APPENDIX B NOP COMMENT LETTERS

From: Hernandez, Nick@DOT < Nick.Hernandez@dot.ca.gov>

Sent: Friday, February 26, 2021 1:13 PM To: JD Trebec < JD.Trebec@yolocounty.org>

Subject: CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015) - Inquiry

Good Afternoon JD,

I'm reaching out regarding the CEMEX Mining and Reclamation Plan Permit Amendment NOP.

To better analyze the project, Caltrans respectfully requests the following information:

• Please provide the anticipated increase in truck trips (if any) from the site as we weren't able to see how the materials would be transported from the site.

Please let me know if you have any questions.

Thank you,

Nick Hernandez

Associate Transportation Planner, Transportation Planning – South

Division of Planning, Local Assistance, and Sustainability

California Department of Transportation, District 3

703 B Street | Marysville, CA 95901

Office: (530) 634-7618

Email: nick.hernandez@dot.ca.gov

www.dot.ca.gov/d3/

For real-time highway conditions: http://quickmap.dot.ca.gov/





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From: PGE Plan Review < PGEPlanReview@pge.com>

Sent: Friday, February 26, 2021 1:33 PM

To: Evelyn Tamayo-Arias < Evelyn Tamayo-Arias@yolocounty.org Subject: RE: Notice of Preparation and Scoping Meeting ZF2018-0015

Dear Evelyn Tamayo-Arias,

Thank you for submitting the 30288 State Route 16 plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline. Attached is general

information regarding PG&E facilities for your reference. If you do not hear from us, within 45 days, you can assume we have no comments at this time.

This email and attachment does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Thank you,



Pacific Gas and Electric Company

Plan Review Team

(877) 259-8314

Email: pgeplanreview@pge.com

From: Evelyn Tamayo-Arias < Evelyn. Tamayo-Arias@yolocounty.org>

Sent: Friday, February 26, 2021 9:00 AM **Cc:** JD Trebec <JD.Trebec@yolocounty.org>

Subject: Notice of Preparation and Scoping Meeting ZF2018-0015

******CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.****

Notice of Preparation and Scoping Meeting for the

DEIR for the CEMEX Mining and Reclamation Plan Permit Amendment

Date: February 26, 2021

To: Interested Agencies, Organizations, and Individuals

Project: CEMEX Mining and Reclamation Plan Permit Amendment (ZF#2018-0015)

Location: 30288 State Route 16, Woodland, CA 9565, in unincorporated Yolo County

Lead Agency: Yolo County

Yolo County (County) is the Lead Agency for the preparation an Environmental Impact Report (EIR) for the **CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015)**. Pursuant to CEQA Guidelines Sections 15082 and 15083, the County is requesting your input regarding the scope and content of the environmental information that should be addressed in the EIR, including significant environmental issues, reasonable alternatives, and feasible mitigation measures. Comments from agencies must be germane to the agency's statutory responsibilities in connection with the proposed project. Responsible and trustee agencies will use this EIR when considering the issuance of permits or other approvals for the project. The project description, location, and the potential environmental effects are summarized below. As allowed under CEQA Guidelines Section 15060(d), a CEQA Initial Study was not prepared. All comments and responses must be received by the County within 30 days of receipt of this notice.

Please see the attached notice for details.

Additional Project Information: https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/current-projects

Thank you,

JD Trebec

Senior Planner

Phone: 530-666-8036

Yolo County

Department of Community Services

Planning Division

292 West Beamer Street

Woodland, CA 95695

From: Madison Fire Protection District <<u>ycstation17@att.net</u>>

Sent: Friday, February 26, 2021 10:29 AM

To: Evelyn Tamayo-Arias < Evelyn.Tamayo-Arias@yolocounty.org>

Cc: JD Trebec < JD.Trebec@yolocounty.org>

Subject: Re: Notice of Preparation and Scoping Meeting ZF2018-0015

Good morning JD,

I have some questions that might not belong in the report, but with the expansion of mining operation would affect the Madison Fire District.

- 1. Possible impact on traffic, more vehicle in and out of the plant entrance on Hwy 16
- 2. Will there be an increase in employees?
- 3. Fire road access for fires, accidents and medical emergency.
- 4. Can I get a copy of the emergency plan they submitted with Yolo County
- 5. Would the expansion need more buildings or relocation buildings

Feel free to call me and we can talk more about this. 530-867-2312

Thank you.

Paul Green Fire Chief

Madison Fire Protection District P.O. Box 12 | 17880 Stephens St. Madison, CA. 95653 p 530.662.5745 | f 530.662.3441 ycstation17@att.net www.madison-fire.com

Notice of Preparation and Scoping Meeting for the DEIR for the CEMEX Mining and Reclamation Plan Permit Amendment

Date: February 26, 2021

To: Interested Agencies, Organizations, and Individuals

Project: CEMEX Mining and Reclamation Plan Permit Amendment (ZF#2018-0015) **Location:** 30288 State Route 16, Woodland, CA 9565, in unincorporated Yolo County

Lead Agency: Yolo County

Yolo County (County) is the Lead Agency for the preparation an Environmental Impact Report (EIR) for the **CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015)**. Pursuant to CEQA Guidelines Sections 15082 and 15083, the County is requesting your input regarding the scope and content of the environmental information that should be addressed in the EIR, including significant environmental issues, reasonable alternatives, and feasible mitigation measures. Comments from agencies must be germane to the agency's statutory responsibilities in connection with the proposed project. Responsible and trustee agencies will use this EIR when considering the issuance of permits or other approvals for the project. The project description, location, and the potential environmental effects are summarized below. As allowed under CEQA Guidelines Section 15060(d), a CEQA Initial Study was not prepared. All comments and responses must be received by the County within 30 days of receipt of this notice.

Please see the attached notice for details.

Additional Project Information: https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/current-projects

Thank you,

JD Trebec

Senior Planner Phone: 530-666-8036

Yolo County
Department of Community Services
Planning Division
292 West Beamer Street
Woodland, CA 95695

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March 1, 2021

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NAHC HEADQUARTERS 1550 Harbor Boulevard Suite 100 West Sacramento, California 95691 (916) 373-3710 nahc@nahc.ca.gov NAHC.ca.gov JD Trebec Yolo County, 292 West Beamer St. Woodland, CA 95695

Re: 2021020487, CEMEX Mining and Reclamation Plan Amendment Project, Yolo County

Dear Mr. Trebec:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of <u>portions</u> of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - **b.** The lead agency contact information.
 - **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. <u>Mandatory Topics of Consultation If Requested by a Tribe</u>: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - **b.** Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. <u>Discretionary Topics of Consultation</u>: The following topics are discretionary topics of consultation:
 - **a.** Type of environmental review necessary.
 - **b.** Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- **5.** Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- **6.** <u>Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:</u> If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- **7.** <u>Conclusion of Consultation</u>: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - **a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - **b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- **8.** Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- **10.** Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - **ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - **b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - **c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - **f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. <u>Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource</u>: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - **a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - **b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - **c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09 14 05 Updated Guidelines 922.pdf.

Some of SB 18's provisions include:

- 1. <u>Tribal Consultation</u>: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code §65352.3 (a) (2)).
- 2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
- 3. <u>Confidentiality</u>: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
- 4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

- **1.** Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - **b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

- 3. Contact the NAHC for:
 - **a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - **b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- **4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - **a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - **b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - **c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: <u>Nancy.Gonzalez-</u>Lopez@nahc.ca.gov.

Sincerely,

Nancy Gonzalez-Lopez Cultural Resources Analyst

cc: State Clearinghouse

From: Hernandez, Nick@DOT < Nick.Hernandez@dot.ca.gov>

Sent: Thursday, March 4, 2021 9:19 AM **To:** JD Trebec < JD.Trebec@yolocounty.org>

Subject: Follow up: CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015) - Inquiry

Hi JD,

I'm just following up on my previous email regarding the CEMEX Mining and Reclamation Plan Permit Amendment NOP. To better analyze the project, Caltrans respectfully requests the following information:

• Please provide the anticipated increase in truck trips (if any) from the site as we weren't able to see how the materials would be transported from the site.

Please let me know if you have any questions.

Thank you,

Nick Hernandez

Associate Transportation Planner, Transportation Planning – South Division of Planning, Local Assistance, and Sustainability California Department of Transportation, District 3 703 B Street | Marysville, CA 95901

Office: (530) 634-7618

Email: <u>nick.hernandez@dot.ca.gov</u>

www.dot.ca.gov/d3/

For real-time highway conditions: http://quickmap.dot.ca.gov/



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From: JD Trebec < <u>JD.Trebec@yolocounty.org</u>>
Sent: Wednesday, March 10, 2021 7:48 AM

To: Meehan, Claire@DOC < Claire.Meehan@conservation.ca.gov >

Subject: RE: CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015)

Hi Claire,

Sorry about that. The project is for Mine ID# 91-57-0008. Please let me know if you have any further questions.

Thank you,

JD Trebec Senior Planner

Phone: 530-666-8036

Yolo Count

Department of Community Services Planning Division

292 West Beamer Street Woodland, CA 95695

From: Meehan, Claire@DOC < Claire.Meehan@conservation.ca.gov >

Sent: Tuesday, March 9, 2021 3:09 PM **To:** JD Trebec < JD.Trebec@yolocounty.org>

Subject: CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015)

Hi JD,

I'm reviewing the NOP for this project for the Division of Mine Reclamation (DOC)-I don't see a mine ID associated with this project. Could you let me know the mine ID?

Thanks so much.



Claire A. Meehan

Restoration Ecologist
Division of Mine Reclamation

California Department of Conservation

801 K Street, MS 09-06, Sacramento, CA 95814 E: Claire.meehan@conservation.ca.gov

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March 10, 2021

County of Yolo – Department of Community Services Attn: J.D. Trebec, Senior Planner 292 W. Beamer Street Woodland, CA 95695

RE: CEMEX Cache Creek Bank Stabilization Project YD-08312017-01

Dear Mr. Trebec:

Thank you for your project notification letter dated, February 26, 2021, regarding cultural information on or near the proposed CEMEX Cache Creek Bank Stabilization Project, Woodland, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Yocha Dehe Wintun Nation highly recommends including cultural monitors during development and ground disturbance. In addition, we recommend cultural sensitivity training for all project personnel. Please also send us detailed project information, including any plans for ground disturbance.

To schedule cultural sensitivity training, please contact the following individual:

Laverne Bill, Cultural Resources Manager Yocha Dehe Wintun Nation

Office: (530) 723-3891

Email: lbill@yochadehe-nsn.gov

Please refer to identification number YD-08312017-01 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

-DocuSigned by:

TribaCitistoric Freservation Officer

CEMEX Mining and Reclamation Plan Permit Amendment Project NOP Public Scoping Meeting: Comment Summary

Date: March 11, 2021

Time: 8:30 AM to 10:30 AM

Staff Presentation: (Heidi Tschudin, Tschudin Consulting Group). Ms. Tschudin summarized a workshop on the Cache Creek Area Plan scheduled before the Planning Commission in April or May, and provided a presentation on the CEMEX project and processing of the application. NOP comments are due by 4:00 March 29, 2021.

Planning Commission Questions and Comments:

- (Pat Reynolds)
 - There should be a net gain component for reclamation of prime agricultural land.
 - Mitigation for agriculture should consider enhancing the land to make the agricultural land better than it was before mining operation.
- (Chuck Dudley)
 - o Consider removal and degradation of prime farmland when reclaimed.
 - Concerns regarding effect of mining and lakes as a post-reclamation use on groundwater, adjacent wells and water quality/sanitation issues.
- (Amon Muller)
 - o EIR should consider removal of prime farmland and degradation after mitigation.
 - Provide information on success of agricultural land reclamation efforts and reuse and productivity of post-mitigation agriculture land.
 - o Evaluate effects on groundwater quality and adjacent wells.
- (Marcia Gibbs)
 - Provide information on productivity of agricultural land reclamation efforts.
 - Provide more information on why the increase in annual and overall mining.
 - Provide more information regarding reclamation to habitat and its overall schedule and success.
- (Trini Campbell)
 - Mitigation for loss of agriculture should consider a greater than 1:1 reclamation requirement.
 - Mitigation for loss of agriculture should consider conservation and preservation of off-site prime farmland elsewhere due to degradation of prime farmland after mining.
 - Mining could pay into an agricultural land conservation fund or purchase easements for projects outside of the mining area.

- (Elisabeth Dubin)
 - o Consider off-site mitigation for loss of agricultural land.
 - Provide more information on the restoration and productivity of agricultural land after reclamation. Is there a net loss of productivity and should that trigger mitigation?
 - o What metrics are used to decide if more mining is okay at any given time

Public Comments:

The public comment period was opened by Commissioner Dubin, and then closed as there were no members of the public who wished to make comments.

Prepared by Baseline Environmental Consulting





Central Valley Regional Water Quality Control Board

29 March 2021

JD Trebec Yolo County 292 West Beamer Street Woodland, CA 95695

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT (ZF2018-0015), SCH#2021020487, YOLO COUNTY

Pursuant to the State Clearinghouse's 25 February 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Notice of Preparation for the Draft Environmental Impact Report for the CEMEX Mining and Reclamation Plan Permit Amendment (ZF2018-0015), located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water issues/basin plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water issues/basin plans/sacsjr 2018 05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_p ermits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water issues/storm water/industrial general permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit - Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water-issues/waste-to-surface-water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/200 4/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie. Tadlock@waterboards.ca.gov.

Stephanie Tadlock Digitally signed by Stephanie Tadlock Date: 2021.03.26 16:42:29 -07'00'

Stephanie Tadlock

Senior Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

March 29, 2021

Mr. J. D. Trebec Yolo County Department of Community Services 292 West Beamer Street Woodland, California 95695

Copy sent via email: jd.trebec@yolocounty.org

SUBJECT: CEMEX Mining and Reclamation Plan Permit Amendment; Notice of

Preparation; State Clearinghouse No. 2021020487

Dear Mr. Trebec:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the CEMEX Mining and Reclamation Plan Permit Amendment (Proposed Project) Notice of Preparation (NOP). The NOP indicates that Yolo County (County), as lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for the Proposed Project.

As described in the NOP, the Proposed Project will amend the mining permit and reclamation plan for the existing CEMEX sand and gravel mining operation, California Mine ID #91-57-0008, to extend mining and reclamation activities to 2047, expand reclamation by approximately 121 acres for a total of 837 acres, and adjust phasing of operations and reclamation as referenced in the table below:

Reclaimed End Uses (in acres)	Agriculture ³	Habitat	Lake	Slopes/Roads/Buffers	Total
Approved	476.0	61.0	153.0	26.0	716.0 ¹
Proposed	438.6	168.7	210.4	19.2	836.9
Difference	<-37.4>	107.7	57.4	<-6.8>	120.9 ²
(% change)	(7.8% decrease)	(1 75% increase)	(37.5% increase	(26.2% decrease)	(1 6.9% increase)

^{1/}includes 30-acre plant site

The Division's primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Additionally, the Division has review responsibilities associated with lead agency implementation of SMARA. SMARA provides a comprehensive surface mining and reclamation policy to assure that:

^{2/} Disturbed area along northerly boundary of approved mining, adjoining creek bank, and 1-505 buffer area.

 $^{3/\}text{The applicant}$ is also proposing to modify the type of reclaimed agriculture from 50% row crops and 50% tree crops as approved, to 80% row crops and 20% tree crops.

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- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

Division staff has reviewed the subject NOP pursuant to the CEQA and State CEQA Guidelines and offers no comments at this time.

The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., the Draft EIR, hearing notices for the Draft and Final EIRs, and any supplemental environmental documents), as well as a copy of the certified Final EIR, be sent to the Division at DMR-Submittals@conservation.ca.gov or the mailing address on the bottom of page 1 of this letter. If you have any questions, please contact us at (916) 323-9198.

Sincerely,

DocuSigned by:

Carol E Otkins

-- 73ECCB6738194DA...

Carol E. Atkins Manager

Environmental Services Unit

DocuSigned by:
Claire Mechan
7C67E0775504421...

Claire Meehan Restoration Ecologist Environmental Services Unit

ec: State Clearinghouse, state.clearinghouse@opr.ca.gov

Department of Conservation, Office of Legislative and Regulatory Affairs, OLRA@conservation.ca.gov

DEPARTMENT OF TRANSPORTATION

District 3 703 B Street MARYSVILLE, CA 95901–5556 (530) 634-7616 TTY 711 www.dot.ca.gov



March 29, 2021

GTS# 03-YOL-2021-001141 County# ZF #2018-0015

J.D. Trebec
Senior Planner
Department of Community Services
Yolo County
292 West Beamer Street
Woodand, CA 95695

CEMEX Mining and Reclamation Plan Permit Amendment

Dear Mr. Trebec:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. Based on the information received, Caltrans provides the following comments.

Traffic Operations

 Please provide how many new trips the project will increase for vehicles/trucks in the future due to the project expansion.

Please provide the trip distribution on the new trips for the project. For example: when will the new trips be made: morning, peak hour, or a night, and etc.

All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to beginning construction.

J.D. Trebec March 29, 2021 Page 2

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development. If you have any questions regarding these comments or require additional information, please contact Nick Hernandez, Intergovernmental Review Coordinator, at (530) 634-7618 or by email at: nick.hernandez@dot.ca.gov

Sincerely,

ALEX PADILLA

Alex Padilla

Branch Chief, Transportation Planning – South Planning, Local Assistance, and Sustainability Caltrans District 3