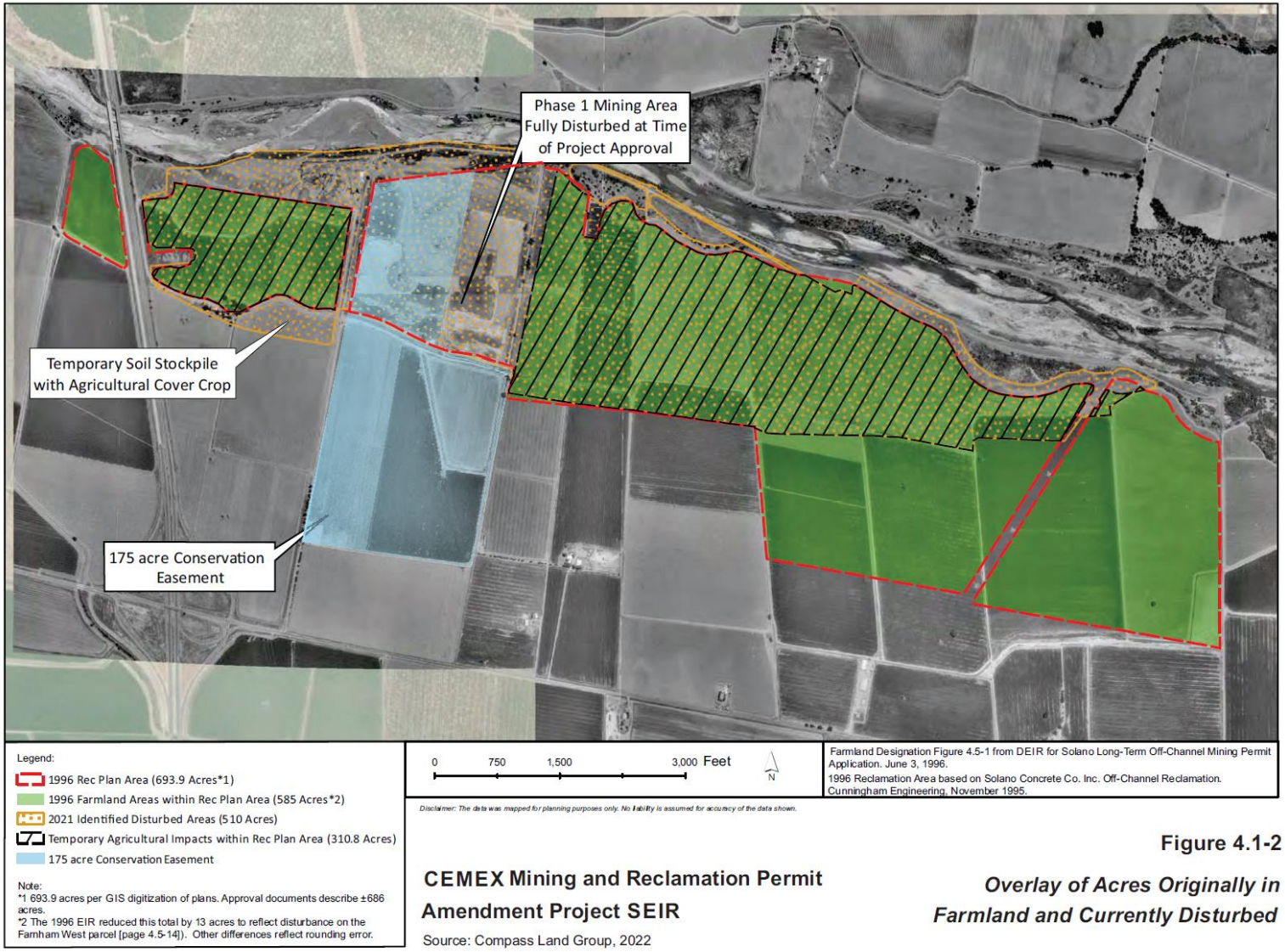
Pursuant to Section 15162 of the CEQA Guidelines, a subsequent EIR is required where proposed changes in the project or changes in the circumstances of the project would require revisions of the previous EIR due to new significant environmental effects or a substantial increase in the severity of previously identified effects. Additionally, a subsequent EIR is required where there is new information that identifies significant effects not previously discussed, significant effects examined in the prior EIR that will be substantially more severe than previously shown, or mitigation measures or alternatives that are now feasible after previously being found infeasible, or are considerably different from those previously analyzed, that would substantially reduce significant effects but the applicant declines to adopt. Each impact is analyzed to determine whether any of the requirements for a subsequent EIR are met and, if so, additional environmental analysis is provided to evaluate the impacts, mitigation measures, and alternatives, as appropriate.

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*.

In general, the proposed project proposes to continue mining and reclamation activities for an additional 20 years beyond what was described and evaluated in the 1996 EIR, with subsequent approved modifications that are summarized in Chapter 3, Project Description. There would be no changes related to mining methods, maximum depth of mining, processing operations, use of settling ponds to contain and settle aggregate wash fines, production limits, water use, power use, truck traffic, or hours of operation.

Consistent with existing approvals, after mining is completed, Phases 1, 2, 3, and 4 will receive backfill for reclamation to agriculture. Phases 5 and 6 will be reclaimed to permanent lakes and will not require backfill (unless necessary to flatten perimeter lake slopes for future habitat value). Where required, backfill with overburden and topsoil will be performed using conventional mobile equipment, such as scrapers and bulldozers, that will provide an appropriate level of compaction for the planned end uses. Reclaimed (backfilled) agricultural fields will have lowered elevations relative to original ground. However, as required by Reclamation Ordinance Section 10-5.516, the final distance between lowered surfaces reclaimed to agriculture and the average high groundwater will be a minimum of five feet. Final reclamation, consisting of finish slope reclamation, revegetation and equipment removal will generally commence as soon as final excavation grades are achieved by phase. An estimated time schedule for mining and reclamation is provided in Table 3-8. Table 3-4 and Figure 3-18 provide a comparison of reclamation end uses and acreages for the current entitlements and proposed project.

Figure 4.1-2
Overlay of Acres Originally in Farmland and Currently Disturbed Acres



BEC - 9 - SEIR sections responses to first draft\OLD ADEIR2 Figures\working corel files\cdrs\Figure 4-2.cdr

With the exception of proposed minor revisions to the northern mining boundary (in response to County compliance requests), the project proposes mining to occur in substantially the same footprint as approved under existing entitlements and shown on Figures 3-9 through 3-14. The project does not propose any new surface mining disturbances in areas mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the "Yolo County Important Farmland 2016" Farmland Mapping and Monitoring Program (FMMP) map published by the California Department of Conservation, Division of Land Resource Protection (Figure 4.1-1).

However, as described above in Table 4.1-1, reclamation of early phases to productive agriculture as mining progressed did not occur in a manner consistent with the original project approvals and EIR analysis. Also, the applicant has determined there will not be enough topsoil and overburden to undertake the amount of reclaimed agriculture originally approved. Relevant to agricultural resources, the following physical changes proposed as a part of the project would result in changes to previously identified impacts and mitigation measures:

- Simultaneous disturbance of a larger area of 167 to 285 acres at one time, as compared to a maximum of 126 acres at one time assumed in the 1996 EIR, which represents an increase of up to 159 acres (285 ac. – 126 ac. = 159 ac.).
- Reclamation of some areas later (up to 36 years) and final reclamation of the entire site 20 years later than originally analyzed.
- Elimination of Phase 7 located on the west side of I-505.
- Reclamation of an additional 100 disturbed acres not previously identified.
- Less reclamation to agriculture (57.4 fewer acres).
- Less reclamation to tree crops (138 fewer acres) and more acreage to row crops (111 additional acres).

Although the elimination of Phase 7 and the overall increase in reclamation acreage result in positive outcomes, the net effect of the proposed project is that a larger area of agriculture (159 additional acres) will be out of production for a longer period of time (20 years overall and from 3 to 36 years longer by phase) which increases temporary impacts, and fewer mined acres (57.4 acres) will be reclaimed to agriculture as an end use which increases permanent impacts. Table 3-4 identifies proposed changes by phase in mining acreage and end dates, and reclamation acreage and end dates.

As shown in Table 3.7, 6.2 acres of the native habitat enhancement along the south creekbank adjoining the plant site would result from implementation of the proposed HRP. This area (3.7 acres of oak savanna and 2.5 acres of native grassland buffer) provides hedgerow values contributing to future agricultural reclamation of the plant site. As a result, this lessens the impact resulting from the proposed decrease in agricultural reclamation (57.4 ac. – 6.2 ac. = 51.2 ac.). The net loss of 51.2 acres of anticipated future reclaimed farmland must therefore be mitigated

pursuant to Section 10-5.525 of the County Mining Ordinance, which establishes requirements to compensate for the permanent loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that are equivalent to the countywide requirements identified in Section 8-2.404 of the County Code, but modified to reflect the unique requirements and outcomes of the CCAP.

Section 10-5.525 of the Mining Ordinance generally applies the same 3:1 mitigation ratio for loss of prime land and 2:1 mitigation ratio for loss of non-prime land established in Section 8-2.404 that apply elsewhere throughout the County, but allows mining applications to demonstrate equivalency (down to a minimum 1:1 base mitigation ratio) based on several options that are identified in Section 10-5.525 (Farmland Conversion). These options include improvements to farmland quality, permanent easements, dedication of additional net gain lands beyond those already required under the CCAP program, and/or other benefits consistent with the Cache Creek Parkway that would not otherwise already be achieved through agreements and obligations that are already a component of the program. Consistent with Section 10.5-525, Mitigation Measure 4.1-1a below therefore requires 3:1 mitigation for the net reduction of 51.2 acres of anticipated future reclaimed prime farmland. As allowed under the ordinances, this ratio may be reduced to 1:1 in specified circumstances.

As noted above, the net temporary effects of the project are both spatial (i.e., larger area of simultaneous disturbance) and temporal (i.e., reclamation extended out to a later date both overall and in each phase). Phasing of mining and reclamation allows an operator to minimize total area of simultaneous disturbance and maximize the speed of reclamation as mining in each phase is completed. Section 10-5.522 of the Reclamation Ordinance requires a phasing plan structured to minimize the area of disturbed agricultural lands during each mining phase, and encourage the early completion of the reclamation of agricultural land. Under the proposed project, the footprints of each of the phases are individually substantially unchanged. The largest phase size under the original approval was Phase 1 at 140 acres (mining and reclamation) and as proposed would be Phase 6 at 135 acres of mining and 146 acres of reclamation.

However, the availability of soils and overburden needed to reclaim as mining progresses, and the reclaimed end land use also affect the ultimate pace and timing of reclamation. The applicant has indicated that limiting its operations to 126 acres of simultaneously disturbed area is not feasible and is inconsistent with their approved mining and reclamation plans and related permit approvals. Although the applicant is requesting no substantive change in the overall mining area, CEMEX is requesting a larger total area (between 167.4 ac. and 284.6 ac.) of simultaneous disturbance at any one time[9]. As compared to a maximum of 126 acres at one time assumed in the 1996 EIR, this represents an increase of up to 159 acres (284.6 ac. – 126 ac. = 158.6 ac.) in the net total area of simultaneous disturbance. In addition, the length of time of site disturbance would increase by 20 years overall due to the permit extension, and by up to 36 years (worst case) in a portion of Phase 2 due to proposed changes in phasing and end uses.

The mitigation ratios in County Code Section 8-2.404, which address permanent loss of farmland,

[9] This range is derived from information provided by the applicant December 14, 2022 entitled “Expected Disturbance and Agricultural Production Reclamation Sequence Table”.

would not apply to these temporary impacts because there is no net change in the permanent loss of farmland acres as compared to the original approval and 1996 EIR analysis. The effect of the larger area of disturbance coupled with the disturbance occurring over decades results in a net new impact of the project. This temporary impact is not equivalent to the permanent conversion of farmland, so a ratio less than 3:1 or 2:1 would be appropriate to mitigate for the project's temporary impacts.

In the CEMEX 2022 Minor Modification (ZF #2022-0037), the permanent conservation of each acre of non-prime farmland was accepted as offsetting the temporary impact to two acres of farmland for reclamation that did not occur at the pace required under the approval. In other words, permanent protection of 50 acres of unmined productive agriculture adjoining existing protected land was given 100 acres of credit towards resolving land disturbance that exceeded approved totals. The County finds that this ratio of 0.5:1 is relevant and applicable for the subject temporary impacts to farmland. Therefore, Mitigation Measure 4.1-1b requires the acquisition of 79.5 acres of additional permanent conservation easements to offset the increased effects resulting from the larger net area of temporary disturbance at a 0.5:1 ratio (285 ac. proposed – 126 ac. analyzed in 1996 EIR = 159 additional ac. x 0.5 = 79.5 ac.).

Conclusion

As presented above, there are proposed changes in the project related to decreased reclamation to farmland, delayed reclamation to farmland, and more farmland disturbed at one time, that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore revisions to the analysis in the 1996 EIR are required related to this area of impact.

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 1996 EIR are required related to this area of impact.

There is no new important information relevant to this area of impact that was not previously known at the time of the 1996 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, or different more effective alternatives that have emerged or become known.

Implementation of Mitigation Measures identified below would compensate for the new impacts that result from the net reduction of 51.2 acres of reclaimed farmland and the 159-acre increase in temporary impacts.

Mitigation Measure 4.1-1a

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.

Mitigation Measure 4.1-1b

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.

Significance After Mitigation:

Notwithstanding implementation of Mitigation Measure 4.1-1a and b, the project would result in a net loss of farmland, and therefore this impact is considered significant and unavoidable.

Impact 4.1-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract. The impact is *less than significant*.

The project site is not currently subject to any active Williamson Act contracts. The project site is zoned Agricultural Intensive (A-N) with a Sand and Gravel overlay. The A-N zone allows for mining with a conditional use permit provided that the Sand and Gravel overlay is in place, which it is. Therefore, the project would have no impact in terms of a conflict with Williamson Act contracts or the zoning designation for the site.

Conclusion

As presented above, 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 1996 EIR are required related to this area of impact.

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 1996 EIR are required related to this area of impact.

There is no new important information relevant to this area of impact that was not previously known at the time of the 1996 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, or different more effective alternatives that have emerged or become known.

Mitigation Measure(s)

None required.

Impact 4.1-3: 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. The impact would be *less than significant*.

The proposed project is not anticipated to involve other changes to the existing environment which, due to their location or nature, could result in loss of Farmland to non-agricultural use or conversion of forest to non-forest use.

Conclusion

As presented above, 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 1996 EIR are required related to this area of impact.

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 1996 EIR are required related to this area of impact.

There is no new important information relevant to this area of impact that was not previously known at the time of the 1996 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, or different more effective alternatives that have emerged or become known.

Mitigation Measure(s)

None required.

Impact 4.1-4: 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. The impact would be *less than significant.*

Table 4.1-2 below provides an analysis of the proposed project's consistency with applicable policies and regulations that have been adopted for the purpose of avoiding or mitigating environmental effects related to agricultural resources.

Conclusion

As presented above, 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 1996 EIR are required related to this area of impact.

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 1996 EIR are required related to this area of impact.

There is no new important information relevant to this area of impact that was not previously known at the time of the 1996 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, or different more effective alternatives that have emerged or become known.

Mitigation Measure(s)

None required.

Table 4.1-2: Consistency with Applicable Plans, Policies, and Regulations

Policy/Regulation	Consistency Discussion
Yolo County General Plan	
Policy LU-1.1 Assign the following range of land use designations throughout the County, as presented in detail in Table LU-4 (Land Use Designations) …	The Open Space land use designation protects the in-channel area of Cache Creek. The Agricultural land use designation allows for surface mining. Therefore, the proposed project would be consistent with this policy. The Mineral Resource Overlay identifies existing approved mining operations. The proposed project would be consistent with all land use designations.
Policy AG-1.4 Prohibit land use activities that are not compatible within agriculturally designated areas.	The Agricultural land use designation allows for surface mining. Therefore, the proposed project would be consistent with this policy.
Policy AG-1.6 Continue to mitigate at a ratio of no less than 1:1 the conversion of farmland and/or the conversion of land designated or zoned for agriculture, to other uses.	Please see Table 4.1-1 and Impact 4.1-1. Prior conditions of approval, mitigation measures, and new Mitigation Measure 4.1-1a and b, ensure reclamation and/or mitigated at required ratios. Therefore, the proposed project would be consistent with this policy.
Policy CO-3.1 Encourage the production and conservation of mineral resources, balanced by the consideration of important social values, including recreation, water, wildlife, agriculture, aesthetics, flood control, and other environmental factors.	The project is the proposed continuation of an existing approved aggregate mining operation. Proposed reclamation would result in reclaimed farmland, wildlife habitat, open water lake, recreation, and other future benefits. Therefore, the proposed project would be consistent with this policy.
Policy CO-3.2 Ensure that mineral extraction and reclamation operations are compatible with land uses both on-site and within the surrounding area, and are performed in a manner that does not adversely affect the environment.	The project is the proposed continuation of an existing approved aggregate mining operation. Proposed reclamation would result in reclaimed farmland, wildlife habitat, open water lake, recreation, and other future benefits. Therefore, the proposed project would be consistent with this policy.

Action CO-A47 Ensure that mined areas are reclaimed to a usable condition that is readily adaptable for alternative land uses, such as agriculture, wildlife habitat, recreation, and groundwater management facilities.	The project would include reclamation of the proposed mining area to agriculture, habitat, and recreation uses. Thus, the proposed project would be consistent with this goal.
Policy ED-1.2 Support the continued operation of existing aggregate mining activities within the county as well as new aggregate mining in appropriate areas, to meet the long-range construction needs of the region.	The proposed project would extend the duration of aggregate mining at an existing mine site, within the CCAP area allowing for removal of aggregate resources from an existing site. Therefore, the proposed project would be consistent with this policy.
Policy ED-1.8 Retain and encourage growth in important economic export sectors, including mining, natural gas, tourism and manufacturing.	The proposed project would allow for continued mining extraction to continue on the site. Thus, the proposed project would be consistent with this policy.
Off-Channel Mining Plan	
Goal 2.2-2 Encourage the production and conservation of mineral resources, balanced by the consideration of important social values, including recreation, watershed, wildlife, agriculture, aesthetics, flood control, and other environmental factors.	The proposed project would involve continued active mining and production of mineral resources on the project site. In addition, the project includes reclamation of the proposed mining area to agriculture and habitat uses. Thus, the proposed project would be consistent with this goal.
Goal 2.2-5 Ensure that mined areas are reclaimed to a usable condition which are readily adaptable for alternative land uses, such as agriculture, wildlife habitat, recreation, and groundwater management facilities.	The project would include reclamation of the proposed mining area to agriculture, habitat, and recreation uses. Thus, the proposed project would be consistent with this goal.
Objective 5.3-1 Encourage the preservation of prime and important farmland along Cache Creek, while giving consideration to other compatible beneficial uses, such as groundwater storage and recharge facilities, surface mining operations, riparian habitat, and public recreation. Reclamation of agricultural lands to other uses; however, is discouraged wherever agricultural reclamation is feasible.	Please see Table 4.1-1 and Impact 4.1-1. Prior conditions of approval, mitigation measures, and new Mitigation Measure 4.1-1a and b would ensure that converted Prime Farmland would be reclaimed to agricultural land or mitigated at required ratios. Therefore, the proposed project would be consistent with this policy.
Objective 5.3-2 Ensure the use of appropriate agricultural management practices in reclaiming mined areas to productive farmland.	Mined land identified for reclamation to agriculture as a part of the project would be reclaimed in accordance with the requirements of the Surface Mining and Reclamation Act (SMARA), the OCMP, Mining Ordinance, and Reclamation Ordinance. Reclamation in compliance with the standards set forth in these regulations would ensure appropriate agricultural management practices are applied during reclamation of the mining areas. Thus, the proposed project would be consistent with this objective.
Action 5.4-1 Maintain the existing A-N (Agricultural Intensive) or A-X (Agricultural Extensive) base zoning within the off-channel planning area, except where it serves as a holding area for growth within the community spheres of Capay, Madison, Esparto, and Yolo, so	The proposed project would retain the project site's current Agricultural Intensive (A-N) zoning designation, with the addition of the Sand and Gravel Overlay Zone (SG-O) to allow for mining. Therefore, the proposed project would be consistent with this action.

as to preserve the agricultural character of the region.	
Action 5.4-3 Provide for the protection of farmland within the planning area, including mined and reclaimed farmland, through the use of agricultural preserves and/or conservation easements.	Pursuant to Reclamation Ordinance Section 10-5.520.2, upon completion of reclamation within each phase of the project, for land that will not be dedicated or deeded to the County, the operator is required to enroll each parcel reclaimed to agriculture in Williamson Act contract, or other equivalent long- term easements or deed restriction satisfactory to the County, for the purpose of protecting the agricultural use of the reclaimed land in perpetuity. This is reflected in condition of approval 10 for the existing operation and would apply to the proposed project is approved. Therefore, the proposed project would be consistent with this action.
Action 5.4-4 Ensure that all proposed surface mining operations that include reclamation to agricultural uses comply with the requirements of the Land Conservation (Williamson) Act and the State Mining and Geology Board Reclamation Regulations.	Compliance with the CCAP and required review of the proposed reclamation plan Financial Assurance Cost Estimate (FACE) by the County staff and State Division of Mine Reclamation pursuant to SMARA would ensure compliance with these requirements. Therefore, the proposed project would be consistent with this action.
Action 5.4-6 Encourage off-channel excavation operations to access additional aggregate reserves through the use of wet pits, in order to minimize the amount of agricultural land disturbed by mining.	The project site is an active mining site within the CCAP area. The project proposes to continue to mine to a maximum depth of approximately 70 feet below existing ground surface in order to access the greatest feasible tonnage of material. No substantive expansion of the mining area is proposed. The requested permit approval will allow more time for removal of the identified resources. Therefore, the project would be consistent with this action.
Action 5.4-7 Ensure maximum public benefit from reclaimed uses by establishing the following priority to be used to assess the adequacy of proposed reclamation plans: 1. Reclamation to viable agricultural uses; 2. Reclamation to native habitat; 3. Reclamation to recreation/ open space uses; 4. Reclamation to other uses.	The project proposes to reclaim approximately 419 acres to agriculture, approximately 204 acres to open water lake, and approximately 174 acres to habitat, with the remainder in access roads. Therefore, the project would be consistent with this action.
Land Development and Zoning (Yolo County Code of Ordinances, Title 8)	
Section 8-2.404 (a) Purpose The purpose of this section is to implement the agricultural land conservation policies contained in the Yolo County General Plan with a program designed to permanently protect agricultural land located within the unincorporated area. (c) Mitigation Requirements (1) Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or	See Impact 4.1-1 and Mitigation Measures 4.1-1a and 4.4-1b. Implementation of these Mitigation Measures would ensure that the proposed project would be consistent with this regulation.

concurrent with, approval of a zone change from agricultural to urban zoning, permit, or other discretionary or ministerial approval by the County.

Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change from agricultural to urban zoning, permit, or other discretionary or ministerial approval by the County

(2) The following uses and activities shall be exempt from, and are not covered by, the Agricultural Conservation and Mitigation Program:

(i) Affordable housing projects, where a majority of the units are affordable to very low or low income households, as defined in Title 8, Chapter 8 of the Yolo County Code (Inclusionary Housing Requirements);

(ii) Public uses such as parks, schools, cultural institutions, and other public agency facilities and infrastructure that do not generate revenue. The applicability of this exemption to public facilities and infrastructure that generate revenue shall be evaluated by the approving authority on a case- by-case basis. The approving authority may partly or entirely deny the exemption if the approving authority determines the additional cost of complying with this program does not jeopardize project feasibility and no other circumstances warrant application of the exemption;

(iii) Gravel mining projects regulated under Title 10, Chapters 3-5 of the Yolo County Code, pending completion of a comprehensive update of the gravel mining program (anticipated in January 2017); and

(iv) Projects covered by an approved specific plan which includes an agricultural mitigation program.

(d) Agricultural Mitigation Implementation. Agricultural mitigation required by this section shall be implemented as follows:

(1) Location, Generally. Mitigation lands shall be located within two (2) miles of sphere of influence of a city or within two (2) miles of the General Plan urban growth boundary of the town of Esparto ("Esparto Urban Growth Boundary"). Mitigation may also occur in any other area designated by the Board of

Supervisors based on substantial evidence demonstrating that the parcel at issue consists predominantly of prime farmland and/or is subject to conversion to non-agricultural use in the foreseeable future. Any such designation shall be made by resolution and shall specify whether the designated area is a priority conservation area subject to a 1:1 mitigation ratio. For all other designated areas, the resolution shall specify the mitigation ratio for any mitigation occurring in the covered area, which may exceed the applicable base ratio. (2) Adjustment Factors. The following adjustment factors shall be applied, where relevant, to modify the base ratio: (i) Priority Conservation Areas. Mitigation occurring within a priority conservation area shall occur at a reduced 1:1 ratio unless otherwise specified below. The following areas shall be deemed priority conservation areas for purposes of this section: (A) Parcels partly or entirely within one-quarter (0.25) mile of the sphere of influence of a city or the Esparto Urban Growth Boundary, or, for projects that convert primarily non-prime farmland, one (1) mile of the sphere of influence of a city or the Esparto Urban Growth Boundary. For the purposes of this subsection, the word "primarily" shall mean greater than fifty (50) percent. (B) Parcels lying partly or entirely within the area bounded by County Roads 98 and 102 on the west and east, respectively, and by County Roads 29 and 27 on the north and south, respectively. For mitigation of impacts to prime farmland, the ratio shall be 2:1 within this area. (3) Other Factors (i) If the area to be converted is twenty (20) acres or more in size, subject to the exception in (iii), below, by granting, in perpetuity, a farmland conservation easement to a qualifying entity with the County as a third party beneficiary, together with the provision of funds sufficient to compensate for all administrative costs incurred by the qualifying entity and the County as well as funds needed to establish an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity. (ii) If the area to be converted is a small project less than twenty (20) acres in size, by granting	

a farmland conservation easement as described in subsection (i), above, or payment of the in-lieu fee established by the County to purchase a farmland conservation easement consistent with the provisions of this section; and the payment of fees in an amount established by the County to compensate for all administrative costs incurred by the County inclusive of endowment funds for the purposes set forth in subsection (i), above. The in-lieu fee, paid to the County, shall be used for agricultural mitigation purposes only (i.e., purchases of conservation easements and related transaction and administrative costs). (iii) If Yolo County or a qualifying entity establishes a local farmland mitigation bank and sufficient credits are available at a total cost not exceeding the in lieu fee (and all related transactional and similar costs), small projects shall satisfy their farmland mitigation requirement by purchasing credits from the mitigation bank in a quantity sufficient to discharge the mitigation obligations of the project under this section. Other local projects converting twenty (20) or more acres of farmland may also purchase credits to discharge their farmland mitigation requirements, in lieu of providing an easement under subsection (i), above. A farmland mitigation bank must be approved by the Board of Supervisors for local (i.e., within Yolo County) mitigation needs based upon a determination that it satisfies all of the farmland mitigation requirements of this section. Landowners and project applicants that conserve more farmland than necessary to satisfy their mitigation obligations may seek approval of a farmland mitigation bank through an application process to be developed by the Planning, Public Works, and Environmental Services Department. (iv) Agricultural mitigation shall be completed as a condition of approval prior to the acceptance of a final parcel or subdivision map, or prior to the issuance of any building permit or other final approval for development projects that do not involve a map. (e) Eligible lands. Land shall meet all of the following criteria in sections (1) through (6), below, to qualify as agricultural mitigation:	

(1) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only;
(2) The property is of adequate size, configuration and location to be viable for continued agricultural use;
(3) The equivalent class of soil, based on the revised Storie index or NRCS soil survey maps, for the agricultural mitigation land shall be comparable to, or better than, the land which is converted;
(4) The land shall have an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing agricultural uses;
(5) The mitigation land shall be located within the County of Yolo in a location identified for mitigation in accordance with this section;
(6) It is the intent of this program to work in a coordinated fashion with the habitat conservation objectives of the Yolo Habitat Conservancy joint powers agency and the developing Habitat Conservation Plan/Natural Communities Conservation Plan. The mitigation land may not overlap with existing habitat conservation easement areas; the intent is to not allow "stacking" of easements, except for habitat conservation easements protecting riparian corridors, raptor nesting habitat, wildlife-friendly hedgerows, or other restored or enhanced habitat areas so long as such areas do not exceed five percent (5%) of the total area of any particular agricultural conservation easement.

(f) Ineligible lands.
A property is ineligible to serve as agricultural mitigation land if any of the circumstances below apply:
(1) The property is currently encumbered by a conservation, flood, or other type of easement or deed restriction that legally or practicably prevents converting the property to a nonagricultural use; or
(2) The property is currently under public ownership and will remain so in the future, except to the extent it is included within a mitigation bank that may subsequently be established by the County or other public agency; or
(3) The property is subject to physical conditions that legally or practicably prevent converting the property to a nonagricultural use.

(g) Minimum conservation requirements. The following minimum requirements shall be incorporated into all conservation easements recorded to satisfy the requirements of this mitigation program. Nothing in this subsection is intended to prevent the inclusion of requirements that require a higher level of performance from the parties to a conservation easement or other instrument to ensure that the goals of this mitigation program are achieved. (1) It is the intent of the County to transfer most, if not all, of the easements that are received from this program to a qualifying entity, as defined above, for the purpose of monitoring compliance with easement terms and taking any necessary enforcement and related actions. Estimated costs of any such transfer may be recovered from the applicant at the time of easement acceptance by the County. (2) All farmland conservation easements shall be acceptable to County Counsel and the qualifying entity that will receive the easement, and signed by all owners with an interest in the mitigation land. (3) The instrument shall prohibit any uses or activities which substantially impair or diminish the agricultural productivity of the mitigation land, except for the restoration or conversion to habitat uses of up to five percent (5%) of the total easement land, or that are otherwise inconsistent with the conservation purposes of this mitigation program. The instrument shall protect the existing water rights and retain them with the agricultural mitigation land; however, the instrument shall not preclude the limited transfer of water rights on a temporary basis (i.e., not to exceed two (2) years in any ten (10) year period) to other agricultural uses within the County, so long as sufficient water remains available to continue reasonable and customary agricultural use of the mitigation land. (4) The instrument shall prohibit the presence, construction, or reconstruction of homes or other non-agricultural uses except within a development envelope designated in an exhibit accompanying the easement. Any such development envelope(s) shall not count toward the acreage totals of the conservation easement for mitigation purposes. The easement shall specify that ancillary uses must be clearly subordinate to the primary agricultural use. (5) Conservation easements held by a qualifying entity shall name the County as a third party beneficiary with full enforcement rights.	

(6) Interests in agricultural mitigation land shall be held in trust by a qualifying entity and/or the County in perpetuity. The qualifying entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land which it shall acquire except in accordance with the terms of the conservation easement. (7) The conservation easement can only be terminated by judicial proceedings. Termination shall not be effective until the proceeds from the sale of the public's interest in the agricultural mitigation land is received and used or otherwise dedicated to acquire interests in other agricultural mitigation land in Yolo County, as approved by the County and provided in this chapter. (8) If any qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the County or other qualifying entity as acceptable and approved by the County.	
Off-Channel Surface Mining Ordinance	
None applicable.	
Reclamation Ordinance	
Section 10-5.103 The purposes of this chapter are as follows: (a) The reclamation of mined lands is necessary to prevent or minimize the adverse effects of mining on the environment and to protect the public health and safety; (b) The reclamation of mined lands shall provide for the protection and subsequent beneficial use of mined lands. However, mining takes place in diverse areas, with significantly different geologic, topographic, climatic, biological, and social conditions, so that the methods and operations of reclamation plans may vary accordingly to provide for the most beneficial reclamation of mined lands; (c) In order to provide for reclamation plans that are specifically adapted to the requirements of particular mined lands; and to ensure that mined land is reclaimed to end uses such as agriculture, habitat, groundwater recharge, flood control, and channel stabilization in a consistent manner to maximize their overall management; this chapter imposes performance standards by which reclamation methods and operations shall be measured; (d) The continued protection of agriculture and open-space uses is essential. As such, all off-channel, prime agricultural land and/or off-channel lands zoned Agricultural Preserve (A-P) and within a Williamson Act contract at the time that mining commences shall be reclaimed to an agriculturally	The proposed Reclamation Plan for the project would result in reclamation of the 418 acres of agriculture, 204 acres of lake, 174 acres of habitat, and 19 acres of slopes, roads, and buffers for a total of 816 acres of reclaimed area. Since the project would support continued agricultural use of the project site, while also supporting habitat, and future recreation opportunities, the Reclamation Plan would comply with this Section of the Reclamation Ordinance.

productive state equal to or greater than that which existed before mining commenced. Prime agricultural land that is within the A-P Zone and is not within a Williamson Act contract shall be reclaimed to those uses which are declared by the County to be compatible with agricultural activities. Such uses include, but are not limited to, the following: (1) Agriculture and range land; (2) Groundwater storage and recharge areas; (3) Native fish, wildlife, invertebrate, and plant habitat; (4) Watercourses and flood control basins; and, (5) Recreational or open space lands. (e) Non-prime agricultural land shall be similarly reclaimed to one of the alternate uses described above; and (f) Reclamation plans shall be designed to integrate with the long-term goals of encouraging agriculture and recreation while protecting, habitat, recreation, and protecting the riparian corridor. Provisions shall be made to continue monitoring and maintenance activities after reclamation is completed, where appropriate, in order to ensure that reclaimed uses remain compatible with and enhance local resource management.	
Section 10-5.221 "Prime agricultural land" shall mean all land which meets the definition of prime agricultural land set forth in Section 51201 of the Government Code of the State as administered by the County in the administration of its agricultural preserve program.	The definition of Prime Farmland used in this chapter meets the definition of “Prime agricultural land” used in Section 10-5.221. Thus, the project complies with this section.
Section 10-5.512 The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be releveled to the field grade specified in the approved reclamation plan.	Existing Condition of Approval No. 32 requires compliance with this section, and would apply to the proposed project if approved. Section 2.9.7 of the Reclamation Plan establishes that “Reclamation will be deemed complete when productive capability of the affected land is equivalent to or exceeds, for two consecutive crop years, that of the unmined agricultural lands adjacent to and south of the mining areas.” Thus, the project would comply with this Section.
Section 10-5.516 The final distance between lowered surfaces reclaimed to agriculture and the average high groundwater shall not be less than five (5) feet. The average high groundwater level shall be established for each proposed mining area. The degree of groundwater level fluctuation varies with location throughout the basin and within relatively small areas (proposed mining sites). The determination of the average high groundwater level shall be conducted by a Registered Civil Engineer or Certified Hydrogeologist and shall be based on wet season water level elevation data	Existing Condition of Approval No. 47 requires compliance with this section, and would apply to the proposed project if approved. Agricultural reclamation would require the use of overburden and processing fines to raise the pit floor elevation above the average high groundwater level followed by the placement of a minimum of four feet of salvaged reclamation soils (stockpiled topsoil and upper layers of overburden) on the created land. Consistent with this Section, the Reclamation Plan proposes reclaimed agricultural field elevations of a minimum of five feet above the average high

collected at the proposed site or adjacent areas with similar hydrogeological conditions. Water level records prior to 1977 shall not be used since they would reflect conditions prior to the installation of the Indian Valley Dam. The dam caused a significant change in hydrology of the basin and data collected before its installation shall not be used in estimating current average high groundwater levels. The wells shall be adequately distributed throughout the proposed mining site to reflect spatial variation in groundwater levels and fluctuations.	groundwater elevations. Therefore, the proposed project would comply with requirement.
Section 10-5.520.2 Upon completion of reclamation within each phase of the project, for land that will not be dedicated or deeded to the County, the operator shall enroll each parcel reclaimed to agriculture in Williamson Act contract, or other equivalent long-term easement or deed restriction satisfactory to the County, for the purpose of protecting the agricultural use of the reclaimed land in perpetuity.	Pursuant to Reclamation Ordinance Section 10-5.520.2, upon completion of reclamation within each phase of the project, for land that will not be dedicated or deeded to the County, the operator is required to enroll each parcel reclaimed to agriculture in Williamson Act contract, or other equivalent long- term easements or deed restriction satisfactory to the County, for the purpose of protecting the agricultural use of the reclaimed land in perpetuity. This is reflected in Condition of Approval No. 10 for the existing operation and would apply to the proposed project as approved. Therefore, the proposed project would be consistent with this action.
Section 10-5.522 Phasing Plans. All proposed mining and reclamation plans shall present a phasing plan for mining and reclamation activities. The phasing plan shall be structured to minimize the area of disturbed agricultural lands during each mining phase, and encourage the early completion of the reclamation of agricultural land.	See Impact 4.1-1 and Mitigation Measures 4.1-1a and b. Implementation of these Mitigation Measures would ensure that the proposed project would be consistent with this regulation.
Section 10-5.525 All mining permit applications shall identify the location and acreage of prime farmlands, unique farmland, and farmland of statewide significance, as shown on the State Farmland Mapping and Monitoring Program (FMMP) which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of farmland in these categories that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset the conversion of these lands, at a ratio consistent with Section 8-2.404 (Agricultural Conservation and Mitigation Program) of the County Code. This mitigation requirement may be satisfied using a variety of flexible options identified below so long as the total acreage of benefit is found to be equivalent to the applicable ratio and acreage required under Section 8-2.404 of the County Code, by type and amount of farmland being impacted, and so long as a minimum ratio of 1:1 of permanently protected	See Impact 4.1-1 and Mitigation Measures 4.1-1a and b. Implementation of these Mitigation Measures would ensure that the proposed project would be consistent with this regulation.

agriculture land of equivalent or better quality/capability is achieved. (a) Implementation of improvements, identified by a qualified soil scientist, to the agricultural capability of non-prime lands within the project site or outside the project site but within the OCMP area, that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils. (b) Placement of permanent conservation easements on land of equal or better quality/capability. The operator shall be encouraged to target property "at risk" of conversion to non-agricultural uses in selecting areas for permanent protection. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject. A minimum ratio of 1:1 is required in this category (c) Dedication of land, funding, or equivalent improvements, consistent with the County's net gains goals, above and beyond the net gains benefits otherwise required under the CCAP program. (d) Dedication of land, funding, or equivalent improvements, consistent with the Parkway Plan, above and beyond net gains benefits otherwise required under the CCAP program.	
Section 10-5.531 Where areas are to be reclaimed to agricultural usage, all A and B horizon soil shall be ripped to a depth of three (3) feet after every two (2) foot layer of soil is laid down, in order to minimize compaction.	Section 2.8 of the Reclamation Plan requires: "For areas to be reclaimed to agriculture, rip all A-horizon and B-horizon soils to a depth of three (3) feet after every (2) foot layer of soil placement, per SMRO §10- 5.531." A condition of approval is proposed to ensure compliance with this requirement.
Section 10-5.532 Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) may be used in the backfill or reclamation of off-channel permanent lakes, for in-channel reshaping or habitat restoration, and/or as a soil amendment in agricultural fields provided the operator can demonstrate that no detrimental	This requirement is reflected in condition of approval 46 which would apply to the proposed project. Section 2.8 of the Reclamation Plan presents the method of resoiling that would be used during reclamation. The method of resoiling the site has been designed to achieve compliance with this section.

sediment toxicity exists (consistent with the state's Stream Pollution Trends Monitoring Program protocols) and fine-grained soil (<63 micron) do not exceed 0.4 mg/kg total mercury. The operator shall use overburden and processing fines whenever possible to support reclamation activities for pit lakes. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within a pit lake or its drainage area, the operator must sample the soils prior to placement and analyze them for pesticides and herbicides (EPA Methods 8141B and 8151A, or equivalent) as well as for total mercury (EPA Method 7471B, or equivalent). The operator shall collect and analyze samples in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846 (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations), or that contains fine-grained soils exceeding on average 0.4 mg/kg total mercury shall not be placed in areas that drain to the pit lakes. Land reclaimed to a subsequent use that includes planting of vegetation (e.g., agriculture, habitat) shall be provided an adequate soil profile (i.e., depth and texture of soil) to ensure successful reclamation. At the discretion of the Director and at the operator's sole expense, the proposed reclamation plan for the project may be peer reviewed by an appropriate expert/professional, and recommendations, if any, shall be incorporated into the project as conditions of approval.	

Note:
[1] Due to the length of Section 8-2.404 of the Yolo County Code, only the pertinent parts are reproduced within this table.

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