

ATTACHMENT B

RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO, STATE OF CALIFORNIA,
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE TEICHERT SHIFLER MINING AND
RECLAMATION PROJECT (ZF #2018-0078); ADOPTING CEQA FINDINGS OF FACT; AND
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

WHEREAS, Yolo County is proposing to take action to approve the Teichert Shifler Mining and Reclamation Project (ZF #2018-0078) (referred to as "the Project" or "Teichert Shifler");

WHEREAS, the Final Environmental Impact Report (SCH #2019089053) has been prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. ("CEQA") to analyze the environmental effects of the Project;

WHEREAS, an Initial Study and Notice of Preparation were circulated for a minimum 30-day public review and comment period commencing from August 16, 2019, through September 16, 2019;

WHEREAS, on September 12, 2019, the Planning Commission held a public scoping meeting to receive comments regarding the appropriate scope of environmental analysis;

WHEREAS, the Draft EIR was circulated for a minimum 45-day public review period commencing December 18, 2020, through February 2, 2021;

WHEREAS, the Final EIR (Response to Comments) document was released October 15, 2021;

WHEREAS, on January 21, 2021, the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft EIR;

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations ("CEQA Guidelines") which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the subject documents;

WHEREAS, on October 19, 2021, the Esparto Citizen Advisory Committee held a public meeting to receive public comments and take action on the Project in the form of a recommendation to the Planning Commission; the Esparto CAC voted unanimously (5-0-0) to recommend certification of the Final EIR and approve the Project as related to issues relevant to the Esparto area;

WHEREAS, on October 25, 2021, the County staff held a virtual community workshop to provide project information to interested community members who live in the Monument Hills area near the Project, and to answer questions about the Project;

WHEREAS, where applicable each of the public workshops, meetings, and hearings were publicly posted and/or noticed (including direct mailing and/or advertisement) in compliance with State law and local requirements;

WHEREAS, relevant aspects of the Project have received technical review from the County Cache Creek Resources Management Plan (“CCRMP”) Technical Advisory Committee related to proximity of mining to the creek and proposed reclamation species, and the California Department of Conservation Division of Mine Reclamation related to compliance with the requirements of the Surface Mining and Reclamation Act of 1975 (“SMARA”), feasible recommendations of which have been integrated into the Project;

WHEREAS, Yolo County has undertaken Tribal coordination and consultation required pursuant to standard County practice, CEQA, AB 52, and SB 18, feasible recommendations of which have been integrated into the Project including a requirement for execution of a Tribal Monitoring Agreement;

WHEREAS, on November 10, 2021, and December 9, 2021, the Planning Commission held a hearing to receive public testimony, and take action on the Project in the form of a recommendation to the Board of Supervisors; the Planning Commission voted 4-2 (with 1 absent) to recommend certification of the Final EIR and approval of a smaller version of the Project to the Board of Supervisors;

WHEREAS, during these meetings and hearings oral and documentary evidence was received regarding the adequacy of the Final EIR and the merits of the Project;

WHEREAS, on January 11, 2022, the Board of Supervisors held a hearing to receive public testimony and take action on the Project at which the Board independently reviewed the Final EIR, related staff reports, the record of the Planning Commission, and all evidence including testimony and correspondence received at the Planning Commission and Board meetings and hearings, all documents and evidence of which are hereby incorporated by reference into this resolution;

WHEREAS, on January 11, 2022, the Board of Supervisors voted _____ to certify the Final EIR as adequate pursuant to Section 15090 of the CEQA Guidelines, noting that the Final EIR identifies certain significant and potentially significant adverse effects on the environment that may result from adoption and operation of the Project;

WHEREAS, the Board of Supervisors is required pursuant to CEQA (Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives;

WHEREAS, the Board of Supervisors desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist

certain overriding economic, social, and other considerations for approving the Project that the Board believes justify the occurrence of those impacts;

WHEREAS, the Board of Supervisors specifically finds that where more than one reason for approving the Project and alternatives is given in the findings or in the record for approving the Project and related actions and rejecting alternatives, the Board would have made its decision on the basis of any one of those reasons.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yolo as follows:

1. The foregoing recitals are true and correct.
2. Pursuant to Section 15090 of the CEQA Guidelines, the Board of Supervisors hereby certifies that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the Board of Supervisors, and the Board of Supervisors reviewed and considered the information contained in the Final EIR prior to approving the Project and related actions; and c) the Final EIR reflects the independent judgment and analysis of the Board of Supervisors and the County of Yolo.
3. Exhibit 1 of this Resolution provides findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project, feasibility of mitigation measures, and feasibility of alternatives. The Board of Supervisors hereby adopts these various findings of fact attached hereto as Exhibit 1 (CEQA Findings of Fact).
4. Exhibit 1 also provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the Project due to overriding considerations. The Board of Supervisors has balanced the economic, legal, social, technological, and other benefits of the Project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The Board of Supervisors therefore finds the adverse environmental effects of the Project to be "acceptable" under Section 15093 of the CEQA Guidelines. The Board of Supervisors hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit 1.
5. After considering the Final EIR and in conjunction with making these findings, the Board of Supervisors hereby finds that pursuant to Section 15092 of the CEQA Guidelines, approval of the Project as modified in the final action by the Board will result in significant effects on the environment; however, the County has eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
6. The Board of Supervisors has considered six alternatives to the Project as discussed in the Chapter 6 of the Draft EIR, and concluded based on substantial evidence in the record that

the Project as modified in the final action by the Board is the most feasible and desirable action in light of economic, legal, social, technological, and other reasons, as discussed herein.

7. These findings made by the Board of Supervisors are supported by substantial evidence in the record.

PASSED, ADOPTED, AND APPROVED by the Board of Supervisors of the County of Yolo, State of California, following a noticed public hearing held this ____ day of _____ 2022, by the following vote:

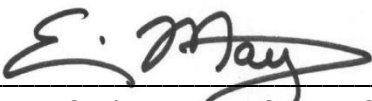
- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Angel Barajas, Chair
Yolo County Board of Supervisors

ATTEST:
Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

APPROVED AS TO FORM:
Philip J. Pogledich, County Counsel

By: _____
Deputy (Seal)

By:  _____
Eric May, Senior Deputy County Counsel

Attachments:
Exhibit 1 – CEQA Findings of Fact and Statement of Overriding Considerations

EXHIBIT 1

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA FINDINGS OF FACT

and

STATEMENT OF OVERRIDING CONSIDERATIONS

of the

YOLO COUNTY BOARD OF SUPERVISORS

for the

TEICHERT SHIFLER MINING AND RECLAMATION PLAN

January 2022

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I. INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, and relevant statutes, associated with approval and operation of the **TEICHERT SHIFLER MINING AND RECLAMATION PROJECT** (the Project).

The CEQA Statutes (Public Resources Code Sections 21000, et seq.) and Guidelines (Code of Regulations Title 14, Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, an Environmental Impact Report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

In the absence of feasible mitigation and/or feasible alternatives, an agency may approve a project with significant and unavoidable impacts; if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 of the CEQA Guidelines requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record.

The requirements of Sections 15091, 15092, and 15093 of the CEQA Guidelines as summarized above are all addressed herein. This document is intended to serve as the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines.

II. TERMINOLOGY OF FINDINGS

For purposes of these findings, the terms listed below will have the following definitions:

- The term "mitigation measures" shall constitute the "changes or alterations" discussed above.
- The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level.

- The term “feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

When the Yolo County Board of Supervisors (also referred to as “the Board”) finds a measure is not feasible, it must provide evidence for its decision and may adopt substitute mitigation that is feasible and designed to reduce the magnitude of the impact. In other cases, the Board may decide to modify the proposed mitigation. Modifications generally update, clarify, streamline, or revise the measure to comport with current industry practices, budget conditions, market conditions, or existing County policies, practices, and/or goals. Modifications achieve the intent of the proposed mitigation without reducing the level of protection.

These findings use the same definitions and acronyms set forth in the EIR. All references to acreages are approximate.

III. PROJECT LOCATION

The Project site is located at approximately three miles west of the City of Woodland, in unincorporated Yolo County. It consists of approximately 319.3 acres that includes all or portions of the following Assessor Parcel Numbers (APNs): 025-120-032 (portion), 025-120-033, 025-430-001 (portion), 025-430-002, 025-120-010, 025-120-011, and 025-430-009. The Project site is generally bounded by County Road 94B to the west, Cache Creek to the north, and County Road 22 to the south.

The location of the Teichert Esparto facilities is 27944 County Road 19A, Esparto, CA 95627 (APNs 048-210-006, 048-210-010, 048-210-011). The location of the Teichert Schwarzgruber facilities is 16550 County Road 96, Woodland, CA 95695 (APN 025-350-038). The location of the Woodland plant site where material processing would occur is 35030 County Road 20, Woodland, CA 95695 (APNs 025-350-037 and -017; 025-120-039 and -041).

IV. PROJECT DESCRIPTION

A. SUMMARY OF THE PROJECT

Teichert, Inc. submitted an application to the County to conduct aggregate mining and reclamation activities on approximately 277 acres of the 319-acre Shifler property located south of Cache Creek. The Teichert Shifler Mining and Reclamation Project (“Project”), as originally proposed, involved a proposal to mine and reclaim approximately 277.1 acres of the 319.3-acre Shifler property (“Project Site”) for the purpose of supplying Teichert’s existing Woodland aggregate (rock, sand, and gravel) processing facility (“Woodland Plant”). The Project proposed the relocation of the existing Moore Canal, which currently bisects the Project Site, along the northern portion of the site. However, on April 6, 2021, the Board of Directors of the Yolo County Flood Control and Water Conservation District (“YCFWCWD”) voted to retain the Moore Canal in its existing alignment. This action would preclude the Project as originally proposed and described in Chapter 3 (Project Description) of the Draft EIR and CEQA Alternative 5 (Moore Canal Southern Alignment Alternative). In light of the YCFWCWD’s action, Teichert elected to modify its application for the Project to proceed with the Moore Canal Avoidance Alternative (Alternative 4) instead of the originally proposed Project. The Moore Canal Avoidance Alternative involves the mining and reclamation of 264.1 acres of the 319.3-acre Project Site without relocating Moore Canal. The County has approved this alternative, subject to mitigations measures and conditions of approval, with a lower tonnage than requested, and without the requested 20 Percent Exceedance.

Subject to the final conditions of approval, the Project is approved for maximum term of 30-years (through approximately 2052) to extract a maximum of 35,400,000 tons (30,000,000 tons sold) at a base rate not to exceed 2,117,648 tons mined (1,800,000 tons sold) annually on a mining area not to exceed 264.1 acres at depths of 40 to 110 feet below the ground surface. The Project is approved with an allocation of 1,176,471 tons mined (1,000,000 tons sold) annually from the Teichert Schwarzgruber operation at completion, and 941,177 tons mined (800,000 tons sold) annually from the Teichert Esparto operation at completion, transferred to the Teichert Shifler operation. The remaining Teichert Esparto tonnage allocation that is not approved to be transferred to the Shifler Project is returned to the CCAP and remains unallocated.

Aggregate mined at the Project site shall be transported to the existing Teichert-Woodland plant by electric conveyor. As compared to existing activity at the Woodland Plant under the Schwarzgruber permit, the Project results in the following: 1) increased maximum production allowed from the Woodland Plant; and 2) the continuing operation of the existing Woodland Plant beyond the life of approved mining at the Schwarzgruber mining site.

The approval includes the same hours of operation for the Shifler operation and Woodland Plant as are currently in place. The hours of operation for the mining site are generally 6:00 a.m. to 6:00 p.m. Monday through Saturday. The hours of operation for the Woodland Plant are generally 6:00 a.m. to 6:00 p.m. Monday through Friday. For the months of August, September, and October, hours for both the mining site and plant may be extended to 10:00 p.m. (Monday through Friday) and 6:00 a.m. to 6:00 p.m. Saturday and/or Sunday subject to compliance with Section 10-4.421 of the Mining Ordinance. Occasional 24-hour processing and load-out operations to fulfill contract requirements are allowed within the regulations established in Section 10-4.421 of the Mining Ordinance. The applicant is required to comply with the noise regulations in the Mining Ordinance at all times.

The haul route is the same haul route currently approved for the Teichert Schwarzgruber operation. Except for local deliveries, all truck traffic is restricted to use of the following approved haul route for all transport: County Road 20 from the Project entrance to County Road 98 and from that point north on SR 16 (CR 98) to Interstate 5, and/or from County Road 20, south on County Road 96 to SR 16, and west to Interstate 505.

B. DISCRETIONARY ACTIONS

The Board of Supervisors took the following discretionary actions in approving the proposed Project:

CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (EIR) for the Teichert Shifler Mining and Reclamation Project (SCH #2019089053) based on Findings of Fact and a Statement of Overriding Considerations. See Final EIR and Resolution Certifying the EIR.

APPROVED GENERAL PLAN AMENDMENT to extend the Mineral Resources Overlay (MRO) land use designation over an additional approximately 212 acres in order to cover the entire 319.3-acre Project site. See Resolution Amending General Plan and Adopting MMRP.

APPROVED REZONING to add the Sand and Gravel Overlay (SG-O) over the entire 319.3-acre Project site. See Rezoning Ordinance.

APPROVED OFF-CHANNEL SURFACE MINING PERMIT for maximum term of 30-years (through approximately 2051) to extract a maximum of 35,400,000 tons (30,000,000 tons sold) at a base rate

not to exceed 2,117,648 tons mined (1,800,000 tons sold) annually on a mining area not to exceed 264.1 acres at depths of 40 to 110 feet below the ground surface, consistent with mining plan sheets M-01 through M-09 (see Proposed Mining and Reclamation Plans), subject to (and as modified by) conditions of approval. Excavated materials shall be processed at the Teichert Woodland plant, which plant shall be subject to the same maximum term and conditions of approval.

APPROVED MINING TONNAGE ALLOCATION TRANSFER of 1,176,471 tons mined (1,000,000 tons sold) annually from the Teichert Schwarzgruber operation, to the Teichert Shifler operation, at completion of the Schwarzgruber operation.

APPROVED MINING TONNAGE ALLOCATION TRANSFER of 941,177 tons mined (800,000 tons sold) annually from the Teichert Esparto operation, to the Teichert Shifler operation, at completion of the Teichert Esparto operation.

RETURNED UNALLOCATED MINING TONNAGE of 228,392 tons mined (200,000 tons sold) previously assigned to the Teichert Esparto operation, to the Cache Creek Area Plan, at completion of the Teichert Esparto operation.

REJECTED REQUEST TO UTILIZE 20 PERCENT EXCEEDANCE allowed in Section 10.5-405 of the Mining Ordinance, which would authorize the operator to exceed the maximum annual “base” permitted tonnage transferred from the Schwarzgruber approval by up to 20 percent which equates to 235,295 tons mined (200,000 tons sold) in any single calendar year provided the running ten-year average does not exceed the maximum permitted base allocation.

AUTHORIZED MINING WITHIN THE STREAMWAY INFLUENCE ZONE within 700 feet of, but no closer than 250 feet to, the Cache Creek channel bank, pursuant to Section 10-4.429(d) of the Mining Ordinance subject to County approval of a Streambank Stabilization Plan (SSP) in compliance with Section 10-4.429(d) of the Mining Ordinance and a Flood Hazard Development Permit (FHDP) in compliance with Section 8-4.404 of the County Code, which both shall ensure implementation of Shifler EIR Mitigation Measure 4.8-4(a) requiring reinforcement improvements in the 700-foot streamway influence zone.

APPROVED RECLAMATION PLAN comprised of reclamation plan sheets R-01 through R-09 (see Proposed Mining and Reclamation Plans) and Reclamation Plan narrative reflecting reclamation of 319.3 acres to approximately 119.9 acres of agriculture, 90.9 acres of open water lake, 61.2 acres of grassland and slopes, 24.7 acres of riparian habitat primarily along the lake frontage, 13.9 in canal and related uses, 7.1 acres in access roads and buffers, 1.6 acres in oak woodland, subject to (and as modified by) conditions of approval.

AUTHORIZED ACCEPTANCE OF EQUIVALENT NET GAINS as provided in Section 10.5-525 of the Reclamation Ordinance recognizing the dedication of the Shifler In-Channel property and the Schwarzgruber lake and habitat property as satisfying 212 acres of the requirement for agricultural mitigation in excess of the base ratio of 1:1.

AUTHORIZED EXECUTION OF A DEVELOPMENT AGREEMENT between Yolo County, Teichert, Inc., and LJ Shifler Family Trust documenting, among other items, payment of per-ton fees, implementation of all conditions or approval and EIR mitigation measures, compliance with the spirit and intent of the

CCAP and all related policies and requirements, and implementation of identified public benefits known as “net gains.” See Development Agreement Ordinance.

These approvals are made by the Board of Supervisors pursuant to Section 15092 of the CEQA Guidelines.

V. PROJECT OBJECTIVES

The applicant defined the objectives of the Project to be as follows:

- To permit an additional ±277 acres of permitted mining area with approximately 35.25 million tons sold (41.6 million tons mined) of Portland Cement Concrete (“PCC”) grade aggregate reserves for mining and processing at Teichert’s Woodland plant for a period of 30 years;
- To extend the life of the existing Woodland Plant consistent with the requested 30-year life of the Shifler surface mining permit and allow it to continue to operate as needed to meet market demand;
- To allow Teichert to transfer the Esparto Plant’s current annual permitted volume of 1 million tons sold (1,176,471 tons mined) to the Woodland Plant once mining is complete at Esparto or the Esparto surface mining permit expires, whichever occurs first;
- To ensure that irrigation water deliveries in Moore Canal are not affected by the Project; and
- To reclaim the mined land to agriculture and a mix of habitat uses, including pond, grassland, riparian woodland, and native landscape, in accordance with the requirements of Surface Mining and Reclamation Act (“SMARA”), the Yolo County Off-Channel Mining Plan (“OCMP”), Off-Channel Surface Mining Ordinance (“OCSMO”), and Surface Mining Reclamation Ordinance (“SMRO”).

The Board of Supervisor finds that the Project as approved best meets these objectives as discussed further in Section XI of these findings.

VI. APPLICATION REVIEW PROCESS

On December 16, 2014, the Board authorized the applicant to submit an application for a General Plan amendment pursuant to Section 8-2.233(d) of the County Code. On September 26, 2018, Teichert, Inc. submitted the application (Zone File #2018-0078; GPA File #2021-03) for the Project which was subsequently determined by the County to be substantially complete on May 21, 2019. The CEQA Notice of Preparation (“NOP”) and Initial Study for the Project were released on August 16, 2019, beginning the 30-day public comment period, which ended September 16, 2019. A scoping meeting was held on September 12, 2019, before the Yolo County Planning Commission to obtain public and agency comments on the Initial Study and the scope of the EIR (a summary of this meeting is included in Letter 31 of the NOP comments which are included in Appendix B of Volume II of the Draft EIR). A community meeting was held by the applicant on October 23, 2019.

The Draft EIR (SCH #2019089053) was circulated on December 18, 2020, for a 46-day period of review and comment by the public and other interested parties, agencies, and organizations. A public meeting was held by the Planning Commission on January 21, 2021, to discuss the Project and receive oral comments on the Draft EIR. All comments received on the Draft EIR, including a summary of the comments provided at the Planning Commission meeting, are included in the Final EIR which was released October 15, 2021. The Final EIR also includes master responses to common comments, individual responses to each

individual comment, corrections and clarifications to the Draft EIR, a mitigation and monitoring program (“MMRP”) for the Project as originally approved, and the current Moore Canal Avoidance Alternative, and appendices including supplemental application materials for the Moore Canal Avoidance Alternative and revised mining and reclamation plans.

VII. CONSISTENCY WITH APPLICABLE PLANS, POLICIES, AND REGULATIONS

The Project site falls within the boundary of the Cache Creek Area Plan (“CCAP”). The Project as approved, including amendment of the General Plan to apply the MRO land use designation over the entire Project site and rezoning to apply the SGO zoning designation over the entire site, is consistent with the land use designations and policies of the General Plan; the policies and requirements of the Cache Creek Area Plan; the State Surface Mining and Reclamation Act (“SMARA”); and other applicable laws and regulations. This is substantiated in the analysis that occurs in each of the following tables in the Draft EIR that examines consistency with applicable standards: Tables 4.1-2, 4.2-6, 4.3-20, 4.4-1, 4.5-1, 4.6-1, 4.7-1, 4.8-1, 4.9-4.9-3 4.10-9, 4.11-2, and 4.12-20. This is further substantiated in the letters received from the California Department of Conservation, Division of Mine Reclamation, included as Attachment L of the November 10, 2021, Planning Commission staff report which documents the State’s review of the proposed mining and reclamation plans and that the DMR offered no comments on the applicants mining and reclamation plans.

As modified by the conditions of approval including the adopted mitigation measures, the Project is consistent with the regulatory requirements of SMARA, Yolo County General Plan, County Climate Action Plan (CAP), CCAP, and mining, reclamation, and in-channel maintenance mining ordinances of the County. The Board of Supervisors does hereby affirm these findings of consistency.

VIII. RECORD OF PROCEEDINGS

A. FINALEIR

The Final EIR (SCH# 2019089053) for the Project includes the following items:

- 1) Draft EIR document dated December 2020; and
- 2) Final EIR document dated October 2021.

Within these findings, the terms Final EIR and EIR are used interchangeably. All references to text in the Draft EIR shall be interpreted to include relevant revisions to that same text as identified in Chapter 4.0 (Revisions to the Draft EIR) of the Final EIR document.

B. THE RECORD

For the purposes of CEQA, and the findings herein set forth, the record of proceedings for the Teichert Shifler Mining and Reclamation Project consists of those items listed in Public Resources Code Section 21167.6, subdivision €. Pursuant to CEQA Guidelines Section 15091€, the location and custodian of the documents and other materials which constitute the record of proceedings upon which these decisions are based is as follows:

Stephanie Cormier, Principal Planner
Yolo County Department of Community Services, Planning Division
292 W. Beamer Street
Woodland, CA 95695

The record of proceedings, including the EIR, is hereby incorporated by reference into these findings.

IX. FINDINGS REQUIRED UNDER CEQA

Public Resources Code (PRC) Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” PRC Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. Inclusion of the adopted mitigation measures in the General Plan as policies and actions are among the “changes or alterations” referenced in this finding. Other “changes and alterations” are discussed herein. For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency.

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR (CEQA Guidelines Section 15091). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

In the process of adopting mitigation, the Board of Supervisors has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” In some cases, modifications may have been made to the

mitigation measures proposed in the Draft EIR to update, clarify, streamline, correct, or revise those measures. These are discussed herein.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects (CEQA Guidelines Section 15093 and 15043(b); see also PRC Section 21081(b).) In the process of considering the EIR for certification, the Board of Supervisors has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with mitigating policies and implementation programs, the Board of Supervisors has found that specific economic, social, legal, and other considerations support approval of the Project. Those findings are reflected herein in Section IX and in Section XI of these findings.

A. THRESHOLDS OF SIGNIFICANCE FOR ENVIRONMENTAL DETERMINATIONS

CEQA requires a Lead Agency to determine the significance of all environmental impacts PRC Section 21082.2 and State CEQA Guidelines Section 15064. A threshold of (or criteria for) significance for a given environmental impact defines the level of effect above which the Lead Agency will consider impacts to be significant, and below which it will consider impacts to be less-than-significant and therefore acceptable. Thresholds of significance may be defined either as quantitative or qualitative standards, or sets of criteria, whichever is most applicable to each specific type of environmental impact. For example, quantitative criteria are often applied to traffic, air quality, and noise impacts, while aesthetics impacts are typically evaluated using qualitative thresholds. Lead Agencies have discretion to formulate their own significance thresholds. Setting thresholds requires the Lead Agency to make a policy judgment about how to distinguish significant impacts from less-than-significant impacts. Lead Agencies can set thresholds on a project-by-project basis, or they can informally or formally adopt thresholds to be consistently applied to all projects.

Lead Agencies are responsible for determining the thresholds of significance for all documents they prepare. They can rely on several sources, including: Appendix G of the State CEQA Guidelines; CEQA's mandatory findings of significance (State CEQA Guidelines Section 15065); thresholds established by regulatory agencies; thresholds provided in General Plans or other local planning documents; or thresholds established by other agencies. For example, many jurisdictions rely on thresholds established by a local or regional air district when analyzing air quality impacts. Appendix G is the most common source, though Lead Agencies are not required to use it and are free to develop their own thresholds. Lead Agencies are encouraged in the State CEQA Guidelines (CEQA Guidelines Section 15064.7(a)) to develop and formally adopt thresholds of significance, though this is not a requirement. Thresholds established for general use by a Lead Agency must: be adopted by ordinance, resolution, rule, or regulation; be subjected to public review; and be supported by substantial evidence (CEQA Guidelines Section 15064.7(b)). Thresholds used solely for a specific project are not required to be adopted by ordinance or other formal means.

The significance threshold criteria used in this EIR are consistent with the requirements of CEQA and, where noted, CEQA Guidelines Appendix G. The Board of Supervisors hereby affirms the use of these significance thresholds for the purpose of analyzing the potential for environmental impacts that could result from approval and operation of the Project, and adopts them by means of this resolution.

B. FINDINGS REGARDING RECIRCULATION OF THE EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

CEQA Guidelines Section 15088.5 states “significant new information” requiring recirculation may include:

- (1) A new significant environmental impact that had not previously been disclosed in the Draft EIR would result from the project or from a new mitigation measure;
- (2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- (4) The Draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

Since the release of the Draft EIR, in response to public comments and continued staff analysis, there have been several modifications to the Project, to the EIR, and to the mitigation measures.

1. Changes to the Proposed Project

On April 15, 2021, the Yolo County Flood Control and Water Conservation District (“YCFWCWD” or “District”) notified the County and the applicant of the April 6, 2021 vote of the District Board of Directors to retain the Moore Canal in its existing alignment. This action rendered the Project as originally proposed and described in Chapter 3 (Project Description) of the Draft EIR and CEQA Alternative 5 (Moore Canal Southern Alignment Alternative) infeasible. As a result, Teichert informed the County on April 27, 2021, of its intent to request approval of the Moore Canal Avoidance Alternative (Alternative 4) rather than the originally proposed Project. The applicant submitted supplemental information to clarify and provide technical details regarding the Moore Canal Avoidance Alternative, which is included in Appendix C of the Final EIR. Also, the applicant proposed, as a part of the revised Project, to increase the setback from Cache Creek from 200 feet to 250 feet, consistent with the recommendation of the Cache Cree TAC.

The Moore Canal Avoidance Alternative is analyzed in Chapter 6 (Alternatives Analysis) of the Draft EIR, on pages 6-20 through 6-26. Appendix N of the Draft EIR included mining and reclamation plans for this alternative. Appendix O of the Draft EIR included a Geotechnical Addendum and Groundwater

Memorandum. Appendix C of the Final EIR includes revised and more detailed mining and reclamation plans for Alternative 4.

The Moore Canal Avoidance Alternative reduces the number of acres excavated, and reduces the total and annual mining tonnage, thus minimizing both Project-specific and cumulative impacts associated with the Project. This Alternative avoids two significant and unavoidable impacts of the originally proposed Project related to relocation of the Moore Canal, which is an identified historic resource (Impact 4.5-1 and Impact 4.5-4). Furthermore, the total and annual tonnage approved by the Board decreases the requested tonnage by an additional 20 percent as compared to the Moore Canal Avoidance Alternative. Also, the proposed setback from Cache Creek would increase 50 feet as compared to the Project as originally proposed and the Moore Canal Avoidance Alternative.

In addition, the County has applied conditions of approval that would make changes to the project. These include but are not limited to:

- Compliance with mining and reclamation regulations.
- Incorporation of all Mitigation Measures identified in the Final EIR (with non-substantive modification for clarity).
- Reclamation of the entire 319.3-acre Project site (Condition 16a).
- Addition of hedgerows and berms to delineate and protect the future reclaimed habitat and lake from future reclaimed agriculture (Condition 16b, 16f, and 43).
- Specific modification to seed mix, shrub diversity, and planting methods (Condition 16g).
- Specific modification to planting and maintenance of soil stockpiles (Condition 16g).
- Lake design to require sculpting and lake edge variation, peninsulas, and islands (Condition 16g).
- Increased diversity in reclamations seed mix (Condition 16h) and increased cover of native species (Condition 16i).
- Coordination with PG&E regarding energy infrastructure (Condition 29.2).
- Nighttime notification requirements for adjoining neighbors and interested parties (Condition 29.4).
- Use of 100 percent renewable and 100 percent carbon-free electricity by December 31, 2025 (Condition 37.2).
- Expand worker awareness training requirements (Conditions 55 and 56).
- Repaving of haul route with rubberized asphalt (Condition 98.2).
- Contribute a fair share of costs for design and construction of traffic control, if installed, at SR-16 and Wildwing Drive (Condition 99).

These changes do not trigger recirculation or additional analysis for the following reasons:

- No new significant environmental impacts that had not previously been disclosed in the Draft EIR would result from the changes.
- The level of impact that had been identified would be lower with the changes than under the Project as originally proposed.
- The Moore Canal Avoidance Alternative (Alternative 4) was carefully analyzed, identified as feasible, would result in lower and fewer impacts, and is agreeable to the applicant.
- The EIR was fully adequate, supported by substantial evidence, and allowed for meaningful public review and comment.

The Board of Supervisors finds the changes to the Project do not result in new impacts, and that they cause the level of significance for previously identified environmental impacts to decrease. No new mitigation measures are required. Thus, no changes made since release of the Draft EIR involve “significant new information” triggering recirculation because the changes do not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications result in less environmental impact, as described above.

The Board of Supervisors hereby determines, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required. The changes do not create a new significant effect or worsen a previously identified one. The public has not been deprived of a meaningful opportunity to comment on any new or different environmental impacts and had multiple opportunities to provide input. Thus, recirculation is not necessary as the changes do not constitute significant new information under CEQA.

2. Changes to the Draft EIR

There have also been modifications to the EIR that are documented in Chapter 4 of the Final EIR in ~~strikeout~~ and ~~redline~~ format:

- Various corrections.
- Updates to text in the Chapter 3 (Project Description), Chapter 4.2 (Agricultural Resources), and Chapter 4.6 (Geology and Soils) to: reflect the May 20, 2021, action of the State Mining and Geology Board redesignating the entire site MRZ-2.
- Minor modifications to Chapter 4.4 (Biological Resources) to: clarify and correct the description of the jurisdiction of the USACE, CDFW, and RWRCQ over originally proposed modifications to the Moore and Magnolia Canals.
- Modifications to Chapter 4.5 (Cultural Resources) to: add a definition of Tribal Cultural Resources; add summary information relevant to the former Stevens Ranch Headquarters; add a summary of subsurface trenching undertaken with Tribal representatives; update the Tribal consultation record; update references to the Moore and Magnolia Canals; revise Mitigation Measure 4.5-3(a)

to include specific requirements and performance criteria for a Tribal Cultural Resources Monitoring Plan to guide Tribal monitoring and tribal monitors; combine Mitigation Measure 4.5-3(b) related to cultural resources awareness training for onsite personnel with revised Mitigation Measure 4.5-3; and make other minor clarifications and corrections.

- Minor modifications to Chapter 4.12 (Transportation and Circulation) to: replace Figure 4.12-1 with an improved graphic showing the Project haul route, and revisions to page 4.12-35 to clarify the County's proposed conditions of approval for CR 96.
- Updates to text in Chapter 6 (Alternative Analysis) to: provide updated farmland impact acreage for the Moore Canal Avoidance Alternative, including related revisions to Mitigation Measure 4.2-1 as it would apply to the Moore Canal Avoidance Alternative; to add a new figure showing reduced impacts to trees under the Moore canal Avoidance Alternative; and to reference revised Mitigation Measure 4.5-3.

These changes were made to clarify, amplify, and provide minor technical corrections to the Draft EIR. These changes result in no new significant environmental impacts nor would they cause a substantial increase in the severity of an environmental impact. The CEQA Guidelines are clear that recirculation is not required where the information added to the EIR merely clarifies, amplifies, and makes insignificant modifications in an adequate EIR.

The Board of Supervisors hereby finds that there are no substantial changes in the Project or the circumstances under which the Project is being undertaken, that necessitate revisions of the EIR. Nor has new information become available. The circumstances, impacts, and mitigation requirements identified in the EIR remain applicable to the Project, and support the finding that the Project as recommended for approval does not raise any new issues and does not cause the levels of impacts identified in the EIR to be exceeded.

In sum, the Board finds the Project as recommended for approval (the Moore Canal Avoidance Alternative) and the minor changes described above do not require recirculation of the EIR based on the standards provide in Section 15088.5 of the CEQA Guidelines.

C. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR identifies a number of less-than-significant impacts associated with the Project that do not require mitigation. The EIR also identifies significant, and potentially-significant environmental effects (or impacts) that may be caused in whole or in part by the Project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of the mitigation measures identified in the EIR. As discussed in further detail below, some significant effects cannot be fully avoided or substantially lessened through the adoption of feasible mitigation measures and thus may be significant and unavoidable. For reasons set forth in Section XI of these findings, however, the Board of Supervisors has determined that overriding economic, social, legal, and other considerations outweigh the significant, unavoidable effects of the Project.

The findings of the Board of Supervisors, with respect to the Project's significant effects and mitigation measures, are set forth in the Final EIR and summarized below. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. Rather, the following information is provided: the impact statement; a summary of the analytical conclusions; identification of

the mitigation measures deemed feasible by the County; and the findings of the Board. A full documentation of the environmental analysis and conclusions can be found in the EIR and associated record (see Section VIII), both of which are incorporated by reference into these findings. The Board of Supervisors hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and potential mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

In these findings, Yolo County discusses each potential environmental impact analyzed in the EIR. For each potential environmental impact, the County summarizes the level of significance before mitigation, the level of significance after mitigation, the mitigation measure(s), and findings regarding significance after mitigation is implemented. Where an impact is less-than-significant, the discussion of the impact in these findings is brief because PRC Section 21081 and CEQA Guidelines Section 15091 do not require findings of fact for impacts that are less-than-significant. Where an impact will remain significant and unavoidable, after implementation of feasible mitigation (if any is known), the County identifies the specific reasons why the mitigation measures are unable to reduce the impact to a less-than-significant level.

The following general findings are made by the Board of Supervisors:

- For all impacts identified as less-than-significant in the EIR, the less-than-significant impact determination is hereby confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.
- For all adopted mitigation measures, the Board of Supervisors hereby confirms that the stated mitigation measure (or its equivalent) is appropriate, feasible, will lessen the impact to some degree, and has been applied to the Project as a condition of approval.

Some of the measures identified in these findings may also be within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board of Supervisors finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091(a)(2)).

Based on the discussion of impacts in Chapter 4 (Existing Environmental Setting, Impacts, and Mitigation Measures) of the Draft EIR, as well as relevant responses to comments in the Final EIR and other evidence in the record, the Board of Supervisors hereby finds the environmental impacts of the Project be as follows:

1. Initial Study

CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, CEQA Guidelines Section 15128). Based on research and analysis of technical studies, data, and review as documented in the record, it was determined that the Project would not result in significant environmental impacts identified below. This was disclosed in the Initial Study prepared for the originally proposed Project (see Appendix A of the Draft EIR), which determined that implementation of the originally proposed Project would result in no impact or a less-than-significant impact related to the areas of impact identified below. Accordingly, these impacts are so noted in the Draft EIR, and not analyzed further:

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220[g]), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]); or
- Result in the loss of forest land or conversion of forest land to non-forest use.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.
- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:
 - Substantially impair an adopted emergency response plan or emergency evacuation plan;
 - Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
 - Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
 - Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.
- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools .
- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

2. Aesthetics

Impact 4.1-1: Have a substantial adverse effect on a scenic vista or viewshed. **This impact would be less-than-significant.**

This impact is analyzed primarily on page 4.1-16 through 4.1-19 of Chapter 4 of the Draft EIR, and in Chapter 5 and 6 relevant to cumulative effects and alternatives, respectively.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.1.2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. This impact would be *less-than-significant*.

This impact is analyzed on pages 4.1-19 through 4.1-20 of Chapter 4 the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.1-3: In a non-urbanized area, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point). This impact would be *less-than-significant*.

This impact is analyzed on pages 4.1-21 through 4.1-25 of Chapter 4 the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.1-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. This impact would be *less-than-significant*.

This impact is analyzed on pages 4.1-25 through 4.1-26 of Chapter 4 the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.1-5: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to aesthetics. This impact would be less-than-significant.

This impact is analyzed on pages 4.1-26 through 4.1-30 of Chapter 4 the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

3. Agricultural Resources

Impact 4.2-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. This impact would be significant.

This impact is analyzed on pages 4.2-23 through 4.2-29 of Chapter 4 of the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives, and further in Chapter 4 of the Final EIR. As described on page 4-21 and 4-22 of Chapter 4 of the Final EIR, and shown in Figure 6-5 on page 4-24, over the course of mining, the Moore Canal Avoidance Alternative as proposed would result in impacts to the following Farmland categories:

- 249.50 acres of Prime Farmland;
- 0.50 acres of Farmland of Statewide Importance;
- 8.25 acres of Unique Farmland; and
- 5.85 acres of Farmland of Local Importance.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure (as modified on page 4-22 of the Final EIR) would reduce the above impact, but not to a less-than-significant level. Due to the net loss of farmland, the impact would remain *significant and unavoidable*:

4.2-1 *The applicant shall complete the following, subject to approval by the County. Item a) shall be completed in accordance with the approved reclamation plan and conditions of approval. Items b) and c) shall be completed prior to the commencement of mining activity on any Prime Farmlands, Unique Farmlands, or Farmland of Statewide Importance:*

a) *Reclaim 113.2 acres of Prime Farmland onsite, equivalent in quality and capacity to existing Prime Farmland permanently converted as a result of the project.*

b) *Establish a permanent agricultural conservation easement on 408.9 acres (249.5 disturbed acres – 113.2 reclaimed acres, at a 3:1 ratio) of equivalent or better (in quality and capability) Prime Farmland compliant with the requirements in County Code Sections 8-2.404(d) and Section 8-2.404(e), (f) and (g). The total acreage placed in permanent easement may be reduced to a minimum of 136.3 acres (249.5 disturbed acres – 113.2 reclaimed acres at a 1:1 ratio) in accordance with Sections 8-2404(d) or 10-5.525(a), (b), (c), or (d), provided the total acreage is determined to be equivalent to the applicable ratio and acreage required under Section 8-2.404. The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review by staff and acceptance by the Board of Supervisors. The County may in its discretion approve phasing of the required easement so long as mitigation is satisfied prior to or coincident with impacts to Prime Farmland.*

c) *Establish a permanent agricultural conservation easement on 17.5 acres (0.5 acres + 8.25 acres, at a 2:1 ratio) of equivalent or (in quality and capability) better Farmland of Statewide Importance and Unique Farmland compliant with the requirements in County Code Sections 8-2.404(d) and 8-2.404(e), (f), and (g). The total acreage placed in permanent easement may be reduced to a minimum of 8.75 acres (0.50 acres + 8.25 acres, at a 1:1 ratio) in accordance with Sections 8-2.404(d) or 10-5.525(a), (b), (c), or (d), provided the total acreage is determined to be equivalent to the applicable ratio and acreage required under Section 8-2.404. The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review by staff and acceptance by the Board of Supervisors. The County may in its discretion approve phasing of the required easement so long as mitigation is satisfied prior to or coincident with impacts to Farmland of Statewide Importance and Unique Farmland.*

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Notwithstanding the implementation of this measure, the potential for impact to occur remains unavoidable because there will be a significant net loss in farmland as a result of approving this Project. The following facts support approval of the Project and acceptance of a net loss of farmland as a result of the Project:

- The Countywide General Plan and General Plan EIR anticipated some loss of farmland as planned approved land uses occur over time.

- By restricting allowed land development activities, the Countywide General Plan minimized and reduced these losses to an acceptable level.
- The Cache Creek Area Plan (CCAP) and CCAP Update Final EIR¹ anticipated some loss of farmland as planned approved mining, reclamation, creek restoration, and related activities occur over time.
- By restricting authorized mining, reclamation, creek restoration, and related activities, the CCAP minimized and reduced these losses to an acceptable level. For example, the CCAP minimizes the geographic impacts of mining by limiting it to a defined area and by encouraging the removal of the full depth of available resources.
- The CCAP is one of the most stringent mining programs in California and exceeds the requirements of the State for operator obligations.
- The CCAP balances many goals including agricultural preservation, aggregate mining, habitat, open space, and recreation, among many others.
- The Project is consistent with the Countywide General Plan and the CCAP.
- Prime farmland and significant aggregate deposits created by natural forces over time overlay one another along both sides of Cache Creek; and as a result, it is generally not possible to extract aggregate without effects to farmland.
- Aggregate resources are found only in areas with natural deposits and do not occur elsewhere in the County. The CCAP area is the only area in Yolo County where aggregate mining is allowed.
- Allowed mining under the CCAP is consistent with the policies of the County and of the State related to aggregate resources.
- Reclamation of mined lands to agriculture is the top priority for reclamation under the CCAP. The Project as approved would result in reclamation of a minimum of 113 mined acres to agriculture.
- Implementation of the identified mitigation measures will result in permanent protection for other farmland in the County through the acquisition of permanent conservation easements.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the Project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen impacts to farmland though not to less than significant levels. The Board of Supervisors further finds there are no other known feasible measures for reducing impacts to farmland. Therefore, the finding of significant and unavoidable impact is confirmed by the Board of Supervisors. To the extent that this adverse impact will not be eliminated or lessened to a less-than-significant level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as

¹ Yolo County. Cache Creek Area Plan Update Project, Final Environmental Impact Report. SCH# 2017052069. December 2019.

modified, despite unavoidable residual impacts, and make infeasible other mitigation measures or alternatives that would avoid or substantially lessen the impact.

Impact 4.2-2: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. This impact would be *less-than-significant*.

This impact is analyzed on page 4.2-30 of Chapter 4 the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.2-3: Cause a significant environmental impact due to a conflict with any applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to agricultural resources. This impact would be *less-than-significant*.

This impact is analyzed on pages 4.2-30 through 4.2-47 of Chapter 4 the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

4. Air Quality, Greenhouse Gas Emissions, and Energy

Impact 4.3-1: Conflict with or obstruct implementation of the applicable air quality plan. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.3-2: Expose sensitive receptors to substantial pollutant concentrations. The impact would be less than significant.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.3-3: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The impact would be less than significant.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.3-4: Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The impact would be less-than-significant.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.3-5: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The impact would be *less-than-significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.3-6: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. The project's incremental contribution to this significant cumulative impact would be *less than cumulatively considerable*.

Significance Before Mitigation

The determination of less-than-cumulatively considerable is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-cumulatively considerable is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.3-7: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The project's incremental contribution to this significant cumulative impact would be *cumulatively considerable*.

Significance Before Mitigation

The determination of a cumulatively considerable project contribution to significant cumulative impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of Mitigation Measure 4.3-7 would ensure that operational GHG emissions are reduced to levels that are equal to or less than existing emissions. By ensuring that implementation of the proposed Project would not result in a net increase in GHG emissions, the incremental contribution of the Project to the significant cumulative impact identified in the CCAP Update Final EIR would be less than cumulatively considerable.

4.3-7 Prior to initiation of mining activity at the Shifler mining site, the project applicant shall submit, for review and approval, a Greenhouse Gas Reduction Plan (GHGRP) to the Yolo County Department of Community Services. In order to demonstrate that implementation of the proposed project would not result in a net increase in GHG emissions from baseline conditions, the GHGRP shall demonstrate how operational emissions of the proposed project would be reduced by at least 1,887.84 MTCO₂e/yr. Strategies to achieve emissions reductions may include, but are not limited to, the following:

- Replacement of existing fossil fueled equipment with hybrid or electrically powered equipment;
- Installation of additional renewable energy systems on-site;
- Purchase of an increased proportion of electricity from renewable sources;
- Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or Yolo County.

If purchase of off-site mitigation credits is selected as a means of meeting the requirements of this mitigation measure, purchase of off-site mitigation credits shall be negotiated with the County and YSAQMD at the time that credits are sought. Off-site mitigation credits purchased as part of this mitigation measure shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2). Such credits shall be based on protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by Yolo County and/or the YSAQMD. The credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and the YSAQMD.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.3-7 would mitigate the Project's incremental contribution to greenhouse gas emissions because it would require the applicant to reduce emissions by a minimum of 1,887.84 MTCO₂e/yr. to ensure no net increase in emitted GHGs as compared to baseline conditions.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the Project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.3-8: Conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The project's incremental contribution to this significant cumulative impact would be *cumulatively considerable*.

Significance Before Mitigation

The determination of a cumulatively considerable project contribution to significant cumulative impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would ensure that the Project would comply with the County's CAP to the fullest extent possible. In order to ensure compliance with the County's CAP, the County has also imposed a condition of approval that requires the applicant to require appropriate infrastructure to provide charging capacity for at least one employee, and include infrastructure for charging electric haul trucks or machinery. Thus, following implementation of the mitigation measure, and similar to the conclusions of the CCAP Update Final EIR, the Project would result in a less than cumulatively considerable impact.

4.3-8 Within the first three years of initiation of mining activity at the Shifler Project site, the project applicant shall submit to the County an Electric Vehicle Parking Plan for the Woodland Plant, that shall specify the number and location of electric vehicle charging installations.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.3-8 and the related condition of approval would mitigate the potential for the project to conflict with the County CAP because it would require the applicant to submit an Electric Vehicle Parking Plan for the Woodland plant that specifies the number and locations of electric vehicle charging stations, including charging capacity for at least one employee and including infrastructure for charging electric haul trucks or machinery.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.3-9: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to air quality, GHG emissions, and energy. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

5. Biological Resources

Impact 4.4-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. The impact would be *significant*.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level. As discussed on page 4-23 of Chapter 4 of the Final EIR, because the project as approved does not include relocation of the Moore or Magnolia canals, Mitigation Measures 4.4-1(d) identified as part of the Mitigation Measure for the project as originally proposed related to HCP/NCCP Avoidance and Minimization Measures (“AMMs”) for Western pond turtle does not apply. However, because impacts to Western Pond turtles could occur away from the canal, the County has chosen to apply the portion of this measure that requires compliance with Yolo HCP/NCCP AMM-14. This is reflected below and in the final adopted MMRP for the Moore Canal Avoidance Alternative which applies to the project as approved.

VELB

4.4-1(a) Prior to initiation of any ground-disturbing activities at the project site, the project applicant shall obtain coverage under the Yolo HCP/NCCP, remit payment of any applicable Yolo HCP/NCCP fees, and implement all applicable Yolo HCP/NCCP Avoidance and Minimization Measures (AMMs). Proof of payment of HCP/NCCP coverage and fee payment shall be submitted to the County. This requirement may be satisfied by the execution of an agreement with the Yolo Habitat Conservancy, which could include, at the discretion of the YHC, phased payment of fees consistent with phased project approvals.

4.4-1(b) The project applicant shall implement Yolo HCP/NCCP AMM-12 (Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle) to the satisfaction of the County and the YHC.

Western Pond Turtle

4.4-1(c) Implement Mitigation Measure 4.4-1(a), which mitigates for the loss of habitat for the Western Pond Turtle by funding the acquisition of suitable habitat easements through the Yolo HCP/NCCP.

4.4-1(d) The project applicant shall implement Yolo HCP/NCCP AMM-14 (Minimize Take and Adverse Effects on Habitat of Western Pond Turtle) to the satisfaction of the County and the YHC.

Northern Harrier and Short-Eared Owl

4.4-1(e) The project applicant shall not initiate project-related vegetation removal or earthmoving within 500 feet of the nearest potential nesting tree during the nesting season (February 15 through August 31). All initial project-related vegetation removal and earthmoving removal shall occur between September 1 and February 14 to the maximum extent feasible.

Alternatively, if project-related vegetation removal or earthmoving is required within 500 feet of the nearest potential nesting tree between February 15 and August 31, a qualified biologist shall conduct a survey for northern harrier and short-eared owl in suitable nesting habitat within and out to 500 feet from the area proposed for disturbance. Any surveys conducted outside the project site shall occur to the extent practicable

from publicly accessible areas. The survey(s) shall be conducted no more than 14 days prior to initiation of each phase of project-related vegetation removal or earthmoving on the project site. A written summary of the survey results shall be submitted to the County within 14 days of survey completion. If nesting individuals are not identified, further mitigation is not required for that phase.

4.4-1(f) If nesting individuals are found prior to initiation of project-related vegetation removal or earthmoving in the year of the survey, a project exclusion zone shall be established within 500 feet of the active nest(s) until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest. All exclusion zones shall be demarcated by security fencing.

Alternatively, the project applicant may retain a qualified biologist to monitor on a weekly basis active nests that are within 500 feet or less from project-related vegetation removal or earthmoving to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 500 feet of the nest will be terminated until the young-of-the-year are no longer reliant upon the nest. Project-related vegetation removal or earthmoving shall not be initiated within 200 feet of an active nest once nesting has begun, under any circumstances. The project applicant shall establish a 500-foot protective buffer around active Northern harrier or short-eared owl nests if nesting is initiated after active mining has begun. The biologist shall submit a written summary of the monitoring results to the County.

Swainson's Hawk and White-Tailed Kite

4.4-1(g) Implement Mitigation Measure 4.4-1(a), which mitigates for the loss of habitat for the Swainson's Hawk and White-Tailed Kite by funding the acquisition of suitable habitat easements through the Yolo HCP/NCCP.

4.4-1(h) The project applicant shall implement Yolo HCP/NCCP AMM-16 (Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite) to the satisfaction of the County and the YHC. Any surveys outside the project site conducted pursuant to AMM-16 shall occur to the extent practicable from publicly accessible areas. In addition to implementing AMM-16, the project applicant shall establish a 500-foot protective buffer around active Swainson's hawk/white-tailed kite nests on or near the project site if nesting is initiated after active mining has begun.

Loggerhead Shrike

4.4-1(i) The project applicant shall not initiate project-related vegetation removal or earthmoving within 200 feet of the nearest potential nesting tree during the loggerhead shrike/migratory bird nesting season (February 15 through August 31). All initial project-related vegetation removal and earthmoving removal shall occur between September 1 and February 14 to the maximum extent feasible.

Alternatively, if project-related vegetation removal or earthmoving is required within 200 feet of the nearest potential nesting tree between February 15 and August 31, a survey shall be conducted for non-special-status nesting raptors in suitable nesting habitat within and out to 200 feet from the area proposed for disturbance. Any surveys conducted outside the project site shall occur to the extent practicable from publicly accessible areas. The survey(s) shall be conducted by a qualified biologist within 14 days prior to initiation of each phase of project-related vegetation removal or earthmoving on the project site. This survey may be conducted concurrently with the survey required per Mitigation Measure 4.4-4(a). A written summary of the survey results shall be submitted to the County within 14 days of survey completion. If nesting individuals are not identified, further mitigation is not required for that phase.

4.4-1(j) *If nesting loggerhead shrike individuals or other nesting migratory birds are found prior to initiation of project-related vegetation removal or earthmoving in the year of the survey, a project exclusion zone shall be established within 200 feet of the active nest(s) until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest. All exclusion zones shall be demarcated by security fencing.*

Alternatively, the project applicant may retain a qualified biologist to monitor any active nests that are within 200 feet or less from project-related vegetation removal or earthmoving to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 200 feet of the nest will be terminated until the young-of-the-year are no longer reliant upon the nest. Project-related vegetation removal or earthmoving shall not be initiated within 100 feet of an active nest once nesting has begun, under any circumstances. The project applicant shall establish a 200-foot protective buffer around active nests if nesting is initiated after active mining has begun. The biologist shall submit a written summary of the monitoring results to the County.

Other Nesting Raptors Protected Under the MBTA

4.4-1(k) *The project applicant shall not initiate project-related vegetation removal or earthmoving within 300 feet of the nearest potential nesting tree during the raptor nesting season (February 15 through August 31). All initial project-related vegetation removal and earthmoving removal shall occur between September 1 and February 14 to the maximum extent feasible.*

Alternatively, if project-related vegetation removal or earthmoving is required within 500 feet of the nearest potential nesting tree between February 15 and August 31, a survey shall be conducted for non-special-status nesting raptors in suitable nesting habitat within and out to 500 feet from the area proposed for disturbance. Any surveys conducted outside the project site shall occur to the extent practicable from publicly accessible areas. The survey(s) shall be conducted by a qualified biologist within 14 days prior to initiation of each phase of project-related vegetation removal or earthmoving on the project site. This survey may be conducted concurrently with the survey required per Mitigation Measure 4.4-4(a). A written summary of the survey results shall be submitted to the County within 14 days of survey completion. If nesting individuals are not identified, further mitigation is not required for that phase.

4.4-1(l) *If nesting raptor individuals are found prior to initiation of project-related vegetation removal or earthmoving in the year of the survey, a project exclusion zone shall be established within 300 feet of the active nest(s) until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest. All exclusion zones shall be demarcated by security fencing.*

Alternatively, the project applicant may retain a qualified biologist to monitor any active nests that are within 300 feet or less from project-related vegetation removal or earthmoving to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 300 feet of the nest will be terminated until the young-of-the-year are no longer reliant upon the nest. Project-related vegetation removal or earthmoving shall not be initiated within 200 feet of an active nest once nesting has begun, under any circumstances. The project applicant shall establish a 300-foot protective buffer around active raptor nests if nesting is initiated after active mining has begun. The biologist shall submit a written summary of the monitoring results to the County.

Other Nesting Birds Protected Under the MBTA

4.4-1(m) *Implement Mitigation Measures 4.4-1(i) and (j).*

Foraging Habitat for Tricolored Blackbirds, Swainson's Hawk, and White-Tailed Kite and Winter Foraging Habitat for Ferruginous Hawk and Merlin

4.4-1(n) Implement Mitigation Measures 4.4-1(a), which mitigates for the loss of habitat for the Tricolored Blackbirds, Swainson's Hawk, and White-Tailed Kite and Winter Foraging Habitat for Ferruginous Hawk and Merlin by funding the acquisition of suitable habitat easements through the Yolo HCP/NCCP.

Silver-Haired Bat, Western Red Bat, and Hoary Bat

4.4-1(o) Removal of the four trees identified as potential special-status bat species habitat in Figure 4.4-6 of this EIR shall occur either prior to formation of maternity bat colonies (April 15) or after young are capable of flight (August 15). Disturbance-free buffer zones, as determined by a qualified biologist, shall be observed for maternity roosts or hibernacula found during the maternity roost season (i.e., April 15 through August 15).

Tree removal activities shall take place over a minimum of two days, with the first day consisting of trimming to open the roosting area up to airflow. Final tree removal shall only occur after at least one night has passed since trimming has been completed, to allow bats to wake from torpor and leave during darkness. The biologist shall submit a written summary of the tree removal activities, including any bat individuals observed, to the County within 14 days of completion of tree removal.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.4-1(a-o) above would mitigate the potential for the project to impact special status species because it would: require the applicant to obtain coverage under the Yolo HCP/NCCP; implement HCP/NCCP avoidance and mitigation measures (AMMs): restrict activities in specified proximity of resources during specified times of the year; establish thresholds for conduct of monitoring and surveying; and establish exclusion buffers among other things.

The Board of Supervisors hereby confirms that the stated mitigation measure (as corrected) was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure does not lie entirely within the responsibility and jurisdiction of Yolo County. The Board of Supervisors finds there are components of the mitigation measure that are within the responsibility and jurisdiction of the Yolo Habitat Conservancy, another public agency, and not Yolo County; and such changes have been adopted by such other agency, or can and should be adopted by such other agency. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.4-2: Have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. The impact would be less than significant.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.4-3: Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The impact was identified as *significant* for the project as originally proposed but would be *less than significant* for the project as approved.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

As discussed on page 4-23 of Chapter 4 of the Final EIR, because the project as approved does not include relocation of the Moore or Magnolia canals, Mitigation Measures 4.4-3 (a-b) related to impacts to wetlands resulting from relocation of segments of these canals does not apply.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.4-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.4-5: Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan. The impact would be *less than significant*

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.4-6: The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.4-7: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.4-8: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to biological resources. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

6. Cultural and Tribal Cultural Resources

Impact 4.5-1: Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5. The impact would be *significant* for the project as originally proposed but would be *less than significant* for the project as approved.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

As discussed on page 4-23 of Chapter 4 of the Final EIR, because the project as approved does not include relocation of the Moore or Magnolia canals, Mitigation Measures 4.4-3 (a-b) related to impacts to wetlands resulting from relocation of segments of these canals does not apply.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.5-2: Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 or disturb any human remains, including those interred outside of dedicated cemeteries. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.5-3: Directly or indirectly disturb or destroy a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe. The impact would be *significant*.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would reduce the above impact to a less-than-significant level. As discussed on pages 4-14 through 4-17 of Chapter 4 of the Final EIR, Mitigation Measures 4.5-3(a-b) were combined and revised to reflect concerns regarding the potential for encountering subsurface deposits during project operation and to reflect input from Tribal consultation.

4.5-3 Develop and Implement a Tribal Cultural Resources Monitoring Plan

The project proponent shall prepare, with input from the Yocha Dehe Wintun Nation, a Tribal Cultural Resources Monitoring Plan for County approval that includes the following components. The Plan shall be fully executed and copies provided to the County prior to the initiation of ground-disturbing activities associated with the approved project.

- *Awareness Training -- The scope, format, and timing of delivery of a contractor awareness training program to inform equipment operators and their supervisors of the procedures required by the Monitoring Plan, which includes, at a minimum, annual training for all personnel involved in project implementation. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The program shall describe appropriate avoidance and minimization measure (as described in the executed Monitoring Plan) for resources that have the potential to be located on the project site and shall outline specific actions and contacts should any potential archeological resources or artifacts be encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any finds of significance to Native American peoples and for behavior consistent with Native American Tribal values. A copy of the contractor awareness training program materials and written verification of completion of the training program shall be submitted to the Yolo County Department of Community Services.*
- *Compliance with Applicable Laws – The Monitoring Plan shall describe applicable laws and regulations relevant to potential cultural resource finds, including specific procedures to ensure compliance during implementation.*
- *Extent of Monitoring – The plan shall include a description of the extent that monitoring will be required. Monitoring shall be limited to the depth of overburden (topsoil), which is the area in which unknown Tribal Cultural Resources could occur. The plan shall acknowledge that monitoring of the excavation of gravels and aggregate materials, or backfilling and restoration, is not required. The parties may identify a phasing system to facilitate efficient monitoring – this phasing shall not be in conflict with approved mining phasing. The level of monitoring may be determined in the field based on observed actual conditions as mining moves away from Cache Creek into areas where the likelihood of resources is reduced based on known cultural practices and activities.*
- *Reporting By Phase – The applicant shall file a written report to the County within 30 days of completion of monitoring for each monitoring phase. The report shall document compliance with the terms of the Monitoring Agreement and shall report on the nature and disposition of any cultural resource discoveries. Applicable requirements for confidentiality shall be observed in these reports.*
- *Treatment and Disposition of Cultural Items and Remains – Detailed unanticipated discovery procedures for cultural resources, unique archaeological resources, tribal cultural resources, or human remains that includes consultation with the County to ensure that any discoveries are treated in accordance with applicable state law before work can resume at the discovery location.*
- *Other Procedures and Requirements – Timing and procedures for other relevant actions necessary to implement the Monitoring Plan.*

The County shall be afforded 15 calendar days to review and approve the draft Monitoring Plan prior to execution. Ground-disturbing activities subject to the Monitoring Plan cannot begin until the County approves

the Monitoring Plan and the Plan is executed between the project proponent and the Yocha Dehe Wintun Nation.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.4-3 above would mitigate the potential for the project to impact Tribal Cultural Resources because it would require the development and implementation of a Tribal Cultural Resources Monitoring Plan pursuant to specific performance standards identified below.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure does not lie entirely within the responsibility and jurisdiction of Yolo County. The Board of Supervisors finds there are components of the mitigation measure that are within the responsibility and jurisdiction of the Yocha Dehe Wintun Nation, a sovereign nation, and not Yolo County; and such changes have been adopted by Yocha Dehe, or can and should be adopted by Yocha Dehe. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.5-4: The project has the potential to eliminate important examples of the major periods of California history or prehistory. The impact would be *significant* for the project as originally proposed but would be *less than significant* for the project as approved.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.5-5: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to cultural and tribal cultural resources. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

7. Geology and Soils, Mineral Resources, and Paleontological Resources

Impact 4.6-1: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.6-2: Result in slope failure or substantial erosion or loss of topsoil. Based on the analysis below, the impact is *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.6-3: Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.6-4: Be located on expansive soils, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.6-5: Directly or indirectly destroy a unique paleontological resource. The impact would be *significant*.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

4.6-5 Pursuant to Section 10-4.410(b) of the Mining Ordinance, should paleontological resources be discovered during ground disturbing activities, work shall be halted in the area within 75 feet of the find. The applicant shall notify the Director (as defined by the OCSMO as the County Administrator or designee chosen by the Administrator) and the Yolo County Department of Community Services and retain a qualified paleontologist to inspect the discovery. The find must be recorded by a qualified archaeologist or paleontologist using relevant professional protocols and a report fully recording the find submitted to the County Administrator or designee chosen by the Administrator and the Yolo County Department of Community Services. This report shall include recommendations for appropriate removal and preservation of the artifact. If deemed appropriate in the report, the resource(s) shall then be salvaged and deposited at the Cache Creek Nature Preserve, or other appropriate venue, where the discovery would be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, mining plans, and reclamation plans approved by the Department of Community Services for the proposed project, where ground disturbance would be required.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.6-5 above would mitigate the potential for the project to impact unique paleontological resources because it would require buffers around the find, and involve assessment of the find by a qualified professional, including recordation, reporting, removal, and curation.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of Yolo County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.6-6: The loss of availability of a known mineral resource that would be of value to the region and the residents of the State. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.6-7: The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.6-8: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to geology and soils, mineral resources, and paleontological resources. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

8. Hazards and Hazardous Materials

Impact 4.7-1: Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials. The impact would be *less than - significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.7-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The impact would be *significant*.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

4.7-2(a) Prior to initiation of ground-disturbing activities within 50 feet of the domestic water well on the project site, the project applicant shall obtain a water well abandonment permit from the Yolo County Environmental Health Division (YCEHD), and coordinate with the YCEHD regarding procedures for abandonment of the on-site domestic water well.

4.7-2(b) Prior to initiation of ground-disturbing activities within 50 feet of the natural gas well on the project site, the project applicant shall submit a Notice of Intention (Form OG106) to the California Division of Oil, Gas, and Geothermal Resources (DOGGR) stating the applicant's intent to re-abandon the existing on-site gas well. Subsequent to acquisition of an approved gas well abandonment permit from DOGGR, the project applicant shall retain a licensed contractor to cut off the well at the maximum depth of the proposed excavation and install a cement plug at least 25 feet below the final proposed elevation of the well. Subsequently, the casing of the well shall be cut off five to 10 feet below the final ground surface and a steel plate affixed to the top of the casing with the well identifier number, indicated by the last five digits of the API well number, welded onto the plate. The location of the well shall be surveyed for future reference. The project applicant shall submit a copy of the approved well abandonment permit to the Yolo County Department of Community Services.

Records of all re-abandonment activities shall be submitted to the Yolo County Department of Community Services and DOGGR.

4.7-2(c) During removal of overburden associated with the proposed project, potentially hazardous materials identified in the vicinity of the former ranch headquarters on the project site, shall be removed from the site and disposed of in accordance with the following regulations and requirements:

- *Hazardous materials identified on the project site shall be handled in accordance with Chapter 6.5, Division 20, of the California Health and Safety Code.*
- *Hazardous materials shall be disposed of at an approved disposal site and shall only be hauled by a current California registered hazardous waste hauler using correct manifesting procedures and vehicles displaying a current Certificate of Compliance. The project applicant shall identify by name and address the site where toxic substances shall be disposed of. Disposal shall be coordinated with the Yolo County Environmental Health Division, and the necessary applications shall be filed. The applicant shall provide CEHD with a valid certification from the approved disposal site that the material was delivered.*

The applicant shall notify the Yolo County Department of Community Services and the Yolo County Environmental Health Division when this measure has been fulfilled and provide supporting documentation.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.7-2(a-c) above would mitigate the potential for the project to create a significant hazard to the public related to release of hazardous materials into the environment because it would ensure appropriate procedures for water well and natural gas well abandonment and require appropriate procedures for removal of potentially hazardous materials that may occur around the former ranch site.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of Yolo County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.7-3: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.7-4: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.7-5: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to hazards and hazardous materials. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

9. Hydrology and Water Quality

Impact 4.8-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.8-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.8-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.8-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows. This impact would be *significant*.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

4.8-4(a) Prior to mining or other activity closer than 700 feet to the top of bank, the applicant shall implement a reinforcement improvement in an approximately 600-foot area of streambank (shown in Figure 4.8-1 of the

Draft volume of the EIR) which lies in the path of a potential theoretical migration of the creek meander bend. Along this alignment the improvements will consist of a soil-backfilled and planted rock revetment designed and installed to help prevent future bank erosion in the area closest to the Moore Canal and where there is the highest potential for channel migration. The design and placement of this improvement will be subject to review and approval by the Cache Creek TAC.

4.8-4(b) Prior to mining of other activity closer than 700 feet to the top of bank, the applicant shall implement a habitat enhancement improvement in an approximately 6-acre area of inset terrace (shown in Figure 4.8-1 of the Draft volume of the EIR). There exists an area on the inset terrace below the Shifler property that extends from County Road 94B along the right (south) bank to the Teichert Aggregates Woodland Plant. This terrace has some native woody vegetation along the first approximately 1,000 feet east of CR 94B but is otherwise predominantly bare or covered with non-native ruderal species. Within the approximately 6-acre zone shown in the referenced figure, the applicant shall remove non-native species and plant appropriate native woody (tree and shrub) species (with the species selection informed by which trees and shrubs are already present on the terrace). This action shall be undertaken in a manner so as not to disturb existing native species (especially elderberry) that already exist within this 6-acre zone. This action will help stabilize this terrace in addition to enhancing habitat between the creek channel and the project site, further reducing potential for channel migration. The habitat enhancement project shall be implemented, monitored, and maintained to the same revegetation standards as stipulated in the approved reclamation plan.

4.8-4(c) The minimum allowed setback between the top of bank and mining or other activity shall be 250 feet. Mining and reclamation plans shall be modified accordingly.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.8-4(a-c) above would mitigate the potential for the project to substantially alter the drainage pattern in the area by impeding or redirecting flood flows because it would require a reinforcement improvement to prevent creek migration or meander.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of Yolo County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.8-5: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.8-6; Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of mitigating impacts to hydrology and water quality. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

10. Land Use and Planning

Impact 4.9-1: Physically divide an established community. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.9-2: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to land use and planning. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

11. Noise

Impact 4.10-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The impact would be *significant*.

Mitigation Measure(s)

Implementation of Mitigation Measure 4.10-1(a) would reduce hourly noise exposure to 60 dB Leq or less at the Receptors 1 and 6, located east and west of the project site, respectively. In addition, Mitigation Measure 4.10-1(b) would ensure that noise levels associated with processing activities at the Woodland Plant would be reduced to at or below the existing ambient noise levels shown in Table 4.10-2 above. Thus, the above impact would be reduced to a less-than-significant level.

4.10-1(a) The following language shall be included as a condition of approval on the Mining Permit for the proposed project, to the satisfaction of the Yolo County Department of Community Services:

- *Initial scraper operations occurring within 300 feet of the project site boundary near Receptors 1 or 6 (as identified in Figure 4.10-4 of this EIR) shall be limited to 15 minutes per hour; OR*
- *An earth berm or other form of noise barrier shall be constructed along 300 feet of the eastern and western site boundaries nearest to Receptors 1 and 6. The barrier shall be a minimum of eight feet in height relative to the existing ground elevation.*

In addition, the Mining Permit shall be conditioned with the following language, to the satisfaction of the Yolo County Department of Community Services, to further reduce the potential for annoyance associated with proposed excavation activities:

- *Excavation activities occurring within 560 feet of an existing residence shall be limited to the hours of 6:00 AM to 6:00 PM until such time as the excavation equipment has recessed in the pit a sufficient depth to no longer be visible from the nearest residences.*
- *Teichert shall coordinate with Monument Hill Memorial Park cemetery representatives on an ongoing basis to determine when funeral services are scheduled to occur at the cemetery, and shall limit on-site operations during such services. Alternatively, Teichert may initiate communication with Monument Hill Memorial Park representatives to identify other feasible methods for minimizing potential noise intrusion during services.*

4.10-1(b) A noise survey shall be conducted following the installation and operation of any new equipment which will be required to increase processing capacity of the Woodland Plant. The results of the noise survey shall be submitted to the Yolo County Department of Community Services within two months of the new equipment being brought online. In the event that the survey results indicate the additional equipment has resulted in a substantial increase in processing plant noise emissions (in excess of 5 dB), the equipment causing the substantial increase shall cease operation until the following noise mitigation options shall be implemented, as appropriate, to reduce the overall increase in plant noise levels to less than 5 dB at the nearest residences:

- *Construct localized noise barriers adjacent to ground level equipment determined to be responsible for substantial increases in ambient noise levels.*

- *Suspend acoustic curtains adjacent to elevated equipment determined to be responsible for substantial increases in ambient noise levels.*
- *Line new conveyor transfer points and hoppers with heavy urethane linings. Utilize urethane screens in new screen decks.*
- *Utilize automatic reverse-activated strobe lights in lieu of audible backup beeper devices for any new mobile equipment, if the applicant can obtain a variance from Cal/OSHA. If a variance cannot be obtained, then utilize MHS A-approved broad-band backup warning devices for any new mobile equipment rather than the traditional tonal back-up beeper devices.*
- *Ensure that all internal combustion engines which may be required to drive new equipment is equipped with appropriate mufflers.*

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of Mitigation Measure 4.8-4(a-c) above would mitigate the potential for the project to generate substantial increase in ambient noise because it would require: initial speed limits on scrapers or construction of an earthen berm near identified receptors; limitations on hours of operation near residences until mining is recessed to specified depths; coordination with the Monument Hill Memorial Park to ensure limitations on operations during funeral services or other agreed measures; and preparation and implementation of a noise survey and recommendations, pursuant to identified performance standards.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of Yolo County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 4.10-2: Generation of excessive groundborne vibration or groundborne noise levels. Based on the analysis below, the impact is *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.10-3: Cause a significant environmental impact due to a conflict with applicable plans, policies, and regulations adopted for the purpose of mitigating noise impacts. Based on the analysis below, the impact is *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

12. Public Services, Utilities, and Service Systems

Impact 4.11-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-2: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-3: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-4: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-5: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-6: Require or result in the relocation or construction of new or expanded water, electric power, or natural gas facilities, the construction or relocation of which could cause significant environmental effects. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-7: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

Impact 4.11-8: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to public services, utilities, and service systems. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

13. Transportation and Circulation

4.12-1 Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, bicycle, and pedestrian facilities. This impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

4.12-2 Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The impact would be *significant*.

This impact is analyzed on pages 4-12.20 through 4.12-23 of Chapter 4 of the Draft EIR, and in Chapters 5 and 6 relevant to cumulative effects and alternatives. The Moore Canal Avoidance Alternative specifically is discussed on page 6-26 of the Draft EIR. Under the Moore Canal Avoidance Alternative, the intensity of maximum daily production would be similar to the originally proposed project. Thus, the estimated daily and yearly emissions associated with this alternative would be similar to the originally proposed project. However, the total lifetime tonnage of aggregate mined would be reduced. Relative to the originally proposed project, this alternative would generate similar daily truck trips associated with the Teichert Woodland Plant, because a similar amount of aggregate would be processed daily at the plant. As it relates to VMT, the trip lengths would be the same as with the originally proposed project. The alternative would still increase VMT compared to the baseline conditions resulting in a similar significant impact. All other transportation and circulation issues would remain similar to the originally proposed project. Because VMT would likely result in a significant impact, Mitigation Measure 4.12-2 related to preparation of a Transportation Demand Management Program would still be required for this alternative.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would reduce the above impact but not to a less-than-significant level. Due to the net increase in VMT at the project site, the impact would remain *significant and unavoidable*:

4.12-2 Transportation Demand Management (TDM) Program. Prior to commencement of mining activities at the project site, the project applicant shall develop and implement a TDM program to reduce the number of daily employee commute trips made to the project site, and shall submit the TDM Program to Yolo County for review and approval. The TDM Program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program shall be designed to achieve the following trip reduction:

- *Reduce employee commute VMT to the maximum extent feasible. Feasible trip reduction strategies may include, but are not limited to, the following:*
- *Develop an employer-led program that considers:*

- *Carpooling encouragement;*
- *Ride-matching assistance; and*
- *Vanpool assistance.*

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Notwithstanding the implementation of this measure, the potential for impact to occur remains unavoidable because there will potentially be a net increase in VMT at the project site. The following facts support approval of the project and acceptance of a net increase in VMT at the project site as a result of the project:

- While an analysis of VMT from heavy truck trips is not required pursuant to SB 743 and the CEQA Guidelines, it is not precluded, and therefore, the County has included it in the analysis.
- The VMT analysis is conservative. The “existing” (baseline) VMT conditions evaluated for the Teichert Woodland Plant and Esparto Plant operations were developed using the average annual production over the 10-year period between 2005 and 2014. Rather than using VMT figures based on the maximum permitted mining activity, or a brief snapshot during an above-average time period, the Draft EIR relies on the 10-year average annual production level in order to provide a more realistic representation of existing traffic conditions (given the use of actual data) and a more conservative analysis. The analysis is conservative because the 10-year average annual tonnage is lower than the maximum permitted annual extraction, lower than the actual annual production for the year the NOP was released, and includes both periods of economic recession and growth. The selection of this lower figure as the baseline results in a higher estimate of the project’s impact on VMT.
- The Cache Creek Area Plan (CCAP) minimizes aggregate truck trips and VMT by ensuring a local source of aggregate, rather than requiring longer-distanced transport of material from sources farther away.
- By restricting allowed mining and related activities, the CCAP minimized increases on VMT associated with aggregate extraction.
- In support of state and local policy, the CCAP ensure a local source of aggregate for local and regional construction projects that would otherwise be transported from greater distances, and therefore reduces the distance trucks must travel to deliver product to local and regional sites.
- Unlike many urban land uses which can fundamentally be located anywhere, resource-based land uses are limited to locations where the resource exists. The CCAP area is the only area in Yolo County where aggregate resources are found and mining is allowed.
- Compared to the Esparto plant, the Woodland plant is located closer to employee residence locations and aggregate sales locations. As a result, the Project would reduce the average trip length for both employee commutes and truck deliveries by approximately 5.4 percent each (as compared to existing conditions). This amounts to lower VMT per employee and lower VMT per ton produced under Existing Plus Project conditions.

- Given the project's land use type (an industrial mining operation) and the project site location in rural Yolo County, a TDM program aimed at reducing employee commute trips would have relatively limited effectiveness. The larger proportion of VMT is associated with the haul trips, which are already minimized to the greatest feasible degree by ensuring a local source of aggregate.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen impacts related to increased VMT though not to less than significant levels. The Board of Supervisors further finds there are no other known feasible measures for reducing project VMT to baseline conditions. Therefore, the finding of significant and unavoidable impact is confirmed by the Board of Supervisors. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts, and make infeasible other mitigation measures or alternatives that would avoid or substantially lessen the impact.

4.12-3 Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

4.12-4 Result in inadequate emergency access. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

4.12-5 Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to transportation and circulation. The impact would be *less than significant*.

Significance Before Mitigation

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Although LOS is no longer appropriate to analyze traffic impacts under CEQA, a LOS analysis was conducted in order to demonstrate consistency with General Plan Policy CI-3.1, which establishes LOS criteria in the County. The Traffic Study prepared for the originally proposed project accounted for probable future growth in the County in the cumulative baseline analyses, which included probable growth associated with Cache Creek Casino Resort expansions. Cumulative baseline conditions intersection delay and LOS were calculated for the study intersections using *Highway Capacity Manual 2010* methodology, as was analysis of cumulative baseline conditions peak hour roadway segments. Cumulative baseline conditions peak hour roadway segment capacity analysis was performed using the Peak Hour Level of Service Thresholds for Roadway Segments in the County's 2030 Countywide General Plan EIR. Therefore, the analysis within the Draft EIR anticipated growth, as well as projected traffic levels, which includes the Cache Creek Casino Resort. The analysis concludes that the addition of project traffic could create a conflict with the County's LOS thresholds at two intersections under Cumulative conditions during the AM peak hour: the SR 16/County Road (CR) 96 and SR 16/CR 94B intersections. The remaining study intersections would operate acceptably under all study scenarios. However, the project's contribution of traffic at the two impacted intersections is minor, the necessary improvements are not planned by the County, and the project's fair-share payment towards improvements would result in a minor contribution towards the required improvements.

More specifically, at the SR 16/CR 96 intersection, the project would contribute 60 AM peak hour trips and six PM peak hour trips (see the trip generation and trip distribution estimates on pages 21-22 of Appendix M1). Between Existing conditions and Cumulative Plus Project conditions, the SR 16/CR 96 intersection traffic volume is projected to increase by 306 AM peak hour vehicles and 229 PM peak hour vehicles. Therefore, the project would contribute 20 percent and three percent of AM and PM peak hour traffic growth, respectively, under Cumulative Plus Project conditions. It should be noted that the LOS inconsistency with General Plan Policy CI-3.1 at this intersection occurs only during the AM peak hour.

At the SR 16/CR 94B intersection, the project would contribute 58 AM peak hour trips and four PM peak hour trips (see the trip generation and trip distribution estimates on pages 21-22 of Appendix M1 of the Draft EIR). Between Existing conditions and Cumulative Plus Project conditions, the SR 16/CR 94B intersection traffic volume is projected to increase by 513 AM peak hour vehicles and 453 PM peak hour vehicles. Therefore, the project would contribute 11 percent and one percent of AM and PM peak hour traffic growth, respectively, under Cumulative Plus Project conditions. Similar to project effects at the SR 16/CR 96 intersection, it should be noted that the General Plan inconsistency with respect to LOS at this intersection occurs only during the AM peak hour.

To address the effects of the project at the SR 16/CR 96 and SR 16/CR 94B intersections, the County elected to use the equivalent amount of funding for identified alternative improvements that would have a beneficial result. The improvements are not planned County capital projects, and 100 percent of the cost would be funded by the applicant. As detailed on page 4.12-35 of Chapter 4.12 (Transportation and Circulation) in the Draft EIR, as part of the project's approval, the project applicant would be required to install shoulders on either side of CR 96, between CR 20 and SR 16. A clarification of this condition of approval is provided in Chapter 4 of the Final EIR. Satisfying this requirement would serve as the project's fair-share contribution to address the project's effects on LOS and concerns by the public regarding the lack of shoulders in this area. See also Response to Comment 15-9.

Mitigation

None required.

Findings After Mitigation

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

D. CUMULATIVE IMPACTS

Chapter 5 of the Draft EIR examines the potential for the project to contribute to cumulative effects not addressed in Chapter 4. Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts can result from the proposed project alone, or together with other projects.

When evaluating cumulative impacts, CEQA allows the use of either a list of past, present, and probable future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document, or a thoughtful combination of the two approaches.

Implementation of the CCAP, in combination with buildout of the County's General Plan, was evaluated in the CCAP Update Final EIR. The CCAP Update Final EIR is a program EIR, as defined per CEQA Guidelines Section 15168. The CCAP Update Final EIR was intended to facilitate environmental review of subsequent in-channel and off-channel projects occurring within the CCAP area, consistent with CCAP policies and regulations, and within the planning horizon of the updated CCAP.

Table 5-1 on pages 5-6 and 5-7 of the Draft EIR provide a summary of the CCAP mining tonnages evaluated in the CCAP Update Final EIR. This table provides a summary of all extraction authorized to date, as well as assumed potential future extraction for purposes of cumulative impact analysis required under CEQA. This activity has, and will, occur over an extended period of time commencing in 1997 and extending through 2068, based on the length of the approved permits, caps on annual and overall extraction, and market conditions. The maximum cumulative tonnage anticipated under the CCAP and analyzed in the 2019 CCAP Update Final EIR is 367.1 million tons mined (326.4 million tons sold), of which only 187.2 million tons mined (163.9 million tons sold) has been permitted.

The tonnage requested for mining under the originally proposed project would not exceed the amounts analyzed in CCAP Update Final EIR. As shown in Row 10 of Table 5-1, the CCAP Update Final EIR assumed the Teichert Shifler operation would excavate a maximum of 2,588,237 tons mined (2.2 million tons sold) in any given year, provided that production over a consecutive 10-year period does not exceed 20 million tons sold (23,529,430 tons mined). Thus, the proposed project is included in the mining tonnages evaluated as part of the CCAP Update Final EIR. The Project, as approved, would allow for less than that, as summarized in Section X.L of these findings.

Because the Project is located within the CCAP area and is consistent with the CCAP, the Project was contemplated in the cumulative analysis provided in the CCAP Update Final EIR. Thus, the Draft EIR relied upon the CCAP Update Final EIR for the purposes of satisfying the CEQA requirements for cumulative analysis.

For the following areas of potential cumulative impacts, the EIR analysis concludes that impacts from implementation of the originally proposed project would not be cumulatively considerable, be less than

cumulatively considerable, and/or be less-than-significant. The Board confirms, based on evidence and analysis in the record, these various determinations of less-than-significant contribution to cumulative effects associated with the impacts identified below, and therefore additional findings are not required:

5-1 Cumulative impacts to aesthetics. The project's incremental contribution to the cumulative impact is less than cumulatively considerable.

5-3 Cumulative impacts to air quality. The project's incremental contribution to the cumulative impact is less than cumulatively considerable.

5-4 Cumulative greenhouse gas emissions. The project's incremental contribution to the cumulative impact is less than cumulatively considerable.

5-5 Cumulative impacts to energy. The cumulative impact is less than significant.

5-6 Cumulative impacts to biological resources. The project's incremental contribution to the cumulative impact is less than cumulatively considerable.

5-7 Cumulative impacts to cultural and tribal cultural resources. The cumulative impact is less than significant.

5-8 Cumulative increase in the potential for impacts to geology and soils, mineral resources, and paleontological resources. The cumulative impact is less than significant.

5-9 Cumulative exposure to potential hazards and increases in the transport, storage, and use of hazardous materials. The cumulative impact is less than significant.

5-10 Cumulative impacts related to the violation of water quality standards or waste discharge requirements, groundwater quality, management, and recharge, and impacts resulting from the alteration of existing drainage patterns. The project's incremental contribution to the significant cumulative impact is less than cumulatively considerable.

5-11 Cumulative land use impacts. The cumulative impact is less than significant.

5-12 Generation of a substantial permanent cumulative increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project's incremental contribution to the cumulative impact is less than cumulatively considerable.

5-13 Cumulative impacts to public services, utilities, and service systems. Based on the analysis below, the cumulative impact is less than significant.

For the following areas of potential cumulative impacts, the EIR analysis concludes that impacts from operation of the Project could be cumulatively considerable and therefore would be significant. Based on evidence and analysis in the record, the Board of Supervisors confirms this determination of cumulatively considerable effects associated with the impacts identified below:

5-2 Cumulative impacts to farmland. The project's incremental contribution to the cumulative impact is cumulatively considerable.

Cumulative impacts to farmland are discussed on page 5-9 of the Draft EIR.

Significance Before Mitigation

The determination of cumulatively considerable impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure (as modified on page 4-22 of the Final EIR) would reduce the above impact but not to a less-than-significant level. Due to the net loss of farmland, the impact would remain *cumulatively considerable and significant and unavoidable*:

4.2-1 The applicant shall complete the following, subject to approval by the County. Item a) shall be completed in accordance with the approved reclamation plan and conditions of approval. Items b) and c) shall be completed prior to the commencement of mining activity on any Prime Farmlands, Unique Farmlands, or Farmland of Statewide Importance:

a) Reclaim 113.2 acres of Prime Farmland onsite, equivalent in quality and capacity to existing Prime Farmland permanently converted as a result of the project.

b) Establish a permanent agricultural conservation easement on 408.9 acres (249.5 disturbed acres – 113.2 reclaimed acres, at a 3:1 ratio) of equivalent or better (in quality and capability) Prime Farmland compliant with the requirements in County Code Sections 8-2.404(d) and Section 8-2.404(e), (f) and (g). The total acreage placed in permanent easement may be reduced to a minimum of 136.3 acres (249.5 disturbed acres – 113.2 reclaimed acres at a 1:1 ratio) in accordance with Sections 8-2404(d) or 10-5.525(a), (b), (c), or (d), provided the total acreage is determined to be equivalent to the applicable ratio and acreage required under Section 8-2.404. The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review by staff and acceptance by the Board of Supervisors. The County may in its discretion approve phasing of the required easement so long as mitigation is satisfied prior to or coincident with impacts to Prime Farmland.

c) Establish a permanent agricultural conservation easement on 17.5 acres (0.5 acres + 8.25 acres, at a 2:1 ratio) of equivalent or (in quality and capability) better Farmland of Statewide Importance and Unique Farmland compliant with the requirements in County Code Sections 8-2.404(d) and 8-2.404(e), (f), and (g). The total acreage placed in permanent easement may be reduced to a minimum of 8.75 acres (0.50 acres + 8.25 acres, at a 1:1 ratio) in accordance with Sections 8-2.404(d) or 10-5.525(a), (b), (c), or (d), provided the total acreage is determined to be equivalent to the applicable ratio and acreage required under Section 8-2.404. The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review by staff and acceptance by the Board of Supervisors. The County may in its discretion approve phasing of the required easement so long as mitigation is satisfied prior to or coincident with impacts to Farmland of Statewide Importance and Unique Farmland.

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Notwithstanding the implementation of this measure, the potential for impact to occur remains unavoidable because there will be a net loss in farmland as a result of approving this project. The following facts support approval of the project and acceptance of a net loss of farmland as a result of the project:

- The Countywide General Plan and General Plan EIR anticipated some loss of farmland as planned approved land uses occur over time.
- By restricting allowed land development activities, the Countywide General Plan minimized and reduced these losses to an acceptable level.
- The Cache Creek Area Plan (CCAP) and CCAP Update Final EIR² anticipated some loss of farmland as planned approved mining, reclamation, creek restoration, and related activities occur over time.
- By restricting authorized mining, reclamation, creek restoration, and related activities, the CCAP minimized and reduced these losses to an acceptable level. For example, the CCAP minimizes the geographic impacts of mining by limiting it to a defined area and by encouraging the removal of the full depth of available resources.
- The CCAP is one of the most stringent mining programs in California and exceeds the requirements of the State for operator obligations.
- The CCAP balances many goals including agricultural preservation, aggregate mining, habitat, open space, and recreation, among many others.
- The Project is consistent with the Countywide General Plan and the CCAP.
- Prime farmland and significant aggregate deposits created by natural forces over time overlay one another along both sides of Cache Creek; and as a result, it is generally not possible to extract aggregate without effects to farmland.
- Aggregate resources are found only in areas with natural deposits and do not occur elsewhere in the County. The CCAP area is the only area in Yolo County where aggregate mining is allowed.
- Allowed mining under the CCAP is consistent with the policies of the County and of the State related to aggregate resources.
- Reclamation of mined lands to agriculture is the top priority for reclamation under the CCAP. The Project as approved would result in reclamation of a minimum of 113 mined acres to agriculture.

² *Yolo County, Cache Creek Area Plan Update Project, Final Environmental Impact Report. SCH# 2017052069. December 2019.*

- Implementation of the identified mitigation measures will result in permanent protection for other farmland in the County through the acquisition of permanent conservation easements.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen impacts to farmland though not to less than significant levels. The Board of Supervisors further finds there are no other known feasible measures for reducing impacts to farmland. Therefore, the finding of cumulatively considerable and significant and unavoidable impact is confirmed by the Board of Supervisors. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts, and make infeasible other mitigation measures or alternatives that would avoid or substantially lessen the impact.

5-14 Cumulative impacts to transportation and circulation. The project’s incremental contribution to the cumulative impact is *cumulatively considerable*.

Cumulative impacts to transportation and circulation are discussed on pages 5-19 through 5-20 of the Draft EIR.

Significance Before Mitigation

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

Mitigation

Implementation of the following mitigation measure would reduce the above impact but not to a less-than-significant level. Due to the net increase in VMT at the project site, the impact would remain *significant and unavoidable*:

4.12-2 Transportation Demand Management (TDM) Program. Prior to commencement of mining activities at the project site, the project applicant shall develop and implement a TDM program to reduce the number of daily employee commute trips made to the project site, and shall submit the TDM Program to Yolo County for review and approval. The TDM Program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program shall be designed to achieve the following trip reduction:

- *Reduce employee commute VMT to the maximum extent feasible. Feasible trip reduction strategies may include, but are not limited to, the following:*
- *Develop an employer-led program that considers:*
 - *Carpooling encouragement;*
 - *Ride-matching assistance; and*
 - *Vanpool assistance.*

Findings After Mitigation

In requiring the applicant to comply with this measure, the County has ensured that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Notwithstanding the implementation of this measure, the potential for impact to occur remains unavoidable because there will potentially be a net increase in VMT at the project site. The following facts support approval of the project and acceptance of a net increase in VMT at the project site as a result of the project:

- While an analysis of VMT from heavy truck trips is not required pursuant to SB 743 and the CEQA Guidelines, it is not precluded, and therefore, the County has included it in the analysis.
- The VMT analysis is conservative. The “existing” (baseline) VMT conditions evaluated for the Teichert Woodland Plant and Esparto Plant operations were developed using the average annual production over the 10-year period between 2005 and 2014. Rather than using VMT figures based on the maximum permitted mining activity, or a brief snapshot during an above-average time period, the Draft EIR relies on the 10-year average annual production level in order to provide a more realistic representation of existing traffic conditions (given the use of actual data) and a more conservative analysis. The analysis is conservative because the 10-year average annual tonnage is lower than the maximum permitted annual extraction, lower than the actual annual production for the year the NOP was released, and includes both periods of economic recession and growth. The selection of this lower figure as the baseline results in a higher estimate of the project’s impact on VMT.
- The Cache Creek Area Plan (CCAP) minimizes aggregate truck trips and VMT by ensuring a local source of aggregate, rather than requiring longer-distanced transport of material from sources farther away.
- By restricting allowed mining and related activities, the CCAP minimized increases on VMT associated with aggregate extraction.
- In support of state and local policy, the CCAP ensure a local source of aggregate for local and regional construction projects that would otherwise be transported from greater distances, and therefore reduces the distance trucks must travel to deliver product to local and regional sites.
- Unlike many urban land uses which can fundamentally be located anywhere, resource-based land uses are limited to locations where the resource exists. The CCAP area is the only area in Yolo County where aggregate resources are found and mining is allowed.
- Compared to the Esparto plant, the Woodland plant is located closer to employee residence locations and aggregate sales locations. As a result, the Project would reduce the average trip length for both employee commutes and truck deliveries by approximately 5.4 percent each (as compared to existing conditions). This amounts to lower VMT per employee and lower VMT per ton produced under Existing Plus Project conditions.
- Given the project’s land use type (an industrial mining operation) and the project site location in rural Yolo County, a TDM program aimed at reducing employee commute trips would have relatively limited effectiveness. The larger proportion of VMT is associated with the haul trips, which are already minimized to the greatest feasible degree by ensuring a local source of aggregate.

The Board of Supervisors hereby confirms that the stated mitigation measure was incorporated into the project as a condition of approval. Authority to require implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen impacts related to increased VMT though not to less than significant levels. The Board of Supervisors further finds there are no other known feasible measures for reducing project VMT to baseline conditions. Therefore, the finding of significant and unavoidable impact is confirmed by the Board of Supervisors. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts, and make infeasible other mitigation measures or alternatives that would avoid or substantially lessen the impact.

E. GROWTH INDUCEMENT

CEQA Guidelines Section 15126.2(e) (cited in error as Section 15126(d) in the Draft EIR) requires an EIR to discuss “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth inducement may be considered detrimental, beneficial, or of insignificant consequence under CEQA. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth, in some other way, significantly affects the environment.

Growth inducing effects are analyzed in Section 5.2 of the Draft EIR. The Project would not directly induce population growth because it does not propose to construct housing nor remove obstacles to growth within as area. Nor does it propose to employ a significant number of people that would induce workers to move from outside the County. The Project would provide construction materials (i.e., aggregate) to the region, which could indirectly induce population growth by facilitating building homes. However, because this site is not the only source of these materials, and planned construction projects would be expected to proceed with or without materials from the Project Site, the Project would not measurably induce population growth in the region. Therefore, the Project would have no growth-inducing effect.

The CCAP Update Final EIR included an analysis of growth-inducing impacts, including the potential for the CCAP to foster population growth, eliminate obstacles to population growth, foster economic growth, and affect service levels, facility capacity, or infrastructure demand. The CCAP Update Final EIR determined that the potential for environmental impacts to occur from increased employment, housing, and population growth would be less-than-significant. As demonstrated throughout the subject Teichert Shifler Draft EIR, the Project would be generally consistent with the CCAP and would accommodate growth consistent with local general plans and land use decisions. The Project is not driving or creating the demand for aggregate material. Rather, the Project is responding to the increased demand for aggregate in the region. As such, the Project is market driven and would not result in growth-inducing impacts.

F. MITIGATION MEASURES AND PROJECT ALTERNATIVES PROPOSED BY COMMENTERS

Some comments on the Draft EIR have suggested additional mitigation measures and/or modifications to the mitigation measures or alternatives recommended in the Draft EIR. In considering specific recommendations from commenters, the County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. It is recognized that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure or

alternative can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects.

The Board of Supervisors is also cognizant, however, that the mitigation measures recommended in the EIR represent the professional judgment and long experience of the County staff and consultant team. It is thus the position of the Board of Supervisors that these recommendations should not be altered without considerable thought and compelling analysis. Thus, in considering commenters' suggested changes or additions to the mitigation measures and alternatives as set forth in the EIR, Yolo County, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others:

- (i) whether the suggestion relates to an environmental impact that can already be mitigated to less-than-significant levels by proposed mitigation measures in the Draft EIR;
- (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace;
- (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted;
- (iv) whether the language might be too inflexible to allow for pragmatic implementation;
- (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and,
- (vi) whether the proposed language is consistent with the project objectives.

As is evident from the specific responses given to specific suggestions in Chapter 3 of the Final EIR, Yolo County has spent large amounts of time carefully considering and weighing proposed mitigation language and project alternatives. In response, Yolo County developed alternative language addressing the same issue that was of concern to a commenter or explained why changes to the EIR were not required to address the concerns of the commenter. In no instance, however, did Yolo County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions. The Board of Supervisors finds that the responses to comments in the Final EIR are supported by substantial evidence and that the Final EIR provides adequate and appropriate responses to all comments on the Draft EIR, including all comments proposing mitigation measures or alternatives. The Board of Supervisors, therefore, incorporates those responses into these findings.

X. PROJECT ALTERNATIVES

A. INTRODUCTION

When a lead agency has determined that, even with the adoption of all feasible mitigation measures, a proposed project would still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project.

When significant effects are identified in the EIR for the project, CEQA Guideline Section 15126.6 requires the EIR to consider and discuss alternatives to the proposed actions as a way of avoiding the significant effects. The primary intent of the alternatives analysis in an EIR, as stated in Section 15126.6(a) of the CEQA Guidelines, is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Further, the CEQA Guidelines provide that “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” (CEQA Guidelines Section 15126.6(b)). These findings address whether the various alternatives lessen or avoid any of the significant impacts associated with the project and consider the feasibility of each alternative.

B. RANGE OF ALTERNATIVES

Pursuant to Section 15126.6 of the CEQA Guidelines, the Teichert Shifler EIR examines the originally proposed project and five project alternatives, each at a comparative level of detail, consistent with the requirements of CEQA. A discussion of the alternatives assessment is provided in Chapter 6 of the Draft EIR. The alternatives that were analyzed are:

- Alternative 1 (No Project Alternative)
- Alternative 2 (Off-site Alternative)
- Alternative 3 (Reduced Tonnage Alternative)
- Alternative 4 (Moore Canal Avoidance Alternative)
- Alternative 5 (Moore Canal Southern Alignment Alternative)
- Alternative 6 (Mining Setback 700-Foot from Creek Alternative)

C. PROJECT OBJECTIVES

The applicant has defined the objectives of the project to be as follows:

1. To permit an additional ± 277 acres of permitted mining area with approximately 35.25 million tons sold (41.6 million tons mined) of Portland Cement Concrete (PCC) grade aggregate reserves for mining and processing at Teichert’s Woodland plant for a period of 30 years;
2. To extend the life of the existing Woodland Plant consistent with the requested 30-year life of the Shifler surface mining permit and allow it to continue to operate as needed to meet market demand;
3. To allow Teichert to transfer the Esparto Plant’s current annual permitted volume of 1 million tons sold (1,176,471 tons mined) to the Woodland Plant once mining is complete at Esparto or the Esparto surface mining permit expires, whichever occurs first;
4. To ensure that irrigation water deliveries in Moore Canal are not affected by the Project;
5. To reclaim the mined land to agriculture and a mix of habitat uses, including pond, grassland, riparian woodland, and native landscape, in accordance with the requirements of Surface Mining

and Reclamation Act (SMARA), the Yolo County Off-Channel Mining Plan (OCMP), Off-Channel Surface Mining Ordinance (OCSMO), and Surface Mining Reclamation Ordinance (SMRO).

D. FEASIBILITY OF ALTERNATIVES

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: failure to meet most of the basic project objectives; infeasibility; and, inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(a)(c)). Under CEQA, “(f)feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines Section 15364). The concept of feasibility permits agency decision-makers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses desirability to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors.

Section 15126.6(f) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- Project Objectives
- Avoid or Substantially Lessen Significant Effects
- Site Suitability
- Other Plans or Regulatory Limitations
- Economic Viability
- Availability of Infrastructure
- Jurisdictional Boundaries/Regional Context
- Property Ownership and Control
- Other Reasons for Rejecting as Infeasible (e.g., effects cannot be reasonably ascertained, or implementation is remote and speculative)

Based on impacts identified in the EIR, and other reasons documented below, the Board of Supervisors finds that adoption and implementation of the Project is the most desirable, feasible, and appropriate action and rejects the alternatives as infeasible based on consideration of the relevant factors identified herein. Adoption of the Moore Canal Avoidance Alternative, as modified by the mitigation measures and conditions of approval is the superior choice when comparing and balancing land use, policy, economic viability, environmental impact, and public benefits.

A summary of each alternative and its relative characteristics, and documentation of the Board’s findings in support of rejecting the alternative as infeasible are provided below. While the alternatives attempt to reduce impacts to the environment, none achieves the same level of environmental protection, successfully achieves the applicant’s objectives, and provides other public benefits to the same degree as the Project. Therefore, none warrants approval in lieu of the Moore Canal Avoidance Alternative, as modified by the mitigation measures and conditions of approval. The Board of Supervisors rejects the originally proposed project and other alternatives for the reasons outlined below:

E. ORIGINALLY PROPOSED PROJECT

The project, as originally proposed, requested mining of a total of 41.6 million tons (35.25 million tons sold) on a 277-acre mining site, at a maximum annual rate of 2,588,237 tons per year mined (2,000,000 tons sold), for a 30-year period, and included relocation of the Moore Canal that bisects the property.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

Property Ownership and Control – On April 6, 2021, the Board of Directors of the Yolo County Flood Control and Water Conservation District (YFCWCD) voted to retain the Moore Canal in its existing alignment. This action precludes the property from being mined in the manner proposed for both the originally proposed project and Alternative 5.

As a result, the Project was modified to adopt the Moore Canal Avoidance Alternative (Alternate 4). The Final EIR reflected changes to the Draft EIR as a result of this modification. The Project modification to utilize the Moore Canal Avoidance Alternative does not change the alternatives analysis and conclusions.

F. ALTERNATIVE 1 (NO PROJECT ALTERNATIVE)

The No Project Alternative assumes the applicant will finish mining out operations at the Esparto and Schwarzgruber sites, followed by closure and reclamation of the two plant sites. The proposed excavation on the Shifler site would not occur at this time, and the site would remain in its current condition for the purposes of this alternative (DEIR, p. 6-7).

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

Accomplish Project Objectives – The No Project Alternative would not achieve any of the Project objectives, except objective #4. New mining that would supply material to the Teichert Woodland plant would not be permitted. The plant would be unable to continue operation without new reserves. Operations at Teichert Esparto and Teichert Schwarzgruber would end.

Avoid or Substantially Lessen Impacts – This alternative would avoid most of the significant environmental effects of the Project related to mining and processing activities at the proposed site. However, as noted in the EIR, aggregate demand exists independently of the source. Mining at another site would result in similar environmental impacts elsewhere, and could result in the importation of aggregate from more distant sources to meet existing and future demand, thereby resulting in greater VMT and associated transportation-related air quality and GHG emissions.

Plan Consistency – This alternative fails to achieve the goals and policies of the CCAP to encourage efficient and effective mining at those locations permitted for mining to occur.

Additional Public Benefits – This alternative would not result in achievement of the proposed net gains package.

G. ALTERNATIVE 2 (OFF-SITE ALTERNATIVE)

The Off-Site Alternative assumes that mining and reclamation activities that are currently proposed for the Project site would instead occur on other SGR-O zoned lands within the CCAP area. The Off-Site Alternative includes mining and sale of a similar quantity of aggregate material as the originally proposed project with a similar disturbance area. Relocation of the existing Moore Canal alignment would not be required under this alternative. It should be noted that because the Off-Site Alternative would not be located adjacent to the existing Teichert Woodland Plant, transfer of mined aggregate to the Woodland Plant with a conveyor system would not be feasible. Thus, this alternative assumes that mined aggregate would be hauled to the Woodland Plant by way of local truck routes for processing (DEIR, p. 6-12).

Based on the information in the record as summarized above, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

Avoid or Substantially Lessen Impacts – This alternative would be expected to result generally in similar impacts as the on-site alternatives. Biological and hydrology impacts could be greater, cultural resource impacts could be less. Traffic, air quality, and climate change/GHG impacts associated with the transport of aggregate from the off-site mining location to the Woodland Plant would be increased with the Off-Site Alternative, because haul trucks would be used instead of electric conveyors to transport material for processing. As a result, this alternative would be expected to have greater environmental impacts than the originally proposed project or the Moore Canal Avoidance Alternative.

Economic Viability – The economic feasibility of this alternative is unknown. Costs associated with acquisition and permitting at another site could exceed those of the proposed site which could render the project financially infeasible for the applicant to pursue.

Property Ownership and Control – The applicant does not own or control the alternative locations and therefore has no ability to carry out the project under this alternative. It is unknown whether the applicant could reasonably acquire or control these alternative sites.

Additional Public Benefits – This alternative may not result in achievement of the proposed net gains package.

H. ALTERNATIVE 3 (REDUCED TONNAGE ALTERNATIVE)

Under the Reduced Tonnage Alternative, the existing annual permitted tonnage allocation associated with the Teichert Esparto operation would not be transferred to the Teichert Shifler operation. Thus, this alternative would be limited to the tonnage associated with the Schwarzgruber approval, which is a base amount of 1,176,472 tons mined annually (1,000,000 tons sold) plus an additional 235,294 tons mined annually (200,000 tons sold) to serve market conditions pursuant to Section 10.4-405 of the Mining Ordinance, for a maximum total of 1.4 million tons mines (1.2 million tons sold) in any given year, provided that production over a consecutive 10-year period does not exceed 10 million tons sold. Because the mining period for the Reduced Tonnage Alternative would be limited to 30 years under the CCAP, mining of all aggregate materials within the project site may not be completed prior to expiration of the Mining Permit.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

Accomplish Project Objectives – The Reduced Tonnage Alternative would only partially meet Objective #1, because the total tonnage of aggregate mined at the project site would be limited. In addition, the annual tonnage limitation under this alternative may limit the applicant’s ability to meet market demand. Thus, this alternative would only partially meet Objective #2. In addition, because the Esparto Plant’s current annual permitted volume of 1.0 million tons sold would not be transferred to the project site, this alternative would not meet Objective #3.

Avoid or Substantially Lessen Impacts – This alternative would result in significant environmental effects similar to those expected to occur under the originally proposed project. However, as noted in the EIR, this alternative could require the importation of aggregate from more distant sources to meet existing and future demand, thereby resulting in greater VMT and associated transportation-related air quality and GHG emissions.

Plan Consistency – This alternative fails to achieve the goals and policies of the CCAP to encourage efficient and effective mining at those locations permitted for mining to occur. The footprint of the proposed mining and reclamation areas under the Reduced Tonnage Alternative would be identical to the originally proposed project, but the amount of aggregate resources removed would be substantially less.

Additional Public Benefits – This alternative would not result in achievement of the proposed net gains package. The applicant has indicated that this alternative is infeasible in that it would not make economic sense to continue to operate the Woodland Plant under such a tonnage restriction and therefore there would be no revenue stream to support the proposed net gains package.

I. ALTERNATIVE 5 (MOORE CANAL SOUTHERN AVOIDANCE ALTERNATIVE)

Under the Moore Canal Southern Alignment Alternative, the current alignment of the Moore Canal across the project site would be relocated to the southern and western perimeter of the proposed site as shown in Figure 6-5 on page 6-27 of the Draft EIR. All proposed phasing associated with mining and reclamation activities would be consistent with those of the Project. Construction of a new overcrossing at the canal would not be required in order to allow for transport of mined aggregate from the southern portion of the site to the conveyor near the northern site boundary. Because the same amount of area within the project site would be available for mining, the total amount of aggregate mined and sold under the Alternative would be equal to the originally proposed project.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for the following reasons:

Property Ownership and Control – On April 6, 2021, the Board of Directors of the Yolo County Flood Control and Water Conservation District (YCFWCWD) voted to retain the Moore Canal in its existing alignment. This action precludes the property from being mined in the manner proposed for both the originally proposed project and this Alternative.

J. ALTERNATIVE 6 (MINING SETBACK 700- FEET FROM CREEK ALTERNATIVE)

The Mining Setback 700 Feet from Creek Alternative would maintain a 700-foot setback between Cache Creek and the northern limits of mining activities on the site. In addition, the southern limits of the mining activities would not extend further south than the existing Storz mining site to the east; thereby, maintaining an approximately 1,600-foot setback from County Road 22. The total site acreage under this

alternative would be approximately 134 acres, a reduction of 185.3 acres, relative to the originally proposed Project.

This alternative was dismissed from detailed analysis in the Draft EIR because it would fail to meet project objectives, result in similar environmental impacts as the originally proposed project, result in substantially lower aggregate resources, and had been identified by the applicant as infeasible to operate. Given these reasons, and the fact that a Reduced Tonnage Alternative was included for further evaluation, the Mining Setback 700 feet from Creek Alternative was rejected from further review. The Board of Supervisors hereby confirms the determination that this alternative is infeasible and environmentally inferior for the following reasons:

Accomplish Project Objectives – This alternative would substantially reduce the total tonnage and operation lifespan of the project, so it would not meet Objectives #1 and 2.

Avoid or Substantially Lessen Significant Effects – Under this Alternative, total tonnage of aggregate mined over the lifetime of the mining permit would be reduced relative to the originally proposed project. However, a similar amount of material would be mined and sold during each year of operations. Thus, daily truck trips associated with this alternative would be similar to the originally proposed Project. In addition, this alternative would require relocation of Moore Canal resulting in associated significant and unavoidable cultural resources impacts.

K. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Moore Canal Southern Alignment Alternative was identified in the Draft EIR as the environmentally superior alternative because it would meet all the project objectives and result in similar or fewer impacts. However, following the action by the YCFWCD Board of Directors to reject the proposed realignment of the Moore Canal, this alternative was no longer feasible. The Moore Canal Avoidance Alternative, as modified by the mitigation measures and conditions of approval, would partially or fully meet all of the project objectives. This alternative would also reduce the number of acres excavated, and reduce the total and annual mining tonnage, thus minimizing both project level and cumulative impacts associated with the project. This alternative avoids two significant and unavoidable impacts of the originally proposed project related to relocation of the Moore Canal, which is an identified historic resource (Impact 4.5-1 and Impact 4.5-4). Furthermore, the total and annual tonnage approved by the Board decreases the requested tonnage by an additional 20 percent as compared to the Moore Canal Avoidance Alternative. Also, the proposed setback from Cache Creek would increase 50 feet as compared to the Project as originally proposed and the Moore Canal Avoidance Alternative. The Board hereby finds this alternative to be the environmentally superior alternative of the remaining potentially feasible alternatives.

L. SUMMARY OF ALTERNATIVES EVALUATED

These alternatives cover a comprehensive range of reasonable possibilities in support of the Board of Supervisor's final action. The Board of Supervisors finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the project. The Board of Supervisors finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which each alternative could reduce environmental impacts and the corresponding degree to which the alternative would hinder achievement of the project objectives and/or be infeasible.

The Board of Supervisors is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various “economic, social, and other factors.” Based on impacts identified in the EIR, and other reasons documented herein, the Board of Supervisors finds that adoption and implementation of the Moore Canal Avoidance Alternative, as modified by the mitigation measures and conditions of approval, is the most desirable, feasible, and appropriate action, and rejects the originally proposed project, other alternatives, and other combinations and/or variations of alternatives, as infeasible. The Moore Canal Avoidance Alternative reduces the number of acres excavated, and reduces the total and annual mining tonnage, thus minimizing both project level and cumulative impacts associated with the project. This Alternative avoids two significant and unavoidable impacts of the originally proposed project related to relocation of the Moore Canal which is an identified historic resource (Impact 4.5-1 and Impact 4.5-4). Furthermore, the total and annual tonnage approved by the Board decreases the requested tonnage by an additional 20 percent as compared to the Moore Canal Avoidance Alternative. Also, the proposed setback from Cache Creek would increase 50 feet as compared to the project as originally proposed and the Moore Canal Avoidance Alternative.

This alternative is consistent with the CCAP and would result in significant additional public benefits in the form of net gains. The Board hereby determines that no other one or combination of project alternatives would better implement the goals and objectives of the CCAP while providing so many public benefits as the Moore Canal Avoidance Alternative, as modified by the mitigation measures and conditions of approval

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

A. GENERAL

As set forth in the preceding sections, approval of the Teichert Shifler project will result in significant adverse environmental effects that cannot be avoided. There are no feasible project alternatives that would fully mitigate or further lessen the impacts. Despite the occurrence of these effects, however, the Board of Supervisors chooses to approve the Project because, in its view, the economic, social, and other benefits that the project will produce will render the significant effects acceptable.

In making this Statement of Overriding Considerations in support of the findings of fact and the project, the Board of Supervisors has considered the information contained in the Final EIR for the project as well as the public testimony and record in proceedings in which the project was considered. The Board of Supervisors has balanced the project’s benefits against the unavoidable adverse impacts identified in the Final EIR. The Board of Supervisors hereby determines that the project’s benefits outweigh the significant unmitigated adverse impacts.

B. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The EIR identifies the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

- Impact 4.2-1: Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use.
- Impact 4.5-1: The project would cause a substantial adverse change in the significance of an historical resource (Moore Canal).

- Impact 4.5-4: The project has the potential to eliminate important examples of the major periods of California history or prehistory.
- Impact 4.12-2: The project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), pertaining to vehicle miles traveled (VMT).
- Impact 5-14: Cumulative impacts to transportation and circulation.

Implementation of the Moore Canal Avoidance Alternative, as modified by the mitigation measures and conditions of approval, would avoid the significant and unavoidable project impacts to cultural resources (Impact 4.5-1 related to adverse impacts to an historical resource, and Impact 4.5-4 related to elimination of important examples of major periods of history), because the historic Moore Canal would not be relocated with the Moore Canal Avoidance Alternative.

Feasible mitigation measures that would partially mitigate the remaining impacts have been identified and discussed in the EIR and are summarized in the attached table.

C. OVERRIDING CONSIDERATIONS

In the judgment of the Board of Supervisors, the Project and its benefits outweigh its unavoidable significant effects. The following statement identifies the reasons why this is the case. It is the position of the Board of Supervisors that any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Board of Supervisors would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section VIII.

Environmental Benefits – The record contains substantial evidence showing the Project’s environmental benefits to the County. Those benefits include, in no particular order:

- Vehicle miles traveled (VMT) and air quality and greenhouse gas emissions associated with aggregate transport would be reduced as a result of having a continued local source of aggregate.
- The project must participate in the CCAP requirements for groundwater quality and quantity monitoring.
- Consistency with the General Plan, Cache Creek Area Plan, Climate Action Plan, State Surface Mining and Reclamation Act (SMARA), and all applicable laws and regulations.
- The project has fair share funding responsibility for maintenance of and improvements to the approved haul road route.
- The project has fair share funding responsibility for a traffic signal or other traffic control at the intersection of SR-16 and Wildwing Drive.
- The project will transport material to the plant by electric conveyor thus avoiding truck trips.

- With the originally proposed project and the Moore Canal Southern Alignment Alternative rendered infeasible as a result of the YFCWCD’s decision to retain the existing alignment of the Moore Canal, the project as approved is the environmentally superior alternative.
- The project as approved reflects the best balance of length of permit, total tonnage, and annual tonnage to minimize impacts and also ensure market flexibility.
- The approved project will result in the elimination of the Teichert Esparto plant which is beneficial regionally.

Economic and Fiscal Benefits – The record contains substantial evidence showing the Project’s economic and fiscal benefits. Those benefits include, in no particular order:

- Aggregate extracted from the project site will be subject to CCAP per-ton gravel mining fees that will fund restoration of Cache Creek, development of the Cache Creek Parkway, and other efforts specified in the County’s regulations.
- The project will generate sales tax and property tax. Furthermore, the project includes designation of the mining site and the Teichert-Woodland plant site as “Place of Sale” for the purposes of calculating the project’s sales tax obligations.
- The project will provide for employment of up to 52 people under peak production.
- The project will ensure a flow of material to the Teichert Woodland plant thus enabling it to continue to operate and serve local markets.
- The project will contribute \$15,000 to the Cache Creek Nature Preserve.
- The project will contribute \$5,000 to the County for update of the Cache Creek Parkway Plan.
- The project will provide cash or in-kind donation equivalent to \$20,000 for the provision of a safe pedestrian crossing of County Road 94B for purposes of trail connection.

Open Space Benefits – The record contains substantial evidence showing the Project’s open space benefits. Those benefits include, in no particular order:

- The project will result in the dedication of reclaimed Shifler lake and surrounding habitat totaling approximately 121 acres upon reclamation sign-off and release of financial assurances for the Shifler property.
- The project will result in the dedication of the northerly in-channel portion of the Shifler property and mining setback area, totaling approximately 80 acres, upon reclamation sign-off and release of financial assurances for the Project site.
- The project will result in dedication of a 50-foot trail easement connecting the Shifler In-Channel property with the Shifler Lake.

- The project will result in the dedication of the reclaimed Schwarzgruber property consisting of reclaimed lake and surrounding habitat, totaling approximately 132 acres, upon reclamation sign-off and release of financial assurances for the Schwarzgruber property.
- The project will advance the dedication of the in-channel portions of the Haller/Muller properties consisting of approximately 124 acres.
- The project will advance the dedication of the Muller Bridge to within five years of approval.
- The project will result in the dedication of a trail easement between the Muller Bridge and the in-channel Muller property, concurrent with dedication of the Muller Bridge.
- The project will result in enhanced reclamation of the County-owned borrow site property, totaling approximately 6.65 acres consistent with the Cache Creek Parkway Plan, to include trail connections, grading for a bicycle pump track, and installation of at least three pieces of antique mining equipment to be used as part of a living museum exhibit.
- The project will result in dedication of a trail easement connection from the south landing of the Moore Bridge, east to the Schwarzgruber property. Dedication of the trail easement connection would occur upon reclamation sign-off and release of financial assurances for the Woodland Plant site.

Land Use and Long-Range Planning Benefits – The record contains substantial evidence showing the project’s land use and long-range planning benefits. Those benefits include, in no particular order:

- Consistency with the General Plan, Cache Creek Area Plan, Climate Action Plan, State Surface Mining and Reclamation Act (SMARA), and all applicable laws and regulations.
- Mining on land designated and zoned for aggregate extraction, and with significant high-grade aggregate reserves as confirmed by the State Department of Conservation.
- Buffers and screening from public viewpoints.
- Allows for extraction of valuable aggregate resources over a maximum 30-year period followed by reclamation to agriculture, habitat, and open space, in perpetuity.

D. CONCLUSION

The Final EIR has been prepared pursuant to CEQA and the CEQA Guidelines. The Board of Supervisors has independently determined that the Final EIR fully and adequately addresses the impacts and mitigations of implementation of the Teichert Shifler project. The project alternatives identified and considered in the Final EIR meets the test of "reasonable" analysis, and provide the Board of Supervisors with important information from which to make an informed decision. Public hearings were held before the Planning Commission and the Board of Supervisors. Substantial evidence in the record from those meetings and other sources demonstrates various benefits the County would achieve from approval and operation of the project. The Board of Supervisors has balanced these project benefits and considerations against the significant and unavoidable environmental impacts that would result from the Project and has concluded that those impacts

are outweighed by the benefits. Upon balancing the environmental risk and countervailing benefits, the Board of Supervisors has concluded that the benefits that the County will derive from the project outweigh those environmental risks. The Board of Supervisors hereby determines that the benefits of the project override the significant and unavoidable environmental impacts that may result.

In sum, the Board of Supervisors finds that any residual or remaining effects on the environment resulting from approval and operation of the Teichert Shifler project as approved are acceptable due to the benefits set forth in this Statement of Overriding Considerations