

APPENDIX F

2020 TEN-YEAR PERMIT REVIEW

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

CEMEX MINING AND RECLAMATION PROJECT

2020 Ten-Year Permit Review: As approved by the Planning Commission February 11, 2021

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

Annotations are added below in italics to identify where actions and approvals since 1996 have further modified these conditions. These annotations are informational and not a part of the conditions of approval.

MISCELLANEOUS CONDITIONS

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

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

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,204,819 tons mined weight). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons (sold weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the

CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

3. The operator shall pay tonnage fees to the County and the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

This condition was modified as a part of the 2020 Ten-Year Permit Review. CEMEX has been paying all required fees.

The tonnage fees are adjusted annually per Gravel Mining Fee Ordinance Section 10-11.01(c) as amended. This fee is allocated as follows:

- *CCRMP Implementation (creek stabilization fee) currently 55.56% of per-ton fee*
- *Maintenance and Remediation (contingency fund fee) currently 4.44% of per-ton fee*
- *OCMP Implementation (administration fee) currently 17.78% of per-ton fee*
- *Cache Creek Conservancy Contribution (habitat restoration fee) currently 22.22% of per-ton fee (paid directly to the Cache Creek Conservancy)*
- *Twenty Percent Production Exception Surcharge (currently fixed at \$0.20 per ton)*

4. Pursuant to Section 10-11.02(e) of the Gravel Mining Fee Ordinance, operators approved to utilize the Twenty Percent Production Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

This condition was modified as a part of the 2020 Ten-Year Permit Review. CEMEX has been paying all required fees.

5. The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Mining commenced August 11, 1997. Written confirmation was mailed to Yolo County on August 12, 1997, and the County has acknowledged receipt. The permit expires August 11, 2027. CEMEX applied for a 20-year extension to the permits in February 2018. The application is currently being processed.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining

commencement. If notification has not been received by the County within one year of permit approval, then this Mining Permit and its accompanying entitlements shall be null and void.

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

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. See Condition #5.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$699,655 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Financial assurances are updated annually by the operator pursuant to SMARA.

9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The project was approved December 17, 1996. There have been various modifications to this permit since that time. CEMEX applied for a permit amendment and 20-year extension in February 2018.

10. In compliance with Section 10-5.520.2 (Permanent Easements) of the Reclamation Ordinance, upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, or other equivalent long-term easements or deed restrictions satisfactory to the County, for the purpose of protection of the agricultural use of the reclaimed land in perpetuity.

This condition was clarified as a part of the 2020 Ten-Year Permit Review. The operation is approved with seven phases. Only Phase 1 (Hutson) is complete. A Williamson Act Contract for the entire Hutson parcel was approved by the Yolo County Board of Supervisors on March 24, 1998. A conservation easement was also approved and accepted by the Board of Supervisors on August 25, 1998, but was not recorded at the time. The Operator and County staff worked together to revise the easement to reflect current dates and obtain all necessary signatures. The conservation easement was recorded on July 30, 2012. This easement provides for the preservation of agricultural activities on 175 acres of prime farmland to prevent future conversion to non-agricultural uses. Implementation is ongoing.

11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), only that portion of the Farnham East parcel in Phase 3 (APN: 049-070-05) which will be reclaimed to prime agricultural land, shall be mined prior to 2006.

The phasing plan was modified to comply with the condition as written. Mining began in Phase 3 in 2001. The Williamson Act Contract expired on that portion of the Farnham East parcel that will be reclaimed to lakes and habitat uses. This condition is implemented and fully discharged.

12. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The Development Agreement was recorded in January 7, 1996. The First Amendment was approved May 22, 2001. The Second Amendment was approved April 15, 2003.

13. The operator shall reclaim the areas south of the permanent lakes in Phases 1, 3, 4, 5, and 6 to the agricultural production of tree crops, as described in the application.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Currently portions of this land are in row crop production. CEMEX applied for a permit amendment that would modify reclamation in these areas and 20-year extension in February 2018.

14. The aggregate processing plant, located on the northern 20 acres of the Kaupke parcel (APN: 049-070-13) shall be reclaimed in accordance with the CCAP.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The Reclamation Plan for the CEMEX plant site was separately approved by the County through a Minor Modification (Zone File No. 2013- 0003) approved by the Director in March 2014 to clarify the reclamation boundary and end use of the plant site. The plant site reclamation plan commits CEMEX to reclaim the plant site to agricultural use. The site will be graded and leveled, and planted in row crops. This Minor Modification resulted from the September 5, 2012, California Department of Conservation Lead Agency Review of Yolo County.

15. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The soil stockpile south of Phase 2 is planted and recently harvested as a hay crop.

16. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, the County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. On June 5, 2017, the County and CEMEX entered into a Stipulated Order to Comply (SOTC) to address SMARA compliance items relating to: 1) mining beyond the approved mining and reclamation limits; and 2) pit side slope erosion along the north shore of Phase 3 Orrick Pit 2. With the permit amendment application currently being processed, CEMEX has substantially fulfilled its compliance commitments related to the SOTC. CEMEX is in substantial compliance with the Surface Mining and Reclamation Act (SMARA), the Off-Channel Mining Plan (OCMP), and conditions of approval as set forth in the Development Agreement (#96-287).

17. The operator is prohibited from proceeding with any new wet excavation, unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.

Ambient mercury levels were determined in the report entitled: “Mercury in Lower Cache Creek Biota: Baseline Assessment”, by Slotton, Ayers, and Reuter (Fall 1997). This condition is implemented and fully discharged. Monitoring and reporting are ongoing.

18. The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing road levee. The pit

slopes in modified areas may be steepened to 2:1, if supported by site-specific slope stability analyses. A slope stability analysis, prepared by a Registered Engineer, and revised mining and reclamation plans shall be submitted to the Community Development Director prior to the commencement of mining in Phase 3.

Revised mining and reclamation plans, and site-specific slope stability analyses were submitted to the County on April 24, 1997. Slopes in the affected areas were adjusted to 2:1. Slope stability analysis was submitted to support the modifications and the adjusted slopes. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

In 2016, the Operator and County observed over-steepened slopes along the north shores of the pit lakes in Phases 3 and 4 that resulted from back-breaking of dredge excavations. Beginning at the end of June 2017 (within 45 days of the execution of the SOTC), CEMEX began placing backfill along the north shores of Phases 3 and 4 to correct the priority encroachments onto the 200-foot Cache Creek setback. This work was completed in July 2017. On October 2, 2017, the County performed a site visit with CEMEX personnel to observe the backfilled locations. See also response to Condition 16, above.

19. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the CEMEX aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. CEMEX applied for a permit amendment and 20-year extension in February 2018.

20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

- 21 - 24. Deleted due to repeat language.

These conditions were deleted during the approval process. They were not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

25. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual

submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

This OCMP action was modified as part of the CCAP Update to require annual rather than biennial updates. CEMEX submitted their 2020 HMBP on January 1, 2020. Update of that plan and submittal of a SPCCC will be required in 2021 and annually thereafter.

26. Pursuant to Action 6.4-8 of the OCMP, Section 10-4.440 of the Mining Ordinance, and Section 10-5.523 of the Reclamation Ordinance, hedgerows and other vegetated buffers required between restored habitat areas and adjoining farmland, shall use entirely native species. These hedgerows/buffers are intended to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.

This requirement was modified as part of the CCAP Update to require native plants. CEMEX shall modify their approved reclamation plans to eliminate non-native species from required hedgerows and vegetative buffers. The operator has submitted a permit modification that would include revisions to the reclamation plan to include all native species.

27. The operator shall enter into a legally-binding agreement which ensures the implementation of channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

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

operator may be unable to satisfy the condition due to disagreement between responsible/permitting agencies, delay on the part of the County in identifying the specific improvements, or other similar circumstances.

The CEMEX Development Agreement constitutes the required legally binding agreement. Mining was not undertaken in any phase without compliance with this requirement. Mining was approved to occur in seven phases and is currently in Phases 3 and 4. Required streambank improvements have been completed and there are no additional requirements triggered until Phase 7. The Technical Advisory Committee approved the streambank improvements included in the application as part of Phase 2 in 1997. The improvements, designated as Site A, were completed in November 1998. The Site A improvements stabilized the south bank of the creek adjacent to the PG&E transmission tower, east of the Interstate 505 bridge. Subsequent bank stabilizations have occurred to repair other areas of bank erosion and instability, as those areas became known during the course of routine annual and periodic engineering inspections. Cemex will modify the financial assurance bond to reflect the requirements of this condition. Deed restrictions must be implemented following reclamation.

28. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

Required modifications to the reclamation plans were completed as part of revised mining and reclamation plans submitted to the County on April 24, 1997. This condition is implemented and fully discharged.

- 28.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 2005. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 2006, describing the reasons for delay and a revised deadline for installation.

Conveyors were installed and operational as of October 2002. This condition is implemented and fully discharged.

- 28.6 Total production allowed under this Mining Permit shall not exceed 26.7 million tons (sold weight) and 32.2 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

- 28.7 The applicant shall be in full compliance and good standing at all time with the terms of other required federal, state, and regional agency permits.

Condition added by the Board of Supervisors on March 20, 2007, pursuant to Ten-Year Interim Review of Cache Creek Long Term Gravel Mining Permits (Minute Order No. 07-74).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Cemex will add this condition to the compliance report.

EIR MITIGATION MEASURES

Land Use and Planning

29. Implement Mitigation Measures 4.4-3a, 4.4-4a, and 4.4-7a of the Final EIR for the proposed project (Mitigation Measure 4.2-1a).

Project-level Mitigation Measures 4.4-3a and 4.4-4a were OCMP Mitigation Measures 4.4-2a and 4.4-3(a) which became the following regulations in the Mining Ordinance: 10-4.413 (Drainage), 10-4.417 (Groundwater Monitoring Programs), 10-4.427 (Protection of Nearby Drinking Water Wells), 10-4.428 (Sanitary Facilities), and 10-4.429 (Setbacks); and the following regulations in the Reclamation Ordinance: 10-5.510 (Fencing), 10-5.517 (Mercury Bioaccumulation in Fish), 10-5.519 (Motorized Watercraft Prohibition), 10-5.524 (Post-Reclamation Groundwater Monitoring), and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation). Project-level Mitigation Measure 4.4-7a became 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields).

All of the sections of the Mining Ordinance identified in the list above were modified as a part of the CCAP Update, with the exception of 10-4.427 (Protection of Nearby Drinking Water Wells). All of the sections of the Reclamation Ordinance identified in the list above were modified as a part of the CCAP Update, with the exception of 10-5.510 (Fencing), 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields), 10-5.519 (Motorized Watercraft Prohibition), and 10-5.524 (Post-Reclamation Groundwater Monitoring).

The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. Most of the section modifications simply clarify the original regulatory language and have no substantive effect on the conditions. The following sections were materially modified, apply to this operation going forward, and are noted for the purpose of this review: 10-4.413 (Drainage), 10-4.429 (Setbacks), 10-5.517 (Mercury Bioaccumulation in Fish) and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation). The modifications do not change the underlying intent/effect of the regulation but add considerable specificity regarding ongoing compliance. The operator must ensure compliance with the modified regulation going

forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

30. The project mining schedule or reclamation plan shall be modified to ensure that if Phase 3 lands are to be mined before the Williamson Act contracts expire, then reclamation shall be to prime agricultural uses only. Alternatively, if mining in Phase 3 does not begin until after 2006, no change to the reclamation plan would be required (Mitigation Measure 4.2-3a).

The phasing plan was modified to comply with the condition as written. Mining began in Phase 3 in 2001. The Williamson Act Contract expired on that portion of the Farnham East parcel that will be reclaimed to lakes and habitat uses. This condition is implemented and fully discharged.

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

As reflected in Section 2.2.8 of Development Agreement No. 96-287, the County has accepted the dedication of reclaimed lands in Phases 5 and 6 as fulfilling the policies of the CCAP. Included within the dedication is a provision for a 40-foot wide easement for access to State Highway 16. This condition is fully discharged. Implementation will occur with reclamation. Cemex has proposed a permit modification that includes a public easement around the permanent lakes in Phases 5 and 6, providing a larger total easement area than currently committed.

Geology and Soils

32. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).

With the exception of Section 10-5.512 (Field Releveling), all of the sections of the Reclamation Ordinance identified in the list above were modified as a part of the CCAP Update. The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. The section modifications simply clarify the original regulatory language and have no substantive effect on the conditions.

33. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).

All of the sections of the Mining and Reclamation Ordinances identified in the list above were modified as a part of the CCAP Update. The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. Most of the section modifications simply clarify the original regulatory language and have no substantive effect on the conditions. The following sections were materially modified, apply to this operation going forward, and are noted for the purpose of this review: 10-4.413 (Drainage) and 10-5.508 (Erosion Control). The modifications do not change the underlying intent/effect of the regulation but add considerable specificity regarding ongoing compliance. The operator must ensure compliance with the modified regulation going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

Section 10-5.508 (Erosion Control) was materially modified to eliminate the use of non-native grasses which will affect the allowed seed mix used on slopes in the future to prevent erosion. The operator shall modify their approved erosion control seed mix to eliminate non-native species.

The operator has submitted a permit modification that would include revisions to the reclamation plan to include all native species.

34. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay Bridge with a three-span bridge. If this assumption changes, additional HEC-2 modeling shall be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4a).

Resolution No. 96-181 was approved by the Board of Supervisors on November 25, 1996, revising the CCRMP channel boundary to reflect the 100-year floodplain calculated by Cunningham Engineering. The Capay Bridge was built with three spans, as assumed in the hydraulic model included in the Operator's project description. This condition is implemented and fully discharged.

35. Portions of the northern margin of Phases 2, 3, 5, 6, and 7 shall be redesigned to provide a minimum 200-foot setback from the existing Cache Creek stream bank, in conformance with the requirements of Section 10-4.429 of the County Off-Channel Mining Ordinance. The revised project design shall be submitted prior to the commencement of mining within Phase 3 and shall be consistent with the recommended slope design presented in the current

application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required (Mitigation Measure 4.3-4b).

Revised mining and reclamation plans prepared by Cunningham Engineering were submitted to staff by the Operator on April 24, 1997, showing the minimum 200-foot setback between the channel boundary and the edge of proposed mining. This condition is implemented and fully discharged. Monitoring and compliance are ongoing per the requirements of Section 10-4.429 which was modified as a part of the CCAP Update, consistent with Section 10-5.506. The modifications do not change the underlying intent/effect of the regulation but add specificity regarding ongoing compliance. The operator must ensure compliance with the modified regulation going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

36. The portions of the levee in Phases 3, 5, and 6 shall be raised to provide 100-year flood protection for these areas. Prior to raising the levee, a hydraulic analysis prepared and signed by a licensed engineer, demonstrating that off-site flooding impacts would not be created, must be submitted to the County for review. This mitigation measure would be consistent with the proposed project and the requirements of the OCMP. Any levee work performed shall be completed prior to the commencement of mining within the affected phases (Mitigation Measure 4.3-4c).

A hydraulic analysis was prepared by Cunningham Engineering on April 22, 1997, showing that the raised levee flood protection measures would increase the base flood elevation by less than 0.1 feet. This indicates that the proposed work would not have any significant off-site flooding impacts. In addition, at the County's request, Cunningham Engineering verified compliance with this condition and summarized its findings in a report titled, "Cache Creek: Hydraulic Analysis of the Cemex Reach" (March 10, 2016), which was provided to the County. Cunningham demonstrated that the 100-year water surface is effectively contained within Cache Creek along the CEMEX Reach. This analysis was reviewed and confirmed by the TAC Hydrologist. This condition is implemented and fully discharged.

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

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community Development Director with the Annual Mining and Reclamation Report. The report shall identify the location (on scaled maps and photographs), the estimated area

and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.3-4d).

All of the sections of the Mining and Reclamation Ordinances identified in the list above were modified as a part of the CCAP Update. The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. Most of the section modifications simply clarify the original regulatory language and have no substantive effect on the conditions.

Section 10-4.429(e)(7) was modified as a part of the CCAP Update, consistent with Section 10-5.506. The modifications do not change the underlying intent/effect of the regulation but add specificity regarding ongoing compliance. The operator must ensure compliance with the modified regulation going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

38. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. The landowner shall be responsible for continued monitoring and maintenance. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same (Mitigation Measure 4.3-4e).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

39. The project design shall be revised to provide a biotechnical bank protection design to replace the placement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge unless engineering evaluations demonstrate that rip rap must be used to control erosion. The revised project design shall be submitted to the Yolo County Community Development Director and Caltrans for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4f).

A biotechnical bank protection solution was submitted to the County and approved in June 1997. The project was completed in September 1998. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

40. In compliance with Section 10-4.429 and 10-5.506, mining within Phase 7 shall not be conducted within 700 feet of the existing stream bank until stream bank stabilization is provided for that portion of the south bank of Cache Creek upstream from the I-505 bridge. The bank protection shall be performed in accordance with the guidelines presented in the Cache Creek Resource Management Plan and Cache Creek Improvements Plan. The bank

protection design shall be submitted to the Yolo County Community Development Director for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4g).

This condition was clarified as a part of the 2020 Ten-Year Permit Review.

41. Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase to be mined. Prior to construction of the improvements, detailed plans identifying the type of stream bank protection shall be submitted to the Technical Advisory Committee (TAC) for review and approval. The bank protection plans shall incorporate biotechnical methods of bank stabilization when appropriate to erosion control (Mitigation Measure 4.3-4h).

The operator installed the bank stabilization measures pursuant to Condition #39 in September 1998. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

42. The operator shall enter into a Development Agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition #27. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and channel maintenance mining recommended by the County (Mitigation Measure 4.3-4i).

Development Agreement No. 96-287 was executed between the County and the Operator on December 30, 1996. Section 3.1 of the agreement requires the Operator to abide by the CCRMP. The condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

43. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.3-4j).

In a letter dated October 17, 1996, the Division of Dam Safety determined that the alluvial separators created by the project would not be subject to their jurisdiction. The condition is implemented and fully discharged.

Hydrology and Water Quality

44. The operator must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development

designated 100-year floodplains, as required by the County General Plan and the County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).

The County approved Flood Hazard Development Permit No. 96-070 on December 17, 1996, including additional separate conditions with which the operator must comply. This condition is implemented and fully discharged.

45. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).

All of the sections of the Mining Ordinance identified in the list above were modified as a part of the CCAP Update, with the exception of 10-4.427. All of the sections of the Reclamation Ordinance identified in the list above were modified as a part of the CCAP Update with the exception of 10-5.510 (Fencing), 10-5.519 (Motorized Watercraft Prohibition), 10-5.524 (Post-Reclamation Groundwater Monitoring), and 10-5.528 (Sewage Storage Prohibition).

The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. Most of the section modifications simply clarify the original regulatory language and have no substantive effect on the conditions. The following sections were materially modified, apply to this operation going forward, and are noted for the purpose of this review: 10-4.413 (Drainage), 10-5.517 (Mercury Bioaccumulation in Fish) and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation). The modifications do not change the underlying intent/effect of the regulation but add considerable specificity regarding ongoing compliance. The operator must ensure compliance with the modified regulation going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

46. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).

All of the sections of the Mining Ordinance identified in the list above were modified as a part of the CCAP Update, with the exception of 10-4.427. All of the sections of the Reclamation Ordinance identified in the list above were modified as a part of the CCAP Update with the exception of 10-5.510 (Fencing), 10-5.519 (Motorized Watercraft Prohibition), 10-5.524 (Post-Reclamation Groundwater Monitoring), and 10-5.528 (Sewage Storage Prohibition).

The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. Most of the section modifications

simply clarify the original regulatory language and have no substantive effect on the conditions. The following sections were materially modified, apply to this operation going forward, and are noted for the purpose of this review: 10-4.413 (Drainage), 10-5.517 (Mercury Bioaccumulation in Fish) and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation). The modifications do not change the underlying intent/effect of the regulation but add considerable specificity regarding ongoing compliance. The operator must ensure compliance with the modified regulation going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

47. Pursuant to Section 10-5.516 of the Reclamation Ordinance, all reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West parcel (Phase 7) shall be modified to meet this requirement (Mitigation Measure 4.4-7a).

This condition was clarified as a part of the 2020 Ten-Year Permit Review. Revised mining and reclamation plans showing the modifications to Phase 7 were submitted to staff on April 24, 1997. All reclaimed agricultural fields have been designed to be a minimum of five feet above the average high water table.

Agriculture

48. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a).

Section 10-5.525 (Farmland Conversion) was materially modified as part of the CCAP Update; however, agricultural offsets required for this project are satisfied. The total 1:1 offset required for permanent conversion of prime farmland at the CEMEX site (ZF# 95-093) was 162 acres (of a total of 252 acres converted). Mitigation for this was identified to occur with reclaimed agriculture at the Hutson parcel (175 acres). 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. This condition is implemented and fully discharged.

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

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Revised mining and reclamation plans showing the modifications to Phase 7 were submitted to staff on April 24, 1997. All reclaimed agricultural fields have been designed to be a minimum of five feet above the average high water table.

50. Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).

See Condition #48. This condition is implemented and fully discharged.

Biological Resources

51. Figure 8 of the HRP shall be revised to indicate the location of hedgerow plantings, around the Hutson parcel in Phase 1 or as specified as part of habitat enhancement in a Section 2081 permit if required by the CDFG, or to mitigate as a 1:1 ratio the actual loss of fence row habitat (Mitigation Measure 4.6-2a).

A revised HRP was submitted to staff on April 24, 1997. The amended HRP indicates the location of hedgerow plantings around the north and west border of the Hutson Parcel, which mitigates for the loss of hedgerow plantings in Phase 1 on the Farnham West Parcel. Plantings have occurred on the northern border of the Hutson parcel in the area of the agricultural tailwater catchment basin. An addendum to the HRP was submitted to Jeff Anderson of Yolo County by email on September 11, 2016. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

52. Mature oak trees at the fringe of mining areas shall be preserved. These shall include: the two oaks at the southwestern corner of the mining area on the Solano West parcel in Phase 7; the two oaks at the southeastern corner of the mining area along the boundary between the Farnham West and Hutson parcels on Phase 1; and the single oak at the southeastern edge of the mining area on the Snyder East parcel in Phase 4. Stockpiling of topsoil and overburden in the vicinity of these five trees shall be restricted to beyond the tree driplines. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline of these trees to prevent possible construction-related damage. Fencing shall remain in place until stockpiles are removed and the surrounding lands are returned to agricultural production (Mitigation Measure 4.6-2b).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The operator verifies the condition of the protective tree fencing annually. Cemex will add information regarding compliance with this condition to the upcoming compliance report.

53. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the habitat restoration area along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The

fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (Mitigation Measure 4.6-2c).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

54. Levee and channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Levee improvements on the Snyder East and West parcels in Phases 3, 5, and 6 shall be set back from the edge of the upper terrace to eliminate fill slopes which would extend into the riparian habitat. The project design shall be revised to provide a biotechnical bank protection design to replace the replacement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge, unless engineering evaluations demonstrate that rip rap must be used at certain locations to control severe erosion (Mitigation Measure 4.6-2d).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The plan revisions and all improvements required by this condition have been completed. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

55. The HRP shall be revised to include provisions to remove tamarisk and giant reed from the site as part of the creek restoration effort and to modify restoration plans for the in-channel depression north on the Snyder East parcel in Phase 6 to enhance the existing riparian woodland rather than establishing seasonal marsh at this location (Mitigation Measure 4.6-2e).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. A revised restoration plan was submitted April 27, 1997. The improvements required by this condition were subsequently completed. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing. Cemex has proposed a permit modification which includes a weed management plan.

56. At least one permanent island shall be created on one of the permanent lakes to improve their wildlife habitat value. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following:

- a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 125-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
- b. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the

summer months. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five year monitoring program for the restoration effort.

- c. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland and scattered shrubs provided over the top of the island (Mitigation Measure 4.6-3a).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The plan revisions required by this condition have been completed. The improvements will occur with final reclamation of the lakes.

57. The unique bluff habitat between the upper terrace and the existing haul road on the Snyder East parcel in Phase 6 shall be preserved. Mitigation Measure 4.3-4a of the Final EIR for the proposed project provides appropriate mitigation for this impact (Mitigation Measure 4.6-3b).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The bluff habitat has not been disturbed. There will be no mining within 100 feet of the area, as a result of changes to the channel boundary and the 200-foot mining setback. The bluff will be preserved and dedicated to the County upon the completion of reclamation and the release of financial assurances of Phase 4. The original Phase 6 was changed to Phase 4 by action of the Board of Supervisors on April 15, 2003.

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

A 2081 authorization was executed between the Operator and the Department of Fish and Game in July 1997. A copy of the authorization was submitted to the County. The August 25, 1998 staff report for the easement states that the hawk habitat is “stacked” on the same lands as the agricultural conservation easement. The text on page 4.6-40 of the Draft EIR confirms this: “Implementation of the mitigation measures would reduce the potential impacts from loss of suitable Swainson’s hawk foraging habitat to a less-than-significant level. It is anticipated that the 1:1 offset mitigation required for loss of prime agriculture and (OCMP EIR Mitigation Measure 4.5-2a) would apply as mitigation for this impact as well.” This condition is implemented and fully discharged.

59. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated

riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. The elderberry shrub survey was completed in 1997. A revised HRP including the above requirements was submitted to the County on April 24, 1997. Implementation is ongoing. Cemex will confirm flagging and fencing, and provide annual verification in the upcoming compliance report.

60. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-5b).

Section 10-4.433 (Soil Stockpiles) was modified as a part of the CCAP Update to require native vegetative cover. See Condition #80

61. The HRP shall be revised to include specific provisions to replace the artificial bank swallow nesting habitat created by past mining activities on the Hutson parcel. These provisions shall include design, construction, and maintenance activities necessary to implement one or more of the following options: establishing suitable nesting habitat on designated side slopes of the permanent lakes, replicating conditions on the Hutson parcel in Phase 1 at a new location; restoring the vertical bluffs above the mining-related riparian habitat in the northern portion of the Snyder East parcel in Phase 6; and/or creating and perpetuating a vertical bank along a designated segment of the active channel of Cache Creek (Mitigation Measure 4.6-5c).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. A revised HRP including the above requirements was submitted to the County on April 24, 1997. The vertical bluffs above the riparian habitat in Phase 6 have been restored as required. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing. Cemex will provide information regarding bank swallow occupancy at the vertical bluffs in the upcoming compliance report.

- 61.5 A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to initiation of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of

any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:

- Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.
- If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.
- Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.
- Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-5d).

Phase 1 is in the process of being reclaimed. A raptor survey was conducted prior to mining under the short-term permit and no nest sites were discovered. A raptor survey was completed for Phase 2 in the Spring of 1997 by Zentner and Zentner. No nest sites were discovered. A raptor study for Phase 3 was completed in October 1999 and included in the 1999 Annual Compliance Report. A pre-construction survey for Phases 4 and 5 was completed in September 2002. No listed species were found on site. The Operator has not yet commenced mining in Phases 5, 6 or 7. Additional surveys will be conducted per the terms of the condition to ensure no impacts to active hawk nests as a result of approved activities.

Mitigation for loss of hawk foraging was addressed with the 2081 requirement (Condition #58) which is fulfilled. There are no outstanding habitat mitigation requirements for this project under the approval -- only survey requirements by phase to avoid impacts to nesting birds. Future surveys shall be in compliance with applicable HCP/NCCP Avoidance and Mitigation Measure.

62. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other

modifications. Use of biotechnical bank protection design methods shall be encouraged where bank stabilization is required, such as the segment of active erosion on the Kaupke parcel north of Phase 2 (Mitigation Measure 4.6-6a).

All required channel bank modifications have received required agency approvals/permits and have been constructed. This condition is implemented and fully discharged with respect to known conditions. Implementation is ongoing with respect to subsequent identified conditions.

Air Quality

63. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).

This section requires conveyors which were installed and operational as of October 2002. See Condition #28.3. This condition is implemented and fully discharged.

64. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).

This condition was not substantively affected by the CCAP Update or the 2020 Ten-Year Permit Review. Section 10-4.415 (Equipment Maintenance) was clarified as a part of the CCAP Update. The operator must ensure compliance with both sections (as modified) going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

65. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).

This condition was not substantially affected by the CCAP Update or the 2020 Ten-Year Permit Review. See Conditions #63 and #64.

- 65.1 The operators are encouraged to use cleaner vehicles and equipment and retrofit existing vehicles and equipment with diesel particulate filters (DPFs). Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions.

Condition added by the Board of Supervisors on March 20, 2007, pursuant to Ten-Year Interim Review of Cache Creek Long Term Gravel Mining Permits (Minute Order No. 07-74).

Resolution No. 00-228, approved by the Board of Supervisors on December 12, 2000 (Minute Order No. 00-048), contained several advisory/voluntary conditions regarding air emission

reductions from aggregate mining operations. Staff has determined that these conditions have been superseded by Condition 65.1.

This condition is modified as part of the 2020 Ten-Year Permit Review by the addition of new Section 10-4.414.1 (Energy) to the County Mining Ordinance related to use of clean electric energy to replace diesel equipment whenever and reduce criteria pollutant emissions whenever practical and feasible. Cemex will add this condition to the compliance report.

Cemex installed a wind turbine energy system in 2012 which supplies renewable energy for 20% to 30% of the energy demand at their plant facility.

Traffic and Circulation

66. By July 1, 1999, the operator shall construct a left-turn lane for eastbound movements on State Route 16 into the processing plant. The operator shall be responsible for 100 percent of the costs of the improvement. Encroachment Permits from Caltrans will be obtained prior to construction (Mitigation Measure 4.8-1a).

Condition modified by Board of Supervisors on June 16, 1998, pursuant to Minute Order No. 98-241. The left turn lane was completed in 1999. The condition is implemented and fully discharged.

67. The operator shall pay a fair share toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$1,200 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-2a).

The operator fulfilled this obligation with a payment to the City of Woodland in September 1997. This condition is implemented and fully discharged.

Noise

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

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Implementation is ongoing.

69. Implement the performance standards included in Section 10-4.421 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. Compliance with Section 10-4.421 (Noise: General Standard) is ongoing. See Condition #48.5.

70. Implement the performance standard included in Section 10-4.422 (Noise: Sonic Safety Devices) of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-3a).

This requirement was clarified as a part of the CCAP Update to apply to conveyor alarms as well as vehicular back-up beepers. Compliance with Section 10-4.422 is ongoing for nighttime mining within 1,500 feet of residences.

Aesthetics

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

This Section was modified as part of the CCAP Update, primarily as related to setbacks from property lines, and excavation within 700 feet of the channel bank. The project was approved to mine to within 200 feet of the channel bank subject to installation of bank stabilization consistent with the Test 3 improvements in effect at the time. Ongoing compliance with all applicable required setbacks in this section is required.

Cultural Resources

72. Implement the performance standard included in Section 10-4.410 (Cultural Resources) of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).

Section 10-4.410(a) and (b) of the County Mining Ordinance were modified as a part of the CCAP Update. The revised language will apply if unknown cultural resources are found.

73. The operator shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review. CEMEX has reported that a training video was prepared by Holman and is shown to all employees on a regular basis. will implement and confirm that an updated training video is

shown annually to all employees. Cemex will provide written confirmation in the upcoming compliance report.

74. No mining within the Snyder West parcel (Phases 4 and 6) shall be conducted until an accurate mapping of YOL-69 is completed, and the site is evaluated by an archaeologist to determine its significance and uniqueness. The following tasks shall be performed:
- a. Contract a surveyor to accurately map the cultural resource site on a topographic map, based on information, preliminary map, and recommendations contained in the YOL-69 mechanical subsurface testing report (Holman & Associates, 1996). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.
 - b. Mapping of the resource shall be completed prior to commencement of mining in mining areas that include the resources.
 - c. Register the information obtained, including a map of the Yol-69 site, on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director.
 - d. Before mining begins on Yol-69, an archaeologist shall be contracted to evaluate the Yol-69 site and determine its significance and uniqueness as defined in Appendix K of CEQA. A program of in-field evaluation testing shall be undertaken inside the newly recorded borders of Yol-69 to determine its significance. The evaluation of this site shall be extensive enough to guide the development of a mitigation program if the site is found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of this site to monitor for indicators of human skeletal remains.
 - e. If it is determined that the site contains significant cultural resources, an appropriate mitigation program shall be developed, before mining begins on Yol-69, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and could include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be

present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (Mitigation Measure 4.11-2a).

This condition is implemented and fully discharged as described in the operator's compliance reports. Section 10-4.410(a) and (b) of the County Mining Ordinance were modified as a part of the CCAP Update. The revised language will apply if unknown cultural resources are found.

75. Implement Mitigation Measure 4.11-1b of the Final EIR for the proposed project (Mitigation Measure 4.11-2b).

See Condition #73.

76. Implement Mitigation Measure 4.11-1a of the Final EIR for the proposed project (Mitigation Measure 4.11-2c).

See Condition #74.

Hazards

77. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).

Section 10-4.415 (Equipment Maintenance) was modified as a part of the CCAP Update to clarify the requirements. Implementation is ongoing.

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

All of the sections of the Mining and Reclamation Ordinances identified in the list above were modified as a part of the CCAP Update with the exception of 10-5.510 (Fencing). The revised language in all sections will apply if the circumstances covered by the specific regulation are relevant to ongoing operations at the site and/or ongoing regulatory obligations such as annual monitoring and reporting. Most of the section modifications simply clarify the original regulatory language and have no substantive effect on the conditions. The operator must ensure compliance with the modified regulation going forward, and specifically address compliance with the revised requirements in the 2021 compliance report.

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

79. Comply with Section 10-4.420.1 of the County Mining Ordinance and 10-5.517 of the County Reclamation Ordinance related to Mercury Bioaccumulation in Wildlife.

Earlier conditions reference Section 10-5.517 but do not reference new Section 10-4.420.1. The addition of this condition creates no new obligation, but does insure uniformity between all operators and the code requirements, adds a uniform reference to the new section, and makes it easier to track compliance with this requirement which received important clarifications in the CCAP Update.

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

The operator has submitted a permit modification that would include revisions to the reclamation plan to include all native species.

Additional relevant conditions of approval:

Cemex will add these conditions to the upcoming compliance report.

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

Staff has determined these conditions were superseded by Condition 65.1 adopted on March 20, 2007.

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

1. The project shall be in compliance with all adopted conditions of approval for Zone File #2000-087 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

2. The project shall be completed in compliance with all applicable Federal and State laws, Yolo County Code Regulations and Engineering Design Specifications and Standards.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

3. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

4. Caltrans shall be forwarded a copy of any future development on the subject parcels to ensure that no significant impact to State Highway 16 and right-of-way are created.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

5. Properties which are subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless a division of the Williamson Act Contract is first approved as provided in Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

6. Upon acceptance and approval of the Williamson Act Contracts by the Yolo County Board of Supervisors, a record copy shall be provided by the applicant to the Planning and Public Works Department.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

7. A “Certificate of Acceptance” will be issued by the Planning and Public Works Department within 30 days of receiving the recorded contracts.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

8. Within thirty (30) days of the issuance of the “Certificate of Compliance” the applicant shall record the certificate accompanied by map and legal description of the approved Lot Line adjustment and Williamson Act Contract Division with the County Recorder’s Office, or it shall be deemed null and void.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

9. Prior to final Building Approval for the new batch plant, any areas of bare ground at the abandoned batch plant site in the town of Madison shall be re-vegetated to the satisfaction of the and Public Works Director to increase filtration and prevent erosion and runoff onto State Highway 16.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

10. The applicant shall obtain all necessary building permits for any demolition, construction and/or repair of any existing structures on either site, including approval from the County Environmental Health Division and the Madison Fire District, if appropriate, for compliance with adopted Health, Safety, Building, and Fire Codes, as amended.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

11. Relocation of the batch plant shall commence within one (1) year of the effective date of the Planning Commission’s approval, or said Use Permit shall be deemed null and void without further action.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

12. The site of the existing batch plant shall be cleared of all weeds, brush and debris, prior to issuance of the Final Building Permit for the relocated batch plant.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

13. Prior to issuance of the Final Building Permit, the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$30,000 to provide financial assurance for the new plant area.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

14. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:

- Non-issuance of future building permits;
- Revocation of the Conditional Use Permit and/or Mining Permit;
- Legal action.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

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

1. The project shall be in compliance with all adopted conditions of approval for Zone File #2002-127 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736, and in particular, Condition No. 74 and Mitigation Measure 4.11-2a of Development Agreement No. 96-287 for the CEMEX Long-term Off-channel Mining Permit.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

2. The project shall be completed in compliance with all applicable Federal, State and County laws and regulations.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

3. All aspects of Phases IV and VI shall be included as part of the interchange in the phasing sequence.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

4. There shall be no change to any aspect of the approved Mining and Reclamation Plan with the exception of the interchanging of Phases IV and VI. All other aspects of Development Agreement No. 96-287 for the CEMEX Long-Term Off-Channel Mining Permit shall remain in full force and effect.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

5. Prior to conducting any mining activity in Phase VI (propose Phase IV) the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$348,372 to provide financial assurance for the subject phase.

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.

6. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:
 - Non-issuance of future permits to the applicant for projects or activities at the site;
 - Revocation of the approved Mining Permit;
 - Legal action

This condition was not affected by the CCAP Update or the 2020 Ten-Year Permit Review.