

ATTACHMENT E

2023 COMPLIANCE REPORTS

CEMEX (CA MINE ID# 91-57-008)
CONDITIONS OF APPROVAL REVIEW



CONFIDENTIAL: THIS REPORT CONTAINS PRODUCTION INFORMATION THAT IS NOT INTENDED FOR PUBLIC RELEASE (SEE COA-4).

Conditions of Approval	Condition Timing ¹	Compliance Status ²	Compliance Notes
Miscellaneous Conditions			
COA-1: The operator shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the operators of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to	PRE/OP	F	<i>[No change from prior year report]</i> County Counsel indicated that an indemnification agreement was not necessary. No known claims or actions were filed against the County regarding this permit. The Operator's acceptance of the conditions of approval and the development agreement is sufficient to satisfy this condition. No further action is necessary.

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defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.			
COA-2: Annual production is limited to 1,000,000 tons (sold weight) and 1,204,819 tons mined weight). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons (sold weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.	OP	IC	CEMEX acknowledges the requirement of this condition. Annual production for 2022 was less than the annual limit. Annual production for 2023 will be reported in January 2024. Tonnage limits set forth in this condition will not be exceeded.
COA-3: The operator shall pay tonnage fees to the County and the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.	OP	IC	Fees were updated in 2013, as described in Yolo County Code Chapter 11, Section 10-11.01. Fees commencing January 1, 2013 were set at \$0.47 per ton. Commencing on January 1, 2014, and each year thereafter through and including a final adjustment on January 1, 2026, the fees applicable to gravel

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			sold during each calendar year shall increase at a rate of four percent. For example, on January 1, 2014 fees rose by four percent to \$0.489 cents per ton for gravel sold during the calendar year 2014. The 2022 fee is \$0.696 cents per ton (i.e., $\\$0.47 \times 1.04^{10}$). Payments have been made in accordance with the CCAP, all implementing ordinances and the voluntary funding agreement to the Cache Creek Conservancy.
COA-4: Pursuant to Section 10-11.02(e) of the Gravel Mining Fee Ordinance, operators approved to utilize the Twenty Percent Production Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.	OP	IC	CEMEX acknowledges the requirements of the condition, and the increase as stated in Condition #3. [REDACTED] [REDACTED] No additional fees were required.
COA-5: The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may	OP	NR	[No change from prior year report] CEMEX applied for a 20-year extension as part of the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) in February 2018. Permitted

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apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.			reserves have not been depleted, nor has the 30-year life of the existing permit expired.
COA-6: The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year of permit approval, then this Mining Permit and its accompanying entitlements shall be null and void. If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply to renew the permit. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.	OP	F/NR	<i>[No change from prior year report]</i> Mining under the long-term permit commenced on August 11, 1997. Written confirmation was mailed to Yolo County on August 12, 1997, and the County has acknowledged receipt. This portion of the condition is fulfilled. CEMEX applied for a 20-year extension as part of the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) in February 2018. The County is currently processing the application.

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COA-7: The operator shall be responsible for all costs associated with implementing and monitoring these conditions.	PRE/OP/REC	IC	<i>[No change from prior year report]</i> Operator acknowledges the condition. Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected from the Operator under the Yolo County Gravel Mining Fee Ordinance (see Condition 4). Implementation costs are paid for by the Operator as they occur.
COA-8: The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$699,655 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.	PRE	F	<i>[No change from prior year report]</i> The Operator posted financial assurances for Phase I prior to the commencement of mining under this permit. Financial assurances are reviewed and updated annually pursuant to SMARA. <i>This condition is implemented and fully discharged.</i>
COA-9: The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only	OP/REC	IC	<i>[No change from prior year report]</i> Operator acknowledges the condition. The project was approved December 17, 1996. There have been various modifications to this permit since that time. In addition, CEMEX applied for the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) in February 2018. The County is currently processing the application.

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occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.			
COA-10: In compliance with Section 10-5.520.2 (Permanent Easements) of the Reclamation Ordinance, upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, or other equivalent long-term easements or deed restrictions satisfactory to the County, for the purpose of protection of the agricultural use of the reclaimed land in perpetuity.	REC	IC	<i>[No change from prior year report]</i> The operation is approved with seven phases. Only Phase 1 (Hutson) is complete. A Williamson Act Contract for the entire Hutson Parcel was approved by the Yolo County Board of Supervisors on March 24, 1998. A conservation easement was also approved and accepted by the Board of Supervisors on August 25, 1998, but was not recorded at the time. The Operator and County staff worked together to revise the easement to reflect current dates and obtain all necessary signatures. The conservation easement was recorded on July 30, 2012. This easement provides for the preservation of agricultural activities on 175 acres of prime farmland to prevent future conversion to non-agricultural uses. Implementation is ongoing.
COA-11: In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), only that portion of the Farnham East parcel in Phase 3 (APN: 049-070-05) which will be	PRE	F	<i>[No change from prior year report]</i> The phasing plan was modified to comply with the condition as written. Mining began in Phase 3 in 2001. The Williamson Act Contract expired on that portion of the Farnham East

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reclaimed to prime agricultural land, shall be mined prior to 2006.			parcel, which will be reclaimed to lakes and habitat uses. <i>This condition is implemented and fully discharged.</i>
COA-12: This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.	PRE	F	[No change from prior year report] Development Agreement No. 96-287 was executed between the County and the Operator on December 30, 1997. The First Amendment was approved May 22, 2001. The Second Amendment was approved April 15, 2003 to allow for the exchange of Phases 4 and 6. <i>This condition is fulfilled.</i>
COA-13: The operator shall reclaim the areas south of the permanent lakes in Phases 1, 3, 4, 5, and 6 to the agricultural production of tree crops, as described in the application.	REC	NR/IP	[No change from prior year report] CEMEX acknowledges the condition. Currently some of the land is in active row crop production. CEMEX applied for the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) in

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			February 2018. Upon approval, the revised Reclamation Plan would change the post-mining end uses for these areas. The County is currently processing the application.
COA-14: The aggregate processing plant, located on the northern 20 acres of the Kaupke parcel (APN: 049-070-13) shall be reclaimed in accordance with the CCAP.	REC	NR	<i>[No change from prior year report]</i> The Reclamation Plan for the plant site was separately approved by the County through a Minor Modification (Zone File No. 2013- 0003) approved by the Director in March 2014 to clarify the reclamation boundary and end use of the plant site. The plant site reclamation plan commits CEMEX to reclaim the plant site to agricultural use. The site will be graded and leveled, and planted in row crops. This Minor Modification resulted from the September 5, 2012, California Department of Conservation Lead Agency Review of Yolo County.
COA-15: Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community	OP/REC	IC	<i>[No change from prior year report]</i> Operator acknowledges the condition. The soil stockpile south of Phase 2 is planted and recently harvested as a hay crop.

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Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.			
COA-16: The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, the County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.	PRE/OP/REC	IC	<i>[No change from prior year report]</i> On June 5, 2017, the County and CEMEX entered into a Stipulated Order to Comply (SOTC) to address SMARA compliance items relating to: 1) mining beyond the approved mining and reclamation limits; and 2) pit side slope erosion along the north shore of Phase 3 Orrick Pit 2. With the permit amendment application currently being processed, CEMEX has substantially fulfilled its compliance commitments related to the SOTC. CEMEX is in substantial compliance with the Surface Mining and Reclamation Act (SMARA), the Off-Channel Mining Plan (OCMP), and conditions of approval as set forth in the Development Agreement (#96-287).
COA-17: The operator is prohibited from proceeding with any new wet excavation, unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.	PRE	F	<i>[No change from prior year report]</i> Ambient mercury levels were determined in the report entitled: "Mercury in Lower Cache Creek Biota: Baseline Assessment", by Slotton, Ayers, and Reuter (Fall 1997). <i>This condition is implemented and fully discharged.</i>

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COA-18: The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing road levee. The pit slopes in modified areas may be steepened to 2:1, if supported by site-specific slope stability analyses. A slope stability analysis, prepared by a Registered Engineer, and revised mining and reclamation plans shall be submitted to the Community Development Director prior to the commencement of mining in Phase 3.	PRE	F	[No change from prior year report] Revised mining and reclamation plans, and site-specific slope stability analyses were submitted to the County on April 24, 1997. Slopes in the affected areas were adjusted to 2:1. Slope stability analysis was submitted to support the modifications and the adjusted slopes. This condition is implemented and fully discharged. In 2016, the Operator and County observed over-steepened slopes along the north shores of the pit lakes in Phases 3 and 4 that resulted from back-breaking of dredge excavations. Beginning at the end of June 2017 (within 45 days of the execution of the SOTC), CEMEX began placing backfill along the north shores of Phases 3 and 4 to correct the priority encroachments onto the 200-foot Cache Creek setback. This work was completed in July 2017. On October 2, 2017, the County performed a site visit with CEMEX personnel to observe the backfilled locations. See also response to Condition 16, above.

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COA-19: Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the CEMEX aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.	REC	NR	[No change from prior year report] Operator acknowledges the condition. CEMEX applied for a 20-year extension as part of the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) in February 2018.
COA-20: The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.	OP	IC	[No change from prior year report] Operator acknowledges the condition. The Operator has purchased finished material from other operators along Cache Creek and outside the Cache Creek area. The purchased material was finished product and was not processed on-site. The Operator also accepts aggregate material (i.e. broken concrete, block and AC grindings) for recycling.
COA-21 to COA-24: Deleted due to repeat language.	N/A	N/A	N/A
COA-25: Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual	OP	IC	This OCMP action was modified as part of the CCAP Update to require annual rather than biennial updates. CEMEX's most recent HMBP update was submitted via the CERS online portal and accepted by the County on October 23, 2023.

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submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).			
COA-26: Pursuant to Action 6.4-8 of the OCMP, Section 10-4.440 of the Mining Ordinance, and Section 10-5.523 of the Reclamation Ordinance, hedgerows and other vegetated buffers required between restored habitat areas and adjoining farmland, shall use entirely native species. These hedgerows/buffers are intended to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.	PRE	IP/IC	<i>[No change from prior year report]</i> The Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) application submitted in February 2018 includes a revised reclamation plan that would use only native species. The County is currently processing the application.
COA-27: Pursuant to Action 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel	PRE/OP/REC	IC	The CEMEX Development Agreement constitutes the required legally binding agreement. Mining was not undertaken in any phase without compliance with this requirement. Mining was approved to occur in seven phases and is currently occurring in Phases 4 and 5. Required streambank improvements have been completed and there are no additional requirements triggered until Phase 7. The Cache Creek Mining Permit and Reclamation Plan

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improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner. If, in moving from any one phase of mining to the next, the operator is unable to fulfill this condition within 12 months, due to delays outside of the control of the operator, the operator may optionally enter into an agreement with the County that allows deferral of construction of the channel improvements that would have otherwise been required at that time, to a reasonable future time when the events outside of the			Amendment Project (ZF2018-0015) application proposes to eliminate Phase 7 from the project. If the elimination of Phase 7 is approved, then the additional streambank improvements would not be necessary. <i>[No further change from prior year report]</i> There were no stream bank improvements required as part of Phase 1. The Technical Advisory Committee approved the streambank improvements included in the application as part of Phase 2 in 1997, based on plans prepared by an engineering firm, Murray, Burns, and Kienlan. The improvements, designated as Site A, were completed in November 1998. The Site A improvements stabilized the south bank of the creek adjacent to the PG&E transmission tower, east of the Interstate 505 bridge. Subsequent bank stabilizations have occurred to repair other areas of bank erosion and instability, as those areas became known during the course of routine annual and periodic engineering inspections. For

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operator's control will no longer preclude meeting the condition. The operator must demonstrate to the County a good faith effort to satisfy the condition in order to enter into the optional deferral agreement. The use of the optional deferral agreement shall not allow any channel improvements that would have been required under this condition to be waived. The intent of allowing the optional deferral agreement to address a possible situation wherein the operator may be unable to satisfy the condition due to disagreement between responsible/permitting agencies, delay on the part of the County in identifying the specific improvements, or other similar circumstances.			additional details, please refer to the Cunningham Engineering Monitoring Report submitted as part of this annual report. Channel improvement maintenance is guaranteed through financial assurances and the Development Agreement. Deed restrictions will be recorded prior to the release of financial assurances.
COA-28: All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.	PRE	F	[No change from prior year report] Required modifications to the reclamation plans were completed as part of revised mining and reclamation plans submitted to the County on April 24, 1997. <i>This condition is implemented and fully discharged.</i>
COA-28.3: The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 2005. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by	PRE/OP	F	[No change from prior year report] Conveyors were installed and operational as of October 2002. <i>This condition is implemented and fully discharged.</i>

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January 1, 2006, describing the reasons for delay and a revised deadline for installation.			
COA-28.6: Total production allowed under this Mining Permit shall not exceed 26.7 million tons (sold weight) and 32.2 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.	OP	IC	<i>[No change from prior year report]</i> Operator acknowledges the condition. Cumulative production under this permit has not exceeded the overall limits.
COA-28.7: The applicant shall be in full compliance and good standing at all time with the terms of other required federal, state, and regional agency permits.	OP/REC	IC	<i>[No change from prior year report]</i> CEMEX continues to be in compliance with the terms of other required permits; namely, its air quality Permits to Operate issued by the Yolo Solano AQMD.
EIR MITIGATION MEASURES			
Land Use and Planning			
COA-29: Implement Mitigation Measures 4.4-3a, 4.4-4a, and 4.4-7a of the Final EIR for the proposed project (Mitigation Measure 4.2-1a).	OP/REC	IC/NR	<i>[No change from prior year report]</i> Project-level Mitigation Measures 4.4-3a and 4.4-4a were OCMP Mitigation Measures 4.4-2a and 4.4-3(a) which became the following

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[Text of referenced mitigation measures] a. Mitigation Measure 4.4-3a: Implement Mitigation Measure 4.4-2a of the OCMP Program EIR. i. OCMP Mitigation Measure 4.4-2a: Implement the performance standards included in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance and Sections 10-5.510 and 10-5.524 of the County Surface Mining Reclamation Ordinance. b. Mitigation Measure 4.4-4a: Implement Mitigation Measure 4.4-3a of the OCMP Program EIR. i. OCMP Mitigation Measure 4.4-3a: Implement the performance standards included in Sections 10-4.438 of the County Off-Channel Mining Ordinance and Sections 10-5.517 and 10-5.532 of the County Surface Mining Reclamation Ordinance. c. Mitigation Measure 4.4-7a: All reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West mining area shall be modified to meet this requirement.			regulations in the Mining Ordinance: 10-4.413 (Drainage), 10-4.417 (Groundwater Monitoring Programs), 10-4.427 (Protection of Nearby Drinking Water Wells), and 10-4.428 (Sanitary Facilities); and the following regulations in the Reclamation Ordinance: 10-5.510 (Fencing), 10-5.517 (Mercury Bioaccumulation in Fish), 10-5.524 (Post-Reclamation Groundwater Monitoring), and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation). Project-level Mitigation Measure 4.4-7a became 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields). All of the sections listed above were modified as a part of the CCAP Update, with the exception of 10-4.427 (Protection of Nearby Drinking Water Wells), 10-5.510 (Fencing), 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields), and 10-5.524 (Post-Reclamation Groundwater Monitoring).

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			<u>OCSMO Section 10-4.413 (Drainage)</u> A combination of ditches, berms, and grading have been used to prevent stormwater runoff from entering into active mining and reclamation areas. Detention basins are provided in Phases 1 and 2 for stormwater runoff. The site drainage system is inspected annually by a Registered Civil Engineer (Cunningham Engineering) to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. Taking into account the SOTC, the Operator is in substantial compliance with this condition. See response to Condition 16, above. <u>OCSMO Section 10-4.417 (Groundwater monitoring programs)</u> A groundwater monitoring program has been in place since permit issuance, and addresses water level measurements as well as water quality testing. The network currently consists of 15 dedicated observation wells and 4 production wells. Groundwater levels are monitored on site on a quarterly basis and wet

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			pits are sampled for water quality semi-annually. The existing data record shows no evidence or indication that the mining and plant operations have caused any changes in groundwater levels or quality to date. For additional detail, refer to the most recent report prepared by Luhdorff & Scalmanini, which is submitted as part of this Annual Report. <u>OCSMO Section 10-4.427 (Protection of nearby drinking water wells)</u> As stated in the project-level EIR, all off-site municipal and domestic wells are located more than 1,000 feet from approved wet pit mining operations. No further action is required. <u>OCSMO Section 10-4.428 (Sanitary facilities)</u> An existing permanent toilet serves the permitted area. It received all necessary approvals from the County Building Official and the Environmental Health Department prior to commencement of the use.

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			<u>OCSMO Section 10-4.438 (Watercraft)</u> A dredge is located in the existing wet pit (Phase 4). No other fuel-powered watercraft have been permitted access to the lake. <u>SMRO Section 10-5.510 (Fencing)</u> Perimeter fencing is in place around all open wet pits and will be maintained during excavation and reclamation. The site entrance is also gated for security. <u>SMRO Section 10-5.516 (Lowered elevations for reclaimed agricultural fields)</u> Revised mining and reclamation plans showing the modifications to Phase 7 were submitted to staff on April 24, 1997. All reclaimed agricultural fields have been designed to be a minimum of five feet above the average high water table. Refer to Reclamation Plan Sheet 15. <u>SMRO Section 10-5.517 (Mercury bioaccumulation in fish)</u> Mercury protocols were updated as part of the CCAP update in 2019 based on the work of

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			Dr. Slotton and others. The County is responsible for the determination of the ambient mercury level in fish pursuant to 10-5.517(b). The Operator is required to monitor fish and water column profiles in each pit lake (that is permanently wet and navigable by a monitoring vessel) once every year for the first five years after a pit lake is created, pursuant to 10-5.517(c)(1). No new pit lakes have been created during the reporting period, so these requirements do not yet apply. <u>SMRO Section 10-5.524 (Post-reclamation groundwater monitoring)</u> The Operator acknowledges the requirement for groundwater monitoring of wet pit mining to continue for 10 years after the completion of reclamation. <u>SMRO Section 10-5.532 (Use of overburden and fine sediments in reclamation)</u> In-channel maintenance mining has not occurred and therefore no fines have been generated from in-channel aggregate deposits

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			that would be used in backfill or reclamation of off-channel permanent lakes. Overburden and processed fines are used in backfills to facilitate the agricultural end uses. In 2017, CEMEX hired Dellavalle Laboratory, Inc. to evaluate all stockpiled soils that may potentially be used to reclaim side slopes on wet pit areas, pursuant to these standards. Testing concluded that there are no residual pesticides or herbicides in stockpiled soils. A copy of the soil sampling report was provided to the County on April 28, 2017.
COA-30: The project mining schedule or reclamation plan shall be modified to ensure that if Phase 3 lands are to be mined before the Williamson Act contracts expire, then reclamation shall be to prime agricultural uses only. Alternatively, if mining in Phase 3 does not begin until after 2006, no change to the reclamation plan would be required (Mitigation Measure 4.2-3a).	PRE/REC	F	[No change from prior year report] The phasing plan was modified to comply with the condition as written. Mining began in Phase 3 in 2001. The Williamson Act Contract expired on that portion of the Farnham East parcel that will be reclaimed to lakes and habitat uses. <i>This condition is implemented and fully discharged.</i>
COA-31: The County shall determine whether the operator's offer to dedicate reclaimed lands in Phases 5 and 6 for the proposed Recreation Node fulfill the policies of the CCRMP. The County and the operator shall enter into	PRE	F	[No change from prior year report] As stated in Section 2.2.8 of Development Agreement No. 96-287, the County has accepted the dedication of reclaimed lands in Phases 5 and 6 as fulfilling the policies of the

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discussions to resolve how public access to the future recreation facility can be accommodated. If determined to be feasible, the project plans shall be modified to include a public access road along the eastern boundary of the site (Mitigation Measure 4.2-8a).			CCAP. Included within the dedication is a provision for a 40-foot wide easement for access to State Highway 16. <i>This condition is fully discharged. Implementation will occur at the time of reclamation.</i>
Geology and Soils			
COA-32: Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).	REC	IC	[Updates in bold text below; otherwise, no change from prior year report] With the exception of Section 10-5.512 (Field Releveling), all of the sections of the Reclamation Ordinance identified in the condition were modified as a part of the CCAP Update. <u>SMRO Section 10-5.504 (Backfilled excavations: improvements)</u> There are no buildings, roadways or other public facilities proposed for construction in the proposed mining pits. <u>SMRO Section 10-5.505 (Backfilled excavations: inspections)</u> No strong seismic events occurred during the past year. The Operator will perform needed

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			repairs to slopes if damaged during future strong seismic events. <u>SMRO Section 10-5.512 (Field releveled)</u> Reclaimed fields have and will be land leveled and inspected for two years following reclamation. Subphases (a) through (c) of Phase 1 were laser leveled in 1997 to account for soil settling. Phase 1 fields were laser leveled again by Sagara Farms in 2022. All reclaimed fields have been inspected and no settling has been observed for over a year. Sagara Farms planted crops in December 2022. Deep ripping is planned in 2024 to improve crop yields. Farming will continue using standard farming practices. <u>SMRO Section 10-5.526 (Repair of damage due to natural disaster)</u> Contingency costs are included in financial assurance cost estimates.
COA-33: Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-	OP/REC	IC/NR	[No change from prior year report] All of the sections of the Mining and Reclamation Ordinances identified in the

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5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).			condition were modified as a part of the CCAP Update. <u>OCSMO Section 10-4.406 (Benches)</u> No benches were included in the approved mining and reclamation plans. <u>OCSMO Section 10-4.413 (Drainage)</u> See response to Condition 29. <u>OCSMO Section 10-4.431 (Slopes)</u> The mining plan does not include slopes steeper than 2:1 above the groundwater level. Interim mining cut slopes may be steeper than 2:1 at times. See also response to Condition 16, above. <u>SMRO Section 10-5.507 (Drainage)</u> As evaluated in the project-level EIR, the approved drainage system meets the above requirements. Borders of mining areas are designed or located in places where the surrounding unmined lands drain away from the reclaimed areas. Prior to the release of financial assurances for each phase a deed

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			restriction will be placed on the property to allow the County access to these areas for inspections. <u>SMRO Section 10-5.508 (Erosion control)</u> Erosion control measures required under this standard will be completed prior to November 1 of each year in areas where mining is complete. Overburden stockpiles are also seeded, as appropriate. The seeding of final reclaimed slopes and other associated erosion control measures in Phase 1 were completed on October 22, 1997. Seeding on the east and south slopes of the eastern portion of the Kaupke parcel, along with the tower area were seeded in 1999. The northern portion of the eastern half of the Kaupke parcel was seeded in November 2001. Seed mixes used for erosion control will include only native species. <u>SMRO Section 10-5.530 (Slopes)</u> Slope stability analyses were submitted with the application and evaluated in the project-level EIR. All slopes designed for the project

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			meet or exceed the minimum safety factors. Slopes revised in connection with the 200-foot setback were redesigned by a registered civil engineer to show they will meet or exceed the minimum safety thresholds. Documentation was provided by Cunningham Engineering.
COA-34: The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay Bridge with a three-span bridge. If this assumption changes, additional HEC-2 modeling shall be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4a).	PRE/OP	F	[No change from prior year report] Resolution No. 96-181 was approved by the Board of Supervisors on November 25, 1996, revising the CCRMP channel boundary to reflect the 100-year floodplain calculated by Cunningham Engineering. The Capay Bridge was built with three spans, as assumed in the hydraulic model included in the Operator's project description. No further modeling is necessary. <i>This condition is implemented and fully discharged.</i>
COA-35: Portions of the northern margin of Phases 2, 3, 5, 6, and 7 shall be redesigned to provide a minimum 200-foot setback from the existing Cache Creek stream bank, in conformance with the requirements of Section 10-4.429 of the County Off-Channel Mining Ordinance. The revised project design shall be submitted prior to the commencement of mining within Phase 3 and shall be	PRE	F	[No change from prior year report] Revised mining and reclamation plans prepared by Cunningham Engineering were submitted to staff by the Operator on April 24, 1997, showing the minimum 200-foot setback between the channel boundary and the edge of proposed mining. <i>This condition is implemented and fully discharged.</i>

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consistent with the recommended slope design presented in the current application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required (Mitigation Measure 4.3-4b).			
COA-36: The portions of the levee in Phases 3, 5, and 6 shall be raised to provide 100-year flood protection for these areas. Prior to raising the levee, a hydraulic analysis prepared and signed by a licensed engineer, demonstrating that off-site flooding impacts would not be created, must be submitted to the County for review. This mitigation measure would be consistent with the proposed project and the requirements of the OCMF. Any levee work performed shall be completed prior to the commencement of mining within the affected phases (Mitigation Measure 4.3-4c).	PRE	F	<i>[No change from prior year report]</i> A hydraulic analysis was prepared by Cunningham Engineering on April 22, 1997, showing that the raised levee flood protection measures would increase the base flood elevation by less than 0.1 foot. This indicates that the proposed work would not have any significant off-site flooding impacts. In addition, at the County's request, Cunningham Engineering verified compliance with this condition and summarized its findings in a report titled, "Cache Creek: Hydraulic Analysis of the Cemex Reach" (March 10, 2016), which was provided to the County. Cunningham demonstrated that the 100-year water surface is effectively contained within Cache Creek along the CEMEX Reach. This analysis was reviewed and confirmed by the TAC Hydrologist. <i>This condition is implemented and fully discharged.</i>

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COA-37: Implement the performance standards included in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches. The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community Development Director with the Annual Mining and Reclamation Report. The report shall identify the location (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion	OP/REC	IC	[No change from prior year report] Operator acknowledges the requirements of the condition. The report on channel bank and levee conditions is prepared annually following the end of the rainy season and submitted as part of the County annual compliance report. Please refer to the Cunningham Engineering Monitoring Report included as part of this annual report. No issues were identified that require remedial actions.

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or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.3-4d).			
COA-38: Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. The landowner shall be responsible for continued monitoring and maintenance. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same (Mitigation Measure 4.3-4e).	REC	NR	<i>[No change from prior year report]</i> A deed restriction will be placed on affected properties prior to the release of the financial assurances. The Operator acknowledges the requirements of the condition.
COA-39: The project design shall be revised to provide a biotechnical bank protection design to replace the placement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge unless engineering evaluations demonstrate that rip rap must be used to control erosion. The revised project design shall be submitted to the Yolo County Community Development Director	PRE	F	<i>[No change from prior year report]</i> A biotechnical bank protection solution was submitted to the County and approved in June 1997. The project was completed in September 1998. <i>This condition is implemented and fully discharged.</i>

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and Caltrans for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4f).			
COA-40: In compliance with Section 10-4.429 and 10-5.506, mining within Phase 7 shall not be conducted within 700 feet of the existing stream bank until stream bank stabilization is provided for that portion of the south bank of Cache Creek upstream from the I-505 bridge. The bank protection shall be performed in accordance with the guidelines presented in the Cache Creek Resource Management Plan and Cache Creek Improvements Plan. The bank protection design shall be submitted to the Yolo County Community Development Director for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4g).	PRE	NR	<i>[No change from prior year report]</i> Operator acknowledges the condition. Mining in Phase 7 has not yet commenced. In addition, the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) application proposes to eliminate Phase 7 from the project. If the elimination of Phase 7 is approved, then the additional streambank improvements would not be necessary.
COA-41: Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase to be mined. Prior to construction of the improvements, detailed plans	PRE/OP	F	<i>[No change from prior year report]</i> The operator installed the bank stabilization measures pursuant to Condition #39 in September 1998. <i>This condition is implemented and fully discharged.</i>

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identifying the type of stream bank protection shall be submitted to the Technical Advisory Committee (TAC) for review and approval. The bank protection plans shall incorporate biotechnical methods of bank stabilization when appropriate to erosion control (Mitigation Measure 4.3-4h).			
COA-42: The operator shall enter into a Development Agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition #27. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and channel maintenance mining recommended by the County (Mitigation Measure 4.3-4i).	PRE	F	[No change from prior year report] Development Agreement No. 96-287 was executed between the County and the Operator on December 30, 1996. Section 3.1 of the agreement requires the Operator to abide by the CCRMP. <i>The condition is implemented and fully discharged.</i>
COA-43: Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.3-4j).	PRE	F	[No change from prior year report] In a letter dated October 17, 1996, the Division of Safety of Dams determined that the alluvial separators created by the project would not be subject to their jurisdiction. <i>This condition is implemented and fully discharged.</i>

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Hydrology and Water Quality			
COA-44: The operator must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development designated 100-year floodplains, as required by the County General Plan and the County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).	PRE	F	<i>[No change from prior year report]</i> The County approved Flood Hazard Development Permit No. 96-070 on December 16, 1996. <i>This condition is implemented and fully discharged.</i>
COA-45: Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).	OP/REC	IC	<i>[No change from prior year report]</i> <u>OCSMO Section 10-4.413 (Drainage)</u> See response to Condition 29. <u>OCSMO Section 10-4.417 (Groundwater monitoring programs)</u> See response to Condition 29. <u>OCSMO Section 10-4.427 (Protection of nearby drinking water wells)</u> See response to Condition 29. <u>OCSMO Section 10-4.428 (Sanitary facilities)</u> See response to Condition 29.

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			<u>SMRO Section 10-5.507 (Drainage)</u> See response to Condition 33. <u>SMRO Section 10-5.510 (Fencing)</u> See response to Condition 29. <u>SMRO Section 10-5.519 (Motorized watercraft prohibition)</u> The existing dredge operates on electricity and uses biodegradable fluids for lubrication. No motorized watercrafts are used. <u>SMRO Section 10-5.524 (Post-reclamation groundwater monitoring)</u> See response to Condition 29. <u>SMRO Section 10-5.528 (Sewage storage prohibition)</u> No sewage effluent is stored within any wet pit. The Operator acknowledges the requirements of the condition. <u>SMRO Section 10-5.530 (Slopes)</u> See response to Condition 33.

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COA-46: Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).	OP/REC	IC	[No change from prior year report] See compliance notes for Conditions 17, 29 and 33.
COA-47: Pursuant to Section 10-5.516 of the Reclamation Ordinance, all reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West parcel (Phase 7) shall be modified to meet this requirement (Mitigation Measure 4.4-7a).	PRE/REC	F	[No change from prior year report] This condition was clarified as a part of the 2020 Ten-Year Permit Review. Revised mining and reclamation plans showing the modifications to Phase 7 were submitted to staff on April 24, 1997. All reclaimed agricultural fields have been designed to be a minimum of five feet above the average high water table. <i>This condition is implemented and fully discharged.</i>
Agriculture			
COA-48: Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing	PRE/REC	F	[No change from prior year report] Section 10-5.525 (Farmland Conversion) was materially modified as part of the CCAP Update; however, agricultural offsets required for this project are satisfied. The total 1:1 offset required for permanent

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of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a).			conversion of prime farmland at the CEMEX site (ZF# 95-093) was 162 acres (of a total of 252 acres converted). Mitigation for this was identified to occur with reclaimed agriculture at the Hutson parcel (175 acres). A permanent conservation easement was placed on 175 acres of the unmined Hutson parcel to prevent future conversion to non-agricultural uses. The conservation easement was approved and accepted by the Board of Supervisors on August 25, 1998, and recorded on July 30, 2012. <i>This condition is implemented and fully discharged.</i>
COA-49: Implement the performance standard included in Section 10-5.516 of the County Surface Mining Reclamation Ordinance to mitigate the potential impacts of high seasonal groundwater on crop productivity. The mitigation requires that all reclaimed agricultural surfaces are a minimum of five feet above the average seasonal high groundwater level. To meet this standard, the elevation of the reclaimed agricultural fields within the Solano West parcel in Phase 7 shall be raised two or more feet above the	REC	NR	[No change from prior year report] See response to Condition 47. Implementation will occur as part of reclamation.

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reclaimed surface elevation (Mitigation Measure 4.5-5a).			
COA-50: Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).	PRE/REC	F	[No change from prior year report] The mining and reclamation application contained all the necessary requirements for identifying proposed mined land that met the definition of "prime farmland." See also response to Condition 48. <i>This condition is implemented and fully discharged.</i>
Biological Resources			
COA-51: Figure 8 of the HRP shall be revised to indicate the location of hedgerow plantings, around the Hutson parcel in Phase 1 or as specified as part of habitat enhancement in a Section 2081 permit if required by the CDFG, or to mitigate as a 1:1 ratio the actual loss of fence row habitat (Mitigation Measure 4.6-2a).	PRE	F	[No change from prior year report] A revised HRP was submitted to staff on April 24, 1997. The amended HRP indicates the location of hedgerow plantings around the north and west border of the Hutson Parcel, which mitigates for the loss of hedgerow plantings in Phase 1 on the Farnham West Parcel. Plantings have occurred on the northern border of the Hutson parcel in the area of the agricultural tailwater catchment basin. An addendum to the HRP was submitted to Jeff Anderson of Yolo County by email on September 11, 2016. <i>This condition is implemented and fully discharged.</i>

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COA-52: Mature oak trees at the fringe of mining areas shall be preserved. These shall include: the two oaks at the southwestern corner of the mining area on the Solano West parcel in Phase 7; the two oaks at the southeastern corner of the mining area along the boundary between the Farnham West and Hutson parcels on Phase 1; and the single oak at the southeastern edge of the mining area on the Snyder East parcel in Phase 4. Stockpiling of topsoil and overburden in the vicinity of these five trees shall be restricted to beyond the tree driplines. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline of these trees to prevent possible construction-related damage. Fencing shall remain in place until stockpiles are removed and the surrounding lands are returned to agricultural production (Mitigation Measure 4.6-2b).	OP/REC	IC	<i>[No change from prior year report]</i> CEMEX has not initiated any mining activity in Phase 7. Oak trees along the boundary of Phase 1 are located outside of the permanent fenced area. All other identified trees will be preserved. Temporary fencing has been installed around the dripline of trees adjacent to Phase 4 to prevent possible construction-related damage. No stockpiling will occur within the dripline of the subject trees.

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COA-53: As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the habitat restoration area along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (Mitigation Measure 4.6-2c).	PRE/OP/REC	IC	<i>[No change from prior year report]</i> Permanent fencing has been installed at the boundary between the mining area in Phase 1 and the habitat restoration area. There is no habitat reclamation in Phase 2, although the mining area has been fenced. Fencing is in place between the Phase 3 and Phase 4 mining pits and Cache Creek. Compliance with this condition was confirmed as part of the County's most recent annual surface mine inspection.
COA-54: Levee and channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Levee improvements on the Snyder East and West parcels in Phases 3, 5, and 6 shall be set back from the edge of the upper terrace to eliminate fill slopes which would extend into the riparian habitat. The project design shall be revised to provide a biotechnical bank protection design to replace the replacement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge, unless engineering evaluations demonstrate that rip rap must be used at certain locations to control severe erosion (Mitigation Measure 4.6-2d).	PRE	F	<i>[No change from prior year report]</i> The project MMRP identifies this as a pre-mining condition that required submittal of revised mining and reclamation plans for County approval. Levee improvements in Phases 3, 4 and 5 conform to the condition. The biotechnical bank protection design approved by the County was implemented in 1998. <i>This condition is implemented and fully discharged.</i>

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COA-55: The HRP shall be revised to include provisions to remove tamarisk and giant reed from the site as part of the creek restoration effort and to modify restoration plans for the in-channel depression north on the Snyder East parcel in Phase 6 to enhance the existing riparian woodland rather than establishing seasonal marsh at this location (Mitigation Measure 4.6-2e).	PRE	F	<i>[No change from prior year report]</i> A revised HRP including the required modifications was submitted to the County on April 24, 1997. <i>This condition is implemented and fully discharged.</i>
COA-56: At least one permanent island shall be created on one of the permanent lakes to improve their wildlife habitat value. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following: a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 125-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level. b. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the	PRE/REC	F/NR	<i>[No change from prior year report]</i> Revised reclamation plans showing an island to be located in Phase 5 (Snyder East Pit 2) were submitted to staff on April 24, 1997. The island design is consistent with the requirements listed above. This aspect of the condition is fulfilled. The improvements will occur with final reclamation of the lakes.

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average summer low groundwater level to prevent predators from wading to the island during the summer months. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five year monitoring program for the restoration effort. c. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland and scattered shrubs provided over the top of the island (Mitigation Measure 4.6-3a).			
COA-57: The unique bluff habitat between the upper terrace and the existing haul road on the Snyder East parcel in Phase 6 shall be preserved. Mitigation Measure 4.3-4a of the Final EIR for the proposed project provides appropriate mitigation for this impact (Mitigation Measure 4.6-3b).	PRE/OP/REC	IC	[No change from prior year report] The bluff habitat has not been disturbed. There will be no mining within 100 feet of the area, as a result of changes to the channel boundary and the 200-foot mining setback referred to in Mitigation Measure 4.3-4a. The bluff will be preserved and dedicated to the County upon the completion of reclamation and the release of financial assurances of Phase 4 (note: the original Phase 6 was

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			changed to Phase 4 by action of the Board of Supervisors on April 15, 2003).
COA-58: A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).	PRE	F	[No change from prior year report] A 2081 authorization was executed between the Operator and the Department of Fish and Game in July 1997. A copy of the authorization was submitted to the County. The August 25, 1998 staff report for the easement states that the hawk habitat is "stacked" on the same lands as the agricultural conservation easement. The text on page 4.6-40 of the Draft EIR confirms this: "Implementation of the mitigation measures would reduce the potential impacts from loss of suitable Swainson's hawk foraging habitat to a less-than-significant level. It is anticipated that the 1:1 offset mitigation required for loss of prime agriculture and (OCMP EIR Mitigation Measure 4.5-2a) would apply as mitigation for this impact as well." <i>This condition is implemented and fully discharged.</i>

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COA-59: The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).	PRE	F/IP	[No change from prior year report] The elderberry shrub survey was completed in 1997. A revised HRP including the above requirements was submitted to the County on April 24, 1997. This portion of the condition is fulfilled. As part of the Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015), CEMEX has proposed to avoid these elderberry shrubs with a 100-foot setback by adjusting the limits of mining in Phase 3 (refer to the March 2020 Cunningham Engineering Mining Plan, Sheet M-05). Zentner Planning & Ecology flagged the elderberry shrubs in the field on November 18, 2021.

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COA-60: Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-5b).	OP	IC	[No change from prior year report] Section 10-4.433 (Soil Stockpiles) was modified as a part of the CCAP Update to require native vegetative cover. Operator acknowledges this condition. CEMEX will maintain stockpiles at a height of 40 feet or less with 2:1 slopes for long-term storage. Stockpiles, other than aggregate stockpiles, will be seeded with a native vegetative cover to prevent erosion and leaching.
COA-61: The HRP shall be revised to include specific provisions to replace the artificial bank swallow nesting habitat created by past mining activities on the Hutson parcel. These provisions shall include design, construction, and maintenance activities necessary to implement one or more of the following options: establishing suitable nesting habitat on designated side slopes of the permanent lakes, replicating conditions on the Hutson parcel in Phase 1 at a new location; restoring the vertical bluffs above the mining-related riparian habitat in the northern portion of the Snyder East parcel in Phase 6; and/or creating and perpetuating a vertical	PRE	F	[No change from prior year report] A revised HRP was submitted to the County on April 24, 1997. The vertical bluffs above the riparian habitat in Phase 6 have been restored as required. These are vertical slopes and as such there is no maintenance necessary. <i>This condition is implemented and fully discharged.</i>

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bank along a designated segment of the active channel of Cache Creek (Mitigation Measure 4.6-5c).			
COA-61.5: A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to initiation of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following: • Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls. • If an active raptor nest is encountered, establish an appropriate buffer around the nest location,	PRE	IC	Phase 1 is mostly reclaimed, subject to final backfill and crop planting in the silt pond in the northeast corner of phase. A raptor survey was conducted prior to mining under the short-term permit and no nest sites were discovered. A raptor survey was completed for Phase 2 in the Spring of 1997 by Zentner and Zentner. No nest sites were discovered. A raptor study for Phase 3 was completed in October 1999 and included in the 1999 Annual Compliance Report. A pre-construction survey for Phases 4 and 5 was completed in September 2002. A pre-construction survey for Phase 5 was completed again by Zentner in July 2022. No listed species were found on site. The Operator has not yet commenced mining in Phases 6 or 7. Additional surveys will be conducted per the terms of the condition to ensure no impacts to active hawk nests as a result of approved activities. Mitigation for loss of hawk foraging was addressed with the 2081 requirement

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as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone. - Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented. - Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-5d).			(Condition #58) which is fulfilled. There are no outstanding habitat mitigation requirements for this project under the approval -- only survey requirements by phase to avoid impacts to nesting birds. Future surveys will comply with applicable HCP/NCCP Avoidance and Mitigation Measures.
COA-62: Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies,	PRE	IC	[No change from prior year report] Channel bank modifications performed under Zone File No. 97-027 were conducted under general 404 and 1601 permits issued by the

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appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. Use of biotechnical bank protection design methods shall be encouraged where bank stabilization is required, such as the segment of active erosion on the Kaupke parcel north of Phase 2 (Mitigation Measure 4.6-6a).			U.S. Army Corps of Engineers and California Department of Fish and Game, respectively. The modifications included the use of biotechnical designs. <i>This condition is implemented and fully discharged with respect to known conditions.</i> Implementation is ongoing with respect to subsequent identified conditions. Sites D, E, F: On October 26, 2010, the Yolo County Floodplain Administer approved Zone File #2010-045 which allowed CEMEX to reconstruct three locations on the south side of Cache Creek: Sites "D", "E" and "F". Sites "D" and "E" were incised during the 2005-2006 winter storms. Materials used for the reconstruction consisted of cobble and/or recycled concrete for keyways, and fill material consisting of a mixture of Horizon A & B soil and gravel and cobbles. Site "F" was undercut by the location of the low-flow channel. The incised area was backfilled with Horizon A & B soil and gravel and cobbles. The streambank stabilization project was necessary in order to restore Cache Creek to

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			the pre-erosion flow condition, reducing the possibility of further erosion to the south bank of the creek to maintain the required mining setback, to restore the creek to its “natural” condition, and to reduce potential damage to nearby mining equipment along the south bank of this reach. The work was completed on November 15, 2010 and final planting of the slopes was completed in February 2011. Site G: In September 2018, CEMEX received authorization to proceed with Bank Stabilization Site “G”, including a Streambed Alteration Agreement from the Department of Fish and Game (August 2018), 401 water quality certification from the Regional Water Quality Control Board (August 2018), and authorization under Nationwide Permit No. 13 from the Army Corps of Engineers (September 2018). CEMEX promptly completed the stabilization project between October 4 and October 12, 2018. The repair involved developing a three-foot deep rip-rap keyway and reconstructing a 2H:1V slope above it along an approximately 360-foot

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			reach of the south bank of Cache Creek. The reconstructed slope was faced with cobble. Willow stakes (14) were installed along the length of the repair at the approximate ordinary high water mark line and are expected to mature over time. An as-built survey was completed by Robison Engineering on October 22, 2018. A copy of the as-built survey and photographs of the as-built condition was included with the 2018 annual report to the County.
Air Quality			
COA-63: Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).	OP	F	[No change from prior year report] Conveyors were installed and operational as of October 2002. <i>This condition is implemented and fully discharged.</i>
COA-64: Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).	OP	IC	[No change from prior year report] <u>OCSMO Section 10-4.407 (Conveyor systems)</u> See response to Condition 63. Conveyors will continue to be used where feasible. <u>OCSMO Section 10-4.415 (Equipment maintenance)</u>

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			Operator acknowledges these requirements. Internal combustion engine driven equipment and vehicles are tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. Fueling of equipment will be conducted according to the performance standard. The site is not subject to a SWPPP as CEMEX has a Notice of Non-Applicability dated October 1, 2018 on-file with the Water Board.
COA-65: Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).	OP	IC	See compliance notes for Conditions 63 and 64.
COA-65.1: The operators are encouraged to use cleaner vehicles and equipment and retrofit existing vehicles and equipment with diesel particulate filters (DPFs). Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions.	OP	IC	<i>[No change from prior year report]</i> This condition was modified as part of the 2020 Ten-Year Permit Review by the addition of new Section 10-4.414.1 (Energy) to the County Mining Ordinance related to use of clean electric energy to replace diesel equipment and reduce criteria pollutant emissions whenever practical and feasible. CEMEX installed a wind turbine energy system in 2012 that supplies renewable energy and promotes carbon neutrality.

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Traffic and Circulation			
COA-66: By July 1, 1999, the operator shall construct a left-turn lane for eastbound movements on State Route 16 into the processing plant. The operator shall be responsible for 100 percent of the costs of the improvement. Encroachment Permits from Caltrans will be obtained prior to construction (Mitigation Measure 4.8-1a).	PRE/OP	F	<i>[No change from prior year report]</i> Condition modified by Board of Supervisors on June 16, 1998, pursuant to Minute Order No. 98-241. The left turn lane was completed in 1999. <i>The condition is implemented and fully discharged.</i>
COA-67: The operator shall pay a fair share toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$1,200 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-2a).	PRE	F	<i>[No change from prior year report]</i> The operator fulfilled this obligation with a payment of \$1,200 to the City of Woodland in September 1997. <i>This condition is implemented and fully discharged.</i>

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Noise			
COA-68: In compliance with Section 10-4.421 (Noise: General Standard) of the Mining Ordinance, daytime noise levels at the property boundary shall not exceed 80 dBA Leq during mining and reclamation of the site. If earth-moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time (Mitigation Measure 4.9-1a).	OP/REC	IC	[No change from prior year report] Operator acknowledges the condition. The Operator is not aware of any noise complaints since the inception of mining.
COA-69: Implement the performance standards included in Section 10-4.421 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).	OP	IC	[No change from prior year report] Noise analysis evaluated in the project EIR determined that mining activities are consistent with these noise standards.
COA-70: Implement the performance standard included in Section 10-4.422 (Noise: Sonic Safety Devices) of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-3a).	OP	IC	[No change from prior year report] This requirement was clarified as a part of the CCAP Update to apply to conveyor alarms as well as vehicular back-up beepers. The performance standard for nighttime activities will be adhered to. There is no mining within 1500 feet of an off-site residence.

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Aesthetics			
COA-71: Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.10-1a).	PRE/OP	IC	[No change from prior year report] <u>OCSMO Section 10-4.429 (Setbacks)</u> (a) No new processing plants or material stockpiles have been developed within 1,000 feet from public rights-of-way, public recreation areas, and/or off-site residences. The current plant and existing material stockpiles will remain in place. (b) Soil stockpiles are located at least 500 feet from public rights-of way, public recreation areas, and off site residences. (c) No mining area exceeding fifty acres in size will lie within 1,000 feet of a public right of way at any time during the project. A windbreak along Highway 505 has been constructed using trees in accordance with the HRP in October 1997. (d) Off-channel excavations maintain a 50 foot minimum setback from neighboring property lines.

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			(e) The project was approved to mine to within 200 feet of the channel bank subject to installation of bank stabilization consistent with the Test 3 improvements in effect at the time. All conditions which allow mining within 700 feet of the channel bank have been met and have been incorporated in the approved mining and reclamation plans. Off-channel excavations are setback at least 200 feet from the existing channel bank. (f) Off-channel excavations maintain setbacks of at least 25 feet from riparian vegetation. (g) Not applicable; no recreational facilities are proposed within 150 feet of private dwellings. (h) Not applicable; no mining within the prescribed distances from the listed communities is proposed.

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Cultural Resources			
COA-72: Implement the performance standard included in Section 10-4.410 (Cultural Resources) of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).	PRE/OP	IC	[No change from prior year report] Operator acknowledges the condition. As described in the project-level EIR, cultural resource sites have been discovered within the permitted area. See compliance notes for Condition 74.
COA-73: The operator shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).	PRE/OP	IC	A training program was prepared by Holman and Associates. A more recent training program was prepared by Tom Origer and Associates in 2023. A training video will be shown to employees on an annual basis.
COA-74: No mining within the Snyder West parcel (Phases 4 and 6) shall be conducted until an accurate mapping of YOL-69 is completed, and the site is evaluated by an archaeologist to determine its significance and uniqueness. The following tasks shall be performed: a. Contract a surveyor to accurately map the cultural resource site on a topographic map, based on	PRE	F	[No change from prior year report] The site has been mapped and its boundaries located. The mapping report was provided to the County in 1997. The cultural resources in connection with the existence of Yol-69 were delineated, catalogued and removed by Holman and Associates during the Spring and Summer of 2002. It was done in accordance with all applicable laws and with the

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information, preliminary map, and recommendations contained in the YOL-69 mechanical subsurface testing report (Holman & Associates, 1996). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist. b. Mapping of the resource shall be completed prior to commencement of mining in mining areas that include the resources. c. Register the information obtained, including a map of the Yol-69 site, on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director. d. Before mining begins on Yol-69, an archaeologist shall be contracted to evaluate the Yol-69 site and determine its significance and uniqueness as defined in Appendix K of CEQA. A program of in-field evaluation testing shall be undertaken inside the newly recorded borders of Yol-69 to determine its			cooperation of the Cortina Band of the Wintun tribe. All cultural resources deemed significant were removed for further analysis and study. Skeletal remains were encountered and removed from the site to be analyzed under a protocol developed by Holman and Associates and approved by the Cortina Band. A letter outlining the activities was sent to Yolo County in September 2002. Analysis of the remains occurred in 2003. The remains have been interred at a location on site in an area that will not be disturbed in accordance with the approved protocol. The location was surveyed and provided to the proper authorities. While the cultural resources on Yol-69 were found to be significant, they have been removed and the site is now available for mining. A final report on the findings was published in 2004. An application was approved to change the sequence of phasing to 1-6 sequentially as a result of the removal of Yol-69. A final report was submitted to the county. <i>This condition is implemented and fully discharged</i>

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significance. The evaluation of this site shall be extensive enough to guide the development of a mitigation program if the site is found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of this site to monitor for indicators of human skeletal remains. e. If it is determined that the site contains significant cultural resources, an appropriate mitigation program shall be developed, before mining begins on Yol-69, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and could include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be			

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present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (Mitigation Measure 4.11-2a).			
COA-75: Implement Mitigation Measure 4.11-1b of the Final EIR for the proposed project (Mitigation Measure 4.11-2b).	PRE/OP	IC	See compliance notes for Condition 73.
COA-76: Implement Mitigation Measure 4.11-1a of the Final EIR for the proposed project (Mitigation Measure 4.11-2c).	PRE/OP	IC	See compliance notes for Condition 72.
Hazards			
COA-77: Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).	OP	IC	<u>OCSMO Section 10-4.415 (Equipment maintenance)</u> See compliance notes for Condition 64.
COA-78: Implement the performance standard included in Sections 10-4.406 and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.12-3a).	OP/REC	IC	[No change from prior year report] <u>OCSMO Section 10-4.406 (Benches)</u> See compliance notes for Condition 33. <u>OCSMO Section 10-4.431 (Slopes)</u> See compliance notes for Condition 33.

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			<u>SMRO Section 10-5.510 (Fencing)</u> See compliance notes for Condition 29, part (a). <u>SMRO Section 10-5.530 (Slopes)</u> See compliance notes for Condition 33.
2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS			
COA-79: Comply with Section 10-4.420.1 of the County Mining Ordinance and 10-5.517 of the County Reclamation Ordinance related to Mercury Bioaccumulation in Wildlife.	REC	NR	[No change from prior year report] <u>OCSMO Section 10-4.420.1 (Mercury bioaccumulation in fish)</u> Each mining area to be reclaimed to a permanent lake will be evaluated for five years after the pit fills with groundwater with an intensive fish mercury monitoring program described in Section 10-5.517 of the Reclamation Ordinance. <u>SMRO Section 10-5.517 (Mercury bioaccumulation in fish)</u> See compliance notes for Conditions 17 and 29.
COA-80: Pursuant to Sections 10-4.433 (Soil Stockpiles), 10-5.508 (Erosion Control), 10-5.533 (Wetland Habitat),	REC	NR	[No change from prior year report] CEMEX acknowledges the requirements of the condition. CEMEX's proposed permit

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and 10-5.601(c)(1) of the Reclamation Ordinance, reclamation, restoration, vegetative erosion control, etc. occurring after December 31, 2020 shall utilize plant material and/ seed mixes collected in the vicinity of the project site in order to control the origin of the genetic stock and provide the most site-adapted ecotypes. Native seeds, plants, and cuttings used for such activities shall be ecotypes of Cache Creek Watershed genetic origin including areas outside of Yolo County and of Yolo County genetic origin when materials are used that originate from outside of the Cache Creek Watershed.			modification includes revisions to the reclamation plan to include all native species. The County is currently processing the application.
ADDITIONAL RELEVANT CONDITIONS OF APPROVAL			
Board of Supervisors Minute Order No. 01-126, approved April 22, 2001:			
COA-1: The project shall be in compliance with all adopted conditions of approval for Zone File #2000-087 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736.		F/IC	[No change from prior year report] Zone File #2000-087 relates to the relocation of the concrete batch plant to the current site. See compliance notes for each condition, below. Zone File #1901 relates to the asphaltic concrete batch plant, which is operated by Vulcan Materials Co.

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			Zone File #95-093 is the mining permit and reclamation plan that is the subject of this annual compliance review. Please see the condition compliance notes, above. Zone File #ZA-736 relates to the asphaltic concrete plant storage silos, which are used by Vulcan Materials Co. The first condition of that approval required the operator to obtain permits from County Environmental Health and the Yolo Solano AQMD prior to construction of the new silos. This condition was fulfilled before the current long-term mining permit (Zone File #95-093) was issued. The second condition of that approval stipulates that the County shall review the operation of the [asphalt plant] facility annually in conjunction with the inspections required by SMARA and the State Mining and Geology Board of the mining operations.
COA-2: The project shall be completed in compliance with all applicable Federal and State laws, Yolo County Code	PRE	F	<i>[No change from prior year report]</i> The relocation of the concrete batch plant was completed by CEMEX's predecessors. To the best of CEMEX's knowledge, the relocation

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Regulations and Engineering Design Specifications and Standards.			was completed in compliance with applicable laws, regulations and standards. <i>This condition is implemented and fully discharged.</i>
COA-3: In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.	PRE	F	[No change from prior year report] The relocation of the concrete batch plant was completed by CEMEX's predecessors. CEMEX presumes that its predecessors agreed to these indemnification provisions prior to completion of the project. <i>This condition is implemented and fully discharged.</i>

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COA-4: Caltrans shall be forwarded a copy of any future development on the subject parcels to ensure that no significant impact to State Highway 16 and right-of-way are created.	PRE/OP/REC	IC	[No change from prior year report] The Notice of Preparation for the CEMEX Cache Creek Mining Permit and Reclamation Plan Amendment Project (ZF2018-0015) was sent to Caltrans. Implementation of this condition is an ongoing requirement.
COA-5: Properties which are subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless a division of the Williamson Act Contract is first approved as provided in Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.
COA-6: Upon acceptance and approval of the Williamson Act Contracts by the Yolo County Board of Supervisors, a record copy shall be provided by the applicant to the Planning and Public Works Department.	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.
COA-7: A "Certificate of Acceptance" will be issued by the Planning and Public Works Department within 30 days of receiving the recorded contracts.	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.

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COA-8: Within thirty (30) days of the issuance of the "Certificate of Compliance" the applicant shall record the certificate accompanied by map and legal description of the approved Lot Line adjustment and Williamson Act Contract Division with the County Recorder's Office, or it shall be deemed null and void.	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.
COA-9: Prior to final Building Approval for the new batch plant, any areas of bare ground at the abandoned batch plant site in the town of Madison shall be re-vegetated to the satisfaction of the and Public Works Director to increase filtration and prevent erosion and runoff onto State Highway 16.	PRE	F	[No change from prior year report] The relocation of the concrete batch plant was completed by CEMEX's predecessors. To the best of CEMEX's knowledge, the relocation was completed in compliance with this condition. <i>This condition is implemented and fully discharged.</i>
COA-10: The applicant shall obtain all necessary building permits for any demolition, construction and/or repair of any existing structures on either site, including approval from the County Environmental Health Division and the Madison Fire District, if appropriate, for compliance with adopted Health, Safety, Building, and Fire Codes, as amended.	PRE	F	[No change from prior year report] The relocation of the concrete batch plant was completed by CEMEX's predecessors. To the best of CEMEX's knowledge, the relocation was completed in compliance with this condition. <i>This condition is implemented and fully discharged.</i>

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COA-11: Relocation of the batch plant shall commence within one (1) year of the effective date of the Planning Commission's approval, or said Use Permit shall be deemed null and void without further action.	PRE	F	[No change from prior year report] The relocation of the concrete batch plant was completed by CEMEX's predecessors. To the best of CEMEX's knowledge, the relocation was completed in compliance with this condition. <i>This condition is implemented and fully discharged.</i>
COA-12: The site of the existing batch plant shall be cleared of all weeds, brush and debris, prior to issuance of the Final Building Permit for the relocated batch plant.	PRE	F	[No change from prior year report] The relocation of the concrete batch plant was completed by CEMEX's predecessors. To the best of CEMEX's knowledge, the relocation was completed in compliance with this condition. <i>This condition is implemented and fully discharged.</i>
COA-13: Prior to issuance of the Final Building Permit, the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$30,000 to provide financial assurance for the new plant area.	PRE	F	[No change from prior year report] The relocation of the concrete batch plant was completed by CEMEX's predecessors. To the best of CEMEX's knowledge, the relocation was completed in compliance with this condition. <i>This condition is implemented and fully discharged.</i>
COA-14: Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.

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• Non-issuance of future building permits; • Revocation of the Conditional Use Permit and/or Mining Permit; • Legal action.			
Board of Supervisors Minute Order No. 03-112, approved April 15, 2003:			
COA-1: The project shall be in compliance with all adopted conditions of approval for Zone File #2002-127 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736, and in particular, Condition No. 74 and Mitigation Measure 4.11-2a of Development Agreement No. 96-287 for the CEMEX Long-term Off-channel Mining Permit.			<i>[No change from prior year report]</i> Zone File #2002-127 relates to the exchange of Phases IV and VI of the mining permit. See compliance notes for each condition, below. Zone File #1901 relates to the asphaltic concrete batch plant, which is operated by Vulcan Materials Co. Zone File #95-093 is the mining permit and reclamation plan that is the subject of this annual compliance review. Please see the condition compliance notes, above. Zone File #ZA-736 relates to the asphaltic concrete plant storage silos, which are used by Vulcan Materials Co. The first condition of that approval required the operator to obtain

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			permits from County Environmental Health and the Yolo Solano AQMD prior to construction of the new silos. This condition was fulfilled before the current long-term mining permit (Zone File #95-093) was issued. The second condition of that approval stipulates that the County shall review the operation of the [asphalt plant] facility annually in conjunction with the inspections required by SMARA and the State Mining and Geology Board of the mining operations.
COA-2: The project shall be completed in compliance with all applicable Federal, State and County laws and regulations.	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition. CEMEX's operations continue to comply with applicable laws and regulations.
COA-3: All aspects of Phases IV and VI shall be included as part of the interchange in the phasing sequence.	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.
COA-4: There shall be no change to any aspect of the approved Mining and Reclamation Plan with the exception of the interchanging of Phases IV and VI. All other aspects of Development Agreement No. 96-287 for the CEMEX Long-Term Off-Channel Mining Permit shall remain in full force and effect.	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.

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COA-5: Prior to conducting any mining activity in Phase VI (propose Phase IV) the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$348,372 to provide financial assurance for the subject phase.	PRE	F	[No change from prior year report] Financial assurances were updated prior to the commencement of mining in Phase 4. CEMEX reviews and updates its financial assurances each year as required by SMARA. <i>This condition is implemented and fully discharged.</i>
COA-6: Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions: • Non-issuance of future permits to the applicant for projects or activities at the site; • Revocation of the approved Mining Permit; • Legal action	PRE/OP/REC	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.
Minor Modification ZF #2022-0037, approved May 10, 2022:			
COA-1: Modification of current approved Phase 6 to become Phase 5, and current approved Phase 5 to become Phase 6, and authorization to commence dry mining on a portion of new Phase 5 totaling a maximum of 20 acres due south of the current area of mining in current Phase 4 is hereby approved and such modifications	PRE	F	[No change from prior year report] This condition is implemented and fully discharged.

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shall be noted on the approved plans and shall be initialed by the Director pursuant to Section 10-4.604.			
COA-2: The applicant shall complete field leveling and plant raptor-friendly crops on a minimum of 110 acres in Phase 1 no later than September 30, 2022. The applicant shall provide the County with verification from the Yolo Habitat Conservancy that the proposed crops and crop rotation will provide acceptable foraging habitat for Swainson's hawk.	REC	IP	On November 22, 2022, the Yolo Habitat Conservancy submitted a letter to the County providing concurrence that the proposed crop rotation provides suitable foraging habitat for Swainson's hawk. Sagara Farms planted the crops in the re-leveled Phase 1 area in December 2022. The later timing for crop plantings was to ensure adequate rainfall to support seed germination. The County is aware of this timing.
COA-3: The applicant shall place 50 acres of unmined productive agriculture in the southerly portion of the Hutson parcel, adjoining State Route 16 on the south and the 2012 Conservation Easement boundary on the north, in permanent agricultural easement no later than September 30, 2022. The terms of the easement shall be satisfactory to the County and shall ensure crops and crop rotation will provide acceptable habitat for Swainson's hawk.	REC	IP	CEMEX is in the process of establishing a 50 acre off-site conservation easement with the Yolo Land Trust. CEMEX is in the process of retaining a land surveyor to prepare a legal description for the property, per the request of the Yolo Land Trust.
COA-4: Implement hedgerow planting to provide required vegetative cover within a continuous uninterrupted	REC	IP	Zentner Planning & Ecology prepared the hedgerow planting plan, which was submitted to the County on January 27, 2023. The plan

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band along the north boundary of the west half of Phase 1 and the entire west boundary between Phase 1 and Phase 2. The width of the new hedgerow planting shall match the width of the existing hedgerow plantings on the north. If the PG&E powerline easement prohibits the planting of species identified for the rest of the hedgerow, alternative native species may be proposed for the powerline easement right-of-way area. The design shall be approved by the County with input from the Cache Creek Area Plan Technical Advisory Committee's Riparian Biologist. The applicant shall submit design plans (including proposed native species and irrigation) for County review and approval no later than September 30, 2022. All approved improvements shall be implemented within 90 days of County approval.			is still pending County approval. CEMEX will implement the plan within 90 days of County approval.
COA-5: Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain the hedgerows.	OP/REC	NR	[No change from prior year report] CEMEX acknowledges the requirement of this condition. Once the hedgerows are installed, CEMEX will ensure that they are monitored and maintained on an annual basis. CEMEX will provide a summary of monitoring in each year's annual compliance report.

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COA-6: Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain the 5.7 acres of restored habitat	OP/REC	IC	<i>[No change from prior year report]</i> CEMEX acknowledges the requirement of this condition. Zentner Planning & Ecology performs annual monitoring of the restored habitat area. For additional details, please refer to the Zentner Monitoring Report submitted as part of this annual report.
COA-7: The applicant was required under the 2081 MOU to dedicate the Restored Habitat property to the County in fee title no later than 1998. To address this outstanding commitment, the applicant shall make an irrevocable offer of dedication (IOD) to the County no later than September 30, 2022 (with a deadline for acceptance by the County no earlier than August 11, 2027, which is coincident with the expiration of the approved permits) to dedicate to the County, in fee title, the fenced restored habitat area totaling 5.7 acres, including ongoing maintenance to the County's satisfaction until the dedication is executed. If the current approved permits are extended, as requested in the pending Major Modification application, the deadline for acceptance of the IOD shall be extended to align with the new permit expiration or other equivalent assurances of future dedication (e.g.,	OP	IP	CEMEX acknowledges the requirement of this condition. The irrevocable offer of dedication (IOD) is undergoing review by CEMEX's legal department.

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amendment of this commitment into the revised Development Agreement) on a timetable acceptable to the County shall be made. The parties agree the deadline for acceptance of the IOD, and discussion of connecting this property to subsequent trail easement dedications and/or substituting this property for other equivalent land that is connected to future land dedications, shall be discussed in concert with Development Agreement negotiations pertinent to the pending Major Modification.			
COA-8: No later than ten days after the effective date of this approval, CEMEX shall submit an amendment to the pending Major Modification application requesting to modify Mining and Reclamation Permit ZF #95-093 to: a) remove Phase 7 (and any related activity west of Interstate 505 from the project boundary and approvals); and b) identify additional proposed actions to resolve temporary impacts to croplands in excess of the maximum of 126 acres assumed in the 1996 project EIR, or request a change in the maximum area of land disturbance identified as an element of the project in the project EIR to a feasible amount and provide substantiation of the operational reasons for the revised acreage maximum.	PRE	F	<i>[No change from prior year report]</i> On behalf of CEMEX, Compass Land Group submitted an amendment to the pending Major Modification application to remove Phase 7 and address temporary agricultural impacts to the County on June 3, 2022. <i>This condition is implemented and fully discharged.</i>

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COA-9: The combined 225-acre farmland easement area (2012 Easement totaling 175 acres and new conservation easement totaling 50 acres), shall be maintained in active agricultural production unless fallowing is required and/or beneficial for agricultural purposes. Fallowing for non-agricultural purposes is prohibited. Fallowing of any portion of the property for greater than one year requires approval of the Agricultural Commissioner.	OP/REC	IC	CEMEX acknowledges the requirement of this condition. Sagara Farms planted crops in the re-leveled Phase 1 area in December 2022.
COA-10: The applicant may not withdraw or unreasonably delay processing of the pending Major Modification.	PRE	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.
COA-11: The applicant shall take all necessary steps to A) re-designate the mining site and plant as “place of sale” for the purposes of establishing the retail sales location and calculating the sales tax obligations of the operation, or B) compensate the County for the equivalent of the County’s portion of sales tax revenues that would be generated from CEMEX’s aggregate sales on a per ton basis. Reinstatement of the sales tax share to Yolo County, or obligation for equivalent compensation, shall commence on October 1, 2022, and shall extend for the life of the Mining and	OP	IC	[No change from prior year report] CEMEX acknowledges the requirement of this condition.

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Reclamation permit approval (including any subsequent amendment or extension). Payment of equivalent compensation shall be due with the first quarter payment of per-ton gravel fees every March 31st (unless subsequently amended by the County). The parties agree this obligation will be integrated into the Development Agreement in conjunction with any amendments that occur relevant to final action on the pending Major Modification.			
COA-12: In compliance with approved mining and reclamation permit conditions 59 and 61.5 the applicant shall engage the services of a qualified biologist to undertake a biological resources assessment of the new (renumbered) Phase 5 area prior to commencement of mining in that phase. Results shall be presented to the County demonstrating no impacts to special status species.	PRE	F	<i>[No change from prior year report]</i> On behalf of CEMEX, Compass Land Group submitted the <i>CEMEX Cache Creek Mine Phase 5 Area Biological Resources Survey and Assessment</i> (Zentner July 12, 2022) to the County on August 16, 2022. On October 26, 2022 the County communicated to CEMEX that the assessment was adequate. <i>This condition is implemented and fully discharged.</i>
Phase 5 Dewatering ZF #2023-0012, Amendment to ZF #95-093, approved July 13, 2023:			
COA-45.1: Dewatering is allowed on the site as authorized by ZF 2023-0013, subject to the following requirements: Net annual water use shall not exceed the per year amount analyzed in the 1996 EIR.	OP	IC	CEMEX started dewatering in Phase 5 in September 2023. CEMEX will monitor water levels in the wet pits and nearby monitoring wells on a quarterly basis and will quantify the amount of water pumped from and returned

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- No offsite discharge of pumped groundwater shall occur. - As required under Section 10-4.412 of the OCSMO, CEMEX will monitor water levels in the wet pits, and nearby monitoring wells on a quarterly basis and will quantify the amount of water pumped from and returned to the wet pit(s). - CEMEX shall notify the County if an adverse impact to existing wells or water resources is identified. Consistent with the OCMP EIR, an effect shall be considered adverse if the reduction in simulated groundwater levels exceeds two feet at any well located within 1000-feet of the pit boundary or results in well failure. If adverse impacts are found to be occurring, dewatering activities will be modified to eliminate adverse impacts, or the applicant shall otherwise mitigate impacts to the satisfaction of the County. Any measures designed to mitigate adverse impacts identified after implementation of dewatering activities shall be approved by the Planning Commission at a regularly scheduled meeting			to the wet pits. Groundwater monitoring reports will be submitted to the County as part of the next annual report package.

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GRANITE CONSTRUCTION COMPANY

CAPAY FACILITY

15560 Co Rd 87, Esparto, CA 95627

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement (“DA”) No. 96-289, Granite Construction Company (“Granite”) has reviewed the terms of the agreement and has determined that we comply with all required provisions.

STATUS OF MINING AND RECLAMATION

In 2012, the Director approved an extension of the 2011 Interim Mining Phase (ZF No. 2011-0026). The 2011 approval allowed Granite to expand the interim mining area by 9.3 acres and mine to the same depth as the adjacent interim area (32 feet) with 2:1 (horizontal:vertical) slopes. The slopes have been contoured and seeded to ensure that all slopes match the interim reclamation of grasses to the adjacent interim phase to the west.

In 2013, Granite dry mined Phase 1B up to the northwestern mining boundaries in order to achieve final reclamation slopes of 2:1. No reclamation activities occurred in 2013.

In 2014 and 2015, Granite continued dry mining in Phase 1B. No substantial reclamation activities occurred in 2014 or 2015.

In 2016, Granite continued dry mining in Phase 1B and entered the West Cell of Phase 2.

In 2017, Granite began reclamation of Phase 1B and continued to dry mine in the West Cell of Phase 2. In late October, Granite performed bank stabilization along a 900’ stretch of the north bank of Cache Creek adjacent to the Capay Facility’s (Facility) entrance road near County Road 87 bridge.

In 2018, Granite continued to mine a portion of the West Cell of Phase 2, and a portion of the East Cell of Phase 2.

In 2019, Granite dry mined both the East Cell and the West Cell of Phase 2. Granite performed emergency bank stabilization work along two portions of the north bank of Cache Creek adjacent to the East Cell of Phase 2. Each location was approximately 200’ in length.

In 2020, Granite dry mined both the East and West Cells of Phase 2.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

In 2021, Granite mined both the East and West Cells of Phase 2 using an excavator.

In 2022, Granite continued to mine the west cell and began mining in the Central Cell via loader, excavator, and haul truck.

In 2023, Granite will continue mining in the Central Cell using front end loaders.

In 2024, Granite will mine the Central and Eastern Cells with front end loaders and a dragline excavator.

YOLO COUNTY APPROVALS

The Board of Supervisors approved Zone File No. 95-078 on November 25, 1996 to allow for off-channel mining on 359 acres over a 30-year period with reclamation to permanent lakes, habitat, and row-crop production. This permit superseded Zone File No. 4040 and Zone File No. G-1.

Amendment No. 1 to Zone File No. 95-078 was approved by the Board of Supervisors on June 16, 1998 to modify Conditions of Approval (COA) Nos. 47 and 48 to allow for extensions of time to construct required road improvements.

Amendment No. 2 to Zone File No. 95-078 was approved by the Board of Supervisors on January 5, 1999 to modify Condition of Approval No. 48 to allow for a second extension of time to construct required road improvements.

Amendment No. 3 to Zone File No. 95-078 (per Zone File No. 2001-043) was approved by the Planning Commission on August 9, 2001 and the Board of Supervisors on August 28, 2001 to allow for the occasional exceedance of the annual maximum aggregate production cap by 20%, as provided by Section 10-4.405 (Annual Production Limits) of the Off-channel Surface Mining Ordinance and the Off-Channel Mining Plan for Lower Cache Creek.

Agreement No. 96-289 (Ordinance No. 1272) was approved on September 4, 2001, allowing Granite to occasionally exceed the annual maximum aggregate production cap by 20% as provided by Section 10-4.405 of the Off-channel Surface Mining Ordinance, and the Off-channel Mining Plan for Lower Cache Creek.

Amendment No. 4 to Zone File No. 95-078 (per Zone File No. 2001-096) was considered by the Planning Commission on October 17, 2002 and approved by the Board of Supervisors on December 3, 2002 to amend DA 96-289 and modify the mining and reclamation plans for (1) construction and operation of an asphalt plant, concrete plant, and recycle plant; (2) early relocation of plant facilities to the east site; (3) modifications to the location of mining areas, mining phasing, and depths of mining; (4) modifications to the reclamation plan to change the proportional acreage to be reclaimed to open water, agriculture, and habitat; and (5) approval to move or demolish the existing vacant Stephens Farmhouse and associated structures to allow mining and reclamation of that area.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

Amendment No. 6 to Zone File No. 95-078 (DA No. 96-289) was approved by the Board of Supervisors on December 3, 2002 to change the ownership from R.C. Collet to Granite, extinguish in-stream rights potentially held by Granite, revise the approved “net gain” to reflect an increase in the amount of reclaimed land offered as dedication to the County from 77 acres to 248 acres, and to modify the timing of the dedication through phasing.

Amendment No. 7 to Zone File No. 95-078 (Agreement No. 01-299) was approved by the Board of Supervisors on April 1, 2003 for Granite to fund costs associated with a Supplemental Environmental Impact Report (SEIR) required under the original agreement.

Agreement No. 03-275 (amending Agreement No. 01-299) was approved on October 21, 2003, with Granite under which the costs were funded for services rendered by Baseline Environmental Consulting, as well as Tschudin Consulting Group, to prepare the SEIR and associated planning documents.

Amendment to DA No. 96-289 (Zone File No. 2001-096) was a modification to the phasing of the Long-Term Off-Channel Mining Permit.

Agreement No. 04-203 (DA No. 96-289) was approved on June 1, 2004, this amendment for the Granite Construction Long-term Off-channel Mining Permit Approved Mining Plan (Ordinance No. 1318) changed the phasing to create an Interim Phase of 34 acres to allow use of a new electric floating Dredge and floating conveyors.

Resolution No. 04-150/Agreement No. 04-275 (DA No. 96-289) was approved for transfer of 41 acres of dedicated real property on September 7, 2004. Property transferred from Granite to Yolo County. This Real Estate dedication is known as the Capay Open Space Park and is located on Road 85 (1/4 mile north of the town of Capay).

Amendment No. 4 to DA No. 96-289 Ordinance 1325 was adopted on September 10, 2004 and in effect approved the DA amendment revising the grading and Facility layout plan (to interchange the location of retention basins with the lab and office complex).

Board of Supervisor’s approved donation from Granite on December 7, 2004 of a fossilized mammoth pelvis bone uncovered during gravel operations at the Facility.

Interim Plan to Yolo County Director of Planning and Public Works was approved on September 29, 2005. This included a minor modification was to the 2004 Interim Mining Phase Plan which allowed for an additional 40 acres of Phase 2 to be mined in conjunction with Phase 1A.

Interim Plan to Yolo County Director of Planning and Public Works was approved on June 4, 2011. This included a minor modification to expand the interim mining area, consisting of 9.3 acres. On June 7, 2012, the Director approved a 90-day extension of the Interim Mining Phase duration to allow for the removal

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

of the berm material between the 2011 Interim Mining Phase and the 2005 Interim Mining Phase.

Modification request to Yolo County Director of Planning and Public Works was approved on July 29, 2013 to temporarily adjust the hours of on-site operation to commence at 3:00 a.m. for the summer months, in order to reduce the amount of time workers spend in extreme heat and also to reduce operations during peak-time energy use hours. On August 13, 2013, Granite resumed previous operating hours due to a noise complaint from a neighbor.

Notification to Yolo County Director of Planning and Public Works was received on March 17, 2015, informing that Granite would begin operating the Facility at approximately 3:00 a.m. in accordance with COA No. 55.4 beginning in May 2015. In response to concerns raised by nearby residents, Granite installed non-sonic warning devices on the heavy-duty mobile mining equipment (e.g., loaders, dozers, etc.). The non-sonic devices were utilized during nighttime operations at the Facility (6:00 p.m. - 6:00 a.m.).

Modification request to Yolo County Director of Planning and Public Works was received on October 10, 2015 to eliminate COA No. 55.4 in the Mining Permit and Reclamation Plan ZF No. 2001-089, to base hours of operation on the Off-Channel Mining Ordinance noise standards.

Request to Yolo County Director of Planning and Public Works was approved on May 31, 2016 to add a complaint response process, with language recommended by staff, in the form of a replacement condition to further address community concerns (COA No. 55.5). The Board of Supervisors asked that response to complaints be coordinate through County Staff.

Yolo County Planning Commission held a public hearing on July 13, 2017 to review COA No. 55.5 and voted unanimously to make the condition permanent. Granite will continue to adhere to the requirements of the first paragraph of COA No. 55.5; no further action is required on the second paragraph (see letter from County staff in Section 11).

OTHER AGENCY APPROVALS

Granite has a Waste Discharge Permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) and two Permits to Operate from the Yolo-Solano Air Quality Management District (YSAQMD). The annual Surface Mining and Reclamation Act (SMARA) reporting form was submitted by the operator to the State Department of Conservation and a copy was submitted to Yolo County. A Hazardous Materials Business Plan and Spill Prevention, Control and Countermeasure Plan is on file with the Yolo County Environmental Health Department.

CONDITIONS OF APPROVAL (ZF No. 2001-096)

**Note: Revised COA's were issued on 10/13/2014 to include changes resulting from DA No. 11-165 for Esparto. These changes have been incorporated below.*

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

* Note: Revised Conditions of Approval were approved by the Yolo County Board of Supervisors on 05/31/2016 to remove COA No. 55.4 and add COA No. 55.5. These changes have been incorporated below.

*Note: Revised COA's from the most recent 10 -year review were finalized February 9th, 2023 and voted on and approved by the Yolo County Board of Supervisors on February 21, 2023. This document reflects those most recently approved COAs.

Miscellaneous Conditions

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

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

⇒ **RESPONSE: Condition acknowledged.**

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,075,269 (mined tonnage). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons. Pursuant to Action 2.4-9 of the Off-Channel Mining Plan (OCMP) and Action 6.4-4 of the Cache Creek Resources Management Plan (CCRMP), this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the Cache Creek Area Plan (CCAP).

The maximum annual permitted production from the Granite Capay site and the Granite Esparto site have been combined to allow for accelerated mining at the Granite Capay site while mining at the Granite Esparto site is delayed until mining is completed at the Capay site (with the exception of the area under the existing processing facility) and reclamation has commenced. The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedance, for an annual maximum of 1,200,000 tons (sold) in any one year. This annual permitted extraction amount shall be combined with the annual permitted extraction associated with the Granite Esparto site of 870,000 tons (sold) plus the 20 percent

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

exceedance, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold). (See CAPAY DA AMENDMENT No. 4, Section I: a) Recital V, iii). Pursuant to Action 2.4-9 of the OCMF and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

⇒ **RESPONSE: Condition acknowledged. Granite sends a tonnage report annually to the Yolo County Natural Resources Division and sends a statement of tons sold annually to the Yolo County Planning and Public Works Department. See Section 12 of this Annual Compliance Report.**

3. The operator shall pay tonnage fees to the County and the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose. The tonnage fees are adjusted annually per Gravel Mining Fee Ordinance Section 10-11.01(c) as amended. This fee is allocated as follows:

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

⇒ **RESPONSE: Condition acknowledged. All appropriate per ton fees are paid quarterly via invoice. Granite has been paying all required fees. The tonnage fees are adjusted annually per Gravel Mining Fee Ordinance Section 10-11.01(c) as amended.**

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

Pursuant to the terms of the Development Agreement, an additional surcharge of \$0.20 per ton (“unallocated tons surcharge”) was applied on all tonnage sold annually from Granite Capay (or Granite Esparto) in excess of 500,000 tons, but not exceeding 1,000,000 tons from 2012 through 2026. The new surcharge went into effect on January 1, 2012. The County began collecting revenues from the surcharge, where applicable, in 2013. The new surcharge terminates December 1, 2026.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: Condition acknowledged. All appropriate per ton fees are paid quarterly via invoice. The new surcharge went into effect on January 1, 2012. The County began collecting revenues from the surcharge, where applicable, in 2013. The new surcharge terminates December 1, 2026.**

4. The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review. The Capay Plant Site (East Plant) has been approved to allow for processing of material extracted from the Granite Esparto mining site subject to the Granite Esparto project approval. The approved reclamation of the East Plant site will occur after mining of the Granite Esparto mining site is complete or after the approved Granite Esparto permit has expired (November 2041), whichever occurs first, unless extended by County prior to the termination of the Granite Esparto permit.

⇒ **RESPONSE: Condition and Agreement acknowledged. Mining commenced on January 1, 1998. The permit expires January 1, 2028, unless extended.**

5. The Mining Permit, including operation of the processing plant, is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

⇒ **RESPONSE: Condition acknowledged. Yolo County received notification that mining commenced under the long-term permit on December 30, 1997. Mining under this permit commenced on January 1, 1998. Granite submitted notification that mining commenced under ZF No. 2001-089 on June 30, 2003.**

See No. 4, above. The Facility has been approved to allow for processing of material from the Granite Esparto mining site until 2041, unless extended by County prior to the termination of the Granite Esparto permit.

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

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: Condition acknowledged.**

7. The operator shall amend the financial assurances to reflect the modifications to the project, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in an amount to be determined, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining under the revised permit approval.

⇒ **RESPONSE: Condition acknowledged. Financial assurances have been updated annually pursuant to SMARA. See Section 4 of this Annual Compliance Report.**

8. The project to which these conditions are applicable is as described in the 2002 Supplemental Environmental Impact Report (EIR) and summarized in the Yolo County Board of Supervisors Staff Report dated November 26, 2002, as modified only by the adopted COA including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

⇒ **RESPONSE: Condition acknowledged. The project was approved on December 17, 1996. There have been various modifications to this permit since that time. A substantial amendment to the operation was approved December 3, 2002 (ZF No. 2001-096).**

Granite applied for an amendment to this permit, including a 20-year extension (and an approximately nine-year extension of the Granite Esparto permit) on December 3, 2019. This application (for the proposed Granite Rephasing Project) was found to be complete on May 20, 2020. It was subsequently withdrawn by the applicant on July 30, 2021.

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

⇒ **RESPONSE: Condition acknowledged. DA No. 96-289 between the County and Granite was recorded on January 7, 1997. The First Amendment was approved on September 4, 2001; the Second Amendment was approved on December 3, 2002; the Third Amendment was approved on June 1, 2004; the Fourth Amendment was**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

approved on the Fourth Amendment was approved on September 7, 2004; and the Fifth Amendment was approved on November 8, 2011. There have been no subsequent amendments or modifications. There have been no subsequent amendments or modifications.

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

⇒ ***RESPONSE: Condition acknowledged. Temporary soil stockpiles have been located on unmined phases within the approved mining areas. A & B horizon soils were used to reclaim the 17-acre Previously Mined Area (See Reclamation Sheet 2 & 8).***
11. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all COA. The operation must remain consistent with the spirit and intent of the CCAP.

⇒ ***RESPONSE: Condition acknowledged.***
12. Deleted. Condition satisfied. Ambient mercury levels were determined by the County in the fall of 1997.

⇒ ***RESPONSE: This condition was deleted as part of the 2002 amendment approval. Ambient mercury levels were determined in the report titled, "Mercury in Lower Cache Creek Biota: Baseline Assessment" by Slotton, Ayers, and Reuter (Fall 1997). This condition is implemented and fully discharged.***
13. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

⇒ ***RESPONSE: Condition acknowledged. Granite submits an updated Hazardous Materials Business Plan (HMBP) annually to the Yolo County Environmental Health Department through California Environmental Reporting System (CERS) and a Spill Prevention Control and Countermeasure Plan (SPCCP) is retained on-site.***

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

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

⇒ **RESPONSE: Condition acknowledged. Native vegetative buffers will be installed and/or maintained between restored habitat and adjoining farmland.**

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

⇒ **RESPONSE: This condition does not apply to the processing of materials at the Facility from the Granite Esparto mining upon commencement of mining. The Facility was authorized to process material from the Granite Esparto mining site through November 8, 2041, unless extended by County prior to the termination of the Granite Esparto permit.**

16. Deleted. This condition has been satisfied with the revised mining and reclamation plans.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

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

If, in moving from any one phase of mining to the next, the operator is unable to fulfill this condition within 12 months, due to delays outside of the control of the operator, the operator may optionally enter into an agreement with the County that allows deferral of construction of the channel

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

improvements that would have otherwise been required at that time, to a reasonable future time when the events outside of the operator's control will no longer preclude meeting the condition. The operator must demonstrate to the County a good faith effort to satisfy the condition in order to enter into the optional deferral agreement. The use of the optional deferral agreement shall not allow any channel improvements that would have been required under this condition to be waived. The intent of allowing the optional deferral agreement to address a possible situation wherein the operator may be unable to satisfy the condition due to disagreement between responsible/permitting agencies, delay on the part of the County in identifying the specific improvements, or other similar circumstances.

⇒ **RESPONSE: Condition acknowledged. Mining is approved to occur in Phase 1A, 1B, 2 East, 2 Central and 2 West. All required channel and bank improvements have been completed and are monitored on an ongoing basis. See Section 2 of this Annual Compliance Report.**

18. Deleted. Alternative 4a was implemented.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

19. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 26, 2002, shall be implemented by the operator as a condition of approval.

⇒ **RESPONSE: Required modifications to the reclamation plans were completed as part of revised mining and reclamation plan submitted to the County in June 2003. This condition is implemented and fully discharged.**

- 19.2 In compliance with Section 10-5.520.2 (Permanent Easements) of the Reclamation Ordinance, upon the completion of reclamation within Phases 1A, 1B, and the East Plant site of the project the operator shall enroll each reclaimed parcel in Williamson Act contracts or provide equivalent long-term easements or deed restrictions satisfactory to the County, for the purpose of protection of the agricultural use of the reclaimed land in perpetuity. The description of uses identified in the contract as allowed to occur on Phases 1A and 1B, shall specifically identify conjunctive aquifer recharge.

⇒ **RESPONSE: Condition acknowledged. The agricultural use on the three identified properties will be protected into perpetuity prior to sign-off on reclamation and release of financial assurance bonds. Implementation is ongoing. In December 2012, the Yolo County Flood Control and Water Conservation District completed a study entitled Enhanced Canal Recharge Feasibility Report which concluded (p. 22) that the Phase 1A pond has a "low capability" as a recharge site, but that other mined pits may be "more appropriate for active groundwater recharge".**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

19.4 Deleted. Conveyors have been installed.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

19.6 Total production allowed under this Mining Permit shall not exceed 30.0 million tons (sold weight) and 32.3 million tons (mined weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

⇒ **RESPONSE: Condition acknowledged. Granite sends a tonnage report annually to the Yolo County Natural Resources Division and sends a statement of tons sold annually to the Yolo County Planning and Public Works Department. See Section 12 of this annual compliance report.**

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

⇒ **RESPONSE: Condition acknowledged.**

19.8 Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: CR 87 and CR 19 to and from Interstate 505.

⇒ **RESPONSE: Condition acknowledged. In late 2020, two designated truck route signs were posted on-site at the truck scales and by the front gate.**

EIR MITIGATION MEASURES

Land Use and Planning

20. Implement Mitigation Measures 4.2-8a; 4.4-1a, b, and c; 4.4-2a, b, and c; 4.4-6; 4.4-8a and b; 4.4-9; 4.4-10; 4.4-11; and 4.4-12 of the Final EIR for the proposed project (Mitigation Measure 4.2-1).

- a. Mitigation Measure 4.2-8a: All operations are to be made consistent with existing and planned uses. The County shall solicit the dedication of all or a portion of Phases 3 and 4 of the project to fulfill the open space and recreational goals of the OCMP, for that segment of the creek. The County shall also coordinate with the applicant how adequate public access to the planned recreation node could be accommodated. The applicant's reclamation plan shall be revised, as appropriate. The above Mitigation Measure and measures in Section 4.9, Noise; and in Section 4.7; Air Quality, will mitigate this impact to a less than significant level.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

- ⇒ **RESPONSE:** *Section 2.2.8 of the DA requires the dedication of the 41-acre Capay Open Space Park property which, occurred in 2004 and is operational, and approximately 207 acres of the reclaimed permanent lake and surrounding habitat in three phases over the course of mining and reclamation. The Agreement also includes a parking lot, picnic area, and 40-foot access from County Road 85. Revised mining and reclamation plans dated June 13, 2003, reflect these items. This condition is fully discharged. Implementation is ongoing as reclamation occurs.*
- b. Mitigation Measure 4.4-1a: Conform with Performance Standard 4.5-1 requirements for 100-year flood protection. The applicant's flood protection designs shall be verified with HEC-2 hydraulic modeling, submitted to and approved by the County prior to construction. Also recommended in the geotechnical report, the existing levee at the site shall be reinforced by constructing a buttress fill on each site. All levee and channel bank improvements shall be implemented prior to mining within 700 feet of the CCRMP channel boundary. Prior to construction, detailed plans identifying the type and location of bank and levee improvements shall be submitted to the County for review and approval. Additional mitigation requirements for monitoring and maintenance of channel banks and levees are included in Mitigation Measures 4.4-2d and 4.4-2e.
- ⇒ **RESPONSE:** *Flood protection designs were verified utilizing HEC-RAS hydraulic modeling and submitted to the County prior to permit approval. The submitted modeling by Cunningham Engineering showed that the mining areas are outside of the 100-year floodplain. The existing levee referenced (1996 Approval) is located outside the test 3 line (in an area approved for mining); therefore, no levee improvements were required. The required channel bank improvements were approved by the County and completed in 2019. Levee and channel bank improvements have been implemented within 700 feet of the CCRMP boundary. The Natural Resources Division confirmed that COA No. 20(b) has been satisfied in a letter dated December 17, 2019. This condition is implemented and fully discharged.*
- c. Mitigation Measure 4.4-1b: The applicant shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by the Yolo County General Plan safety policy number 9 (S9) and Yolo County Flood Control Ordinance. Compliance with OCMP Objective 4.4-3 will ensure no measurable increase in flood impacts on downstream communities. Additionally, the FEMA regulations themselves allow less than one foot of change in flood levels.
- ⇒ **RESPONSE:** *The Floodplain Development Permit No. 96-073 was approved as part of the original permit and DA approval. This condition is implemented and fully discharged.*
- d. Mitigation Measure 4.4-1c: The applicant shall implement recommendations for providing erosion control downstream of the Capay Bridge, as described in the technical report by Cunningham Engineering (1995). The applicant shall coordinate with County efforts to provide

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

erosion protection for the Capay Bridge.

⇒ **RESPONSE: Granite has coordinated with County staff on installed bank protection downstream of the Capay Bridge, including regrading, armoring, and revegetating the north bank of Cache Creek. The Capay Open Space parcel (located immediately downstream of the Capay Bridge) was deeded to the County in 2004. This condition is implemented and fully discharged.**

- e. Mitigation Measure 4.4-2a: The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary (shown as the amended CCRMP channel boundary in Figure 4.4-9). If the assumptions upon which the hydraulic modeling is based should change, additional HEC-2 modeling may be required to establish the position of the 100-year flood boundary.

⇒ **RESPONSE: The 100-year floodplain boundary was evaluated by Cunningham Engineering and submitted to the County for CCRMP revision. The revision was completed with approval of the “technical correction” to the CCAP channel boundary as part of the 2002 permit amendment (Resolution No. 02-220 approved by the Board of Supervisors on December 3, 2002). This condition is implemented and fully discharged.**

- f. Mitigation Measure 4.4-2b: The applicant shall provide a minimum 200-foot setback from the amended CCRMP channel boundary, in conformance with Performance Standard 4.5-3 of the OCMP. The mining boundary in Area 3 shall be adjusted so that no mining occurs within the 200-foot setback area. The location of the setback area shall be as shown conceptually in Figure 4.4-9. The revised project design shall be submitted prior to the commencement of mining in Area 3.

For Area 6, in order to assure consistency with the OCMP policies, the applicant shall either comply with OCMP Performance Standard 4.5-3 (as revised in the OCMP EIR Mitigation Measure 4.5-3 and adopted as Off-Channel Surface Mining Ordinance Sections 10-5.510, 10-5.517, 10-5.519, 10-5.528, 10-5.530, and 10-5.532) or the applicant shall obtain an exception. The exception would apply to a maximum of approximately 2,125 feet of creek frontage, covering an area of approximately 33 acres, which have a setback of 200 feet.

⇒ **RESPONSE: The mining and reclamation plan submitted to the County in June 2003 reflected the required minimum 200-foot buffer. A minimum 200-foot setback has been maintained from the amended CCRMP channel boundary. This condition is implemented and fully discharged.**

- g. Mitigation Measure 4.4-2c: Mining in Areas 2, 3, 4, 6, and 7 shall not be conducted within 700 feet of the amended CCRMP channel boundary until all levee and channel bank improvements

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

required by Mitigation Measure 4.4-1a have been implemented and additional engineered bank stabilization has been provided along the length of the channel bank. Bank protection shall be in conformance with guidelines contained in the CCRMP and Cache Creek Improvements Program. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the County for review and approval. If any proposed bank protection structures encroach into the conveyance area of the 100-year flood channel (e.g., spur dikes), additional hydraulic modeling will be required to ensure that the structures would not have adverse flooding impacts. Bank protection structures shall not conflict with implementation of the Test 3 conceptual channel configuration (refer to Figures 6-2 through 6-5 of the Technical Studies). Bank protection plans shall incorporate biotechnical methods of bank stabilization. Prior to mining within 700 feet of the amended CCRMP boundary, the applicant shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use.

⇒ ***RESPONSE: Detailed bank protection plans were submitted to the County for approval prior to construction. Levee and channel bank improvements were completed prior to mining within 700 feet of the CCRMP channel boundary. Wallace-Kuhl Associates certified that bank and levee slopes are stable and that all backfill materials have been compacted as appropriate for the end land use. See Slope Stability Report dated June 1, 2001. The required channel bank improvements were approved by the County and completed in 2019. This was confirmed by the County in a letter dated December 17, 2019. This condition is implemented and fully discharged.***

- h. Mitigation Measure 4.4-6: No mitigation measure was adopted for Impact 4.4-6 in the Final EIR for ZF No. 95-078.

⇒ ***RESPONSE: This requirement was included in error.***

- i. Mitigation Measure 4.4-8a: The applicant shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely affect supply wells located within 1,000 feet of the plant well. The applicant shall indicate on its mine plan the location of the plant water supply well and all active, water supply wells within 1,000 feet. If there are active wells located within 1,000 feet of the proposed plant well, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the processing plant would not adversely affect these wells. The rate of proposed pumping shall be decreased as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells or if it would cause well failure. Groundwater conditions shall be simulated using MODFLOW and assuming historic average low groundwater levels.

As an alternative to decreasing pumping, the applicant may select to enter into a written agreement

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts.

⇒ **RESPONSE: Condition acknowledged. As stated in the Facility's EIR, there are no operating production wells within 1,000 feet of the processing plant well.**

21. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).

- a. Section 10-4.413: Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

⇒ **RESPONSE: Condition acknowledged. Drainage Plans were submitted as part of the mining plan. Phase 1A, 1B, and Phase 2 drain internally and the original plant site drains to the settling ponds. The New East Plant Site Area drains to on-site detention basins. Geocon performed a site-visit on July 14, 2023 and inspected the drainage system. See Section 2 of this Annual Compliance Report. A SWPPP was not required by the CVRWQCB since all drainage is internal and there is an active Waste Discharge Permit for the Facility.**

- b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

consisting of two components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one-hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require three (3) wells, 100 to 199 acres would require four (4) wells, 200 to 299 acres would require five (5) wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum. Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- I. Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- II. For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:
 - i. Prior to the removal of overburden – one upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

- ii. During wet pit mining and active reclamation – the wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.
- III. After active reclamation – one (1) year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the CVRWQCB, and the U.S. Environmental Protection Agency) which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

Resources Well Standards. If the County, landowner, or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

⇒ **RESPONSE: Condition acknowledged. Groundwater and surface water monitoring is ongoing. See Sections 5 and 6 of this annual compliance report.**

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

⇒ **RESPONSE: There are no off-site municipal wells within 1,000 feet of proposed wet pits. A waiver was signed on August 25, 2003 by the owner of the domestic water well for wells within ~850 ft. of Phase 1A. This condition is implemented and fully discharged.**

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered, and the design approved by the Yolo County Building Official and the Environmental Health Division, prior to installation. All on-site water storage facilities shall be labeled "potable" or "non-potable."

⇒ **RESPONSE: Condition acknowledged. Chemical toilets are provided and maintained on a regular basis.**

- e. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize grading of disturbed areas that results in broad gentle slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement, which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exists, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Director. The property owner shall be required to implement recommended corrective actions, if any.

⇒ ***RESPONSE: Condition acknowledged. Drainage facilities have been designed and maintained as required.***

- f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

⇒ ***RESPONSE: Condition acknowledged. The entire Facility is fenced.***

- g. Section 10-5.517: As part of each approved long-term mining plan involving wet pit mining to be reclaimed to a permanent pond, lake, or water feature, the operator shall maintain, monitor, and report to the Director according to the standards given in this section. Requirements and restrictions are distinguished by phase of operation as described below.

a) Mercury Protocols. The Director shall issue and update as needed "Lower Cache Creek Off-Channel Pits Mercury Monitoring Protocols" (Protocols), which shall provide detailed requirements for mercury monitoring activities. The Protocols shall include procedures for monitoring conditions in each pit lake, and for monitoring ambient mercury level in the lower Cache Creek channel within the CCAP planning area, as described below. The Protocols shall be

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

developed and implemented by a qualified aquatic scientist or equivalent professional acceptable to the Director. The Protocols shall identify minimum laboratory analytical reporting limits, which may not exceed the applicable response threshold identified in subsection (e) below. Data produced from implementing the Protocols shall meet or exceed applicable standards in the industry.

b) Ambient Mercury Level. The determination of the ambient or “baseline” fish mercury level shall be undertaken by the County every ten years in years ending in 0. This analysis shall be undertaken by the County for use as a baseline of comparison for fish mercury testing conducted in individual wet mining pits. The work to establish this baseline every ten years shall be conducted by a qualified aquatic systems scientist acceptable to the Director and provided in the form of a report to the Director. It shall be paid for by the mining permit operators on a fair-share basis. The results of monitoring and evaluation of available data shall be provided in the report to substantiate the conclusions regarding ambient concentrations of mercury in fish within the lower Cache Creek channel within the CCAP planning area.

c) Pit Monitoring

- 1) Mining Phase (including during idle periods as defined in SMARA). The operator shall monitor fish and water column profiles in each pit lake once every year during the period generally between September and November for the first five years after a pit lake is created. Fish monitoring should include sport fish where possible, together with other representative species that have comparison samples from the creek and/or other monitored ponds. Sport fish are defined as predatory, trophic level four fish such as bass, which are likely to be primary angling targets and have the highest relative mercury levels. The requirements of this subsection apply to any pit lake that is permanently wet and navigable by a monitoring vessel. If, in the initial five years after the pit lake is created, the applicable response threshold identified in subsection (e) is exceeded in any three of five monitoring years, the operator shall, solely at their own expense, undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).
- 2) Reclamation Phase. No monitoring is required after mining has concluded, during the period that an approved reclamation plan is being implemented, provided reclamation is completed within the time specified by SMARA or the project approval, whichever is sooner.
- 3) Post-Reclamation Phase. After reclamation is completed, the operator shall monitor fish and water column profiles in each pit lake at least once every two years during the period of September-November for ten years following reclamation. Monitoring shall commence in the first calendar year following completion of reclamation activities. If fish monitoring results from the post-reclamation period exceed the applicable response threshold described in subsection (e) or, for ponds that have implemented

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

mitigation management, results do not exhibit a general decline in mercury levels, the operator shall, solely at their own expense, undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

- 4) Other Monitoring Obligation. If monitoring conducted during both the mining and post-reclamation phase did not identify any exceedances of the ambient mercury level for a particular pit lake, and at the sole discretion of the Director no other relevant factors substantially support that continued monitoring is merited, the operator shall have no further obligations,

d) Reporting

- 1) Pit Monitoring Results. Reporting and evaluating of subsection (c) pit monitoring results shall be conducted by a qualified aquatic scientist or equivalent professional acceptable to the Director. Monitoring activities and results shall be summarized in a single report (addressing all wet pit lakes) and submitted to the Director within six months following each annual monitoring event. The report shall include, at a minimum: (1) results from subsection (b) (pit monitoring), in relation to subsection (a) (ambient mercury levels).
- 2) Expanded Analysis Results. Reporting and evaluation of subsection (f) expanded analysis shall be conducted by a qualified aquatic scientist or equivalent professional acceptable to the Director. Results shall be summarized in a single report (addressing all affected wet pit lakes) and submitted to the Director within six months following each annual monitoring event. The report shall include, at a minimum, the results of the expanded analysis undertaken pursuant subsection (f).
- 3) Data Sharing. For pit lakes open to the public, the Director may submit the data on mercury concentrations in pit lake fish to the state Office of Environmental Health Hazard Assessment (or its successor) for developing site-specific fish consumption advisories.

e) Response Thresholds

- 1) Fish Consumption Advisory. If at any time during any phase of monitoring the pit lake's average sport fish tissue mercury concentration exceeds the Sport Fish Water Quality Objective, as it may be modified by the state over time (as of 2019, the level was 0.2 mg/kg), the operator shall post fish consumption advisory signs at access points around the lake and around the lake perimeter. Catch-and-release fishing may still be allowed. Unless site-specific guidance has been developed by the state's Office of Health Hazard Assessment or the County, statewide fish consumption guidance shall be provided.
- 2) Mining Phase Results. If, during the mining phase of monitoring, the pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three of five monitoring years, annual monitoring shall continue for an additional five years, and

the operator shall undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

- 3) Post-Reclamation Phase Results. If during the first ten years of the post-reclamation phase of monitoring, the pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three of five monitoring years, biennial monitoring shall continue for an additional ten years, and the operator shall undertake expanded analysis pursuant to subsection(f) and preparation of a lake management plan pursuant to subsection(g).

f) Expanded Analysis

- 1) General. If during the mining or post-reclamation phase, any pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three years, the operator shall undertake expanded analyses. The analysis shall include expanded lake water column profiling (a minimum of five profiles per affected wet pit lake plus one or more nonaffected lakes for control purposes) conducted during the warm season (generally May through October) in an appropriate deep profiling location for each pit lake. The following water quality parameters shall be collected at regular depth intervals, from surface to bottom of each lake, following protocols identified in subsection (a): temperature, dissolved oxygen, conductivity, pH and oxidation-reduction potential (ORP), turbidity or total suspended solids, dissolved organic matter, and algal density by Chlorophyll or Phycocyanin. The initial analysis shall also include one-time collections of fine grained (clay/silt) bottom sediments from a minimum of six well distributed locations for each affected lake, and from one or more non-affected lakes for control purposes, to be analyzed for mercury and organic content.
- 2) Scope of Analysis. The purpose of the expanded analyses is to identify and assess potential factors linked to elevated methylmercury production and/or bioaccumulation in each pit lake. The scope of the expanded analyses shall include monitoring and analysis appropriate to fulfill this purpose, invoking best practices in the industry. In addition to the analyses described in subsection (f)(1) above, the analysis should also consider such factors as: electrical conductivity, bathymetry (maximum and average depths, depth-to-surface area ratios, etc.), and trophic status indicators (concentrations, Secchi depth, chlorophyll a, fish assemblages, etc.). Additional types of testing may be indicated and appropriate if initial results are inconclusive.
- 3) Use of Results. The results of the expanded analyses undertaken pursuant to this subsection shall be used to inform the preparation of a lake management plan described below under subsection (g).

g) Lake Management Activities

- 1) General. If monitoring conducted during the mining or post-reclamation phases triggers

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

the requirement to undertake expanded analysis and prepare and implement a lake management plan, the operator shall implement lake management activities designed by a qualified aquatic scientist or equivalent professional acceptable to the Director, informed by the results of subsection (f). Options for addressing elevated mercury levels may include (A) and/or (B) below at the Director's sole discretion and at the operator's sole expense.

- a. Lake Management Plan. Prepare a lake management plan that provides a feasible, adaptive management approach to reducing fish tissue mercury concentrations to at or below the ambient mercury level. Potential mercury control methods could include, for example: addition of oxygen to or physical mixing of anoxic bottom waters; alteration of water chemistry (modify pH or organic carbon concentration); and/or removal or replacement of affected fish populations. The lake management plan may be subject to external peer review at the discretion of the Director. Lake management activities shall be appropriate to the phase of the operation (e.g., during mining or post-reclamation). The Lake Management Plan shall include a recommendation for continued monitoring and reporting. All costs associated with preparation and implementation of the lake management plan shall be solely those of the operator. Upon acceptance by the Director, the operator shall immediately implement the plan. The lake management plan shall generally be implemented within three years of reported results from the expanded analyses resulting from subsection (f). If lake management does not achieve acceptable results and/or demonstrate declining mercury levels after a maximum of three years of implementation, at the sole discretion of the Director, the operator may prepare an alternate management plan with reasonable likelihood of mitigating the conditions.
 - b. Revised Reclamation Plan. As an alternative to (A), or if (A) does not achieve acceptable results and/or demonstrate declining mercury levels after a maximum of three years of implementation, at the sole discretion of the Director, the operator shall propose and submit revisions to the reclamation plan (including appropriate applications and information for permit amendment) to fill the pit lake with suitable fill material to a level no less than five (5) feet above the average seasonal high groundwater level, and modify the end use to agriculture, habitat, or open space at the discretion of the Director, subject to Article 6 of the Mining Ordinance and/or Article 8 of the Reclamation Ordinance as may be applicable.
- 2) Implementation Obligations.
- a. If a lake management plan is triggered during the mining or post-reclamation phase and the subsequent lake management activities do not achieve acceptable results and/or demonstrate declining mercury levels, the operator

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

may propose different or additional measures for consideration by the Director and implementation by the operator, or the Director may direct the operator to proceed to modify the reclamation plan as described in subsection (g)(1)(B).

- b. Notwithstanding the results of monitoring and/or lake management activities during the mining phase, the operator shall, during the post-reclamation phase, conduct the required ten years of biennial monitoring.
- c. If monitoring conducted during the post-reclamation phase identifies three monitoring years of mercury concentrations exceeding the ambient mercury level, the operator shall implement expanded analyses as in subsection (f), to help prepare and implement a lake management plan and associated monitoring.
- d. If subsequent monitoring after implementation of lake management activities, during the post-reclamation phase, demonstrates levels of fish tissue mercury at or below the ambient mercury level for any three monitoring years (i.e., the management plan is effective), the operator shall be obligated to continue implementation of the plan and continue monitoring, or provide adequate funding for the County to do both, in perpetuity.

⇒ ***RESPONSE: Condition acknowledged. See response to Condition 12. The West Cell of Phase 2 has been partially mined to depth; however, the pit has not yet filled with groundwater due to drought conditions.***

- h. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

⇒ ***RESPONSE: Condition acknowledged.***

- i. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for (10) years after the completion of reclamation.

⇒ ***RESPONSE: Condition acknowledged. Groundwater monitoring is ongoing. See Section 5 and 6 of this Annual Compliance Report.***

- j. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

⇒ ***RESPONSE: Condition acknowledged.***

- k. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to, or greater than, the critical gradient as determined by an engineering analysis of the slope stability. Final

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

⇒ ***RESPONSE: Condition acknowledged. Slope stability analyses completed as part of the Facility's environmental review demonstrated compliance with the factors of safety. Mining and reclamation plans were developed in accordance with the County standards.***

- I. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

Land reclaimed to a subsequent use that includes planting of vegetation (e.g., agriculture, habitat) shall be provided an adequate soil profile (i.e., depth and texture of soil) to ensure successful reclamation. At the discretion of the Director and the operator's sole expense, the proposed

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

reclamation plan for the project may be peer reviewed by an appropriate expert/professional, and recommendations, if any, shall be incorporated into the project as conditions of approval

⇒ **RESPONSE: Condition acknowledged. Previously mined areas have not been backfilled with material that was previously used in agricultural production.**

22. Deleted. Condition satisfied with 2002 net gains.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

Geology and Soils

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

- a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Director prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

⇒ **RESPONSE: Condition acknowledged.**

- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Director following strong seismic shaking events. Observable damage shall be reported to the landowner. If the Director determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

⇒ **RESPONSE: Condition acknowledged. Based on Wallace-Kuhl and Associates report dated January 1, 2001, slopes will remain stable during the design earthquake. No strong seismic events occurred in 2023.**

- c. Section 10-5.512: The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be releveled to the field grade specified in the approved reclamation plan.

⇒ **RESPONSE: Condition acknowledged.**

- d. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

⇒ **RESPONSE: Condition acknowledged.**

24. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).
- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cut slopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not steeper than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cut slopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

⇒ **RESPONSE: Condition acknowledged. Sound engineering, geological, and construction techniques will be employed.**

- b. Section 10-4.413: Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

⇒ **RESPONSE: See response to Condition 21(a).**

- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer, Certified Engineering Geologist, or Professional Geologist. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). This section applies only to final/reclaimed slopes and not to active mining faces.

⇒ **RESPONSE: See response to Condition 24(a).**

- d. Section 10-5.507:

⇒ **RESPONSE: See response to Condition 21(e).**

- e. Section 10-5.508: The grading of final slopes, the replacement of soil, and associated erosion control measures shall take place prior to November 1 in areas where mining has been completed. To minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

⇒ **RESPONSE: Condition acknowledged.**

- f. Section 10-5.530:

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: See response to Condition 21(k).**

Hydrology and Water Quality

25. The applicant shall complete the proposed bank modifications as presented in the approved reclamation plan. The bank stabilization activities shall conform to all applicable provisions of the Cache Creek Plan, Cache Creek Improvements Program, the Regional Water Quality Control Board 401 Certification (including the Mercury Protocol). Additionally, the applicant shall obtain a new or amended Flood Hazard Development Permit from the Yolo County Planning and Public Works Director following review of the stabilization plan by the Cache Creek Technical Advisory Committee. (Mitigation Measure 4.6.1a; 2002 SEIR)

⇒ **RESPONSE: Detailed plans were submitted to the County identifying bank and levee improvements, were verified with HEC-RAS hydraulic modeling, and were approved by resolution 02-220 dated December 2, 2002. The required channel bank improvements were approved by the County and completed in 2019. This was confirmed by the County in a letter dated December 17, 2019. This condition is implemented and fully discharged.**

26. Deleted. Condition satisfied. A Flood Hazard Development permit was approved in January of 1997.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

27. The operator shall implement the recommendations providing for erosion control downstream of the Capay Bridge, as described in the technical report by Cunningham Engineering (1995). The operator shall coordinate with County efforts to provide erosion protection for the Capay Bridge (Mitigation Measure 4.4-1c).

⇒ **RESPONSE: See response to Condition 20(d). Granite regraded, armored, and revegetated the north bank of Cache Creek downstream of the Capay Bridge as part of their ongoing reclamation activities (Flood Hazard Development Permit No. 96-073). Bank protection, as per the operator's Streambank Stabilization Plan, was implemented in 2003 prior to dedication of the Capay Open Space Park to the County. The Capay Open Space parcel (located immediately downstream of the Capay Bridge) was deeded to the County by Granite in 2004. The County performed additional bank stabilization and habitat restoration work at the Capay Open Space parcel as part of the proposed construction of a park on the parcel. This condition is implemented and fully discharged.**

28. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Test 3 boundary presented in the OCMP (shown as the amended CCRMP channel boundary on Figure 4.6-2 of the 2002 SEIR). (Mitigation Measure 4.6-1b; 2002 SEIR)

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: See response to Condition 20(e). This condition is implemented and fully discharged.**

29. Additional mining shall not be conducted within 700 feet of the amended CCRMP boundary until all bank modifications (described in Condition No. 25) are completed. (Mitigation Measure 4.6-1c; 2002 SEIR)

⇒ **RESPONSE: See response to Condition 25. The required channel bank improvements were approved by the County and completed in 2019. This was confirmed by the County in a letter dated December 17, 2019. This condition is implemented and fully discharged.**

30. Mining shall not be conducted within 700 feet of the amended CCRMP boundary until all levees and channel bank improvements have been implemented and additional engineered bank stabilization has been provided along the length of the channel bank. Bank protection shall be in conformance with the CCRMP. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the County for review and approval. If any proposed bank protection structures encroach into the conveyance area of the 100-year flood channel (e.g. spur dikes), additional hydraulic modeling will be required to ensure that the structures would not have adverse flooding impacts. Bank protection structures shall not conflict with implementation of the Test 3 conceptual channel configuration. Bank protection plans shall incorporate biotechnical methods of bank stabilization. Prior to mining within 700 feet of the amended CCRMP boundary, the operator shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use (Mitigation Measure 4.4-2c).

⇒ **RESPONSE: See response to Condition 20(g). The required channel bank improvements were approved by the County and completed in 2019. This was confirmed by the County in a letter dated December 17, 2019. This condition is implemented and fully discharged.**

31. Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of channel banks and levees adjoining the project area during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include formation cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

Development Director along with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps and photographs) and estimated area and volume of eroded materials, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.4-2d). (Mitigation Measure 4.6-1d; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. Geocon performed a site-visit on July 14, 2023 to inspect the bank and levee conditions. See Section 2 of this Annual Compliance Report.**

32. Following reclamation, the Community Development Agency shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees and allowing access by the County for same.

Pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, the applicant shall enter into a legally-binding agreement with the County that commits the applicant to participate in implementation of the Cache Creek Improvements Program for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition No. 17. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the TAC (Mitigation Measure 4.4-2e) (Mitigation Measure 4.6-1d; 2002 SEIR).

⇒ **RESPONSE: Condition acknowledged. The Capay DA constitutes the required legally binding agreement. The required channel bank improvements were approved by the County and completed in 2019. This was confirmed by the County in a letter dated December 17, 2019. Maintenance and monitoring are ongoing. Deed restrictions will be implemented following reclamation.**

33. Deleted. Condition satisfied. July 22, 1996 letter from DSD indicates no jurisdiction.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

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

⇒ **RESPONSE: Condition acknowledged. See responses to Condition 21.**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

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

⇒ **RESPONSE: Condition acknowledged. See responses to Condition 21.**

36. The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely affect supply wells located within 1,000 feet of the plant well.

The operator shall indicate on its mining plan the location of the plant water supply well and all active, water supply wells within 1,000 feet. If there are active wells located within 1,000 feet of the proposed plant well, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the processing plant would not adversely affect active off-site wells within 1,000 feet of the proposed mining area. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using MODFLOW (or a similar model of equal capability and proven reliability, as approved by the Yolo County Community Development Director) and assuming historic average low groundwater conditions.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts (Mitigation Measure 4.4-8a).

⇒ **RESPONSE: See response to Condition 20(i). Granite has indicated there are no off-site municipal wells within 1,000 feet of proposed wet pits. A waiver was signed on August 25, 2003 by the owner of the domestic water well for wells within approximately 850 feet of Phase 1A. This condition is implemented and fully discharged.**

- 36.2 Applicant shall comply with Section 10-5.503 of the Yolo County Surface Mining Reclamation Ordinance with regard to the off-site water supply well located approximately 850 feet west of the proposed Phase 1A mining area. The applicant shall either retain a qualified professional to model (using a the numerical model MODFLOW) the effect on groundwater flow conditions that would be expected to occur as a result of the proposed mining and reclamation plan. If the modeling indicates an adverse effect (as defined by OCMP Performance Standard 3.5-1) then the mining plan must be redesigned to mitigate the effect or the applicant must acquire a written agreement from the well owner(s) that states that any impacts to the well will be managed between the applicant and the well owner at no expense to the County. (Mitigation Measure 4.6-2; 2002 SEIR)

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: See response to Condition 21(c). Granite has indicated there are no off-site municipal wells within 1,000 feet of proposed wet pits. A waiver was signed on August 25, 2003 by the owner of the domestic water well for wells within approximately 850 feet of Phase 1A. This condition is implemented and fully discharged. This condition is implemented and fully discharged.**

- 36.4 All concrete truck wash down areas shall be underlain by durable impermeable liners (i.e., poured concrete pads or impermeable membrane). The selected material shall be adequately durable to withstand the repeated scraping required for periodic cleaning of the settling areas. The wash down areas shall be designed so that no discharge of water or slurry leaves the containment area. Water collected in the containment structure shall either be reused in the plant or allowed to evaporate. Solid residues from the containment area shall be incorporated into construction materials for off-site use. To prevent the use of the caustic water by wildlife, standing water shall not be allowed to persist in the collection areas. Plans for the containment area shall be prepared by the applicant and submitted to the County for review and approval prior to issuance of the final building permit.

Concrete truck wash down activities would require permitting by the CVRWQCB. The applicant shall prepare and submit a Report of Waste Discharge requesting a modification to the existing Waste Discharge Requirements (WDRs) for the site to include activities described at the proposed wash down area. No wash down activities shall be allowed until the RWQCB approves the requested modification to the existing WDRs. (Mitigation Measure 4.6-5; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. The Facility does not currently have a concrete plant.**

- 36.6 The applicant shall prepare and submit a septic system design to the Yolo County Planning and Public Works Department for review and approval prior to installation of the system. The design would likely require a “special fill” leach field, which would be composed of an appropriate fine-grained material. The percolation characteristics of the special fill must comply with the septic system siting requirements of Yolo County. (Mitigation Measure 4.6-7)

⇒ **RESPONSE: Approval was obtained from the County Environmental Health Department as part of the new office planning and environmental permits in 2006. This condition is implemented and fully discharged.**

Agriculture

37. Implement the performance standards included in Section 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-7a).

- ⇒ **RESPONSE: Condition acknowledged. The project does not result in the loss of prime agricultural land. The 1996 EIR identified that conversion of agricultural land would be fully offset by proposed reclamation to agricultural land approved as part of the permits. This condition is fully discharged.**

Biological Resources

38. The Reclamation Plan shall be revised to include additional areas of gentler slopes (not greater than 3:1) along the shoreline of the lake between the average high and low groundwater levels to allow for establishment of marsh and riparian vegetation and to improve wildlife habitat values of this feature. The revised plan shall provide shallow water habitat proportional to the original approved lakes at the estimated high water level. (Mitigation Measure 4.3-2; 2002 SEIR)

- ⇒ **RESPONSE: Condition acknowledged. A revised Mining and Reclamation Plan, dated June 13, 2003, reflects these items and has been approved by the County. This condition is implemented and fully discharged.**

39. Deleted. Condition satisfied. California Department of Fish and Game (CDFG) letter issued May 21, 1999 determined 2081 authorization not required.

- ⇒ **RESPONSE: In their letter dated May 21, 1999, CDFG indicated that reclamation of 137.5 acres to agriculture would satisfy its requirements. This condition is fully discharged and was deleted as a part of the 2002 amendment approval.**

40. The reclamation plan shall be revised to include specific provisions to ensure compliance with the U.S. Fish and Wildlife Service (USFWS) "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. The Reclamation Plan and limits of grading shall be revised to provide a 100-foot setback from the newly located elderberry shrub on the site to protect the potential valley elderberry longhorn beetle habitat this plant provides, or if maintenance of this setback is not feasible, the USFWS shall be consulted and an adequate mitigation plan prepared that meets with their approval. If avoidance is not possible, a copy of the approved mitigation plan shall be provided to the County prior to issuance of the grading permit for the Revised Project. (Mitigation Measure 4.3-3; 2002 SEIR)

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: Avoidance was not possible. Coverage was obtained under the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) for removal and transplant of the isolated elderberry shrub on November 21, 2019 (See Certificate of Inclusion SPE-2019-2-COI). The County acknowledged that this condition was satisfied in a letter dated December 17, 2019. This condition is implemented and fully discharged.**

40.5 A qualified biologist shall conduct a pre-construction raptor survey prior to commencement of mining in areas not previously surveyed to determine the presence or absence of active raptor nests which could be disturbed or lost as a result of mining activities. Elements of the survey and subsequent construction restrictions shall include the following:

- a. Conduct surveys within 30 days prior of habitat modifications if proposed during the breeding season for tree nesting raptors. Survey for burrowing owls prior to their establishing territories (December 1 through January 31) and during the peak of the breeding season (April 15 through July 15) to determine their presence and nest sites. The survey area will include a 250-foot buffer around the area scheduled for disturbance.
- b. If an active raptor nest is observed, consult with CDFG to determine the appropriate buffer distance for allowable mining activities during the nesting period. Delineate this buffer with flagging or 4-foot-tall, colored, plastic fencing. CDFG (1995a) suggests that nesting burrowing owls have a nest buffer of 250 feet and non-breeding owls a burrow buffer of 160 feet.
- c. The time period for avoidance during the nesting season may be adjusted if a qualified biologist approved by CDFG verifies through non-invasive methods that either: (1) the birds have not begun egg-laying or incubation; or (2) the juveniles from the occupied burrows have fledged and are capable of independent survival.
- d. If the destruction of occupied burrowing owl burrows is unavoidable, CDFG (1995a) suggests enhancing existing suitable burrows (enlarging or cleaning of debris) or creating new burrows at a ratio of 2:1, on areas that will not be distributed, or on reclaimed lands. If any owls must be moved from the disturbance area, the preferred method is passive relocation, rather than trapping (Mitigation Measure 4.6-7a).

⇒ **RESPONSE: Zentner and Zentner performed the required pre-construction survey in 1995. This condition is implemented and fully discharged.**

41. Implement the performance standard included in Sections 10-4.418, 10-4.433, and 10-4.440 of the County Off-Channel Mining Ordinance and Sections 10-5.515 and 10-5.523 of the County Surface Mining Reclamation Ordinance to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-6a).

⇒ **RESPONSE: Condition acknowledged.**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

- a. Section 10.4.418: All surface mining operations shall complement the preservation and enhancement measures in the Yolo County Habitat Conservation Plan (HCP). Mining operators with land designated as having a moderate to high potential for use as mitigation areas in the HCP shall be encouraged to participate in the Developer HCP Participation Options, including use of lands as mitigation sites.

⇒ **RESPONSE: Condition acknowledged. The HCP went into effect in December 2018.**

- b. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal: vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to a 2:1 (horizontal: vertical) slope for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

⇒ **RESPONSE: Condition acknowledged. Topsoil signs are posted on-site.**

- c. Section 10-4.440: Avoid disturbance to important wildlife habitat features such as nest trees, colonial breeding locations, elderberry host plants for Valley Elderberry Longhorn Beetle, and essential cover associated with riparian forest and oak woodland habitat. This shall include sensitive siting of haul roads, trails, and recreational facilities away from these features. Essential habitat for special-status species shall be protected and enhanced, or replaced as a part of mitigation plans prepared by a qualified biologist.

⇒ **RESPONSE: Condition acknowledged.**

- d. Section 10-5.515: Proposed habitat restoration or mitigation plans for lands within the OCMP plan area shall be sent to the CDFG, USFWS, the U.S. Army Corps of Engineers (USACE), and other interested parties for review and comment to ensure that the projects do not conflict with other existing habitat enhancement efforts.

⇒ **RESPONSE: Reclamation and planting plans were sent to the CDFW (formerly, CDFG), USFWS, and USACE as part of the EIR process. This condition is implemented and fully discharged.**

- e. Section 10-5.523: Site-specific planting plans shall be developed by a qualified biologist for proposed habitat reclamation projects. Restoration components of reclamation plans shall include provisions

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

to enhance habitat for special-status species, where feasible.

⇒ **RESPONSE: A Habitat Restoration Plan was prepared by Zentner and Zentner on November 28, 1995, and a Habitat Restoration Program Addendum was prepared by Foothill Associates on July 13, 2001. This condition is implemented and fully discharged.**

42. Modifications to wetlands shall be coordinated with the USACE and CDFG. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. The operator shall comply with all terms of any such authorization. The operator shall comply with all terms of any such authorization (Mitigation Measure 4.6-6a).

⇒ **RESPONSE: Condition acknowledged. Granite has indicated that affected wetlands less than one acre do not require an individual permit with the USACE at this time (Zentner and Zentner 1995); therefore, the project does not impact areas under CDFW Section 1600 jurisdiction. This condition is implemented and fully discharged.**

- 42.2 Exclusionary fencing shall be placed around the perimeter of the mature oaks, elderberry shrubs, and the north and east edges of the remnant riparian forest to be retained prior to any ground disturbance within 100 feet of the dripline of these features. (Mitigation Measure 4.3-1; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. Fencing is in place. With respect to the elderberry shrub, see response to Condition 40. This condition is implemented and fully discharged. Maintenance is ongoing.**

- 42.4 A qualified bat specialist shall be retained to determine bat use of the existing structures on the site, and a mitigation plan shall be prepared in consultation with the CDFG. At minimum, the plan shall serve to prevent entrapment and death of bats within the structures during demolition or relocation. (Mitigation Measure 4.3-4; 2002 SEIR)

⇒ **RESPONSE: The existing structures on-site have been removed. Bats were safely removed prior to demolition through the use of bat houses and exclusionary netting with escape flaps. The mitigation plan was implemented by Falcon Services and reviewed by the CDFG, who provided no comments. A preconstruction bat survey was performed for the Stephens Barn demolition by LSA on February 12, 2019. A copy of the Bat Habitat Assessment and Surveys Memorandum was submitted to the County on October 25, 2019. This condition is implemented and fully discharged.**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

Air Quality

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

- a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

⇒ **RESPONSE: Condition acknowledged. An overland conveyor has been installed to transport material from the mining area to the aggregate processing plant. This conveyor has been extended into the next mining phase. This condition has been implemented and fully discharged.**

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

- a. Section 10-4.407:

⇒ **RESPONSE: See Condition 43.**

- b. Section 10-4.415: All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuels. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All SWPPP shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

⇒ **RESPONSE: Condition acknowledged. Equipment is maintained in accordance with the manufacturer's recommendations. Granite entered into a voluntary program of emission reductions to achieve a target of 20% reduction in emissions by the year 2005. The emission reduction goals have been met.**

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

⇒ **RESPONSE: See responses to Condition 43 and 44. This condition is implemented and fully discharged.**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

- 45.2 The asphalt plant constructed and operated at the site shall be a counter flow or parallel drum mix plant that includes all best available control technologies required by the Yolo-Solano Air Quality Management District. (Mitigation Measures 4.4-2; 2002 SEIR). Should asphalt plant equipment become available in the future that would further reduce emissions, and is acceptable to the Yolo-Solano Air Quality Management District, the operator may utilize that equipment.

⇒ **RESPONSE: Condition acknowledged. There is currently no asphalt plant at the Facility.**

- 45.4 In addition to compliance with Section 10-4.414 (Dust Control), the applicant shall implement the following measures to further reduce PM₁₀ emissions generated from Revised Project operations:

- Water all dust sources at the project site as necessary;
- Wash loose soil off transport trucks prior to the trucks leaving the project site;
- Limit on-site vehicle speed to less than 15 miles per hour.

(Mitigation Measure 4.2-3)

⇒ **RESPONSE: Condition acknowledged. PM emission reduction measures are in place.**

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

⇒ **RESPONSE: Condition acknowledged. Granite uses equipment that is in compliance with the In-Use Off-Road Diesel Fueled Fleets Regulation. The aggregate processing plant uses clean energy from the grid, when possible.**

Traffic

46. Deleted. Condition satisfied. Payment made late 1997.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

47. Deleted. Condition satisfied. Improvements completed in 1991.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

48. Deleted. Condition satisfied. Improvements completed in 1991.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

49. The operator shall assume joint pavement maintenance responsibility with Yolo County for County Road 87, from the plant driveway to County Road 19, and on County Road 19, from Road 87 to the Teichert (Esparto) driveway. Joint maintenance responsibility (beyond regularly scheduled County maintenance activities) for County Road 19, from the Teichert (Esparto) driveway to Interstate 505, shall be proportionally shared between the operator and Teichert Aggregates or its successor in interest. Proportional maintenance costs shall be determined based upon the previous year's sales figures for each of the two operations, as reported to the County. The operator's joint maintenance responsibility for the roads specified above shall continue throughout the life of the permit.

The operator shall annually submit appropriate reporting/documentation demonstrating compliance with Section 10-4.408 (County Road Improvements) and 10-4.409 (County Road Maintenance) of the County Mining Ordinance.

⇒ **RESPONSE: Condition acknowledged. Road maintenance is ongoing. See Section 7 of this Annual Compliance Report.**

Noise

50. All plant facilities shall be shielded by stockpiles, berms, or other means (such as equipment shielding) to reduce noise impacts on nearby existing sensitive receptors. (Mitigation measure 4.7-2a; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. Berms and stockpiles are in place and are situated between the processing plant and the property boundary.**

51. Implement Sections 10-4.421 and 10-4.422 of the County Off-Channel Mining Ordinance. Nighttime operations of plant facilities shall not occur unless compliance with the County Off-Channel Mining Ordinance requirements is demonstrated, and a noise consultant conducts noise monitoring and makes recommendations to bring any excessive noise levels into conformance with the Ordinance. (Mitigation Measure 4.7-2b)

- a. Section 10-4.421: From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. 16 However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dbA) for any nearby off-site residences or other noise-sensitive land uses.

From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards may involve setbacks, the use of quieter equipment adjacent to residences, the construction of landscaped berms between mining activities and residences, or other appropriate measures.

⇒ **RESPONSE: Condition acknowledged. Brown-Buntin Associates, Inc. conducted noise monitoring in 2007 and Granite submitted results to the County as part of the 2007 Annual Report. Bollard Acoustical Consultants prepared a noise assessment in October 2015 to verify that the hours of operation at the Facility meet the Yolo County Noise Ordinance Section 10-4.421. Granite submitted a copy of this assessment with the COA modification application in November 2015. Bollard Acoustical prepared an updated noise assessment in January 2021 to confirm that, with the addition of the primary crusher operating prior to 6:00 a.m., the Facility is in full compliance with the noise level limits. The County accepted the updated noise assessment on January 26, 2021.**

- b. Section 10-4.422: If mining occurs within fifteen hundred (1,500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

⇒ **RESPONSE: Condition acknowledged.**

52. Construct stockpiles to shield site boundaries located within 1,100 feet of the plant or require other plant/site-specific engineering controls (such as equipment shielding) to ensure compliance with property line noise limits (Mitigation Measure 4.9-1c).

⇒ **RESPONSE: Stockpiles were installed in 1997. Also see response to Condition 50.**

53. Scrapers shall not operate within 70 feet of the permit boundary between 6:00 p.m. and 6:00 a.m. The operator shall comply with noise mitigation measures identified by subsequent noise monitoring in order to ensure compliance with County ordinance requirements (Mitigation Measure 4.9-2a).

⇒ **RESPONSE: Condition acknowledged.**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

54. To avoid adverse noise impacts to the occupants of the nearest residence to the west (APN: 048-140-20), the operator shall provide written notification 60 days in advance of overburden removal. The operator shall also provide the occupants with the option of temporary housing should the occupants so choose, during the period when overburden removal occurs within 300 feet of the affected residence (Mitigation Measure 4.9-3a).

⇒ **RESPONSE: Overburden removal in this area was completed in 2003. This condition is implemented and fully discharged.**

55. Deleted. Duplicative of revised Condition No. 51.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

- 55.2 Construction of berms shall be required prior to the operation of the proposed plants at the east side. The berms shall be designed to ensure that the noise levels generated by facility plant operations do not exceed applicable threshold levels (i.e., 60 dBA between 6:00 am and 6:00 pm measured at an off-site residence or other noise-sensitive land use; 60 dBA CNEL at sensitive receptor; 65 dBA between 6:00 pm and 6:00 am measured at the property line; and 80 dBA between 6:00 am and 6:00 pm measured at the property line). (Mitigation Measure 4.7-2c; 2002 SEIR)

⇒ **RESPONSE: Granite has indicated the berms are in place and designed as required. This condition is implemented and fully discharged.**

- 55.4 Deleted.

⇒ **RESPONSE: This condition was deleted by the Board of Supervisors on May 31, 2016 (ZF No. 2015-0058).**

- 55.5 The operator shall provide the County, and upon request any member of the public, with the 24-hour contact information of a designated representative(s) of the company to whom noise complaints or inquiries may be submitted. The operator shall keep a log of noise related complaints and inquiries, and any actions taken to address the complaint/inquiry. The operator shall respond to any inquiry and complaint within two business days. The operator shall submit a log of noise related complaints/inquiries and any actions taken to the County Administrator along with the Annual Mining and Reclamation Report.

This condition of approval shall be effective for a period of eighteen months following approval by the Board of Supervisors. After one year following approval by the Board of Supervisors, the Planning Commission shall review complaint logs, noise studies, and other pertinent information to determine whether to make this condition of approval permanent or whether other COA are

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

warranted. In no event shall the condition of approval be more restrictive than the former condition of approval No. 55.4.

⇒ **RESPONSE: Condition acknowledged. Two complaints, one unverified, have been received since this condition was adopted following the Board of Supervisors approval on May 31, 2016. No complaints were received in 2023. See Section 11 of this Annual Compliance Report. On July 13, 2017, the Planning Commission confirmed compliance with the second paragraph with no further action required; this was also confirmed by the County in a letter dated October 24, 2017.**

Aesthetics

56. Deleted. Condition satisfied. Landscaping installed in 1999.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval.**

56.2 The berms east and south of the East Plant Site shall be landscaped immediately after their construction. The initial landscaping shall include planting of rapidly growing trees suitable to the conditions (e.g., cottonwood) at the top of the berm. The planted trees shall be tree pot No. 4 size and planted in two offset rows. The trees shall be planted on 20-foot centers. An irrigation system shall be installed to ensure rapid growth. The landscaping shall be monitored every two years. Any dead or dying trees shall be replaced. (Mitigation Measure 4.1-1; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. Trees and irrigation were installed in Fall/Winter 2004 and are being monitored. This condition is implemented and fully discharged.**

56.4 The applicant shall be required to submit a detailed lighting plan that specifies the location, site, and candlepower of all proposed light standards. The light standards shall include specially designed hoods and other shielding to minimize lighting impacts on nearby residences. (Mitigation Measure 4.1-3; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. A lighting plan was included in the 2003 engineered plant designs.**

56.6 The mining and reclamation plans shall be amended prior to excavation of the Phase 2 mining area to include provisions for interim reclamation of the floors of the eastern and central cells of the Phase 2 mining area. A minimum of four inches of suitable soil (A- or B- horizon soils) shall be placed on the floor of the excavation and planted with grass. Pursuant to Section 10-4.701, the reclaimed excavation floor shall be inspected annually by a qualified biologist to verify that revegetation is successful. (Mitigation Measure 4.1-4; 2002 SEIR)

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ ***RESPONSE: Interim reclamation was completed, and financial assurances related to interim reclamation were released in 2013. The dry mining in the Phase 2 cells will take place down to an elevation lower than the highest anticipated groundwater level; therefore, additional interim revegetation for surfaces exposed for long periods of time between dry mining and wet mining will not be necessary. This condition is implemented and fully discharged.***

Cultural Resources

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

a. Section 10-4.410:

- I. All resource records shall be checked for the presence of and the potential for prehistoric and historic sites, paleontological resources, and unique geologic features. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resources is determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural, paleontological, or unique geologic resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.
- II. If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, 10 and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75) feet shall immediately stop and the Director shall be notified at once. 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. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

the County for public display at the Cache Creek Nature Preserve or other appropriate venue

⇒ **RESPONSE: Condition acknowledged.**

58. Deleted. Condition satisfied. Cultural resources education program implemented May 14, 1999.

⇒ **RESPONSE: This condition was deleted as a part of the 2002 amendment approval. Implementation of the education program occurs annually and upon new hire.**

58.2 Prior to demolition or disturbance of any structures at the Stephens Ranch complex, a qualified historian or archaeologist shall prepare documentation of the history of the Stephens Ranch, accurate scaled maps of the ranch complex, and detailed photographic documentation of all structures at the complex. The documentation of the main ranch house and large barn shall comply with the Historic American Building Survey (HABS) Level II Documentation standards. A report of this documentation shall be submitted to the Yolo County Planning and Public Works Department.

⇒ **RESPONSE: HABS Level II Documentation (dated April 8, 2003) was submitted to the County. This condition is implemented and fully discharged. The report is titled "Capay Historical Resources Study" by Karen Thomason is dated June 21, 2001 and is on file with the Natural Resources Division.**

Hazards

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

Section 10-4.415: **See Condition 44.**

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

- a. Section 10-4.406: **See Condition 24(a).**
- b. Section 10-4.431: **See Condition 24(c).**
- c. Section 10-5.510: **See Condition 21(f).**
- d. Section 10-5.530: **See Condition 21(k).**

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

- 60.2 The applicant shall continue to adhere to the performance standards of Section 10-4.415 of the Off-Channel Mining Ordinance (Condition No. 59), which prohibits fueling and maintenance activities of heavy equipment (except draglines and floating suction devices) within 100 feet of open bodies of water and requires SWPPPs shall include provisions for releases of fuels during fueling activities for draglines and floating suction devices.

In addition, prior to issuance of the final building permits for each of the plants, the applicant shall submit documentation to the County Planning and Public Works Department that all appropriate permits and notifications regarding the storage, transport, use, and disposal of hazardous materials have been completed and acquired (including modifications to existing plans). The documentation shall include, at minimum, evidence of compliance with: Required modifications to the existing Business Plan (including the Business Emergency Response Plan), and submittal of the modifications to the County Health Department and Office of Emergency Services.

Requirements for aboveground storage tanks. Construction and operation of aboveground fuel storage tanks requires a building permit from the County Building Department and demonstration to the Certified Unified Program Agency (CUPA) that the applicant has prepared a Spill Prevention Control and Countermeasure Plan (40 CFR 112.3 and 112.7) and filed a storage statement with the State Water Resources Control Board (Health and Safety Code 25270). (Mitigation Measure 4.5-1; 2002 SEIR)

⇒ **RESPONSE: Condition acknowledged. A HMBP is on file with the Yolo County Environmental Health Department and a SPCC Plan is retained on-site.**

- 60.4 The applicant shall perform a lead and asbestos survey of structures on the site prior to demolition. All demolition work must follow Federal, State, and local requirements for lead and asbestos and be performed by a certified professional. Documentation of completion of the survey shall be submitted to the Yolo County Department of Planning and Public Works prior to demolition. Mitigation Measure 4.5-2; 2002 SEIR)

⇒ **RESPONSE: The existing structures on-site have been removed. The Lead and Asbestos survey was completed, and documentation submitted as required in 2004. A Lead and Asbestos survey for the Stephens Barn Demolition was conducted on June 5, 2019. A copy was submitted to the County on October 25, 2019. This condition is implemented and fully discharged.**

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

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

2023 OFF CHANNEL ANNUAL MINING PERMIT ANNUAL REPORT- CAPAY

⇒ **RESPONSE: Condition acknowledged. Wet pit mining reclamation has not yet commenced. See response to Condition 21g.**

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

⇒ **RESPONSE: Condition acknowledged. All planting material and seed mixes used on-site will be native in origin.**

**2023 Annual Mining and Reclamation Report of Surface Mining Operations-
ESPARTO**

GRANITE CONSTRUCTION COMPANY

ESPARTO SITE

Esparto, CA 95627

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement (DA) No. 11-165, Granite Construction Company (Granite¹) has reviewed the terms of the agreement and has determined that we comply with all required provisions.

STATUS OF MINING AND RECLAMATION

Granite intends to obtain a Mine ID from the Office of Mining Reclamation approximately one year in advance of site disturbance. Mining has not commenced under this DA and is not anticipated to start until after mining is complete at Granite's Capay facility².

YOLO COUNTY APPROVALS

Ordinance No. 1414 approved Development Agreement (DA) 11-165, by and between The County of Yolo (the County) and Granite relative to the project known as the Granite Esparto Long-Term Off-Channel Mining Permit.

OTHER AGENCY APPROVALS

For the Esparto Bank Improvements Project, Granite has a 404 permit through the United States Army Corps of Engineers which expired 3/18/2022 and a 401 Certification through the Central Valley Regional Water Quality Board expiring 7/12/2025. The County issued Flood Hazard Development Permit (FHDP) ZF #2020-0015 on September 11, 2020, and the bank improvement work was completed October 29, 2020.

CONDITIONS OF APPROVAL (ZF No. 2007-071)

**Note: Revised COA's from the most recent 10 -year review were finalized February 9th, 2023 and voted on and approved by the Yolo County Board of Supervisors on February 21, 2023. This document reflects those most recently approved COAs*

Miscellaneous Conditions

1. The operator shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees,

¹ Referred to in the Conditions of Approval as "the Applicant" or "the Operator".

² For the purposes of this report, "site" shall refer to the Esparto facility as a whole including all future mining components; where as "operation" shall refer to future Esparto mining operations. Granite's Capay facility is subject to Development Agreement No. 96-289 between the County and Granite.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

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

⇒ **RESPONSE: Condition acknowledged.**

2. The maximum permitted “base” tonnage allowed for this project (Granite Esparto) is 870,000 tons (sold weight) and/or 1,000,000 tons (mined weight). Tons sold in any given year may be exceeded by 20 percent up to 1,044,000 tons (sold weight) so long as the running ten-year annual average does not exceed 8,700,000 tons (sold weight).

The maximum permitted “base” tonnage allowed for the Granite Capay operation is 1,000,000 tons (sold weight) and/or 1,075,269 tons (mined weight). Tons sold in any given year may be exceeded by 20 percent up to 1,200,000 tons (sold weight) so long as the running ten-year annual average does not exceed 10,000,000 tons (sold weight).

Pursuant to this permit, these annual permitted tonnages are combined, so that the total maximum annual permitted “base” tonnage allowed from either site is 1,870,000 tons (sold weight) and/or 2,119,269 tons (mined weight) combined. Tons sold in any given year may be exceeded by 20 percent up to 2,244,000 tons (sold weight) combined. The running ten-year annual average cannot exceed 18,700,000 tons (sold weight) combined.

Pursuant to Action 2.4-9 of the Off-Channel Mining Plan (OCMP) and Action 6.4-4 of the Cache Creek Resources Management Plan (CCRMP), these limits shall not apply to recycled concrete or asphalt or aggregate obtained from in-channel maintenance work performed in accordance with the Cache Creek Area Plan (CCAP).

⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval.**

3. The maximum total tonnage allowed for this operation over the life of the permit is 26.1 million tons (sold weight) and/or 30 million tons (mined weight). The maximum total tonnage allowed for the Granite Capay operation over the life of the permit is 30.0 million tons (sold weight) and/or 32.26 million tons (mined weight). The maximum total combined tonnage allowed for the combined operations allowed pursuant to this permit over the life of both permits is 56.1 million tons (sold weight) combined and/or 62.26 million tons (mined weight) combined.

Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

accordance with the CCAP.

⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval at the Esparto site. Granite sends a tonnage report for the Capay Operation annually to the Yolo County Natural Resources Division and sends a statement of tons sold annually to the Yolo County Planning and Public Works Department.**

4. The operator shall pay tonnage fees to the County and Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose. See the DA Section 4.4 for additional new terms regarding fee expenditures.

RESPONSE: Condition acknowledged. Mining has not commenced under this approval. Granite has been paying all required fees. The tonnage fees are adjusted annually per Gravel Mining Fee Ordinance Section 10-11.01(c) as amended.

5. Based on the combined tonnage, the 1,000,001st ton to the 1,200,000th ton sold and the 2,070,001st ton to the 2,244,000th ton sold in any given calendar year shall be subject to the Twenty Percent Production Exception surcharge identified in Section 10-11.02(e) the Gravel Fee Mining Ordinance. The revenues from the fee ordinance surcharge shall be collected by the County and disbursed for activities consistent with the Gravel Fee Mining Ordinance and CCAP. See the Development Agreement Section 4.4 for additional new terms regarding fee expenditures.

As identified in Section 2.2.8(4) of the Granite Esparto Development Agreement (Agreement No. 11-165), this project pays an additional new “unallocated tons” surcharge on the 500,001st ton to the 1,000,000th ton sold annually. See the development agreement for the terms of this new additional surcharge.

⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval. Granite has been paying all required fees.**

Pursuant to the terms of the DA, an additional surcharge of \$0.20 per ton (“unallocated tons surcharge”) was applied on all tonnage sold annually from Granite Capay (or Granite Esparto) in excess of 500,000 tons, but not exceeding 1,000,000 tons from 2012 through 2026. The new surcharge went into effect on January 1, 2012. The County began collecting revenues from the surcharge, if applicable, in 2013. The new surcharge terminates December 1, 2026.

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

⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval. The project was approved on November 8, 2011, and expires November 8, 2041, unless extended.**

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

Processing of reserves will not take place at the Esparto Site. As documented in the Granite Esparto DA, the Capay Plant³Site ("East Plant") was approved to allow for processing of material extracted from the Granite Esparto mining site subject to the Granite Esparto project approval. The approved reclamation of the East Plant site will occur after mining of the Granite Esparto mining site is complete or after the approved Granite Esparto permit has expired (November 2041), whichever occurs first, unless extended by County prior to the termination of the Granite Esparto permit.

7. The Mining Permit is approved for a period not to exceed thirty years, starting from the date the approval is granted. If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

⇒ ***RESPONSE: Condition acknowledged. Mining has not commenced under this approval. The project was approved on November 8, 2011, and expires November 8, 2041, unless extended.***
8. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

⇒ ***RESPONSE: Condition acknowledged.***
9. The operator shall amend the financial assurances to reflect the modifications to the project, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in an amount to be determined, naming the County and the California Department of Conservation as beneficiaries, prior to the commencement of mining under the permit approval.

⇒ ***RESPONSE: Condition acknowledged. Financial assurances are updated annually by Granite pursuant to Surface Mining and Reclamation Act (SMARA). Since activities have not been undertaken pursuant to this approval, no financial assurances have been posted.***
10. The project to which these conditions are applicable is as described in the 2010 Environmental Impact Report and summarized in the Yolo County Board of Supervisors Staff Report dated November 8, 2011 as modified to reflect the Sequential Mining Alternative, and the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by the County) beyond those necessary to comply with the Sequential Mining Alternative, may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

⇒ ***RESPONSE: Condition acknowledged. The project was approved November 8, 2011. There have been no modifications to this permit since that time.***

³ "Plant" shall hereby refer to the aggregate processing equipment.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

11. The project approval, including all permits and entitlements, shall not be considered effective until the DA between the County and the operator has been executed. The DA shall be executed within 30 days of the date of approval by the Board of Supervisors.

⇒ **RESPONSE: Condition acknowledged. The DA was recorded December 5, 2011. To date, there have been no amendments. This condition is implemented and fully discharged.**
12. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

⇒ **RESPONSE: Condition acknowledged. Mining under this permit has not commenced. There are no stockpiles onsite at this time.**
13. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.

⇒ **RESPONSE: Condition acknowledged.**
14. Pursuant to Action 2.4-2 of the OCMP, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

⇒ **RESPONSE: Condition acknowledged. Action 2.4-2 of the (OCMP) addresses compliance with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).**

Granite is not required to submit these reports until the operation is initiated. The HMBP must be submitted to the County and the SPCCP will be retained onsite.
15. Pursuant to Action 6.4-8 of the OCMP, Section 10-4.440 of the Mining Ordinance, and Section 10-5.523 of the Reclamation Ordinance, hedgerows and other vegetated buffers required between restored habitat areas and adjoining farmland, shall use entirely native species in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

- ⇒ **RESPONSE: Condition acknowledged. Native vegetative buffers will be installed and/or maintained between restored habitat and adjoining farmland. Granite shall modify its approved Esparto Mining and Reclamation Project Reclamation Plan, if necessary, to eliminate non-native species from required hedgerows and vegetative buffers. The modification would be accomplished through a minor modification approved administratively by the Manager of Natural Resources pursuant to Section 10-4.604 and would not require a formal amendment under SMARA.**
16. The aggregate material extracted from this site shall be processed at the adjoining Granite Capay plant facilities. Minor staff level modifications of the existing Granite Capay approval entitlements are necessary for this condition to be satisfied. The applicant is responsible for submitting the necessary application(s) and fees within three months of approval by the Board of Supervisors.
- ⇒ **RESPONSE: Condition acknowledged. Required modifications of the Esparto Mining and Reclamation Project Reclamation Plan were submitted to the County on October 24, 2012. This condition is implemented and fully discharged. Implementation will be ongoing.**
17. The mining and reclamation plans shall be revised within one year of approval to reflect the following:
- Modification to remove the plant site
 - Processing of extracted materials at the adjoining Granite Capay plant
 - Use of conveyors to transport materials from one site to another
 - Lowering of the southerly berm to match the berm along CR 87
 - Modified planting and additional contouring of the berm along CR 87
 - Reclamation of Phase 1A to higher value agricultural use than proposed
 - Modification of the design of the proposed reclaimed lake to make the slope a maximum steepness of 3:1 for a minimum distance of 1,500 linear feet of shoreline in the area that will be most accessible for future public use
 - Addition of at least two floating islands to provide refuge habitat for wildlife
- ⇒ **RESPONSE: Condition acknowledged. Required modifications of the Esparto Mining and Reclamation Project Reclamation Plan were submitted to the County on October 24, 2012. This condition is implemented and fully discharged. Implementation will be ongoing.**
18. All approved modifications to the application, as documented in the Yolo County Board of Supervisors Staff Report dated November 8, 2011 shall be implemented by the operator as a condition of approval.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ **RESPONSE: Condition acknowledged. Required modifications of the Esparto Mining and Reclamation Project Reclamation Plan were submitted to the County on October 24, 2012. Implementation will be ongoing.**

19. Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: CR 87 and CR 19 to and from Interstate 505. The operator shall abide by this condition and the specific requirements of Section 10-4.419.

⇒ **RESPONSE: Condition acknowledged.**

20. Implement the performance standards contained in Section 10-4.429 of the Mining Ordinance related to buffers for materials stockpiles and soils stockpiles.

⇒ **RESPONSE: Condition acknowledged.**

21. The permitted tonnage on the Granite Capay and Granite Esparto sites (subject to subsequent minor staff-level modification of the Granite Capay entitlements) shall be consolidated such that site work on the Esparto site is prohibited (delayed) until mining is completed at the Capay site (except for the existing plant site) and reclamation has commenced. Accelerated mining is allowed at the adjoining Granite Capay site provided that total extraction at either site cannot exceed the combined entitlements of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.

⇒ **RESPONSE: Condition acknowledged.**

22. At no time can mining on the Granite Capay and Granite Esparto sites occur concurrently. Minor overlap at the end of the final phase of mining at the Capay site is allowed during a maximum 45-day period of transition to the Esparto site. A revised phasing plan shall be submitted within 90 days for approval by the Director demonstrating the approved sequence of mining and reclamation of the two sites. The modified phasing plan shall show mining of the Esparto site commencing after mining at the Capay site (with the exception of the plant site) is complete and no sooner than November 2021. At no time can the volume of extraction or sales at either site or in combination, exceed the combined maximum permitted tonnage of the two entitlements (2,244,000 tons sold)

⇒ **RESPONSE: Condition acknowledged. Required modifications of the Esparto Mining and Reclamation Project Reclamation Plan was submitted to the County on October 24, 2012. This condition is implemented and fully discharged. Implementation will be ongoing.**

23. Mining shall not occur on the Esparto site until after November 2021. Until that time the site shall remain in agricultural use.

⇒ **RESPONSE: Condition acknowledged. Granite has confirmed the land remains in production. Orchards were recently converted, and the field was prepared for row crop cultivation.**

24. With the exception of filling in the new terrace area behind the re-graded bank, the applicant shall

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

complete the proposed bank modifications as presented in the approved Streambank Stabilization Plan (SSP), as soon as materials become available, no later than 2021, and/or prior to mining within 700 feet of the adjacent high bank, whichever occurs first. The bank stabilization activities shall conform to all applicable provisions of the Cache Creek Resources Management Plan and the Cache Creek Improvement Program.

⇒ **RESPONSE: Condition acknowledged. The original approved SSP was dated 2007. It was updated in 2010 but not implemented. In 2020 Granite proposed design modifications to the previously adopted SSP. The County issued Flood Hazard Development Permit (FHDP) ZF #2020-0015 on September 11, 2020 and the work was completed October 29, 2020. Granite is in compliance with and has substantially satisfied the timing element of this condition.**

25. Synchronize the project permit with the interim reviews identified in the CCAP and add an addition 10-year review by 2037 and at the termination of the permit. With the additional cumulative analysis provided by this EIR, the requested permit period could be approved. (Mitigation Measure 5-3c).

⇒ **RESPONSE: Condition acknowledged.**

Aesthetics

26. Within one year of approval, the Applicant shall revise and submit the Habitat Restoration and Landscape Visual Screening Plan for County approval to establish a landscape buffer in the 800-foot gap area between the proposed easterly and southerly berms. The buffer may include berming. Pursuant to Section 10-4.429c of the County Code, the plan shall demonstrate that full screening can be achieved prior to mining closer than 1,000 feet from County Road 87, based tree species, box size, and typical rate of growth. (Mitigation Measure 4.2-1).

⇒ **RESPONSE: Condition acknowledged. Required modifications of the Esparto Mining and Reclamation Project Reclamation Plan were submitted to the County on August 2012. The modified Esparto Mining and Reclamation Project Reclamation Plans show the gap area to be filled and the original plan to plant cottonwoods on the southerly berm on 20 foot centers will provide the necessary screening. Placement of the berm within this area will be one of the early priorities and mining within 1000 ft will occur toward the end of the project. This condition is implemented and fully discharged. Implementation will be ongoing.**

27. An irrigation system shall be installed in buffer areas and on berms to ensure rapid growth. The landscaping shall be monitored every two years. Any dead or dying trees shall be replaced.

⇒ **RESPONSE: Condition acknowledged. Granite is not required to implement this measure until mining activity at the site is initiated. This irrigation is associated with the buffer and berms described above and in the project description.**

28. The applicant shall be required to submit a detailed lighting plan that specifies the location, site, and candlepower of all proposed light standards. The light standards shall include specially

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

designed hoods and other shielding to minimize lighting impacts on nearby residences.

- ⇒ **RESPONSE: Condition acknowledged. A lighting plan was provided for the plant site as a part of the June 2003 final plans for Granite Capay. Should Granite opt to undertake nighttime excavation, lighting plans for proposed lighting outside of the plant site (e.g., lighting of excavated areas) would be submitted for county review and approval pursuant to this condition.**

Agriculture

29. Prior to the commencement of mining activity on any Prime Farmlands, and subject to approval by the County, the Applicant shall demonstrate to the County that an offset at a ratio of 1:1 for each acre (78 acres) of Prime Farmland permanently converted to non-agricultural use by implementation of the project has been established pursuant to the requirements of Section 10-5.525 of the County Code, that permanent protection is ensured for any of the three options, and that the quality of set-aside farmland must be equal or better than the acreage converted. (Mitigation Measure 4.3-1a)
- ⇒ **RESPONSE: Condition acknowledged. In December 2020, Granite funded the placement of an easement on 207 acres of agricultural land through the Yolo Land Trust. That easement was established on January 20, 2021 on 207 acres as described in a letter from Granite dated January 20, 2021. The County and Granite reached a settlement agreeing that the 207-acre easement fully satisfies this condition. This condition is implemented and fully discharged.**
30. Prior to commencement of mining activity on any Unique Farmland, and subject to approval by the County, the Applicant shall demonstrate to the County that an offset at a ratio of 1:1 for each acre (124 acres) of Unique Farmland permanently converted to non-agricultural use by implementation of the project has been established pursuant to the requirements of Section 8-2.2416 of the County Code. (Mitigation Measure 4.3-1b)
- ⇒ **RESPONSE: Condition acknowledged. In December 2020, Granite funded the placement of an easement on 207 acres of agricultural land through the Yolo Land Trust. That easement was established on January 20, 2021 on 207 acres as described in a letter from Granite dated January 20, 2021. The County and Granite reached a settlement agreeing that the 207-acre easement fully satisfies this condition. This condition is implemented and fully discharged.**
31. Until such time as the Williamson Act contract on APN: 048-220-002 has expired, the Applicant cannot impact more than 74 acres of Prime Farmland on that parcel. (Mitigation Measure 4.3-2)

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ **RESPONSE: Condition acknowledged. A Notice of Non-Renewal was submitted for this Williamson Act contract on January 2, 2019 and recorded on February 5, 2019. Granite provided a recorded copy on February 6, 2021. The non-renewal period will conclude 9 years from submittal, or January 4, 2028.**

32. In conjunction with making findings to approve the project, the Board of Supervisors shall find the project to be substantially consistent with OCMP Action 5.4-7 based on a balancing of relevant policies including but not limited to Action 5.4-6. (Mitigation Measure 4.3-3)

⇒ **RESPONSE: Condition acknowledged. The Board adopted this condition as part of the November 8, 2011, action to approve the project. This condition is implemented and fully discharged.**

Air Quality

33. No plant facilities are approved on site.

⇒ **RESPONSE: Condition acknowledged. Materials will be processed at the plant site on the adjacent Capay property.**

34. Visible emissions from any operation which emits or may emit air contaminants are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart. Effective July 2010, the opacity limit is reduced to 20 percent as per the rule amendments adopted January 13, 2010.

⇒ **RESPONSE: Condition acknowledged. This condition will apply to the Capay processing plant while processing any material from the Granite Esparto site and/or to any other activity on, or associated with, the Granite Esparto site to which District Rule 2.3, Ringelmann Chart applies. Mining activities under this permit have not commenced.**

35. Portable diesel fueled equipment greater than 50 horsepower (HP), such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) or with the District.

⇒ **RESPONSE: Condition acknowledged.**

36. Particulate matter concentrations for any source operation which may emit dust, fumes or total suspended particulate matter should not be released in excess of 0.1 grain per cubic foot for gas as described in Rule 2.11, Particulate Matter Concentration.

⇒ **RESPONSE: Condition acknowledged.**

37. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct and Permit to Operate from the District.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ **RESPONSE: Condition acknowledged.**

38. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the OCMO. No vehicles or equipment shall be left idling for a period of longer than 5 minutes.

⇒ **RESPONSE: Condition acknowledged.**

39. In addition to compliance with Section 10-4.414 (Dust Control), the applicant shall implement the following measures to further reduce PM₁₀ emissions generated from Revised Project operations:

- Water all dust sources at the project site as necessary;
- Wash loose soil off transport trucks prior to the trucks leaving the project site;
- Limit on-site vehicle speed to less than 15 miles per hour.

⇒ **RESPONSE: Condition acknowledged.**

40. The Applicant shall implement these mitigation measures through construction and operation:

- All stockpiled soils shall be enclosed, covered, or adequately watered to keep soil moist at all times. Inactive soil stockpiles should be vegetated or adequately watered to create an erosion-resistant outer crust.
- During operating hours, all disturbed soil and unpaved roads shall be adequately watered to keep soil moist.
- All disturbed but inactive portions of the site shall either be seeded or watered until vegetation is grown or shall be stabilized using methods such as chemical soil binders, jute netting, or other Yolo-Solano Air Quality Management District (YSAQMD) approved methods.
- All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel.
- Sweep connecting County roads if visible soil material is carried out from the site; and
- Treat access roads to a distance of 100 feet from the paved County road with a 6 to 12-inch layer of wood chips or mulch or with a 6-inch layer of gravel or a minimum of 500 feet of paved road to be swept if soil material is visible. (Mitigation Measure 4.4-2a)

⇒ **RESPONSE: Condition acknowledged.**

41. The Applicant shall implement the following standard measures during construction and operation to reduce emissions of equipment and vehicle exhaust (YSAQMD 2007, Bay Area Air Quality Management District 1999, South Coast Air Quality Management District 2008):

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

The project specifications shall include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to five minutes at any location;

- Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions. Grid power shall be used instead of diesel generators when the following conditions are feasible:
 - Grid power is available,
 - Construction is within 100 feet of the grid power source,
 - Portable electrical cabling is feasible, and
 - The grid power source is the proper voltage, amperage and can be connected without effect to the entity being supplied by the grid power.
 - A schedule of low-emissions tune-ups shall be developed and such tune-ups shall be performed on all equipment, particularly for haul and delivery trucks under company ownership;
 - The fleet of off-road mobile equipment at the project site shall meet the requirements of the ARB In-Use Off Road Diesel Vehicle Regulation, as it applies to large fleets.
 - Alternative-fuel-powered equipment (i.e. natural gas, biodiesel, and electric) shall be used when feasible. (Mitigation Measure 4.4-2b)
- ⇒ ***RESPONSE: Condition acknowledged. Construction and operation have not commenced under this approval.***

Biological Resources

42. NORTHWESTERN POND TURTLE -- No earlier than 30 days before ground disturbance begins within each mining unit (Draft Environmental Impact Report, Figure 3-4, p. 3-11), surveys for the northwestern pond turtle shall be conducted. If northwestern pond turtles are observed in the area, attempts shall be made by a California Department of Fish and Game (CDFG) approved biologist to capture (trap/net) and relocate the turtles. Northwestern pond turtles are usually relocated to a nearby downstream reach of a stream.

If an active nest is discovered during operations, then the Applicant shall consult with CDFG to determine what mitigation measures shall be applied (i.e., buffer zones or alterations to the construction schedule to avoid the area until nesting is complete). (Mitigation 4.5-1a)

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ **RESPONSE: Condition acknowledged. Preconstruction surveys will be performed in conformance with the approved conditions prior to the commencement of work.**

43. NESTING MIGRATORY BIRDS, NON-LISTED RAPTORS, AND BURROWING OWLS -- To avoid and minimize impacts on nesting birds, the Applicant shall not remove trees, shrubs, or herbaceous vegetation during the nesting season (February 1 to August 31). This vegetation shall only be removed from September 1 through January 31, to the extent feasible.

Within each mining unit (DEIR, Figure 3-4, p. 3-11), if the Applicant initiates construction between February 1 to August 31, surveys shall commence 30 days prior to any activities in potential nesting areas within the project. A biological monitor shall conduct preconstruction surveys and monitor construction sites with nesting habitat continuously for bird nesting activities and inspect animal burrows for burrowing owl nests beginning in late February, prior to site clearing and grading. All ground areas shall be surveyed prior to any construction activities and initial grading. Raptor nesting surveys shall include examination of all trees and shrubs within 500 feet of the construction corridor. All trees, predominantly near the farm complex, that will be removed shall be surveyed prior to removal.

For burrowing owl, surveys shall be conducted according to the protocols in the guidelines developed by the Burrowing Owl Consortium (SCPBRG 2009).

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through noninvasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

To offset the loss of foraging and burrow habitat on the project site, if any, a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird, shall be acquired and permanently protected. The protected lands shall be adjacent to occupied burrowing owl habitat and at a location acceptable to CDFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.

When destruction of occupied burrows is unavoidable, existing unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site.

If owls must be moved away from the disturbance area, passive relocation techniques shall be used rather than trapping. At least one or more weeks shall be necessary to accomplish this and allow the owls to acclimate to alternate burrows.

The Applicant shall provide funding for long-term management and monitoring of the protected lands. The monitoring plan shall include success criteria, remedial measures, and an annual report to the County and to CDFG.

Any active nests of non-listed raptors found in or adjacent to disturbance areas shall be fenced with a 300 foot radius buffer around the nest site. This 300-foot buffer may be reduced if a

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

qualified raptor biologist determines that the nesting raptors are acclimated to the project and related disturbance, and otherwise will not be adversely affected by construction activities. At a minimum, the non-disturbance buffer shall be a radius of 100 feet around the nest site. If the nest site is on an adjacent property or property that cannot be accessed, the portion of the buffer that occurs within the project corridor shall be fenced. When construction buffers are reduced in size, the raptor biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If it is determined that construction could result in reproductive failure, construction shall be postponed in the immediate area until young have fledged. In cases where construction activities cannot be postponed, the project biologist shall coordinate with CDFG and United States Fish and Wildlife Service (USFWS), and at a minimum, the 300-foot buffer shall be implemented unless a reduction is approved by the agencies. (Mitigation 4.5-1b)

⇒ ***RESPONSE: Condition acknowledged. Preconstruction surveys will be performed in conformance with the approved conditions prior to the commencement of work.***

44. SWAINSON'S HAWK FORAGING -- The Applicant shall mitigate for loss of Swainson's hawk foraging habitat in accordance with the provisions in the NHP JPA interim management agreement to which both the County and the CDFG are signatories.

The Applicant shall provide 1 acre of Swainson's hawk foraging habitat for every 1 acre of foraging habitat that is lost to the project. The mitigation requirement for the Granite Esparto mining project is 202.88 acres. Applicant may transfer fee simple title or a conservation easement over of Swainson's hawk foraging habitat, along with appropriate enhancement and management funds. As acceptable to the JPA, the mitigation may be phased to reflect timing of actual acreage impacted and reclaimed. In addition, the easements may be structured to reflect the term of the impact (e.g. permanent easements for mitigation of permanent loss and termed easements for interim loss).

SWAINSON'S HAWK NESTING -- The timing and methodology for conducting Swainson's hawk nesting surveys shall follow CDFG protocols.

The following protective measures will be employed to avoid impacts to nesting Swainson's hawks:

1. Prior to initiation of mining activity with a mining unit (DEIR, Figure 3-4, p. 3-11), conduct a survey for nesting Swainson's hawks within at least 0.25 miles of the unit boundary that is adjacent to open farmland.
2. Identify and map all active Swainson's hawk nests.
3. If no Swainson's hawk nests are found within 0.25 miles, proceed with mining activity with no further restrictions.
4. If Swainson's hawk nests are found, identify and map all new work areas (new units planned to come online) within 0.25 miles of the active nest.
5. Evaluate visibility from the nest based on distance, line-of-sight (topography, barriers)

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

and nest position in tree.

6. Evaluate history of the active nest location (i.e., could the nesting pair be sufficiently habituated to mining disturbances due to other ongoing mining activity).
7. If a new nest site is established within 0.25 miles of planned active work sites and it is determined that the nest is subject to disturbance-related impacts, postpone mining activities until nesting activity is completed (young have fledged or failed nest).

Once nesting activity is completed, proceed with mining activities with no further restrictions. If the nesting pair returns the following year to the same nest site, it is assumed that the breeding pair is sufficiently habituated to disturbances. (Mitigation 4.5-1c)

⇒ ***RESPONSE: Condition acknowledged. With regard to hawk foraging, Mitigation Measure 4.5-1c requires mitigation for loss of 203 acres of Swainson's hawk foraging land. Approved reclamation for Esparto would result in 74 acres of row crop agriculture and 38 acres of pasture which would both provide future hawk foraging habitat. The net result is an interim loss of 112 acres (74 + 38) until final reclamation occurs, and permanent loss of 91 acres.***

Granite satisfied the mitigation requirement for the interim loss of 112 acres by executing a limited term Conservation Agreement in October 2015 that allows for "staged" mitigation on portions of 108.4 acres immediately north of the Granite Capay excavation site. This 108.4 acres was found to substantially mitigate the 112-acre interim loss. This action was approved by the Board on November 17, 2015 (Item No. 10). This condition is implemented and fully discharged for hawk foraging land.

Granite satisfied the mitigation requirement for the 91 acres of permanent impact by providing fee title to the Granite Woodland Reiff net gains property in August 2019 and depositing \$136,500 for purposes of an endowment. Use of the site for that purpose was allowed under the Granite Capay DA. The County recorded an easement on the property in 2022 in collaboration with the Yolo Habitat Conservancy. Potential impacts for conversion of Swainson's Hawk foraging habitat have been fully mitigated.

45. BANK SWALLOW -- The Applicant shall conduct preconstruction surveys for the bank swallow during breeding season from March 1 to July 31. If it is determined that swallows are nesting in areas where construction could result in injury or failed reproductive success, construction disturbance shall be postponed in the immediate area until young have fledged. In cases where construction activities cannot be postponed (for safety or significant schedule conflicts) the project biologist shall coordinate with CDFG and USFWS.

Section 10-4.433 (Soil Stockpiles) of the County Mining Ordinance establishes maximum height (40 feet) and slopes (2H:1V for inactive stockpiles and 1H:1V for stockpiles in daily use). Soil stockpiles shall be inspected weekly from March 1 through July 31, if disturbance is planned during that period, to verify that no bank swallows have begun nesting activities in the slope areas. (Mitigation 4.5-1d)

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ **RESPONSE: Condition acknowledged. Preconstruction surveys will be performed in conformance with the approved conditions prior to the commencement of work.**

46. The Applicant shall implement the Reclamation Plan and the riparian habitat restoration measures in the accompanying Habitat Restoration and Landscape Visual Screening Plan. (Mitigation 4.5-2)

⇒ **RESPONSE: Condition acknowledged.**

47. The Applicant shall amend the wetland delineation utilizing current USACE guidelines prior to start of construction. If no wetlands are delineated within the area of construction activities, no further mitigation is required. If wetlands are delineated within the area of construction activities, the Applicant shall develop a wetland mitigation plan for approval by permitting agencies, to create, restore, or enhance wetlands of similar function at a 1 to 1 ratio. (Mitigation 4.5-3). *Note this mitigation measure has been satisfied with submittal of a revised report entitled "Jurisdiction Waters and Wetland Delineation, Granite Esparto Property", dated October 2007, revised January 2010, prepared by TRC Consulting Biologists.*

⇒ **RESPONSE: Condition acknowledged. Two reports have been submitted to date: "Jurisdiction Waters and Wetland Delineation, Granite Esparto Property", dated October 2007, and a revised version of that report dated January 2010, prepared by TRC Consulting Biologists. Neither mining nor pre-construction activities have commenced under this approval.**

Climate Change

48. The applicant shall demonstrate consistency and compliance with the County's adopted Climate Action Plan. (Mitigation Measure 4.6-1)

⇒ **RESPONSE: Granite submitted information to the County on February 18, 2021 documenting certain GHG-reduction efforts. The County has not evaluated whether the submission is in compliance with the Climate Action Plan, and will do so "prior to commencement of grading or any physical modifications of the site," as provided in the final adopted Granite Esparto MMRP.**

Cultural Resources

49. Implement the performance standard included in Section 10-4.410 of the County OCMO.

⇒ **RESPONSE: Condition acknowledged.**

50. The operator shall implement an explicit educational program that alerts project employees to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

- ⇒ **RESPONSE: Condition acknowledged. Educational program will be administered to new employees prior to and for the duration of mining activities.**

Geology and Soils

51. Pursuant to Wallace and Kuhl Slope Stability Evaluation (2007) exposed slopes be inspected by a geotechnical engineer or certified engineering geologist every 10 to 15 feet of excavation depth or at least once per year for subsurface conditions that could affect slope stability.

- ⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval.**

52. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance.

- ⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval.**

53. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County OCMO; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance.

- ⇒ **RESPONSE: Condition acknowledged. Mining has not commenced under this approval.**

54. The Applicant shall minimize risks to facilities and on-site visitors by identifying and avoiding unsafe conditions. The Applicant shall consult with the dredge manufacturer regarding methods to stabilize the dredge in the event of seismic shaking. Methods may include anchoring, connecting the dredge to land via cable, or other appropriate systems. The Applicant shall design slopes leading to the wet pit in accordance with the project-specific slope stability study (Wallace-Kuhl & Associates, Inc. 2007b). The Applicant shall train on-site workers regarding seismic safety issues, including actions to be taken during strong seismic shaking and potential hazards of seismic shaking, including rockfall from overhead conveyor systems and collapse of stockpiled rock material. The Applicant shall require workers and on-site visitors to wear safety equipment, such as hard hats. (Mitigation Measure 4.8-1)

- ⇒ **RESPONSE: Condition acknowledged.**

Hazards

55. Implement the performance standard included in Sections 10-4.406, 10-4.415, and 10-4.431 of the County OCMO; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance.

- ⇒ **RESPONSE: Condition acknowledged.**

Hydrology and Water Quality

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

56. The applicant shall secure and comply with necessary RWQCB approvals (Section 401 Certification) to allow for implementation of the in-channel work.

⇒ **RESPONSE: Condition acknowledged.**

57. The Applicant shall provide supplemental hydraulic analysis that examines downstream and cross-stream effects of the proposed in-channel improvements, and identifies supplemental actions/improvements, if necessary, for potential erosion effects on opposing banks or downstream, from increased flow velocities against the base of the planned revetment. The supplemental analysis shall analyze and ensure compliance with OCSMO Section 10 4.429(d)(4). The report must have the original signature of the engineer. The identified improvements (if any) shall be implemented by the Applicant as specified by the project engineer (Mitigation Measure 4.10-5b). *Note this mitigation measure has been satisfied.*

⇒ **RESPONSE: Condition acknowledged. This condition is implemented and fully discharged. The Technical Advisory Committee (TAC) reviewed the proposed Streambank Stabilization Plan for consistency with the Test 3 cross-section, Cache Creek Improvement Program (CCIP), and CCRMP on April 12, 2010 and found it to be consistent and satisfactory. As requested by the TAC, the applicant subsequently submitted digital and hard copies of the revised modeling and report entitled "Granite Construction Company, Off-Channel Mining and Reclamation, Cache Creek Hydraulics Study" dated November 15, 2007, revised May 28, 2010, prepared by Cunningham Engineering.**

58. Mining shall not be conducted within 50 feet of the West Adams Canal.

⇒ **RESPONSE: Condition acknowledged.**

59. Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County OCMO and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of channel banks and levees adjoining the project area during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include formation cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director along with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps and photographs) and estimated area and volume of eroded materials, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year.

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ **RESPONSE: Condition acknowledged. Mining and reclamation activities have not yet commenced. Therefore, monitoring obligations have not been triggered as stated within this condition. A monitoring report has been completed this year and will likely be continued annually in a good faith monitoring effort. This year's report is included in the annual report.**

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

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

⇒ **RESPONSE: Condition acknowledged. Mining has not yet commenced under this approval. The Granite Esparto DA constitutes the required legally binding agreement.**

61. Following reclamation, the Community Development Agency shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees and allowing access by the County for same.

Pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation Ordinance the applicant shall enter into a legally binding agreement with the County that commits the applicant to participate in implementation of the Cache Creek Improvements Program for that portion of the Creek frontage owned or

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

controlled by the operator, adjoining the permitted off-channel mining area, as required by the condition above. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the TAC.

⇒ **RESPONSE: Condition acknowledged. The Granite Esparto DA constitutes the required legally binding agreement. Deed restrictions will be implemented following reclamation.**

62. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County OCMO; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance.

⇒ **RESPONSE: Condition acknowledged. Mining has not yet commenced under this approval.**

63. The Applicant shall provide supplemental hydraulic analysis that examines downstream and cross-stream effects of the proposed in-channel improvements, and identifies supplemental actions/improvements, if necessary, for potential erosion effects on opposing banks or downstream, from increased flow velocities against the base of the planned revetment. The supplemental analysis shall analyze and ensure compliance with OCSMO Section 10 4.429(d)(4). The report must have the original signature of the engineer. The identified improvements (if any) shall be implemented by the Applicant as specified by the project engineer. (Mitigation Measure 4.10-5b)

⇒ **RESPONSE: Condition acknowledged. This condition is implemented and fully discharged. Note this mitigation measure has been satisfied with submittal of revised modeling and report entitled "Granite Construction Company, Off-Channel Mining and Reclamation, Cache Creek Hydraulics Study" dated November 15, 2007 revised May 28, 2010, prepared by Cunningham Engineering. See Condition 57 for more explanation.**

64. New wells are restricted to pumping from the freshwater aquifers overlying the Coast Range bedrock. By limiting the depth of any proposed wells the operator shall ensure that only groundwater from one of the freshwater aquifers overlying the Coast Range bedrock is used in wash fines processing. (Mitigation Measure 4.10-7a)

⇒ **RESPONSE: Condition acknowledged. Wash fines processing will occur at the Capay Site.**

Noise

65. Implement the performance standard included in Section 10-4.422 of the County OCMO.

⇒ **RESPONSE: Condition acknowledged. Mining has not yet commenced under this approval. Compliance with Section 10-4.422 will be ongoing for nighttime mining within 1,500 feet of residences.**

66. The hours of operation for all facilities and operations are generally 6:00 a.m. to 6:00 p.m. (12

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

hours per day), five-days per week (Monday through Friday), with occasional 24-hour operations to fulfill contract requirements are allowed within the regulations established in Section 10-4.421 of the mining ordinance.

⇒ **RESPONSE: Condition acknowledged. This same condition for the Granite Capay operation was deleted by the Board of Supervisors on May 31, 2016, pursuant to Minute Order No. 16-72. Operations at the Capay site are approved to be conducted 24-hours day, seven days per week provided Granite complies with the Mining Ordinance and other conditions on the operation.**

Traffic and Circulation

67. INITIAL IMPROVEMENTS -- On County Road 87 from the project access road to County Road 19, the Applicant shall reconstruct the structural pavement and base section to support the calculated traffic index (TI) to meet County standards (adopted at the time of construction), and widen to meet County standard dimensions for a major collector (see attached Exhibit #1). If there is not enough County right-of-way to build the road (including shoulders and roadside ditches) for a major collector as shown in Exhibit #1, then the Applicant will be required to fund the acquisition of the necessary right-of-way by the County via easement or fee purchase.

The Applicant shall also install paved shoulder widening to provide twelve-foot wide travel lanes and four-foot paved shoulders as afforded by the existing county road right-of-way between the existing roadside ditches on County Road 19 from Road 87 to the Teichert (Esparto) driveway.

The intersection of County Road 87/19 shall be modified to accommodate both left and right turning movement radii of large trucks at the same time (no conflict of simultaneous truck turning movements).

The existing centerline for both roads may be revised to accommodate the initial improvements.

These initial road improvements shall be designed and constructed by the Applicant to County standards (adopted at the time of construction), to the satisfaction of the County Engineer, within one year of the date that the combined total from both Granite mining facilities (Capay and Esparto) exceeds 1,200,000 tons in one year, or within six months of the County's acquisition of necessary right-of-way (if necessary), whichever occurs later (unless regulatory permit approvals delay the construction start date). (Mitigation Measure 4.13-1)

⇒ **RESPONSE: Condition acknowledged. The road improvements were completed in July 2019 to the satisfaction of the Public Works Director.**

68. The operator shall maintain the roadway section on County Road 87 from the project access road to County Road 19, and on County Road 19, from Road 87 to the Teichert (Esparto) driveway.

Joint maintenance of the roadway section for County Road 19, from the Teichert (Esparto) driveway to I-505, shall be proportionally shared between the Applicant and Teichert Aggregates or its successor in interest. Proportional maintenance costs shall be determined based upon the previous year's sales figures for each of the two operations, as reported to the County. At such

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

time as the Teichert (Esparto) agreement for maintenance responsibility terminates, responsibility for the maintenance of the roadway section of the portion of County Road 19, from the Teichert (Esparto) driveway to I-505, shall become the responsibility of the Applicant.

The Applicant's maintenance responsibility for the roads specified above shall continue throughout the life of the mining permit.

Should the Applicant's proportional use of the roadways change significantly, then their fair-share responsibility will be reevaluated.

The County will provide maintenance of the county-maintained roadside drainage ditches.

The operator shall annually submit appropriate reporting/documentation demonstrating compliance with Section 10-4.408 (County Road Improvements) and 10-4.409 (County Road Maintenance) of the County Mining Ordinance.

⇒ ***RESPONSE: Condition acknowledged. There have been no sales this year or in previous years that would trigger road maintenance obligations as stated within this condition.***

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

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

⇒ ***RESPONSE: Condition acknowledged. Mining and reclamation activities have not yet commenced. Therefore, monitoring obligations have not been triggered as stated within the referenced sections of the County Mining Ordinance and Reclamation Ordinance.***

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

⇒ ***RESPONSE: Condition acknowledged. Mining and reclamation activities have not yet commenced. Any future reclamation activities will comply with this condition.***

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

2023 Annual Mining and Reclamation Report of Surface Mining Operations- ESPARTO

⇒ ***RESPONSE: Condition acknowledged. Mining and reclamation activities have not yet commenced. Future reclaimed parcels will be part of one of these programs to protect agricultural use of reclaimed parcels.***

2022-2023 OFF CHANNEL ANNUAL MINING PERMIT COMPLIANCE REVIEW

Conditions Review: October 2022 through October 2023

MINING AND RECLAMATION STATUS

Mining is continuing in phases, as approved. Mining on site A-2 commenced in the summer of 2005. The operator maintains stockpiles as approved on the development plan (north of A1 and north and northeast of A2).

DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-288, as amended, staff has reviewed the terms of the agreement and has found the operator to be in compliance with all of its terms.

YOLO COUNTY APPROVALS

Zone File No. 95-079 was approved by the Yolo County Board of Supervisors on November 25, 1996, to allow for off-channel mining on 734 acres over a 30-year period, with reclamation to permanent lakes, habitat, row-crop production, and tree-crop production. This permit superseded Zone File No. 222. Commencement of mining under this permit also voided Zone File No. G-1, as per Section 3.1 of Development Agreement No. 96-288.

Amendment No. 1 was approved by the Board of Supervisors on December 9, 1997, to modify Condition of Approval No. 6 by allowing an extension of time in which to commence mining.

Amendment No. 2 was approved by the Board of Supervisors on May 18, 1998, to modify Condition of Approval No. 6 by allowing an extension of time in which to commence mining.

Amendment No. 3 was approved by the Board of Supervisors on September 22, 1998, to modify Section 2.2.8(v) of Development Agreement No. 96-288 to allow for the posting of a Letter of Credit in lieu of the specific flood control improvements referred to in the Development Agreement, and to modify Condition of Approval No. 8 to reduce the amount of financial assurances for Phase 1.

Amendment No. 4 (Zone File No. 98-010) was approved by the Yolo County Board of Supervisors on February 16, 1999, to amend Zone File No. 95-079 to decrease the area of authorized excavation from 734 acres to 248 acres, with reclamation to a permanent lake, habitat, and row-crop production. This amendment superseded Zone File No. 95-079.

Amendment No. 5 (Zone file No. 2001-037) was approved by the Yolo County Board of Supervisors on August 28, 2001, to amend Ordinance No. 681.192 for the purpose of rezoning land from Agriculture General (A-1) to Agricultural Preserve (AP) for the Syar Long-Term Off-Channel Mining Permit; and to adopt Agreement No. 01-280 with Syar Industries for the boundary adjustment of Williamson Act Contract No. 78-69.

OTHER AGENCY APPROVALS

Staff contacted other state and local regulating agencies to ensure that the operation was in compliance. The operator has a Waste Discharge Permit from the Regional Water Quality Control Board and an Authority to Operate permit from the Yolo-Solano Air Quality Management District. The annual reporting form was submitted by the operator to the State Department of Conservation. A Hazardous Materials

Business Plan and Storm Water Pollution Protection Plan are on file with the County Office of Emergency Services.

CONDITIONS OF APPROVAL

Conditions for ZF# 98-010 (the site currently being mined) are as follows:

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

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

Syar acknowledges the requirements of this condition.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,111,111 (mined tonnage). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 limits. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Syar Industries LLC will not exceed the 1,000,000-ton limit in 2023. Syar did not mine in 2022-2023.

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

Syar Industries, Inc. is current on paying all appropriate fees according to the ordinance.

GRAVEL MINING FEE ORDINANCE AMENDMENT

January 1, 2007	\$0.450 cents per ton (beginning April 1 for 2007 only)
January 1, 2008	\$0.468 cents per ton
January 1, 2009	\$0.487 cents per ton
January 1, 2010	\$0.506 cents per ton
January 1, 2011	\$0.526 cents per ton
January 1, 2012	\$0.526 cents per ton (*per Board's June 4 action)
January 1, 2013	\$0.470 cents per ton (if adopted)
January 1, 2014	\$0.489 cents per ton (if adopted)
January 1, 2015	\$0.508 cents per ton (if adopted)
January 1, 2016	\$0.529 cents per ton (if adopted)

January 1, 2017	\$0.55 cents per ton (if adopted, <i>mandatory fee review in 2017 per current & proposed ordinance</i>)
January 1, 2018	\$0.572
January 1, 2019	\$0.595
January 1, 2020	\$0.619
January 1, 2021	\$0.644
January 1, 2022	\$0.669
January 1, 2023	\$0.696
January 1, 2024	\$0.724
January 1, 2025	\$0.753
January 1, 2026	\$0.783

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

Annual permitted production limit of 1,000,000 tons will not be exceeded in 2023. Also, Syar did not mine in 2022-2023. Syar is current on paying all required fees.

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

Permitted reserves have not been depleted, nor has the 30-year life of the permit expired. The mining site is currently considered "idle" and an Interim Management Plan (ZF #2011-0049) was approved in 2011 for the facility, and extended for a period of five years in October 13, 2016 (ZF #2016-0034). Second extension (ZF 2021-0021) was approved by Yolo County Planning Commission September 2, 2021.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

Commencement of mining official notification letter was received on June 7, 1999. This permit will expire on June 8, 2029.

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

Permit monitoring is paid for with funds generated by the OCMP Administration Fund collected under the Yolo County Gravel Mining Fee Ordinance. Implementation costs are paid for by Syar Industries as they occur.

8. Deleted. Condition satisfied.
9. The project to which these conditions are applicable is as described in the Supplemental EIR and summarized in the Yolo County Board of Supervisors Staff Report dated December 8, 1998, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

Syar acknowledges the requirements of this condition.

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

Reclamation has not been completed in any phase. Syar is in the process of reclaiming Phase A1 with wash fines from the processing plant; however, the site is currently idle.

11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), a Notice of Nonrenewal shall be filed for the land within Phase B (APN: 049-130-05). Mining in the eastern portion of Mining Area B shall not commence until the Williamson Act contract has expired (2006) or the property is otherwise cleared for the proposed mining and reclamation, by "transfer" of Williamson Act provisions to equivalent non-contract land, if approved by the County. This provision shall not apply to those portions of Phase B to be reclaimed in agriculture.

A Notice of Nonrenewal was filed by the operator in 1997. On August 28, 2001, the Board of Supervisors approved a boundary adjustment of Williamson Act Contract No. 78-69 to "transfer" Williamson Act Contract land to equivalent non-contract land. This condition is implemented and fully discharged.

12. Deleted. Condition satisfied. A Development Agreement was executed on December 17, 1996. No further action is required.
13. Deleted. Condition satisfied. A Flood Hazard Permit was approved in November of 1996. No further action is required.
14. The operator shall implement a Trip Reduction Program consistent with the Yolo County Congestion Management Program, to promote the use of alternative commute models by its employees (1998 SEIR Mitigation Measure 4.7-3a).

At this time, Syar's operations are at a minimum. There is only one employee currently working at the facility. The condition will continue to be fully implemented once the facility resumes mining activity.

15. The aggregate processing plant, located on an approximately 40-acre site (APN: 049-060-14) northeast of Phase A, shall be reclaimed in accordance with the CCAP.

Syar acknowledges the requirement of this condition. Revised reclamation plans were submitted to County on December 8, 1998. These include reclamation of the plant site. Implementation will occur at reclamation.

16. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with

an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Director of the Planning and Public Works Department for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

Stockpiles are being stored immediately south of the aggregate processing plant, and north of Phases A and B, will continue to be planted with winter wheat.

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

Syar is in compliance with all applicable requirements of SMARA and the County Mining and Reclamation Ordinances. No violations have been issued by the County in 2022 or 2023.

18. Deleted. Condition satisfied. Ambient mercury levels were determined by the County in the fall of 1997.

19. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

Updated Hazardous Materials Business Plan and the current SPCC Plan are included in Appendix F.

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

Syar did not process any imported aggregate material(s).

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

Syar acknowledges the requirements of this condition. The permit expires June 8, 2029. See condition #15.

22. The operator shall reclaim the permanent lake in Phase B to provide a minimum 40-foot successive riparian habitat strip around the perimeter of the shoreline, and on the permanent island to be constructed within the lake. Riparian, wetland, and/or oak woodland habitat shall be provided, as appropriate, without decreasing the acreage of adjoining reclaimed agricultural areas. The shoreline of the permanent lake shall be contoured to include peninsulas, scalloped edges, and shallow benches throughout the perimeter. Within one year of this approval, the operator shall submit a detailed reclamation design and habitat restoration plan to the County, showing the location and type of proposed species, and guidelines for planting, maintenance, and monitoring. The revised reclamation plan shall be approved by the Director of the Planning and Public Works Department prior to the commencement of mining in Phase B.

Revised reclamation plan phasing was accepted by the County on February 16, 1999. This condition is fully discharged. The implementation is ongoing.

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

The reclamation plan includes vegetated buffers between restored habitat and adjoining farmland. Reclamation has not yet been completed in any phase.

24. All final approved conditions of approval as documented in the executed Development Agreement, shall be implemented by the operator.

Syar acknowledges the requirements of this condition.

25. Pursuant to Action 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation Ordinance, along the frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining, if mining occurs within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

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

This condition was clarified as part of the 2020 Ten-Year Permit Review. The Syar Development Agreement constitutes the required legally binding agreement. The operation does not include approval to mine any closer than 700 feet from the channel bank. As a result, the project has no specific requirements to implement channel bank improvements pursuant to Section 10-4.429 (Setback) and therefore no remaining obligation under this condition.

- 25.2 The specific flood control net gain shall be determined by the County following completion of a feasibility study of available options, with the project completion by the applicant to occur within three years of project approval. The pledged value (\$425,000) of the net gain may be used by

the County at any time for the feasibility study and other studies and planning requirements, as well as materials and construction. Consistency with the CCAP is required and implementation of associated CCIP channel improvements shall be implemented concurrent with the flood control improvement, if appropriate. Should the flood control facilities result in any permanent changes to on-site drainage and/or grading, then revised Mining and Reclamation Plans shall be submitted to the Director of the Planning and Public Works Department for review and approval prior to the commencement of mining within the affected phase. A grading permit for the flood control facilities shall be obtained from the Planning and Public Works Department prior to construction.

Syar paid \$425,000 to County in the form of a Letter of Credit accepted by the Board of Supervisors October 20, 1998, for drainage improvements on SR 16. This condition is implemented and fully discharged.

- 25.4 The phasing of mining shall proceed in the following sequence: A1, B1, A2, B2. The phasing of reclamation shall proceed in the following sequence: A1, B1, B2, A2.

Mining commenced in June of 1999. Syar's change in the phasing plan was approved February 16, 1999. Syar acknowledges the requirements of this condition.

- 25.6 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by December 31, 2000. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Director of the Planning and Public Works Department by June 30, 2000, describing the reasons for delay and a revised deadline for installation. The revised deadline must be accepted by the County or the original deadline shall stay in force.

Conveyors were installed by the required date and are operational. This condition is implemented and fully discharged.

- 25.8 Total production allowed under this Mining Permit shall not exceed 30.0 million tons (sold weight) and 33.3 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Cumulative production has not exceeded the overall limits. Syar acknowledges the requirements of this condition.

- 25.9 No mining or reclamation activities shall occur within 1,000 feet of the Garcia property (APN: 049-130-22) or County Road 87. A permanent landscaped nine-foot earthen berm, properly engineered and planted with native and drought-tolerant vegetation that meets the adopted criteria, shall be constructed outside of buffer areas, on the applicant's property as early as feasible, coincident with the commencement of any mining activities in Area B.

No mining shall occur within 700 feet of the active channel.

Pursuant to Section 10-4.429(g) of the mining ordinance, future recreational activities shall be located a minimum of 150 feet from the Garcia property line with a landscaped buffer that meets the adopted criteria. The parking lot shown adjoining the Garcia property shall be deleted from the proposed plans.

No mining or reclamation activities shall occur within 2,000 feet of County Road 20X, which is the planned northerly boundary of the Esparto community. A permanent landscaped nine-foot earthen berm, properly engineered and planted with native and drought-tolerant vegetation that meets the adopted criteria, shall be constructed, outside of buffer areas (as early as feasible,

coincident with the commencement of mining activities in Area B, to form a boundary at the location of this buffer.

The landscaped berm has been installed. Revised reclamation plans were submitted to County on December 8, 1998, showing the location of recreational trails a minimum of 150 feet from the Garcia property (APN 049-130-228), as well as the deletion of the parking lot adjoining the Garcia property. The revised reclamation plans also show that mining will not occur within 2,000 feet of County Road 20X. This condition is implemented. Compliance will occur with reclamation.

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

Syar is in full compliance with this condition.

EIR MITIGATION MEASURES

Land Use and Planning

26. Implement the performance standards included in Sections 10-5.510, 10-5.517, 10-5.519, 10-5.528, 10-5.529, 10-5.530, and 10-5.532, in the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.2-1a).

- a. *Section 10-5.50 (Fencing):* Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

Syar acknowledges the requirement of this condition.

- b. *Section 10.5.517 (Mercury Bioaccumulation in Fish).*

In 2015 the County contracted with Dr. Darell Slotton to re-examine the wet pit mercury monitoring requirements in question and help the County develop a set of procedures and protocols to ensure consistent implementation of the regulations by each operator. Dr. Slotton has continued to monitor the Syar ponds through this year. The reports generated are submitted to the county annually.

- c. *Section 10-5.519 (Motorized Watercraft Prohibition):* The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

No watercraft has been used in any of the wet pits. Syar acknowledges the requirements of this condition.

- d. *Section 10-5.528 (Sewage Storage Prohibition):* The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

No sewage or effluent or landfill will be stored on site. Syar acknowledges the requirements of this condition.

- e. *Section 10-5.529 (Shallow Depths):* All permanent wet pits shall be reclaimed to include valuable wildlife habitat as a beneficial use of the water lost from wet pits due to evaporation.

Syar submitted revised reclamation plans on December 8, 1998, that incorporated wildlife habitat along the shoreline and island.

- f. *Section 10-5.530 (Slopes):* All final reclaimed slopes shall have a minimum safety factor equal to or greater than, the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Slope stability assessment report was completed by Kleinfelder and is included in Appendix C of this report.

- g. *Section 10-5.532 (Use of Overburden and Fine Sediments in Reclamation):* Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) may be used in the backfill or reclamation of off-channel permanent lakes, for in-channel reshaping or habitat restoration, and/or as a soil amendment in agricultural fields provided they operator can demonstrate that no detrimental sediment toxicity exists (consistent with the state's Stream Pollution Trends Monitoring Program protocols) and fine-grained soil (<63 micron) do not exceed 0.4 mg/kg total mercury.

The operator shall use overburden and processing fines whenever possible to support reclamation activities for pit lakes. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within a pit lake or its drainage area, the operator must sample the soils prior to placement and analyze them for pesticides and herbicides (EPA 8141B and 8151A, or equivalent) as well as for total mercury (EPA Method 7471B, or equivalent). The operator shall collect and analyze samples in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846 (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations), or that contains fine-grained soils exceeding on average 0.4 mg/kg total mercury shall not be placed in areas that drain to the pit lakes.

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

expert/professional, and recommendations, if any, shall be incorporated into the project as conditions of approval.

Syar acknowledges the requirements of this condition.

27. Deleted. Condition satisfied. These areas were rezoned to OS in November of 1996.
28. To mitigate potential land use incompatibilities between the mining operations and future land uses planned within the Esparto CSD Sphere of Influence, south of County Road 20X, the operator shall revise the mining and reclamation plans to allow mining activities no closer than 2,000 feet from County Road 20X. During the initial phase of mining in Mining Area B, the operator shall construct and plant a continuous landscaped 9-foot earthen berm along the north side of County Road 20X, continuing northerly along the west side of Mining Area B and north to Cache Creek along the west side of the habitat area. A landscaping plan shall be prepared to provide an adequate buffer between planned urban land uses and to incorporate native tree species and shrubs to the extent possible. Also refer to 1998 SEIR MM 4.9-2 in the Noise section and 1998 SEIR MM 4.10-3 in the Aesthetics section for other measures related to noise and visual impacts along County Road 20X (1996 EIR MM 4.2-8a and 1998 SEIR MM 4.2-8a).

Revised phase plans were accepted by the County on February 16, 1999 and landscape plans were submitted on May 4, 1999, showing the required setback from the Garcia property. The landscape berm has been installed. Syar acknowledges the requirements of this condition.

- 28.2 To avoid noise, visual, and loss of privacy impacts to the Garcia property, the proposed pedestrian access trail to the reclaimed lake shall be located at least 150 feet from the property line, and separated by a landscaped buffer. Refer also to 1998 SEIR MM 4.9-2 in the Noise section and 1998 SEIR MM 4.10-3 in the Aesthetics section for other measures related to noise and visual impacts along County Road 20X (1998 SEIR MM 4.2-1 and 4.2-8b).

This condition has been fully discharged. Implementation will occur with reclamation. See condition #25.9.

29. To avoid adverse noise impacts to the operator-owned house at the end of County Road 20X, the operator shall not rent or lease the residence during the period when mining and reclamation occurs in Mining Area B, unless the renter signs a waiver acknowledging the potential for noise impacts (1996 EIR MM 4.2-8b).

The house is currently unoccupied. Syar acknowledges the requirements of this condition.

30. The County shall solicit the dedication of lands at or near the planned Recreation Nodes to fulfill the Open Space and Recreation goals of the OCMP for those segments of the creek. The County shall also coordinate with the operator as to how adequate public access to the planned Recreation Nodes will be accommodated. The operator's reclamation plans shall be revised, as appropriate (1996 EIR MM 4.2-8c).

Development Agreement No. 96-288 was executed between the County and Syar Industries, LLC (formerly Syar Industries Inc.) on December 30, 1996, and was amended on February 16, 1999. Section 2.2.8 of the Development Agreement requires the dedication of approximately 212 acres of permanent lake to be located near the recreation node identified at County Road 87 and Cache Creek. The Agreement also includes a 40-foot public access easement from County Road 20X to the lake and on to the creek. Revised mining and reclamation plans reflecting these changes were submitted to staff by the operator on December 8, 1998. This condition is fully discharged. Implementation will occur with reclamation.

- 30.4 The 734 acres of land that were rezoned to the Sand and Gravel overlay district for the approved project shall be modified to exclude the lands that are not proposed for mining under the Revised

Project. The excess lands (approximately 357 acres) shall be rezoned from A1/SG and A-P/SG to the Sand and Gravel Reserve overlay district (A1/SGR and A-P/SGR) (1998 SEIR MM 4.2-4).

This condition is implemented and fully discharged.

Geology and Soils

31. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.3-1a).

a. *Section 10-5.504 (Backfilled Excavations: Improvements):* Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Director prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

There are no buildings, roadways, or other public facilities proposed for construction in the reclaimed areas.

b. *Section 10-5.505 (Backfilled Excavations: Inspections):* Backfilled mining areas and slopes shall be inspected by the Director following strong seismic shaking events. Observable damage shall be reported to the landowner. If the Director determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

No strong seismic events occurred in 2022-2023. Syar acknowledges the requirements of this condition.

c. *Section 10-5.512 (Field Releveling):* The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas, where settling has occurred, shall be relevelled to the field grade specified in the approved reclamation plan.

Reclamation of agricultural areas has not been completed within any phase. Syar acknowledges the requirements of this condition.

d. *Section 10-5.526 (Repair of Damage Due to Natural Disaster):* The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

Syar acknowledges the requirements of this condition.

32. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.3-2a).

a. *Section 10-4.406 (Benches):* During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments.

Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not steeper than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

Slope stability assessment report was completed by Kleinfelder and is included in Appendix C of this report.

- b. *Section 10-4.413 (Drainage):* Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

As described in the project-level EIR, a combination of ditches, berms, and grading will be used to prevent stormwater runoff from entering into active mining and reclamation areas. The current SWPPP includes Best Management Practices, the report is included in Appendix H. The drainage systems are inspected annually by a registered engineer. This report is included in Appendix B.

- c. *Section 10-4.431 (Slopes):* Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer, Certified Engineering Geologist, or Professional Geologist. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). This section applies only to final/reclaimed slopes and not to active mining faces.

Syar acknowledges the requirements of this condition.

- d. *Section 10-5.507 (Drainage):* Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or

interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize grading of disturbed areas that results in broad, gentle slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exists, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report, including recommendations for corrective action, if needed, shall be submitted to the Director. The property owner shall be required to implement recommended corrective actions, if any.

As evaluated in the project-level EIR, the approved drainage system meets the above requirements. A deed restriction will be placed on each phase prior to the release of financial assurances.

- e. *Section 10-5.508 (Erosion Control):* The grading of final slopes, the replacement of soil, and associated erosion control measures shall take place prior to November 1 in areas where mining has been completed. To minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Grass seed will continue to be established on all final slopes. Syar acknowledges the requirements of this condition.

- f. *Section 10-5.530 (Slopes):* All final reclaimed slopes shall have a minimum safety factor equal to, or greater than, the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less

than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Syar acknowledges the requirements of this condition.

33. Deleted. Condition No. 33 was satisfied by revised project which maintains minimum 700-foot buffer (see also Condition #25.9). No further action is needed.
34. Implement the performance standard included in Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Director of Planning and Public Works with the Annual Mining and Reclamation Report. The report shall identify the location of eroded areas (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (1996 EIR MM 4.3-4b).

Condition No. 34 was satisfied by revised project which maintains minimum 700-foot buffer (see also Condition #25.9). No further action is needed.

35. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same (1996 EIR MM 4.3-4c).

Condition No. 35 was satisfied by revised project which maintains minimum 700-foot buffer (see also Condition #25.9). No further action is needed.

36. Deleted. Condition No. 36 was satisfied by revised project which maintains minimum 700-foot buffer (see also Condition #25.9).
37. Deleted. Condition No. 37 was satisfied. The DSD has determined that alluvial separators are not within their jurisdiction. No further action is needed.
38. Deleted. Condition No. 38 was satisfied. The channel boundary was changed in November 1996. No further action is needed.
39. Deleted. Condition No. 39 was satisfied. A development Agreement was executed on December 17, 1996. No further action is needed.
- 39.2 Horizon A and B soils shall not be used for overburden backfill.

Soil horizons are stockpiled separately and retained for agricultural topsoil reclamation. Syar acknowledges the requirements of this condition.

Hydrology and Water Quality

40. Deleted. Condition No. 40 was satisfied. The project application was revised to exclude the Willow Slough floodplain.
- 40.2 Prior to earth moving activities within U.S. Department of Housing and Urban Development/FEMA designated 100-year flood plains (which reflect proposed raising of the existing plant site), the applicant must apply for, and receive, a modified Flood Hazard Development Permit from Yolo County (1998 SEIR MM 4.4-1a).

A modified Flood Hazard Development Permit was approved by the Board of Supervisors on December 16, 1999. The permit incorporates the approved fill/elevation of the aggregate processing plant site. This condition is implemented and fully discharged.

- 40.4 Upon notification by the Yolo County Technical Advisory Committee (TAC) that the channel adjacent to the project site is no longer capable of conveying the 100-year flood, the applicant shall prepare a flood conveyance mitigation plan, and submit the plan to the TAC for technical review and approval. The approved plan shall be promptly implemented to restore conveyance capacity. The plan shall be prepared within one year of notification that the channel can no longer convey the 100-year flood and shall be implemented within six months after issuance of a Flood Hazard Development Permit by the County (1998 SEIR MM 4.4-1b).

Syar acknowledges the requirements of this condition.

41. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.4-3a).

- a. *Section 10-4.413 (Drainage)* Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

See condition #32 (b).

- b. *Section 10-4.417 (Groundwater Monitoring Programs)*

Groundwater monitoring is conducted in accordance with the above requirements. The annual groundwater monitoring report is included in Appendix G.

- c. *Section 10-4.427 (Protection of Nearby Drinking Water Wells)*

No off-site municipal and/or domestic wells are located within 1,000 feet of Phase A or B. Syar acknowledges the requirements of this condition.

- d. *Section 10-4.428 (Sanitary Facilities):* At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled "potable" or "non-potable."

A permanent toilet is located at the office of the processing plant. All appropriate permits from the County Building Division were obtained prior to installation. Water storage facilities are clearly labeled.

- e. *Section 10-5.507 (Drainage):* Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize grading of disturbed areas that results in broad, gentle slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exists, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report, including recommendations for corrective action, if needed, shall be submitted to the Director. The property owner shall be required to implement recommended corrective actions, if any.

See condition #32 (d).

- f. *Section 10-5.510 (Fencing):* Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

See condition #26 (a).

- g. *Section 10-5.519 (Motorized Watercraft Prohibition)*: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

See condition #26 (c).

- h. *Section 10-5.524 (Post-Reclamation Groundwater Monitoring)*: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

Financial assurances will be maintained to ensure that post-reclamation monitoring is completed. Syar acknowledges the requirements of this condition.

- i. *Section 10-5.528 (Sewage Storage Prohibition)*: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

See condition #26 (d).

- j. *Section 10-5.530 (Slopes)*: All final reclaimed slopes shall have a minimum safety factor equal to, or greater than, the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

*Syar Industries LLC has commenced a groundwater monitoring program. The most current report is dated October 2023. (Appendix G – Hydrology/Water Quality: 2023 Annual Groundwater Conditions Monitoring Report by Luhdorff & Scalmanini).
Also See condition #26 (f).*

42. Implement the performance standards contained in Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.4-4a).

- a. *Section 10-5.507 (Drainage)*: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks

and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize grading of disturbed areas that results in broad, gentle slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exists, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report, including recommendations for corrective action, if needed, shall be submitted to the Director. The property owner shall be required to implement recommended corrective actions, if any.

See condition #31 (d).

- b. *Section 10-5.510 (Fencing):* Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

See condition #26 (a).

- c. *Section 10-5.517 (Mercury Bioaccumulation in Fish):*

See condition #26 (b).

- d. *Section 10-5.519 (Motorized Watercraft Prohibition):* The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

See condition #26 (c).

- e. *Section 10-5.524 (Post-Reclamation Groundwater Monitoring):* Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

See condition #41 (h).

- f. *Section 10-5.528 (Sewage Storage Prohibition):* The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

See condition #26 (d).

- g. *Section 10-5.530 (Slopes)*: All final reclaimed slopes shall have a minimum safety factor equal to, or greater than, the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

See condition #26 (f).

- h. *Section 10-5.532 (Use of Overburden and Fine Sediments in Reclamation)*: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) may be used in the backfill or reclamation of off-channel permanent lakes, for in-channel reshaping or habitat restoration, and/or as a soil amendment in agricultural fields provided the operator can demonstrate that no detrimental sediment toxicity exists (consistent with the state's Stream Pollution Trends Monitoring Program protocols) and fine-grained soil (<63 micron) do not exceed 0.4 mg/kg total mercury.

The operator shall use overburden and processing fines whenever possible to support reclamation activities for pit lakes. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within a pit lake or its drainage area, the operator must sample the soils prior to placement and analyze them for pesticides and herbicides (EPA Methods 8141B and 8151A, or equivalent) as well as for total mercury (EPA Method 7471B, or equivalent). The operator shall collect and analyze samples in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846 (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations), or that contains fine-grained soils exceeding on average 0.4 mg/kg total mercury shall not be placed in areas that drain to the pit lakes.

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

See condition #26 (g).

43. Deleted. Condition No. 43 is deleted due to modifications to the project that move mining further away from wells.

- 43.2 Deleted. Condition No. 43.2 is deleted due to modifications to the project that move mining further away from wells.
44. Deleted. Condition No. 44 was satisfied by revision to the project to fill all reclaimed agricultural land to existing ground surface. No further action is needed.
- 44.2 Backfilling of the reclaimed lake with overburden proposed in 1998 SEIR MM 4.5-4a shall occur at the north and south sides of the lake margin. If filling of the western margin of the lake is proposed, the backfill shall not cover the entire margin of the lake to allow unrestricted flow of groundwater (1998 SEIR MM 4.4-5).

Syar acknowledges the requirements of the condition.

- 44.4 Prior to placement of fill to raise the elevation of the existing plant site, a grading plan shall be submitted to Yolo County Department of Planning and Public Works. The Plan shall be prepared by a licensed engineer and shall specify the location and design of runoff conveyance facilities. The design of these facilities shall maintain flow velocities of less than two feet per second or provide specific drainage channel design for higher velocities (1998 SEIR MM 4.4-6).

At this time, there are no plans to raise the elevation of the existing plant site. Increasing the elevation of the plant site with excess overburden would occur after completion of mining at the site. Syar acknowledges the requirements of this condition.

Agriculture

45. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (1996 EIR MM 4.5-2a). The calculation of permanent loss shall account for improved agricultural land resulting from implementation of Condition #46.2.
- a. *Section 10-5.525 (Farmland Conversion):* All mining permit applications shall identify the location and acreage of prime farmlands, unique farmland, and farmland of statewide significance, as shown on the State Farmland Mapping and Monitoring Program (FMMP) which, as a result of reclamation, would be permanently converted to non-agricultural uses. For each acre of farmland in these categories that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset the conversion of these lands, at a ratio consistent with Section 8-2.404 (Agricultural Conservation and Mitigation Program) of the County Code. This mitigation requirement may be satisfied using a variety of flexible options identified below so long as the total acreage of benefit is found to be equivalent to the applicable ratio and acreage required under Section 8-2.404 of the County Code, by type and amount of farmland being impacted, and so long as a minimum ratio of 1:1 of permanently protected agriculture land of equivalent or better quality/capability is achieved.
- (a) Implementation of improvements, identified by a qualified soil scientist, to the agricultural capability of non-prime lands within the project site or outside the project site but within the OCMP area, that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.
 - (b) Placement of permanent conservation easements on land of equal or better quality/capability. The operator shall be encouraged to target property "at risk" of conversion to non-agricultural uses in selecting areas for permanent protection. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate nonprofit agency to determine the relative risk of

conversion, to which the proposed property might otherwise be subject. A minimum ratio of 1:1 is required in this category

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

The current mining plan identified a permanent conversion of 212 acres of farmland of which 127 acres were identified as prime. To mitigate the loss of the prime agriculture land Syar placed a deed restriction on 129 acres of land. This deed restriction was recorded by Yolo County on February 14, 2022 (Record No. 2022-0003997). This condition has been implemented and fully discharged.

46. Implement 1996 EIR MM 4.5-2a for the proposed project (1996 EIR MM 4.5-8a).

See condition #45.

- 46.2 Revise the reclamation plan to exclude the use of excess topsoil and overburden for filling of existing prime agricultural land. Incorporate the use of excess undifferentiated overburden to create shallow water areas (shoreline) on at least one side of the lake (1998 SEIR MM 4.5-4a).

Within one year of this approval, the applicant shall perform the necessary technical analyses and secure appropriate entitlements (e.g. Floodplain Development Permit) to enable excess fill to be placed on ±108 acres (APN 048-210-03 and 049-130-29) north of Cache Creek (or other non-prime acreage, a minimum of 99 acres in size, in another location that achieves the same basic benefits and is acceptable to the County), thereby transforming that land from marginal to prime agricultural land. The applicant shall undergo appropriate hydrologic analyses to determine whether or not this former mining area proposed for fill is within or outside of the 100-year floodplain of the creek. The analyses shall identify appropriate mitigations (e.g. limits on the proposed placement of fill, etc) to ensure no adverse changes in flood hazard.

The reclamation plan has been revised to exclude the use of topsoil as backfill material in Phase B. This area was determined to be in the flood plain; therefore, fill will not be placed in this area.

- 46.4 Revise the reclamation plan to provide a storage area for stockpiling excess A- and B-horizon soils that would be made available for agricultural land improvement or habitat restoration projects over the 30-year period of the project (1998 SEIR MM 4.5-4b).

Revised mining and reclamation plans were submitted by the operator to staff on December 8, 1998, which allowed A- and B- horizon soil stockpiles located immediately north of Phases A and B and immediately south of the existing aggregate processing plant site.

Biological Resources

47. Deleted. Condition No. 47 was satisfied by revision to project to fill reclaimed agricultural land to existing ground surface.
48. Mature oak trees at the fringe of mining areas shall be preserved through restrictions on mining activities with grading and storage of stockpiled material restricted to outside the tree driplines. These restrictions shall include: a setback of at least 20 feet from the fencerow between the plant site and Phase A to protect the more than 20 trees and elderberry shrubs at this location; protection of the row of 18 young trees at the western edge of boundary between the plant site

and Phase A; protection of the two oaks in the northeastern corner of Phase D; protection of the two oaks in the northwestern corner of Phase B; and a setback of at least 50 feet from the trunk of the 66-inch diameter oak along the southern boundary of the plant site. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline or specified setback for each of these trees to prevent possible construction-related damage. Fencing shall remain in place until the surrounding lands are returned to agricultural production (1996 EIR MM 4.6-2b).

Temporary fencing has been installed around the oak trees along the boundary between Phase A and the aggregate processing plant site, and around the oak trees located along the southern boundary of the plant site. Syar acknowledges the responsibility to maintain and monitor the fencing through completion of mining and reclamation.

49. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the creekside zone along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (1996 EIR MM 4.6-2b).

Temporary fencing has been installed along the boundary of the riparian zone north of Phase A. Syar acknowledges the requirements of the condition. Syar acknowledges the responsibility to maintain and monitor the fencing through completion of mining and reclamation.

50. Channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Biotechnical slope stabilization methods (e.g. willow cuttings) shall be used to control erosion along the active channel, unless engineering evaluations demonstrate that riprap must be used at certain locations to control severe erosion (1996 EIR MM 4.6-2c).

ZF #98-042 was approved by the Floodplain Administrator in 1998 to provide bank stabilization for portions of the creek frontage of the subject site. Native, mature riparian vegetation was avoided at both sites. Engineering evaluations indicated that riprap was necessary, due to the severe erosion occurring at each location. Revegetation was incorporated into both projects to increase habitat value along the creek.

51. At least one 5.0-acre permanent island shall be created on the permanent lake to improve its wildlife habitat value. The permanent island would provide for secure nesting and roosting habitat on the lake. Additional artificial islands shall be located along the northern edge of the lake to complement the habitat enhancement in this location and strengthen its relationship to the creek corridor. Characteristics of the permanent island shall include the following:
- a. The northern fringe of the peninsula along the southern edge of the lake shall be modified to create an island with a minimum width of 50 feet and length of 500 feet above the average high water level. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five-year monitoring program for the restoration effort.
 - b. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 150-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level to allow for the establishment of marshland and riparian species. Use of a 2:1 slope for the shoreline of the mainland bordering the island shall be permitted to minimize the land area devoted to side slopes along the edge of the lake.
 - c. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months.

- d. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland, scattered elderberry clumps, and oak woodland plantings over the top of the island (1996 EIR MM 4.6-3a).

Revised reclamation plans showing an island to be located in Phase B were submitted to staff on December 8, 1998. The island design is consistent with the requirements listed above. Revegetation shall be implemented in accordance with the HRP.

52. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining for the estimated permanent loss of potential Swainson's hawk habitat (1996 EIR MM 4.6-4a).

Deed Restriction protecting 183 acres of prime agricultural land compatible with the foraging requirements of the Swainson's hawk was executed, recorded and delivered to Yolo County September 30, 2021. This condition has been implemented and fully discharged.

53. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (1996 EIR MM 4.6-5a).

Required pre-construction survey was completed in October 2000. Syar acknowledges the requirements of this condition.

54. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (1996 EIR MM 4.6-5b).

- a. *Section 10-4.433 (Soil Stockpiles):* Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a native vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to 2:1 (horizontal:vertical) for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

Syar acknowledges the requirements of this condition. Stockpiles are in compliance. See condition #82.

- 54.5 Condition No. 54.5 is deleted and satisfied. The raptor survey was completed as a part of 1996 application.

55. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications (1996 EIR MM 4.6-6a).

Conditions was satisfied. As part of the 1999 permit amendment Syar moved all mining back behind the required 700-foot setback.

- 55.2 The proposed revegetation plan shall be revised to include an irrigation program for riparian plantings on the middle to upper portions (above average seasonal low groundwater elevation) of the reclaimed slopes surrounding the lake to ensure successful establishment of vegetation given the expected fluctuations in water levels. Irrigation shall continue until 80 percent survival of un-irrigated plantings is demonstrated for at least three years.

A revised Habitat Restoration Plan was submitted in June 1999. Irrigation was discussed in this report which is on file at Yolo County. Syar acknowledges the requirements of this condition.

- 55.4 Prior to the commencement of mining in Area B, details of the proposed landscaping required by Condition #28 shall be developed and evaluated by the applicant's consulting biologist to ensure appropriateness of selected plantings, need for weed control, and irrigation methods to be used, consistent with Section 10-4.502(b)(1) of the OCSMO. Use of native tree and shrub species shall be emphasized along the landscaped berm to complement the adjacent habitat of the permanent lake and restored uplands. The landscaping plan shall be submitted to and approved by the Yolo County Planning and Public Works Department prior to commencement of mining of Mining Area B (1998 SEIR MM 4.6-1b).

Revised phase plans were accepted by the County on February 16, 1999, and landscape plans were submitted on May 4, 1999, showing the required setback from the Garcia property. The landscape berm has been installed. Compliance is ongoing.

Air Quality

56. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.7-1a).
- a. *Section 10-4.407 (Conveyor Systems):* Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

Conveyors have been installed and are operational. Also, see Condition #25.6. This condition is implemented and fully discharged.

57. Upgrades for the existing aggregate and asphalt plants shall include Best Available Control Technology (BACT) for control of air pollutant emissions. The YSAQMD shall be responsible for review and approval of plant upgrades prior to any increase in production levels allowed under current permits (1996 EIR MM 4.7-1b).

Syar acknowledges the requirements of this condition. Syar is continuing to work with YSAQMD as equipment is added or changed.

58. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (1996 EIR MM 4.7-2a and 1998 SEIR MM 4.7-2a).

- a. *Section 10-4.407 (Conveyor Systems):* Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

See conditions #25.6 and #56.

- b. *Section 10-4.415 (Equipment Maintenance):* All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than is required by law, recommended by the Air District, or ten (10) minutes, whichever is shorter.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

Syar acknowledges the requirements of this condition. Equipment and vehicles are serviced in accordance with a specific maintenance schedule. The SWPPP was modified to include the above provisions as part of the mining and reclamation application (Appendix H – SWPPP).

- 58.2 The applicant shall develop an Air Emissions Control Plan for older diesel engines operated at the project site and submit the plan to the Yolo-Solano and Sacramento Metropolitan Air Quality Management Districts for approval and consideration for participation in the established financial incentives program (1998 SEIR MM 4.7-2b).

At this time Syar is not running heavy equipment on the site. Once the facility begins operation an Air Emissions Control Plan will be written for the newer equipment used in the process.

59. Implement 1996 EIR MMs 4.7-1a and 4.7-2a for the proposed project (1996 EIR MM 4.7-3a).

- a. Implement Mitigation Measure 4.7-1(a) of the OCMP Program EIR.

1. Mitigation Measure 4.7-1(a) of the OCMP EIR: Implement the performance standards included in Sections 10-4.407 (Conveyor Systems) of the Off-Channel Mining Ordinance.

- (a). *Section 10-4.407 (Conveyor Systems):* Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

See conditions #25.6, #56 and #58

- b. Implement Mitigation Measure 4.7-2(a) of the OCMP Program EIR.

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

- (a). *Section 10-4.407 (Conveyor Systems):* Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

See conditions #25.6 and #56.

- (b). Section 10-4.415 (Equipment Maintenance): All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than is required by law, recommended by the Air District, or ten (10) minutes, whichever is shorter.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

See condition #58.

60. Deleted. Condition No. 60 was satisfied by revision to project to establish a 1,000-foot buffer plus a landscaped berm along CR 87 and the Garcia property.
- 60.1 The operators are encouraged to use cleaner vehicle and equipment and retrofit existing vehicles and equipment with diesel particulate filters (DPFs). Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions.

Syar acknowledges the requirements of this condition.

Traffic and Circulations

61. Deleted. Condition satisfied.
62. Within three years of project approval, the operator shall construct turn lanes and widen the curve radius for westbound, right-turn traffic movements at the intersection of State Route 16 and County Road 89. The operator shall also replace the two non-standard bridges located on County Road 89, north of State Route 16. The operator shall pay 100 percent of the local share of the total cost of the improvements, and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (1996 EIR MMs 4.8-2a and 4.8-3a).

The construction of the bridge over Willow Slough on County Road 89 north of State Route 16 was replaced, and accepted by the Board of Supervisors on March 20, 2007. Yolo County applied for and received grant monies for the bridge replacement. The other improvements listed in this condition, including the bridge at SR 16 and CR 89, widened turn radiuses, turning lanes, and traffic signals are proposed as part of the Caltrans project to raise SR 16. This condition is implemented and fully discharged.

63. The operator shall pay a fair share amount of local funding to install a traffic signal at the intersection of State Route 16 and County Road 89. The first year the operation exceeds 1,000,000 tons (sold weight), the Resource Management Coordinator shall contact Caltrans to determine if a traffic signal is warranted at the intersection of State Route 16 and County Road 89. If Caltrans determines that the signal is needed, according to State-established criteria, then the operator shall install the traffic signal within six months of notification by the County. The operator shall pay 100 percent of the local share of the total cost of the improvements, and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one

year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (1996 EIR MM 4.8-4a).

Cal-Trans has funded and constructed all improvements that are part of the 2018-2021 HWY 16 Safety Improvement project. Instead of a signal light, they have installed a round-a-bout at SR 16/89 which required significantly more land to be taken into public right of way and necessitated all new drainage facilities. This condition is implemented and fully discharged.

64. The operator shall assume joint pavement maintenance responsibility with Yolo County on County Road 89 over the life of the permit. The operator shall submit an annual evaluation of the structural integrity of the road to the County and shall annually submit appropriate reporting/documentation demonstrating compliance with Section 10-4.408 (County Road Improvements) and 10-4.409 (County Road Maintenance) of the County Mining Ordinance. (1996 EIR MM 4.8-5a).

This report was submitted to public works on May 9, 2022 as required. The letter report is included in Appendix I.

Noise

65. In compliance with Section 10-4.421 (Noise: General Standard) of the Mining Ordinance, daytime noise levels at the property boundary shall not exceed 80 dBA Leq during mining and reclamation of the site. If earth moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time (1996 EIR MM 4.9-1a).

No earth moving operations have occurred within 58 feet of the property boundary. Syar acknowledges the requirements of this condition.

66. In compliance with Section 10-4.421 (Noise: General Standard) of the Mining Ordinance, Night time noise levels resulting from activities at the project site shall not exceed 65 dBA Leq as measured at the outermost property boundary. (1996 EIR MM 4.9-1b)

Mining did not occur in 2022-2023. Syar acknowledges the requirements of this condition.

67. To avoid noise levels greater than 65 dBA Leq at the site boundary during the night time, haul trucks shall not use roads located within buffer areas except in emergencies (1996 EIR MM 4.9-1c). This applies as well to the existing access road onto County Road 87, approximately 750 feet south of the Garcia property.

Implementation is ongoing. Syar acknowledges the requirements of this condition.

68. Future operation of the rock processing and asphaltic concrete plants between 6:00 p.m. and 6:00 a.m. shall not cause noise levels to exceed 65 dBA Leq at the property boundaries. The layout and design of the new or upgraded plant facilities shall ensure compliance with this night time noise standard. Within 60 days after processing plant equipment upgrades have been installed, the operator shall perform noise monitoring of the plant in operation to ensure that it is consistent with the requirements of Section 10-4.421 of the County Off-Channel Mining Ordinance. Monitoring shall be performed by a qualified acoustical consultant and the results of the monitoring shall be submitted to the Director of the Planning and Public Works Department for review and approval. All measures recommended by the acoustic consultant to reduce levels to the levels contained in the Mining Ordinance shall be implemented (1996 EIR MM 4.9-1d).

A noise study was completed by Dobbs Acoustics during the period of noon on September 28, 2004 to noon on September 29, 2004. The report concluded that the plant operation and mining activities were in compliance with the Conditions of Approval, and noise levels were well within

the limits set forth in those conditions and in Section 10-4.421 of the County Off-Channel Mining Ordinance. This condition is implemented and fully discharged.

69. Noise levels resulting from activities at the project site shall not exceed 60 dB CNEL at residences located along County Road 87. Earth berms along the western edge of Phase B, and along the southern and eastern boundary of the Garcia property (APN: 049-130-28), shall be designed to provide at least 6 dB noise attenuation to nearby residences. Mining, reclamation, truck loading and hauling activities along mining areas, and plant operations, particularly during the night time, shall comply with Section 10-4.421 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.9-2a).

The berm was designed to provide at least 6 dB noise attenuation to nearby residences. A subsequent noise study demonstrated that noise levels were within the standards of Section 10-4.421. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing.

70. The operator, in consultation with a qualified noise consultant, shall develop a program for construction and maintenance of the stockpile in Phase B that ensures that operation of heavy equipment on the stockpile does not cause noise levels to exceed 60 dB CNEL at existing or future residences and the future school facility near County Road 20X. (1996 EIR MM 4.9-2b)

Syar acknowledges the requirements of this condition. The stockpile in question was never constructed. The location of the stockpile was moved to its current location, which negated the need for the noise program at the location along CR 87 and CR 20X.

71. Implement the performance standard included in Section 10-4.422 (Noise: Sonic Safety Devices) of the County Off-Channel Mining Ordinance (1996 EIR MM 4.9-3a).

- a. Section 10-4.422 (Noise: Sonic Safety Devices): If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices (e.g. infrared) consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations. This may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. If appropriate, prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices. This regulation applies to all sonic safety devices in use at the mining site, including sonic warnings on conveyors.

Syar acknowledges the requirements of this condition. No mining has occurred within 1500 feet of an occupied residence.

- 71.2 A noise study of the wet-pit dredge shall be performed by a qualified acoustical consultant and submitted to the Planning Director for review and approval within 60 days after dredging operations commence. The noise study shall include recommendations to reduce noise below the performance standards established in Section 10-4.421 of the County Off-Channel Mining Ordinance and the operator shall implement all such recommendations. Dredge noise mitigation may include, but shall not be limited to screens, shielding panels or other measures to achieve sufficient attenuation. Failure to meet the referenced performance standards shall be grounds for the County to revoke approval of the dredging operations.

A noise study was completed by Dobbs Acoustic when the 480W dragline was installed. The Dobbs memo, dated 10/16/2004, states "...a larger dredge has been put into service. This is the 480-W Bucyrus-Erie Walking Drag Line. It produces slightly more noise, but not enough to threaten and condition limits." The memo further states: "78 dBA inside the pit at 150'; pit rim

closest to Garcia property -64 dBA; and NE corner of Garcia property -55 dBA – 41 dBA, depending on wind direction”. This condition is implemented and fully discharged.

- 71.4 With respect to mining in Area B, the County shall hold the applicant to the requirements of the mining ordinance with the added requirement that a noise analysis shall be brought to the County for review and approval at two points: six months after mining commences in Phase B and again 12 months after the six-month review. The County retains the right to adjust the operational requirements based on the information from the noise analyses.

In satisfaction of this condition the first study was conducted by Dobbs Acoustics August 1, 2001. The second study was completed September 29, 2004. Both studies concluded that the plant operation and mining activities were in compliance with the conditions and the requirements of Section 10-4.421 of the Mining Ordinance. This condition is implemented and fully discharged.

Aesthetics

72. Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.10-1a).

a. Section 10-4.429 (Setbacks).

The project was approved to mine to within 200 feet of the channel bank subject to installation of bank stabilization consistent with the Test 3 improvements in effect at the time. Syar is in compliance with this condition.

73. A continuous landscaped berm shall be planted along the southern border of Phase B coincident with the commencement of mining activities in Phase B, to provide a permanent visual buffer between existing and future residential uses, and the permitted mining and reclamation activities. A landscape plan shall be prepared providing an adequate visual buffer between these land uses and shall incorporate native tree species and shrubs to the extent possible; the plan shall include provisions for 15-gallon size plantings of fast-growing trees and shrubs capable of achieving a height of more than 40 feet, as well as appreciable width and density. The plan shall be submitted to the Director of the Planning and Public Works Department for approval prior to the commencement of mining in Phase B. This landscaped berm shall remain after reclamation has been completed (1996 EIR MM 4.10-3a).

A landscape berm is constructed around Phase B. Syar acknowledges the requirements of this condition.

- 73.2 The mining plan shall be revised to include planting of mature vegetation along the frontage of County Road 89 to buffer the roadway from views of the proposed soil stockpile. The landscaping shall extend for a distance of approximately 400 feet, overlapping the length of the stockpiles and the raised agricultural area. A landscape plan shall be prepared providing an adequate visual buffer along County Road 89 and shall incorporate native tree species and shrubs to the extent possible. The plan shall include provisions for 15-gallon size plantings of fast-growing trees and shrubs capable of achieving a height of more than 40 feet, as well as appreciable width and density. The plan shall be submitted to the Yolo County Planning and Public Works Department for approval prior to the commencement of mining in Phase A and placement of the stockpile. The berm shall be installed coincident with the commencement of mining in Area A. This landscaped buffer shall remain after reclamation has been completed to continue to provide a visual separation between the residential and recreational uses along County Road 87, the plant, and the reclaimed agricultural fields (1998 SEIR MM 4.10-1a).

A landscape plan was submitted by Syar and approved by County staff in March of 1999. The berm was not determined to be necessary due to the distance between the stockpile and County Road 89, which exceeded the 500-foot distance required for visual barriers from public rights-of-

way described in Section 10-4.429(b) of the County Surface Mining Ordinance. However, Syar has planted trees along the field border (as a hedgerow) instead of building the berm.

- 73.4 The 9-foot high earthen berm along County Road 87 shall be constructed during the first phase of excavation activities at Mining Area B to offer maximum buffering of views for rural residences along County Road 87. The applicant shall prepare a landscaping plan for the berm, which provides an adequate visual buffer and incorporates mature native tree and shrub species to the extent possible. The berm shall be planted immediately following construction (1998 SEIR MM 4.10-1b).

A landscape berm has been constructed around Mining Area B. This condition is implemented and fully discharged. Maintenance and monitoring are ongoing. A copy of the weed monitoring memo is included in Appendix J.

Cultural Resources

74. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.11-1a).

a. Section 10-4.410 (Cultural Resources):

- (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites, paleontological resources, and unique geologic features. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resource is determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural, paleontological, or unique geologic resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.
- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed.

If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75) feet shall immediately stop and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed.

If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75) feet shall immediately stop and the Director shall be notified at once. 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. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to the County for public display at the Cache Creek Nature Preserve or other appropriate venue.

As described in the project-level EIR, mining activities will maintain a 500-foot buffer from site 4-YOL-72. To date, no human remains have been discovered at the project site. Syar acknowledges the requirements of the condition.

75. The operator shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (1996 EIR MM 4.11-1b).

Syar was implementing annual Cultural Resources Awareness and Ride Sharing meetings when mining was occurring at the facility. This facility has an approved IMP and no new areas of mining were uncovered within the mining areas in 2022-2023. The training program will resume when mining operations commence at the site.

76. No mining shall occur within 100 feet of H&A-1 or 4-YOL-72, until an archeologist has provided an evaluation of significance under CEQA, and recommended supplemental mitigation measures, if appropriate. The following tasks shall be performed:
- Contract an archaeologist to conduct mechanical subsurface testing around the borders of the three identified sites to allow the accurate determination of their volume (depth below the surface combined with area extent). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.
 - Contract an archaeologist to conduct random mechanical subsurface testing (at regular intervals) in the areas surrounding the isolated artifact discoveries to search for possible buried archaeological deposits. If a concentration of deposits is discovered, conduct further subsurface testing, as required to determine the borders of these deposits. The borders of any identified concentration of deposits shall be staked by the archaeologist.
 - Following the staking of cultural resource sites, the sites shall be mapped by professional surveyors. Mapping of the resources shall be completed prior to the commencement of mining in each phase that includes cultural resources.
 - Register all identified sites as prehistoric archaeological sites on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Director of the Planning and Public Works Department.
 - Contract an archaeologist to evaluate each identified site and determine their significance and uniqueness as defined in Appendix K of the CEQA Guidelines. The evaluation of these sites shall be extensive enough to guide the development of a mitigation program for the sites found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of these non-significant sites to monitor for indicators of human skeletal remains.
 - If it is determined that any site contains significant cultural resources, an appropriate mitigation program shall be developed, based on the information obtained during the site

evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and shall include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (1996 EIR MM 4.11-2a).

Revised mining and reclamation plans submitted to County on December 8, 1998, show excavation occurring no closer than 500 feet to site 4-YOL-72. The plans also indicate that no mining or stockpiling activities would occur within 100 feet of site H&A-1. Syar acknowledges the requirements of this condition.

77. Implement 1996 EIR MM 4.11-1b for the proposed project (1996 EIR MM 4.11-2b).

- a. Mitigation Measure 4.11-1b of the 1996 EIR: The applicant shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional.

See Condition #75.

78. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.11-2c).

- a. *Section 10-4.410 (Cultural Resources):* All resource records shall be checked for the presence of and the potential for prehistoric and historic sites, paleontological resources, and unique geologic features. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resource is determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural, paleontological, or unique geologic resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.
- b. If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed.

If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75) feet shall immediately stop and the Director shall be notified at once. 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. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to the County for public display at the Cache Creek Nature Preserve or other appropriate venue.

See conditions #74 and #75.

Hazards

79. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.12-1a).

- a. *Section 10-4.415 (Equipment Maintenance):* All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than is required by law, recommended by the Air District, or ten (10) minutes, whichever is shorter.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

See condition #58.

80. Implement the performance standard included in Sections 10-4.406 and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance (1996 EIR MM 4.12-3a).

- a. *Section 10-4.406 (Benches):* During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not steeper than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

See condition #32 (a).

- b. *Section 10-4.431 (Slopes):* Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer, Certified Engineering Geologist, or Professional Geologist. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). This section applies only to final/reclaimed slopes and not to active mining faces.

See condition #32 (c).

- c. *Section 10-5.510 (Fencing)*: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square “hog” fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g. gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property, which requires the landowner to maintain fences.

See condition #26 (a).

- d. *Section 10-5.530 (Slopes)*: All final reclaimed slopes shall have a minimum safety factor equal to, or greater than, the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

See condition #26 (f).

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

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

See condition #26 (b).

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

- a. *Section 10-4.433 (Soil Stockpiles)*: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a native vegetative cover to

prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to 2:1 (horizontal:vertical) for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

See condition #54.

- b. *Section 10-5.508 (Erosion Control):* The grading of final slopes, the replacement of soil, and associated erosion control measures shall take place prior to November 1 in areas where mining has been completed. To minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

See condition #32 (e).

- c. *Section 10-5.533 (Wetland Habitat):* Off-channel excavations that are proposed to be reclaimed to permanent lakes shall include riparian and/or wetland habitat. The creation of riparian and or wetland habitat along the perimeter of permanent lakes shall include appropriate features such as: scalloped basin perimeters with extended peninsulas, islands, and stepped benches of various widths at approximately three (3) foot vertical intervals both above and below the groundwater level. Where wetlands are not proposed, either grassland and/or woodland habitat, or agricultural fields separated from the lake by a berm, shall be established using only native species in order to provide continuous habitat value around the permanent lakes.

Syar acknowledges the requirements of this condition.

- d. *Section 10-5.601(c)(1):* A biological analysis to evaluate the feasibility of proposed revegetation efforts, including detailed plans describing planting methods, appropriate planting times, species to be used, irrigation requirements, erosion control, weed control, and proposed success rates for plant cover and density. The analysis shall also include cross-sections for those areas proposed to be revegetated, including slopes, visual screens, and wildlife habitat. Plant materials should be collected in the vicinity of the project site in order to control the origin of the genetic stock and provide the most site-adapted ecotypes. Native seeds, plants and cuttings used for reclamation and restoration activities shall be ecotypes of Cache Creek Watershed genetic origin, including areas outside of Yolo County, and of Yolo County genetic origin when materials are used that originate from outside of the Cache Creek Watershed.

Syar acknowledges the requirements of this condition.

83. Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: County Road 89 from the project entrance to State Route 16. The operator shall abide by this condition and the specific requirements of Section 10-4.419.

Syar acknowledges the requirements of this condition.

Additional relevant conditions of approval:

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

Staff has determined these conditions were superseded by Condition 60.1 adopted on March 20, 2007.

Board of Supervisors Minute Order No. 01-206, approved August 28, 2001:

1. The project shall be in compliance with all adopted conditions for Zone File #2001-037 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 95-079 and 98-010, Development Agreement No. 96-288 and Flood Hazard Development Permit No. 96-072.

Syar acknowledges the requirements of this condition.

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

Syar acknowledges the requirements of this condition.

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

Syar acknowledges the requirements of this condition.

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

Syar acknowledges the requirements of this condition.

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

Syar acknowledges the requirements of this condition.

6. A "Certificate of Compliance" will be issued by the Planning and Public Works Department within 30 days of receiving the recorded contracts.

Syar acknowledges the requirements of this condition.

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

Syar acknowledges the requirements of this condition.

8. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:
 - Revocation of Mining Permit;
 - Legal action.

Syar acknowledges the requirements of this condition.

Planning Commission Action on December 8, 2011:

The conditions associated with this action were superseded by ZF #2016-0034 (October 13, 2016) – see below.

Planning Commission Action on October 13, 2016 (ZF #2016-0034):

PLANNING DIVISION – COMMUNITY SERVICES (530) 666-8036

1. The project shall be developed in compliance with the approved Interim Management Plan and with all adopted Conditions of Approval approved for Zone File #2016-0034. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.

Syar acknowledges the requirements of this condition.

2. The approved Interim Management Plan shall expire five (5) years from the Date of Approval (October 13, 2016). Prior to the expiration of the Interim Management Plan, the applicant may submit an application to the Planning and Public Works Department to renew the plan for another period, not to exceed five (5) years (pursuant to SMARA 2770(h)(2)(A)). Any extension must be approved by the Yolo County Planning Commission.

Syar acknowledges the requirements of this condition.

3. The applicant shall continue to maintain updated financial assurances on an annual basis for the Syar Madison facility.

Syar acknowledges the requirements of this condition.

ENVIRONMENTAL HEALTH DIVISION – COMMUNITY SERVICES (530) 666-8646

4. Within 30 days of a substantial change to the handler’s operation (including change of ownership), or to the types, quantities or storage location of hazardous materials or hazardous wastes being handled at the facility, the facility’s Hazardous Materials Business Plan must be updated to reflect the changes. Starting January 1, 2013, this must be done by going to the California Environmental Reporting System (CERS) web site (<http://cers.calepa.ca.gov/>), logging on by using your CERS ID number (10401382), reviewing the existing information for approval by Yolo County Environmental Health (YCEH). For assistance with CERS, please visit our web site

at <http://www.yolocounty.org/Index.aspx?page=2353> call YCEH at (530) 666-8646 and ask to speak to a Hazmat Specialist.

Syar acknowledges the requirements of this condition.

5. This site appears to have been active Waste Tire facility in the past. Prior to generating waste tires at the facility, a Tire Program Identification Number must be obtained from the California Department of Resources Recycling and Recovery (CalRecycle). For future information please call YCEH at (530) 666-8646.

Syar acknowledges the requirements of this condition.

6. The Environmental Health Division does not have records of an existing septic system. However, it is the understanding of this office that a septic system exists. The existing septic system must be maintained in a safe and sanitary condition. Regular pumping of a septic tank is necessary to properly maintain a septic system; the frequency of pumping is depending upon the use. Consult YCEH website or (530) 666-8646 for septic system maintenance information. Tanks shall be pumped only by Yolo County-licensed septage pumper contractors.

Syar acknowledges the requirements of this condition.

7. All wells shall be maintained in a safe and sanitary condition. If there are unused wells, without the intent to use them within one year, they shall be destroyed under an approved YCEH Well Abandonment Permit.

Syar acknowledges the requirements of this condition.

PUBLIC WORKS DIVISION – COMMUNITY SERVICES (530) 666-8811

8. The applicant shall continue to be responsible for joint pavement maintenance of County Road 89 as outlined in Condition of Approval No. 64 in ZF #98-010.

Syar acknowledges the requirements of this condition.

COUNTY COUNSEL – (530) 666-8172

9. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action.

The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Syar acknowledges the requirements of this condition.

10. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:
 - Non-issuance of future building permits;

- Legal action.

Syar acknowledges the requirements of this condition.

Planning Commission Action on September 9, 2021 (ZF #2021-0021):

NATURAL RESOURCES DIVISION— COUNTY ADMINISTRATOR'S OFFICE (530) 666-8150

1. The project shall be developed in compliance with the approved Interim Management Plan and with all adopted Conditions of Approval approved for Zone File #2021-0021. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.

Syar acknowledges the requirements of this condition.

2. The approved Interim Management Plan shall expire five (5) years from the Date of Approval of September 9, 2021.

Syar acknowledges the requirements of this condition.

3. The applicant shall continue to maintain updated financial assurances on an annual basis for the Syar Madison facility.

Syar fully complies with this condition. The currently approved FAM in the amount of \$4,531,115 is included in Appendix E.

4. The applicant shall submit a Weed Abatement Plan ("Plan") to the County's Natural Resources Division for review and approval within 60 days of the approval of this application (ZF#2021-0021). The Plan shall include, but not limited to, weed control and eradication measures, as well as appropriate monitoring to support existing requirements of the approved reclamation plan and Conditions of Approval for ZF#98-010.

The Weed Abatement Plan dated November 3, 2021, was done by Sequoia Ecological Consulting. The weed monitoring and treatment information is included in Appendix J.

ENVIRONMENTAL HEALTH DIVISION— COMMUNITY SERVICES (530) 666-8646

5. The Syar Madison facility is currently regulated by the Environmental Health Division's Hazardous Materials (CUPA) program as Madison Sand and Gravel – Syar Industries, Inc. (ID #10401382). Within 30 days of a substantial change to the operators of the mining facility (including change of ownership), or to the types, quantities or storage location of hazardous materials or hazardous wastes being handled at the facility, the facility's Hazardous Materials Business Plan (HMBP) must be updated to reflect the changes. To update the HMBP, visit the California Environmental Reporting System (CERS) website (<https://cers.calepa.ca.gov/>), log on by using the CERS ID number, update information as needed, and resubmit the information for approval by Yolo County Environmental Health (YCEH). For assistance with CERS, please visit the YCEH website (<https://www.yolocounty.org/government/general-government-departments/community-services/environmental-health-division/hazardous-materials-programs/california-environmental-reporting-system-cers>) or call YCEH at (530) 666-8646 and ask to speak to a Hazmat Specialist.

Syar acknowledges the requirements of this condition. Current HMBP is included in Appendix F of this report.

6. This site appears to have been an active Waste Tire facility in the past. Prior to generating waste tires at the facility, a Tire Program Identification Number must be obtained from the California

Department of Resources Recycling and Recovery (CalRecycle). For further information, please call YCEH at 530-666-8646.

Syar acknowledges the requirements of this condition.

7. The Environmental Health Division office does not have records of an existing septic system. However, it is the understanding of this office that a septic system exists and serves the office. The existing septic system must be maintained in a safe and sanitary condition. Regular pumping of a septic tank is necessary to properly maintain a septic system; the frequency of pumping is dependent upon the use. Consult YCEH website (<https://www.yolocounty.org/government/general-government-departments/community-services/environmental-health-division/land-use-programs/onsite-wastewater-treatment-system-program>) or call (530) 666-8646 for septic system maintenance information. Tanks shall be pumped only by Yolo County-licensed septage pumper contractors.

Syar acknowledges the requirements of this condition.

8. The Environmental Health Division has records of monitoring, industrial and irrigation well installations on the affected parcels. Please note that any unused wells (not actively used and with no intention to use in the future) must be destroyed by a C-57 licensed well contractor under a YCEH permit within one year of disuse or discovery.

Syar acknowledges the requirements of this condition.

9. The Environmental Health Division does not have a permit on-file for a drinking water well for the facility. However, it is the Division's understanding that water is provided by water wells on site. If there are more than 25 persons (employees and/or visitors) per day for at least 60 days out of the year, or if the well serves at least 5 different buildings, the facility must be permitted as a public water system. Contact YCEH at (530) 666-8646 and ask to speak to the Public Water Systems Specialist for more information.

Syar acknowledges the requirements of this condition. Drinking water is provided by bottled water. At this time, quarry operations are at a minimum, and there is one employee currently working at the facility.

PUBLIC WORKS DIVISION— COMMUNITY SERVICES (530) 666-8811

10. The applicant shall continue to be responsible for joint pavement maintenance of the County Road as outlined in Condition of Approval No. 64 in ZF 98-010.

Syar complies with this condition. As required by Condition #64, the County Road 89 is being maintained, and annual inspection report dated May 8, 2023, was submitted to the County and is included in Appendix I.

COUNTY COUNSEL— (530) 666-8172

11. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant

shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action.

The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Syar acknowledges the requirements of this condition

12. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:

- non-issuance of future building permits;
- legal action.

Syar acknowledges the requirements of this condition

2023 OFF CHANNEL MINING ANNUAL REPORT

TEICHERT AGGREGATES Esparto Plant and Properties CA Mine ID #91-57-0011

MINING AND RECLAMATION STATUS OVERVIEW

Teichert's Esparto facility was active for the 2022 SMARA Annual Report. During the 2022 calendar year, operations were ramped back up and 2023 had a further increase in production.

ENTITLEMENT HISTORY

▪ DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-290, as amended, staff has reviewed the terms of the agreement and determined that the operator is in compliance with all terms of the agreement.

▪ YOLO COUNTY APPROVALS

Zone File No. 95-094 was approved by the Board of Supervisors on November 25, 1996 to allow for off-channel mining on 148 acres over a 30-year period, with reclamation to permanent lakes and habitat. Commencement of mining under this permit superseded Zone File No. G-10 and Zone File No. 95-061, as well as voided Zone File No. G-1, as per Section 3.1 of Development Agreement No. 96-290.

Amendment No. 1 to Zone File No. 95-094 was approved by the Board of Supervisors on June 16, 1998, to modify Condition of Approval No. 44 by allowing for an extension of time in which to construct improvements on County Road 19.

Amendment No. 2 to Zone File No. 95-094 was approved by the Board of Supervisors on June 6, 2000, to allow for a change in the phasing of the excavation and reclamation sequence by allowing Phase III mining to occur prior to Phase II.

Amendment No. 3 to Zone File No. 95-094 was approved by the Board of Supervisors on December 12, 2000, acknowledging the aggregate industry's voluntary program to reduce NOx emissions from heavy duty, off road mining equipment.

Amendment No. 4 to Zone File No. 95-094 was approved by the Planning Commission on March 8th, 2018 with Zone File 2017-0055 to allow limited dewatering according to certain conditions.

ANNUAL REPORTS: CONTENTS

SEC. 10-4.701(A)-SITE PLAN

Please see enclosed Site Plan for Esparto Plant, Reiff Pit and Mast Pit mining status.

SEC. 10-4.701(B)-MATERIAL PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on July 1st, 2022 and copied to the County of Yolo.

SEC. 10-4.701(C)-RECYCLE PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(D)-GROUNDWATER MONITORING

Please see enclosed "Groundwater Conditions Monitoring Report" prepared by Luhdorff and Scalmanini and dated October 20th, 2023.

SEC. 10-4.701(E)-AGRICULTURAL REPORT

No reclamation to agriculture has been proposed for any of the Esparto mining sites.

SEC. 10-4.701(F)-BIOLOGICAL RECLAMATION MONITORING

Reclamation has not been completed on any of the Esparto mine sites, therefore, no monitoring has been performed.

SEC. 10-4.701(G)-SLOPE STABILITY REPORT

Please see enclosed "Annual Report on Channel Bank and Levee Conditions for Esparto Properties" as prepared by GEI Consultants and dated October 2022. Additionally, the 2023 bank inspection was complete on August 10th, 2023.

SEC. 10-4.701(H)-EXTENT OF MINING

Please see enclosed SMARA Reclamation Exhibits which detail the extent of mining in the Reiff and Mast mine sites.

SEC. 10-4.701(I)-CONDITION OF APPROVAL COMPLIANCE

Please see below for a list of each of the conditions with a response to compliance status:

Conditions for ZF# 95-094 are as follows:

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

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

Operator acknowledges the condition. No claims or actions have been filed against the County regarding this permit.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,176,471 (mined tonnage). Any increase in the annual production limit to allow temporary responses to market demand under Section 10-4.405 of the Off-Channel Mining Ordinance will require approval by the Planning Commission and appropriate

environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycle waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the condition. Operation is currently within production limits for 2023.

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

Operator acknowledges the condition. Fees have been adjusted to \$0.669 per ton for 2022 and \$.0696 for 2023. All fees are paid upon receiving invoices from the County. Fees are paid on a quarterly schedule; As of October 2023 Operator is current in posting payments to the County and to the Conservancy.

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

Operator acknowledges the condition. Permitted reserves have not been depleted, nor has the 30-year life of the permit expired.

5. This Mining Permit, including operation of the processing plant, is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

Mining under this permit commenced on January 1, 1998. Written confirmation regarding commencement was included in the 1997 Pre-commencement Report and acknowledged in the County's Annual Compliance Report. This permit expires on January 1, 2028.

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

Operator acknowledges the condition.

7. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$135,249 for reclamation of Phase 1 and the processing plant site, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

Teichert proposes to adjust the Financial Assurance amounts currently held by Yolo County and the Department of Conservation, Office of Mine Reclamation annually with the current amounts as follows: \$849,194.00 for the Reiff Property and Plant Site, and \$648,585.00 for the Mast Property.

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

The operator acknowledges the condition. On May 26, 1998 the Board of Supervisors approved at a public hearing the vacation of County Road 19A. In June, the Board approved a modification to Condition of Approval No. 44 extending the deadline for road improvements to County Road 19. The completion date for the improvements is extended from November 25, 1999, to November 25, 2000. On September 28, 1999, the County of Yolo Board of Supervisors approved a purchase agreement to acquire a 6.63-acre right-of-way and accepted the County Road 19 Realignment Plans prepared by Cascade Science, Inc. (CSI). On November 17, 1999 construction to realign a non-standard portion of County Road 19 and replace the non-standard bridge began. Execution of this roadwork satisfies the traffic mitigation obligation encumbering Operator and Granite. On June 6, 2000 the Board of Supervisors approved an amendment to allow for a change in the phasing of the excavation and reclamation sequence (allowing Phase III mining to occur prior to Phase II). The Williamson Act has expired and the Mast Property (Phase II) is currently being mined. On December 12, 2000 the Board of Supervisors voted to approve the aggregate industry's voluntary program to reduce NOx emissions from heavy-duty, off-road mining equipment.

Please note the 2000 NOX emission report sunset in 2006. On March 15, 2005 the Board of Supervisors approved an agreement executed between Teichert Aggregates and the Mast Family which allows the elimination of certain noise mitigation associated with mining their property (documentation is found in the 2005 annual report). At its March 20, 2007 Board hearing the Yolo Supervisors ratified amendments to certain long-term permits in connection with the ten-year interim review.

9. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), mining shall not occur on the Mast property (Assessor Parcels 049-120-10 and 11) until the Notice of Non-renewal has expired.

The Notice of Non-renewal expired in 2005. Operator began mining the Mast property in April, 2005. This condition has been fully implemented and discharged.

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

Operator acknowledges the condition. Development Agreement No. 96-290 was executed between the County and the Operator on December 30, 1996. This agreement included all of the above elements.

11. Mining shall begin at the northern edge of the proposed mining area and proceed south. Mining shall not occur within 700 feet of the CCAP channel boundary until the 200-foot buffer required under Section 10-4.429(d) of the Off-Channel Surface Mining Ordinance is in place.

Operator acknowledges the condition. Revised plans (prepared by a registered civil engineer) were submitted to the County and accepted as being in compliance with ordinance criteria. This information was included in the 1997 Pre-commencement Report illustrating compliance with the 200-foot buffer above the 100-year elevation surface between Cache Creek and the Phase I mining area. Operator is aware that supplementary backfill will be required within the eastern portion of the Esparto plant. On June 6, 2000 the Board of Supervisors approved a modification to the mining phase sequence allowing Phase III to occur prior to Phase II. This condition is fully implemented and discharged.

Mining Mast commenced on April 1, 2005. No mining has taken place within the approved setback area.

12. The aggregate processing plant, located on the southern 30 acres of Assessor Parcel 049-210-06, and the 200-foot channel buffer to be backfilled along the levee separating the plant from Cache Creek, shall be reclaimed in accordance with the CCAP.

Operator acknowledges the condition. In November of 1997, Jones and Stokes Associates prepared a conceptual reclamation plan for the processing facilities consistent with the intent of the CCRMP. Acceptance was confirmed in the County's Annual Compliance Report. A correction to this condition is warranted. Teichert's GIS staff and Mine Engineer have determined that the processing plant's footprint is 70 acres, not 30 acres. (The enlarged footprint was used in calculating the financial assurance discussed in condition #7.)

13. The private driveways extending from County Roads 19A and 19 to the project site shall be maintained with an all-weather surface (minimum 20 feet wide) during the life of the Mining Permit. Maintenance of the private driveways to provide safe passage of local traffic and emergency vehicles shall be the responsibility of the operator.

Operator acknowledges the condition. The 20-foot private driveway contiguous to County Road 19 is maintained with an all-weather surface. Road 19A was vacated by the County in May 1998. The surface will be maintained per the condition criteria.

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

Soil stockpiles are located in previously mined areas, near the processing plant. Additionally, some soil has been placed into perimeter berms. Placement was selected to minimize any impact on adjacent farming operations. Stockpile locations remain consistent with the approval process.

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

Operator acknowledges the condition and is in compliance with applicable requirements. No notice of violation received.

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

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

17. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

Operator acknowledges the condition. The 2022 Business Emergency Response Plan is on file with the County Office of Emergency Services and attached to this report. (Please note that due to a recent change in State regulations, hazardous material business plans are now submitted every three years, instead of every other year.)

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

As warranted and approved in the reclamation exhibits, grasslands and/or hedgerows will be used to separate riparian habitat from adjoining farmland. Esparto will be reclaimed to a lake reflecting a mosaic of habitats (emergent marsh, floodplain riparian, terrace riparian and grasslands). Revised reclamation plans accepted during the hearings and in the 1997 Pre-commencement Report satisfy this condition obligation. Further reclamation modification may be required prior to final reclamation.

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

Operator acknowledges the terms of the condition.

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

Operator acknowledges the condition requirement, which is also memorialized in the Development Agreement, Section 2.2.10. Also see response to conditions 7 and 12.

21. The operator shall enter into a legally-binding agreement which ensures the implementation of channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel

improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of the reclamation shall be the responsibility of the property owner.

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

Operator acknowledges the terms of the condition. The Development Agreement No. 96-290 constitutes the legally-binding agreement referenced above which was signed on December 30, 1996. Maintenance of channel improvements is guaranteed through financial assurance, CCRMP fees, and the Development Agreement. Operator submitted to the Technical Advisory Committee an application to improve bank protection and channel transition at Esparto which included vegetation improvements. This work has been executed. (Note the fifth and final annual report for the Esparto-Reiff Bank Protection and Habitat Enhancement Project was submitted in 2003.) Deed restrictions will be recorded prior to the release of financial assurances. Teichert received a Flood Hazard Development Permit to repair and stabilize the southern edge of the property damaged by the 2005/06 floods.

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

Operator acknowledges the condition. The application was modified where appropriate to conform to the approved project; condition satisfied. (Also see condition 8 response.)

22.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 1997. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 1998, describing the reasons for delay and a revised deadline for installation.

Conveyors are installed and being used to transport material to the processing plant. Condition satisfied.

22.6 Total production allowed under this Mining Permit shall not exceed 22.0 million tons (sold weight) and 25.9 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMF and Action 6.4-4 of the CCRMP, this limit shall not apply to recycle waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the terms of this condition. Cumulative production has not exceeded the overall limits.

22.8 The applicant shall be in full compliance and good standing with the terms of other required federal, state, and regional agency permits.

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

22.9 Limited dewatering is allowed on the site subject to the following requirements:

- Net annual water use shall not exceed the 470 acre-feet per year analyzed in the 1996 EIR.
- No offsite discharge of pumped groundwater shall occur.
- Onsite aggregate wash water shall continue to be discharged to the mining pit(s) in accordance with the approved WDRs for the Esparto Plant.
- Groundwater pumping rate from either Mast or Reiff pits shall not exceed the existing rate of 3500 gpm.
- Groundwater levels will be monitored quarterly.
- Groundwater pumping volumes will be recorded.
- As required under Section 10-4.412 of the OCSMO, Teichert will monitor water levels in the wet pit(s), and nearby monitoring wells on a quarterly basis and will quantify the amount of water pumped from and returned to the wet pit(s).

Operator acknowledges this condition.

23. Implement the performance standards included in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance and Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.529, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).

a. Section 10-4.413: Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a twenty (20) year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

Per Section 10-4.413, Operator acknowledges the condition. A combination of ditches, berms, drop pipes, and grading will be employed to prevent storm water runoff from leaving the mine site. Operator submitted a Spill Prevention and Countermeasures Control Plan which incorporates Best Management Practices. Setbacks from the creek have not changed from the last inspection and are in conformance with the project cross sections. Drainage features continue to be in compliance with the mining plan. Please see the 2023 Annual Report on Channel Bank and Levee Conditions prepared by GEI Consultants for a full report.

A 200- to 300-foot erosion incursion occurred during the 2005-06 winter floods. Cache Creek moved laterally and eroded a segment of the southern "levee". Teichert secured a Flood Hazard Development Permit and corrective actions began. The bank stabilization process was monitored by the TAC, Kim Kinna and Dimitrios Georges.

b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two (2) components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six (6) months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three (3) monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of one to ninety-nine (99) acres would require three (3) wells, one hundred (100) to one hundred ninety-nine (199) acres would require four (4) wells, two hundred (200) to two hundred ninety-nine (299) acres would require five (5) wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

(a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.

(b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:

(1) Prior to the removal of overburden. One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).

(2) During wet pit mining and active reclamation. The wet pit shall be sampled semiannually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).

One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semiannually for the first two (2) years, and annually every year thereafter.

(3) After active reclamation. One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10)-year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified, the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County, landowner, or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use. Monitoring wells may remain useful for post-mining land uses.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

Per Section 10-4.417, initial monitoring and sampling occurred six months prior to the removal of overburden. The network of monitoring wells received staff approval in 1997. Monitoring includes ground-water level and quality data from shallow monitoring wells and the wet pit. Both the Reiff and Mast mining sites are designated to be wet mined. Wet mining of Mast begun in November, 2007. Please see the full report in the Hydrology section.

c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six (6) months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If

active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within one thousand (1,000) feet of a municipal water supply or within five hundred (500) feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six (6) months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within one thousand (1,000) feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approve the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

Per Section 10-4.427 and as stated in the project-level EIR, appropriate capture zone analysis was performed to evaluate the impacts of wet pit mining on the nearby Mast well. The discussion of Impacts 4.4-8 and 4.4-9 concludes that increased ground-water pumping from the Esparto processing plant will not adversely affect active offsite wells within 100 feet of the mining site. The analysis demonstrated no adverse impact resulting from wet pit mining. Condition satisfied; no further action necessary.

d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled "potable" or "non-potable."

Per Section 104.428, sanitary facilities are available on site. New facilities were not required; an existing toilet serves the permitted area. On-site water storage facilities are clearly labeled. Condition satisfied.

e. Section 10-5.507 Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the twenty (20) year/one-hour storm or less. For events greater than the twenty (20) year/one-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms

and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize grading of disturbed areas that results in broad gentle slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exists, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Director. The property owner shall be required to implement recommended corrective actions, if any.

Per Section 10-5.5.507, submittals were found to be in compliance with drainage regulations. Esparto is being reclaimed to a 98 acre lake; no interior basins indicated. As evaluated in the project-level EIR, the approved drainage system complies with Section 10.5.507 requirements. Wet pit mining has commenced. SWPPP are not required for operations where storm water runoff is contained on-site. Regarding deed restrictions allowing drainage inspection by County staff and owner's responsibility for maintenance, notice letters were mailed to the land owners in 1997. Deed recordation will occur just prior to release of the reclamation bond/financial assurance. (The above referenced letter alerted owners of this pending obligation.)

f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42") inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

Operator acknowledges the condition. The Reiff pit is fenced with four strand wire. Entry from vacated County Road 19A is gated. Presently the Mast mining site reflects both dry & wet mining. Fencing is in place. Regarding deed restrictions (fence and gate maintenance after reclamation), see 1997 letter to property owners informing them regarding future obligations (found in 1997 and 1998 Annual Report Binders).

Section 10-5.517: As part of each approved long-term mining plan involving wet pit mining to be reclaimed to a permanent pond, lake, or water feature, the operator shall maintain, monitor, and report to the Director according to the standards given in this section. Requirements and restrictions are distinguished by phase of operation as described below.

(a) Mercury Protocols. The Director shall issue and update as needed "Lower Cache Creek Off-Channel Pits Mercury Monitoring Protocols" (Protocols), which shall provide detailed requirements for mercury monitoring activities. The Protocols shall include procedures for monitoring conditions in each pit lake, and for monitoring ambient mercury level in the lower Cache Creek channel within the CCAP planning area, as described below. The Protocols shall be developed and implemented by a qualified aquatic scientist or equivalent professional acceptable to the Director. The protocols shall identify minimum laboratory analytical reporting limits, which may not exceed the applicable response threshold identified in subsection (e) below. Data produced from implementing the Protocols shall meet or exceed applicable standards in the industry.

(b) Ambient Mercury Level. The determination of the ambient or "baseline" fish mercury level shall be undertaken by the County every ten (10) years in years ending in 0. This analysis shall be undertaken by the

County for use as a baseline of comparison for fish mercury testing conducted in individual wet mining pits. The work to establish this baseline every ten (10) years shall be conducted by a qualified aquatic systems scientist acceptable to the Director and provided in the form of a report to the Director. It shall be paid for by the mining permit operators on a fairshare basis. The results of monitoring and evaluation of available data shall be provided in the report to substantiate the conclusions regarding ambient concentrations of mercury in fish within the lower Cache Creek channel within the CCAP planning area.

(c) Pit Monitoring.

(1) Mining Phase (including during idle periods as defined in SMARA). The operator shall monitor fish and water column profiles in each pit lake once every year during the period generally between September and November for the first five (5) years after a pit lake is created. Fish monitoring should include sport fish where possible, together with other representative species that have comparison samples from the creek and/or other monitored ponds. Sport fish are defined as predatory, trophic level four fish such as bass, which are likely to be primary angling targets and have the highest relative mercury levels. The requirements of this subsection apply to any pit lake that is permanently wet and navigable by a monitoring vessel. If, in the initial five (5) years after the pit lake is created, the applicable response threshold identified in subsection (e) is exceeded in any three (3) of five (5) monitoring years, the operator shall, solely at their own expense, undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

(2) Reclamation Phase. No monitoring is required after mining has concluded, during the period that an approved reclamation plan is being implemented, provided reclamation is completed within the time specified by SMARA or the project approval, whichever is sooner.

(3) Post-Reclamation Phase. After reclamation is completed, the operator shall monitor fish and water column profiles in each pit lake at least once every two (2) years during the period of September-November for ten (10) years following reclamation. Monitoring shall commence in the first calendar year following completion of reclamation activities. If fish monitoring results from the post-reclamation period exceed the applicable response threshold described in subsection (e) or, for ponds that have implemented mitigation management, results do not exhibit a general decline in mercury levels, the operator shall, solely at their own expense, undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

(4) Other Monitoring Obligation. If monitoring conducted during both the mining and post-reclamation phase did not identify any exceedances of the ambient mercury level for a particular pit lake, and at the sole discretion of the Director no other relevant factors substantially support that continued monitoring is merited, the operator shall have no further obligations.

(d) Reporting.

(1) Pit Monitoring Results. Reporting and evaluating of subsection (c) pit monitoring results shall be conducted by a qualified aquatic scientist or equivalent professional acceptable to the Director. Monitoring activities and results shall be summarized in a single report (addressing all wet pit lakes) and submitted to the Director within six (6) months following each annual monitoring event. The report shall include, at a minimum: (1) results from subsection (b) (pit monitoring), in relation to subsection (a) (ambient mercury levels).

(2) Expanded Analysis Results. Reporting and evaluation of subsection (f) expanded analysis shall be conducted by a qualified aquatic scientist or equivalent professional acceptable to the Director. Results shall be summarized in a single report (addressing all affected wet pit lakes) and submitted to the Director within six (6) months following each annual monitoring event. The report shall include, at a minimum, the results of the expanded analysis undertaken pursuant subsection (f).

(3) Data Sharing. For pit lakes open to the public, the Director may submit the data on mercury concentrations in pit lake fish to the state Office of Environmental Health Hazard Assessment (or its successor) for developing site-specific fish consumption advisories.

(e) Response Thresholds.

(1) Fish Consumption Advisory. If at any time during any phase of monitoring the pit lake's average sport fish tissue mercury concentration exceeds the Sport Fish Water Quality Objective, as it may be modified by the state over time (as of 2019, the level was 0.2 mg/kg), the operator shall post fish consumption advisory signs at access points around the lake and around the lake perimeter. Catch-and-release fishing may still be

allowed. Unless site-specific guidance has been developed by the state's Office of Health Hazard Assessment or the County, statewide fish consumption guidance shall be provided.

(2) Mining Phase Results. If, during the mining phase of monitoring, the pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three (3) of five (5) monitoring years, annual monitoring shall continue for an additional five (5) years, and the operator shall undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

(3) Post-Reclamation Phase Results. If during the first ten (10) years of the post-reclamation phase of monitoring, the pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three (3) of five (5) monitoring years, biennial monitoring shall continue for an additional ten (10) years, and the operator shall undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

(f) Expanded Analysis.

(1) General. If during the mining or post-reclamation phase, any pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three (3) years, the operator shall undertake expanded analyses. The analysis shall include expanded lake water column profiling (a minimum of five (5) profiles per affected wet pit lake plus one or more nonaffected lakes for control purposes) conducted during the warm season (generally May through October) in an appropriate deep profiling location for each pit lake. The following water quality parameters shall be collected at regular depth intervals, from surface to bottom of each lake, following protocols identified in subsection (a): temperature, dissolved oxygen, conductivity, pH and oxidation-reduction potential (ORP), turbidity or total suspended solids, dissolved organic matter, and algal density by Chlorophyll or Phycocyanin. The initial analysis shall also include one-time collections of fine grained (clay/silt) bottom sediments from a minimum of six (6) well distributed locations for each affected lake, and from one or more nonaffected lakes for control purposes, to be analyzed for mercury and organic content.

(2) Scope of Analysis. The purpose of the expanded analyses is to identify and assess potential factors linked to elevated methylmercury production and/or bioaccumulation in each pit lake. The scope of the expanded analyses shall include monitoring and analysis appropriate to fulfill this purpose, invoking best practices in the industry. In addition to the analyses described in subsection (f)(1) above, the analysis should also consider such factors as: electrical conductivity, bathymetry (maximum and average depths, depth-to-surface area ratios, etc.), and trophic status indicators (concentrations, Secchi depth, chlorophyll a, fish assemblages, etc.). Additional types of testing may be indicated and appropriate if initial results are inconclusive.

(3) Use of Results. The results of the expanded analyses undertaken pursuant to this subsection shall be used to inform the preparation of a lake management plan described below under subsection (g).

(g) Lake Management Activities.

(1) General. If monitoring conducted during the mining or post-reclamation phases triggers the requirement to undertake expanded analysis and prepare and implement a lake management plan, the operator shall implement lake management activities designed by a qualified aquatic scientist or equivalent professional acceptable to the Director, informed by the results of subsection (f). Options for addressing elevated mercury levels may include (A) and/or (B) below at the Director's sole discretion and at the operator's sole expense.

(A) Lake Management Plan. Prepare a lake management plan that provides a feasible, adaptive management approach to reducing fish tissue mercury concentrations to at or below the ambient mercury level. Potential mercury control methods could include, for example: addition of oxygen to or physical mixing of anoxic bottom waters; alteration of water chemistry (modify pH or organic carbon concentration); and/or removal or replacement of affected fish populations. The lake management plan may be subject to external peer review at the discretion of the Director. Lake management activities shall be appropriate to the phase of the operation (e.g., during mining or post-reclamation). The Lake Management Plan shall include a recommendation for continued monitoring and reporting. All costs associated with preparation and implementation of the lake management plan shall be solely those of the operator. Upon acceptance by the Director, the operator shall immediately implement the plan. The lake management plan shall generally be implemented within three (3) years of reported results from the expanded analyses resulting from subsection

(f). If lake management does not achieve acceptable results and/or demonstrate declining mercury levels after a maximum of three (3) years of implementation, at the sole discretion of the Director, the operator may prepare an alternate management plan with reasonable likelihood of mitigating the conditions.

(B) Revised Reclamation Plan. As an alternative to (A), or if (A) does not achieve acceptable results and/or demonstrate declining mercury levels after a maximum of three (3) years of implementation, at the sole discretion of the Director, the operator shall prepare and submit revisions to the reclamation plan (including appropriate applications and information for permit amendment) to fill the pit lake with suitable fill material to a level no less than five (5) feet above the average seasonal high groundwater level, and modify the end use to agriculture, habitat, or open space at the discretion of the Director, subject to Article 6 of the Mining Ordinance and/or Article 8 of the Reclamation Ordinance as may be applicable.

(2) Implementation Obligations.

(A) If a lake management plan is triggered during the mining or post-reclamation phase and the subsequent lake management activities do not achieve acceptable results and/or demonstrate declining mercury levels, the operator may propose different or additional measures for consideration by the Director and implementation by the operator, or

the Director may direct the operator to proceed to modify the reclamation plan as described in subsection (g)(1)(B).

(B) Notwithstanding the results of monitoring and/or lake management activities during the mining phase, the operator shall, during the post-reclamation phase, conduct the required ten (10) years of biennial monitoring.

(C) If monitoring conducted during the post-reclamation phase identifies three (3) monitoring years of mercury concentrations exceeding the ambient mercury level, the operator shall implement expanded analyses as in subsection (f), to help prepare and implement a lake management plan and associated monitoring.

(D) If subsequent monitoring after implementation of lake management activities, during the post-reclamation phase, demonstrates levels of fish tissue mercury at or below the ambient mercury level for any three (3) monitoring years (i.e., the management plan is effective), the operator shall be obligated to continue implementation of the plan and continue monitoring, or provide adequate funding for the County to do both, in perpetuity.

Per Section 10-5.517, mercury bioaccumulation in wildlife, the initial baseline testing has occurred. The initial evaluation of methylmercury potential was conducted at the existing Solano Concrete/Rinker wet pit in accordance with the ordinance and submitted to the County on May 2, 1996. Mercury bioaccumulation monitoring is taking place as required.

h. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

Regarding Section 10-5.519, the only watercraft to be used is a dredge as provided for in Section 10-4.438, and equipment used in mercury monitoring operations.. Operator acknowledges the prohibition.

i. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for ten (10) years after the completion of reclamation.

Per Section 10-5.524, Operator acknowledges that for ten years after the completion of reclamation, groundwater monitoring obligations continue. The County has indicated that financial assurances shall be maintained to ensure that post-reclamation monitoring is executed.

j. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

Operator acknowledges that no sewage storage is allowed. No sewage effluent or landfill materials have been stored on site.

k. Section 10-5.529: All permanent wet pits shall be reclaimed to include valuable wildlife habitat as a beneficial use of the water lost from wet pits due to evaporation.

Per Section 10-5.529, Esparto will be reclaimed to include wildlife habitat; for details please see the reclamation exhibits prepared by Jones & Stokes included in the 1997 Pre-Commencement Report. The permanent lake (described in the approved reclamation plan) includes shoreline benches, shallow areas, riparian terracing and an upland terrace. Operator has established a series of terraces with vertical faces along the south side of the Reiff pit creating potential swallow habitat. Soil type, cohesion and terrace stability may become problematic and as such may need to be further evaluated prior to final reclamation.

l. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Per Section 10-5.530, all slopes were designed by a registered civil engineer and meet or exceed the minimum safety threshold. Stability analyses were included in the submittal application and evaluated in the project-level EIR. Slope conforms to static and pseudostatic seismic specifications. Condition satisfied; no further action necessary.

m. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

Operator acknowledges Section 10-5.532 regarding the use of overburden and fine sediments in reclamation. If agricultural topsoil is placed into a drainage area in the reclaimed lake, the soils will be sampled prior to placement for pesticides and herbicides. Operator understands that sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) are not to be used in the backfill or reclamation of off-channel permanent lakes.

24. The County shall solicit the dedication of all or a portion of the project site to fulfill the open space and recreational goals of the OCMP, for that segment of the creek. The County shall also coordinate with the operator how adequate public access to the dedicated open space could be accommodated. The operator's reclamation plans shall be modified to include a public access road (Mitigation Measure 4.2-8a).

As expressed in Section 2.2.8 of the Development Agreement 96-290, the County indicates a willingness to accept the dedication of land from the Reiff property (approximately 88-acres) towards fulfilling the policies of the CCAP. Public access will be provided on County Road 19A via County Road 87.

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

a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of the investigation shall be submitted to the Director prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Director following strong seismic shaking events. Observable damage shall be reported to the landowner. If the Director determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

c. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

Per Section 10-5.504, no buildings or roadways are proposed to be constructed in the reclaimed area.

Per Section 10-5.505, if upon inspection by the Yolo County Community Development Agency and so directed, the Operator will perform repairs to slopes if damaged during a strong seismic event. No strong seismic events occurred within the past year.

As directed by Section 10-5.526, repair of damage due to natural disaster is a contingency cost included in the financial assurances estimate. Operator acknowledges the condition.

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

a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the State Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches

constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4') feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not steeper than 2:1 (horizontal:vertical). Slopes located five (5') feet or less below the average summer low ground-water level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5') feet below the average summer low groundwater level shall not be steeper than 1: 1 (horizontal to vertical).

Vertical cutslopes in excess of four (4') feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

Operator acknowledges the requirements of the condition. Mining and reclamation plan features will be constructed according to ordinance Section 10-4.406. Slope stability analysis was submitted during the permit process and evaluated in the project-level EIR. Benches were approved as potential bank swallow habitat refuge along the southern edge of the Reiff pit. Working faces may be steeper than 2:1, but no external slopes will be.

b. Section 10-4.413: Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a twenty (20) year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

Operator acknowledges the requirement of this condition. As stated in response to condition 23, a combination of ditches, berms, drop pipes and grading are used to prevent storm water runoff from leaving the site. A SWPPP is not required for operations where all storm water runoff is contained on-site. The 2023 Business Emergency Response Plan is on file with the Office of Emergency Services, as is a Spill Prevention and Countermeasure Control Plan prepared by Operator's Environmental Engineer. These plans incorporate Best Management Practices.

c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil Engineer, Certified Engineering Geologist, or Professional Geologist. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5')

feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). This section applies only to final/reclaimed slopes and not to active mining faces.

Operator acknowledges this condition and continues comply with its slope requirements for all external slopes as required.

d. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the twenty (20) year/one-hour storm or less. For events greater than the twenty (20) year/one-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize grading of disturbed areas that results in broad gentle slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exists, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Director. The property owner shall be required to implement recommended corrective actions, if any.

Per Section 10-5.507, operator acknowledges deed obligations related to post mining drainage. (See correspondence sent to property owners regarding obligations and prohibitions included in the 1997 Pre-Commencement Report.) Restrictions will be placed on the site prior to the release of financial assurances. The reclamation submittal was found to be in compliance with regulations. The property is being restored to a lake; no interior basins proposed. The project-level EIR determined that the drainage system meets the County's regulations.

e. Section 10-5.508: The grading of final slopes, the replacement of soil, and associated erosion control measures shall take place prior to November 1 in areas where mining has been completed. To minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Per Section 10-5.508, a drought-tolerant, weed-free mix of native grass species will be established on final slopes. Erosion control measures are implemented prior to the onset of the rainy season. Generally, final slopes are reclaimed as mining progresses. Condition acknowledged.

f. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5') feet below the average summer low groundwater level shall be designed in accordance with the reclaimed

use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5') feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Director. The slope stability analysis shall conform with industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Condition acknowledged and satisfied. Engineering analysis was submitted in the application and evaluated in the project-level EIR hearings.

27. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by the Yolo County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).

On December 8, 1996 the Board of Supervisors approved Floodplain Development Permit No. 96-071. Responding to damage caused by the 2005/2006 floods, Teichert received a Flood Hazard Development Permit to rebuild a reinforced earthen berm along Cache Creek's flow line. Work has been satisfactorily completed.

28. The operator shall implement those measures related to the Esparto site as presented in the technical report entitled "Cache Creek: Teichert Long-Term Mining Application 200' Mining Setback Compliance" prepared by Murray, Burns & Kienlen for Teichert Aggregates in April 1996. In addition, the operator shall provide for a continuous 200-foot minimum setback from the CCRMP boundary that is connected to (tie in) with off-site upstream areas. Prior to construction, detailed plans of the setback connection with upstream areas shall be submitted to the Community Development Director for review and approval (Mitigation Measure 4.4-2a).

Detailed profiles were provided to the County on December 4, 1997 which demonstrate that there is an existing 200-foot buffer above the 100-year flood elevation surface between Cache Creek and the permitted mining area across Phase I. It was determined that the tie-in with the upstream bank area is not required. Operator notes that backfilling is required within the eastern portion of the processing plant area. This activity is underway. (Note: The Board of Supervisors on June 6, 2000 approved Operator's request to allow Phase III mining to occur prior to Phase II.) The area to be backfilled is landward and will not affect channel hydraulics or base flood elevations.

The 2005/2006 floods eroded a portion of the Reiff "levee". In response Teichert initiated County procedures that led to obtaining a Flood Hazard Development Permit. Due to time and weather constraints, the levee was not constructed to its full height during the emergency construction period. Material was placed on top of the levee in the Summer of 2008 to bring it up to the planned height. A revegetation materials and methods document was submitted to the TAC in Fall 2008 and implemented in the Fall 2008 to shore up the placed material. This condition is fully implemented and discharged.

29. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the Community Development Director for review and approval. Bank protection plans shall

incorporate biotechnical methods of bank stabilization. No bank protection measures (i.e. spur dikes) shall encroach into the Test 3 channel.

Since the proposed spur dikes would encroach into the conveyance area of the 100-year flood channel, additional hydraulic modeling shall be conducted to ensure that the structures would not have adverse flooding impacts. Alternatively, the proposed bank protection measures may be modified to eliminate the spur dikes, providing alternate bank protection measures in conformance with the guidelines contained in the Cache Creek Resources Management Plan and Cache Creek Improvements Program (Mitigation Measure 4.4-2b).

Operator acknowledges the condition. A Flood Hazard Development Permit (Zone File No. 97-047) addressing bank protection for Esparto was reviewed and approved by the Technical Advisory Committee on October 15, 1997. Spur dikes were eliminated, with reliance placed on channel bank construction to implement the Test 3 boundary. Work is completed and performing satisfactorily. Information submitted with the application demonstrated there would be no adverse flooding associated with the channel improvements. The final monitoring report prepared by Operator's Habitat Restoration Biologist was submitted in the 2003 Annual Compliance Report.

Note recent work executed in the channel to repair flood damage was executed through guidance of County staff, the TAC and the firm Questa Engineering. Work has been satisfactorily completed.

30. Pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, the operator shall not mine within 700 feet of the northern border of the previously mined area until required bank stabilization has been provided along the length of the in-channel levee. Prior to mining within 700 feet of the CCRMP boundary, the operator shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use Mitigation Measure 4.4-2c).

Approved bank stabilization/protection was implemented prior to commencement of mining within 700 feet of the top of bank. Teichert has submitted reports documenting that required implementation of Test 3 improvements were completed and constructed banks and berms are stable and backfilled materials has been appropriately compacted to meet minimum safety thresholds. This condition is implemented and substantially discharged. Maintenance and monitoring are ongoing. Also see response to Condition 28.

31. In compliance with Section 10-4.429 and this condition, the operator shall conduct annual monitoring and maintenance of the in-channel levees (former channel bank) during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include a visual inspection of the channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but shall not be limited to, the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include the formation of tension cracks, accurate scarps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps photographs) and the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year that the mine is in operation (Mitigation Measure 4.4-2d).

Operator acknowledges the condition. Annual inspections by a Registered Engineer began in 1998. See attached report from GEI. Erosion took place adjacent to Cache Creek south of the Mast Pit during 2017, but has been stable since then. A repair project will need to be proposed and constructed to repair and prevent any future erosion. During the winter of 2022/23 some additional erosion occurred, but has

not moved within the plant site. The bank is well protected internally by a clean gravel stockpiles and additional berming. It is intended to propose an in-channel bar skimming project to realign the creek to prevent future damage.

32. Following reclamation, the YCCDA shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of the channel banks and levees (Mitigation Measure 4.4-2e).

Operator acknowledges the requirements of the condition. Recordation of deed restriction will occur between now and the return of surety bonds. Reclamation has not been completed within any phase.

33. The operator shall enter into a legally-binding agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition #33. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, and channel maintenance mining recommended by the County (Mitigation Measure 4.4-2f).

Compliance with this condition's obligations is memorialized in the Development Agreement, Sections 2.2-10, 3.1, and 4.4.2. Condition 15 also underscores this responsibility. (Development Agreement No. 96-290 was executed between the County and the Operator in 1996.)

34. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2g).

In a letter dated July 10, 1996, the DSD determined that the alluvial separators created by the project are not subject to their jurisdiction. (Letter in the 1997 Pre-commencement Report.)

35. The operator shall obtain approval from the Community Development Director to allow the use of Quickflow for capture zone analysis or model site conditions using the U.S. Environmental Protection Agency model WHPA. Approval shall be obtained prior to the commencement of mining below the average high groundwater elevation (Mitigation Measure 4.4-3b).

As stated in the project-level EIR, the use of Quickflow was determined to be acceptable by the County for evaluating groundwater modeling. Appropriate capture zone analysis was performed to evaluate the impacts of wet pit mining on the nearby off-site Mast well. Said analysis demonstrated that there would be no adverse impact on the Mast well resulting from wet pit mining. The condition is satisfied; no further action necessary.

36. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-1a).

Section 10-5.525 (Farmland Conversion) was materially modified as part of the CCAP Update; however, agricultural offsets required for this project are substantively complete. The total 1:1 offset required for permanent conversion of prime farmland at the Woodland sites (ZF# 95-095) was 91 acres (of a total of 168 acres converted) and at the Esparto (site ZF# 95-094) was 42 acres (of a total of 148 acres converted). Total mitigation requirement combined was 133 acres. This was subsequently reduced by 10 acres to reflect the required 200 foot setback from the creek.

Mitigation for this loss was identified to occur with reclaimed agriculture at the Muller and Haller properties. Reclaimed agriculture at the Muller property (a portion of APN's 25-350-30 and 25-350-32) was identified as offsetting 101 acres. Reclaimed agriculture at the Haller property (a portion of APN 25-350-28) was identified as offsetting 22 acres. The County Board of Supervisor accepted a conservation easement for 123 acres on March 7, 2000. Reclamation at both Muller and Haller is complete. This condition is implemented and substantively discharged.

37. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining for the estimated loss of 148 agricultural acres converted to open water habitat. It is anticipated that the 1:1 offset mitigation required for the loss of prime agricultural land would apply as mitigation for this impact as well (Mitigation Measure 4.6-4a).

A Memorandum of Understanding and Management Authorization by and between the Operator and the California Department of Fish & Game was executed on December 26, 1997. On December 1, 1998 the Board of Supervisors accepted the Habitat Conservation Easement on 121 acres for the Operator's Woodland and Esparto Long-Term, Off-channel surface mining permits. This acceptance protects approximately 121 acres of riparian vegetation from future conversion to non-environmental uses. A copy was provided to staff.

38. The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

In September, 1999 an environmental assessment (IA) for the issuance of an incidental take permit under section 10(a)(1)(B) of the Endangered Species Act for the valley elderberry longhorn beetle was submitted to the USFWS. The take request appeared in the Federal Register. The public comment period closed November 5, 1999. Operator received from the USFWS Incidental Take Permit No. TE019954-0 on December 20, 1999. This permit allowed the potential disturbance of the valley elderberry longhorn beetle (VELB) a federal endangered species, associated with the transplanting of 4 shrubs to the Haller conservation easement mitigation site. Receipt of this permit reflects conclusion to the HCP, EA and Biological Opinion processes. The shrubs have been transplanted. Operator has submitted a The 5th (final) year Elderberry Mitigation Monitoring Report prepared by Operator's Habitat Restoration Supervisor was submitted on or before November 30, 2005.

39. Implement the performance standard included in Section 10-4.433 of the County Off-Channel Mining Ordinance to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-6a).

a. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal: vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to a 2:1 (horizontal: vertical) slope for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a

minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

Operator acknowledges the condition. Topsoil, subsoil and over-burden will not exceed 40 feet in height with slopes maintained no steeper than 2:1. At no time during the breeding season (May through July) will slopes on stockpiles exceed a slope of 1:1.

39.5A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to commencement of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:

a. Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.

b. If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.

c. Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.

d. Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-7a).

Raptor surveys were completed as a part of the permitting process. A copy of the result was submitted to CDFG. No active nest sites were discovered during the survey.

Prior to mining the Mast property, a pre-construction survey for nesting raptor was conducted in February 2005. The pre-construction survey did not find evidence of nesting raptor species on or within 500 feet of the Mast Property. This condition is fully implemented and fully discharged.

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

a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

Per the condition, Operator is using a portable conveyor system at Esparto. Condition satisfied. (Repeat of condition 22.3 requirement to use conveyor system.)

41. The proposed asphalt batch plant shall include Best Available Control Technology (BACT) for control of air pollutant emissions. The YSAQMD shall be responsible for review and approval of the batch plant prior to installation (Mitigation Measure 4.7-1b).

This condition is satisfied. Operator, in consultation with the YSAQMD, secured the required permits; specifically, prior to granting the permit for the asphalt batch plant, the YSAQMD determined that BACT was being employed. No further action warranted. The batch plant has since been decommissioned and removed.

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

a. Section 10-4.407: Wherever practical and economically feasible, portable or movable conveyor systems shall be used to transport raw materials and overburden.

Conveyor systems are being used.

b. Section 10-4.415: All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than is required by law, recommended by the Air District, or ten (10) minutes, whichever is shorter.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

On December 12, 2000 the Aggregate Industry voluntarily began a program to reduce between 16 and 20 percent the NOx emissions from heavy-duty, off-road mining equipment. This voluntary action has sunset. The ten-year review represented the termination date.

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

Operator acknowledges this condition. Implementation occurs as technology becomes commercially feasible.

43. The operator shall pay a fair share (\$1,200) toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$900 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-1a).

A check for \$1,200 was sent by the Operator to the City of Woodland in September, 1997. Condition satisfied; no further action required.

44. Within four years of project approval, the operator shall either realign the non-standard portion of County Road 19, between the project entrance and Interstate 505, or shall widen the travel lanes. The operator shall also replace the non-standard bridge located on County Road 19, between the project entrance and Interstate 505. The operator shall pay 50 percent of the local share of the total cost of the improvements

(Cache Creek Aggregates or its successor in interest paying the other 50 percent), and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both CALTRANS and the Public Works Department will be obtained prior to construction, if required (Mitigation Measures 4.8-2a and 4.8-3a).

Operator acknowledges the requirements of the condition. Construction of the County Road 19 improvements and bridge replacement were completed in December of 1999.

45. The operator shall assume joint pavement maintenance responsibility with Granite Construction (or its successor in interest) Yolo County on County Road 19, between the project entrance and Interstate 505, for the life of the permit. The operator shall annually submit appropriate reporting/documentation demonstrating compliance with Section 10-4.408 (County Road Improvements) and 10-4.409 (County Road Maintenance) of the County Mining Ordinance. The cost of annual pavement improvements shall be proportionally allocated between the operator and Granite Construction, or its successor in interest, based on the previous year's sales figures for each of the two operations, as reported to the County (Mitigation Measure 4.8-4a).

Operator acknowledges the requirements of the condition. A road assessment document prepared by a registered engineer has been submitted by Granite Construction.

46. The operator shall construct a temporary berm, with a minimum height of 10 feet, along the northeastern boundaries of the proposed mining area to reduce noise at the Mast residence (APN: 049-210-11). The berm shall be completed prior to the commencement of overburden on the Mast parcels and shall remain in place until the overburden layer is removed. As an alternative to constructing the berm, the operator shall secure a contractual agreement from the resident that indemnifies the County and reflects an understanding and acceptance of the noise impacts. A copy of the signed agreement shall be provided to the Community Development Director prior to the commencement of mining on the Mast parcels (Mitigation Measures 4.9-2a and 2b).

Teichert began mining the Mast property in April 2007. A copy of the noise agreement has been provided to the Community Development Director.

47. A noise study of the wet-pit dredge shall be performed by a qualified acoustical consultant of the wet-pit dredge, and submitted to the Community Development Director for review and approval within 60 days after dredging operations commence. The noise study shall include recommendations to reduce noise below the performance standards established in Section 10-4.421 of the County Off-Channel Mining Ordinance and the operator shall implement all such recommendations. Dredge noise mitigation may include, but shall not be limited to, screens, shielding panels or other measures to achieve sufficient attenuation. Failure to meet the referenced performance standards shall be grounds for the County to revoke approval of the dredging operations (Mitigation Measure 4.9-3a).

Condition acknowledged; Operator anticipates that it will comply with this condition via the option presented in condition 48.5.

48. The wet pit dredge shall not be operated within 300 feet of the Mast residence at any time (Mitigation Measure 4.9-3b).

Condition acknowledged; Operator anticipates that it will comply with this condition via the option presented in condition 48.5.

48.5 As an alternative to Mitigation Measures 4.9-3a and b (Conditions of Approval 47 and 48), the operator may secure a contractual agreement from the resident that indemnifies the County and reflects understanding and acceptance of the noise impacts (Mitigation Measure 4.9-3c).

Operator acknowledges the condition and the flexibility it affords. As noted above, a contractual agreement was executed with the Mast Family allowing Teichert the ability to encroach on the 1,500 foot setback to the Mast residence.

49. Implement the performance standards included in Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-5a).

a. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

Operator acknowledges the condition. Condition is implemented and fully discharged. Please see response to condition 46.

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

a. Section 10-4.410:

- (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites, paleontological resources, and unique geologic features. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resources are determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural, paleontological, or unique geologic resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.
- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75') feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed.

If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75') feet shall immediately stop and the Director shall be notified at once. 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. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to the County for public display at the Cache Creek Nature Preserve or other appropriate venue.

Operator acknowledges the condition. In the application and subsequent project-level EIR, all cultural resource records were checked. No cultural resources were located within the permitted area, nor has evidence of human remains been discovered at the project site through the 2023 mining year.

Per Section 10-4.410 if human skeletal remains are encountered during excavation, all work will stop within 75 feet and the County Coroner will be notified. If the remains are of Native American origin, the appropriate Native American Heritage Commission representative will be contacted for disposition. Likewise if cultural resource or paleontological materials are unearthed, appropriate steps will be taken per Section 10-4.410.

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

Operator acknowledges the condition. A training video was prepared by Jensen & Associates, a firm which provides archaeological, historical and cultural resource management services. Operator has thoroughly educated employees regarding cultural and habitat conventions. The training video will continue to be shown intermittently to employees throughout the entitlement period.

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

a. Section 10-4.415: All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

See discussion in Condition No. 42

All internal combustion engines are kept in good working order and the performance standard adhered to. Fueling of the dragline or dredge will be conducted according to the performance standard. Operator's Spill Prevent Control and Countermeasure Plan (SPCC) includes provisions for releases of fuels during fueling activities. At the introduction of a dredge, when specifics are known, our SPCC will include provisions for releases of fuels during fueling activities associated with a floating dredge.

2020 TEN-YEAR PERMIT REVIEW CONDITIONS

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

Operator acknowledges the condition.

54. Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: County Road 19 from the project entrance to Interstate 505. The operator shall abide by this condition and the specific requirements of Section 10-4.419.

Operator acknowledges the condition.

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

Operator acknowledges the condition.

SEC. 10-4.701(J)-CEQA COMPLIANCE

Please see SEC. 10-4.701(I) above for description of mitigation measures and compliance.

SEC. 10-4.701(K)-OTHER AGENCY PERMITS

Staff contacted other state and local regulating agencies to ensure that the operation was in compliance. The operator has an Authority to Operate Permit from the Yolo-Solano Air Quality Management District and a Waste Discharge Permit from the Regional Water Quality Board. The operator has also submitted its annual reporting form to the California Department of Conservation. A current Business Emergency Response Plan is on file with the County Office of Emergency Services.

Additional relevant conditions of approval:

Board of Supervisors Minute Order No. 00-202, approved June 6, 2000: The applicant shall work with the County Planning and Public Works Department and the Yolo-Solano Air Quality Management District to identify its proportionate share of regional air emissions and no, later than May 31, 2001, initiate the use of Reasonably Available Control Technology acceptable to the County Planning and Public Works Department and to the Yolo-Solano Air Quality Management District to reduce its proportionate share. All implementation of Reasonably Available Control Technology necessary to reduce the applicant's proportionate share of regional air emissions shall be completed by May 31, 2005. The applicant will report back to the Board on February 1, 2001 on the progress. Depending on the progress report, the Board reserves the right to make amendments to the condition in order to accomplish its intent.

Operator acknowledges this condition. Teichert has provided information from the YSAQMD substantiating attainment of Reasonable Available Control Technology, this condition has been implemented and substantially discharged.

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

Staff has determined these conditions were superseded by Condition 42.1 adopted on March 20, 2007.

Planning Commission Action on June 9, 2011:

PLANNING DIVISION-PPW (530) 666-8036

1. The project shall be developed in compliance with the approved Interim Management Plan and with all adopted Conditions of Approval approved for Zone File #2011-009. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.

The operation has returned to active status and no longer under an Interim Management Plan.

2. The approved Interim Management Plan shall expire five (5) years from the Date of Approval (June 9, 2016). Prior to the expiration of the Interim Management Plan, the applicant may submit an application to the Planning and Public Works Department to renew the plan for another period, not to exceed five (5) years. Any extension must be approved by the Yolo County Planning Commission.

The operation has returned to active status and no longer under an Interim Management Plan.

3. The applicant shall continue to maintain updated financial assurances on an annual basis for the Teichert Esparto facility.

See condition #7.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

4. At the point that any structure is proposed for demolition, the septic tank must be properly identified on all plans and abandoned at the same time in accordance with the health permit.

Operator acknowledges the condition.

5. The wells must be maintained in a safe and sanitary condition or it must be destroyed in accordance with the health permit.

Operator acknowledges the condition.

6. The applicant shall notify the Environmental Health Division (530-666-8646) after the demolition permit is finalized by the Building Division for the aboveground diesel storage tank. After this is done, the facility will no longer be required to be in the Aboveground Petroleum Storage Act (APSA) program that is administered by the Yolo County Environmental Health Division.

Operator acknowledges the condition.

PUBLIC WORKS DIVISION-PPW (530) 666-8811

7. The applicant shall continue to be responsible for joint pavement maintenance (along with Granite Capay) of County Road 19 from the plant entrance to Interstate-505 as outlined in Condition of Approval No. 45 in Development Agreement No. 96-290.

See condition #45

COUNTY COUNSEL – (530) 666-8172

8. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding

(including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action.

The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Operator acknowledges the condition.

9. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:

- non-issuance of future building permits;
- legal action.

Operator acknowledges the condition.

2023 OFF CHANNEL MINING ANNUAL REPORT

TEICHERT AGGREGATES Schwarzgruber Property CA Mine ID #91-57-0006

MINING AND RECLAMATION STATUS OVERVIEW

The Schwarzgruber family and Schwarzgruber & Sons, Inc., mined portions of the approximately 132-acre site from 1947 until 2012. Teichert Aggregates applied for and received approval of a use permit (ZF No. 2011-0035), reclamation plan, and development agreement (12-152) for the mining and reclamation of portions of the site on November 13, 2012. Teichert purchased the property from the Schwarzgruber family in December 2012. Mining could not commence on the Schwarzgruber site until Teichert has completed mining on the Woodland Properties, which has been completed. Additionally, a minor modification to the reclamation plan was approved in 2021 to allow for enhanced riparian reclamation habitat creation within the setback areas. (ZF No. 95-095) sites (ZF No. 2011-0035, Condition 15). Mining has been complete on the Schwarzgruber permit and reclamation is underway.

ENTITLEMENT HISTORY

▪ DEVELOPMENT AGREEMENT

On November 13, 2012, the Board of Supervisors approved Development Agreement No. 12-152 pertaining to the project site. Staff has reviewed the terms of the agreement and determined that the operator is in compliance with all terms of the agreement.

▪ YOLO COUNTY APPROVALS

The Schwarzgruber family has mined aggregate on the Schwarzgruber site since 1947. In 1972, the operation was incorporated as Schwarzgruber & Sons, Inc.

Zone File No. G-6 was approved by the Planning Commission on October 29, 1980, to allow for mining of approximately 89 acres of the 132 acre site with reclamation to habitat uses.

Ordinance No. 681.81 was approved by the Board of Supervisors on September 22, 1981, to add the Sand and Gravel (SG) combining zone to approximately 25 acres of the project site that was not previously zoned SG.

Zone File No. 2011-0035 was approved by the Board of Supervisors on November 13, 2012, to allow Teichert to mine approximately 40 acres of the project site and convey the material to its Woodland Plant for processing and sale. The requirements of ZF No. 2011-0035 superseded those of ZF No. G-6.

SEC. 10-4.701 ANNUAL REPORTS: CONTENTS

SEC. 10-4.701(A)-SITE PLAN

Please see enclosed approved Site Plan for the project site.

SEC. 10-4.701(B)-MATERIAL PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(C)-RECYCLE PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(D)-GROUNDWATER MONITORING

Please see enclosed "Groundwater Conditions in the Vicinity of the Woodland Plant Site, 2023" as prepared by Luhdorff & Scalmanini and dated October 2023

SEC. 10-4.701(E)-AGRICULTURAL REPORT

Not applicable. The site is not currently used for agriculture, nor is agriculture proposed as an end use under the approved reclamation plan.

SEC. 10-4.701(F)-BIOLOGICAL RECLAMATION MONITORING

Not applicable. Reclamation of the project site has not commenced.

SEC. 10-4.701(G)-SLOPE STABILITY REPORT

Please see enclosed "Annual Report on Channel Bank and Levee Conditions for Woodland Properties" as prepared by GEI Consultants and dated October, 2022. Additionally the 2023 inspections were completed on October 10th 2023.

SEC. 10-4.701(H)-EXTENT OF MINING

Please see enclosed SMARA Reclamation Exhibits which detail the extent of mining in the Schwarzgruber site. The mining permit is valid until January 1st, 2028.

SEC. 10-4.701(I)-CONDITION OF APPROVAL COMPLIANCE

Please see below for a list of each of the conditions with a response to compliance status:

Conditions for ZF No. G-6 as follows:

Not applicable. ZF No. 2011-0035 superseded ZF No. G-6.

Conditions for ZF# 2011-0035 as follows:

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

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

Operator acknowledges the condition. No claims or actions have been filed against the County regarding the permit.

2. The maximum permitted annual "base" tonnage allowed for this project (Teichert Schwarzgruber) is 1,000,000 tons (sold weight) and/or 1,176,472 tons (mined weight). Tons sold in any given year may be exceeded by 20 percent up to 1,200,000 tons (sold weight) so long as the running ten-year annual average does not exceed 10,000,000 tons (sold weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, these limits shall not apply to recycled concrete or asphalt, or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the condition. Operator will inform the County if production were to surpass the one million ton production limit. Furthermore, Operator understands that we are not to exceed the limit by more than 20%, and that this will trigger the 20% exception surcharge of \$.20 per ton of aggregate material sold in excess of the approved production.

3. The maximum total tonnage allowed for this operation (Teichert Schwarzgruber) over the life of the permit is 4,000,000 tons (sold weight) and/or 4,650,000 tons (mined weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled concrete or asphalt, or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the condition.

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

Operator acknowledges the condition.

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

This condition was added as a part of the 2020 Ten-Year Permit Review. Operator is current in paying all required fees.

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

Operator acknowledges the condition.

6. The Mining Permit is approved for a period not to exceed 15 years, starting from the year the approval is granted (2012). The permit expires on January 1, 2028. If permitted aggregate reserves are still available at the end of the approved 15-year period, the operator may apply for Mining Permit approval to extend mining beyond the 15-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

Operator acknowledges the condition.

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

The Operator acknowledges the condition. Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected under the Yolo County Gravel Mining Fee Ordinance. Compliance with this condition is documented with respect to the Woodland Properties permit (ZF No. 95-095).

8. The operator shall amend the financial assurances as appropriate to reflect the modifications to the project, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in an amount to be determined, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining under the permit approval.

Operator acknowledges this condition. A revised financial assurance bond in the amount of \$781,723.00 is in place. It will be updated again upon receiving approval from County Staff, following inspections.

9. The project to which these conditions are applicable is as described in the 2012 project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated November 13, 2012 as modified to reflect the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

Operator acknowledges this condition.

10. The project approval, including all permits and entitlements, shall not be considered effective until the Development Agreement between the County and the operator has been executed. The Development Agreement shall be executed within 30 days of the date of approval by the Board of Supervisors.

Operator acknowledges this condition. Development Agreement No. 12-152 was executed by the parties in December 2012 and recorded on December 19, 2012.

11. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Title 10, Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.

Operator acknowledges the condition and is in compliance with applicable requirements. No notice of violation received.

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

Operator acknowledges this condition.

13. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

Operator acknowledges the condition. Compliance with this condition is documented with respect to the Woodland Properties permit (ZF No. 95-095). (Please note that due to a recent change in State regulations, hazardous material business plans are now submitted every three years, instead of every other year.) If the types of hazardous materials change, a revised plan will be submitted within thirty days.

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

Operator acknowledges this condition. The project site will be reclaimed to a mix of habitat uses, including seasonal pond, oak riparian woodland, riparian wetland, and grassland. Grasslands will serve as a vegetative buffer between proposed habitat uses and adjacent agricultural land.

15. The aggregate material extracted from this site shall be processed at the adjoining Teichert Woodland plant facilities. No material may be extracted by Teichert Aggregates from the Schwarzgruber site until after extraction on the Teichert Woodland mining sites (Muller, Coors, and Storz) has ended and reclamation on the final site/phase (Storz) has commenced. At the conclusion of mining at the Teichert Woodland sites, the applicant shall inform the County in writing that mining has ended, the status of reclamation, and that the Teichert Woodland plant facility is from that point forward operating under the authority of the Teichert Schwarzgruber permit approval for the purposes of processing material extracted from the Schwarzgruber site. Unless subsequently modified, the Teichert Woodland plant facilities shall cease operation when mining ends at the Teichert Schwarzgruber site.

Operator acknowledges this condition. Mining has been completed for the Woodland Properties sites.

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

Operator acknowledges the terms of this condition.

17. The Teichert Schwarzgruber Reclamation Plan (text and plans) shall be amended within six months of approval to include reclamation of the Teichert Woodland plant site (located on APNs: 025-350-018, -019, 025-120-039, and -041 totaling approximately 128 acres) to demonstrate consistency with the CCAP, or alternatively to reference and include as an attachment separate reclamations plans for the Teichert Woodland plant that have been approved by the County as meeting CCAP standards.

Operator acknowledges this condition. A revised reclamation plan for the Schwarzgruber site was submitted in November 2012 and for the Woodland Plant site in January 2014.

18. The mining and reclamation plans shall be revised within six months of approval to reflect all changes necessary to be consistent with this approval, including all conditions of the approval, and all mitigation measures.

Operator acknowledges this condition. A revised reclamation plan for the Schwarzgruber site was submitted to the County on May 3, 2013 with the final revision submitted in November 2013 following all comments.

19. Except for local deliveries, the operator 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 on County Road 96, from Road 20 to State Route 16 to Interstate 505.

Operator acknowledges the terms of this condition.

20. Pursuant to sections 10-4.408 and 10-4.409 of the Mining Ordinance the Applicant shall maintain the roadway section on County Road 20 from the project entrance to County Road 98, and on County Road 96, from County Road 20 to the State Route 16. The Applicant's maintenance responsibility for the roads specified above shall continue throughout the life of the mining permit. The County will provide Pursuant to Sections 10-4.408 (County Road Improvements) and 10.4.409 (County Road Maintenance) of the Mining Ordinance, the Applicant shall pay for any road improvements on County Road 20 from the project entrance to County Road 98, and on County Road 96 from County Road 20 to State Route 16, determined to be necessary to support the operation consistent with County and CCAP standards, and for ongoing operations and maintenance. The applicant shall pay its fair share toward improvements required to maintain a structural capacity (traffic index) sufficient for the project traffic and to maintain operations on County roads and on State Highways within the OCMP planning area consistent with applicable General Plan policies related to LOS and applicable State policy related to VMT. Fair share mitigation shall also be required to improve existing operational as well as structural deficiencies of the transportation system.

The applicant shall participate in a funding program operated by the County which is designed to ensure that all improvements are made in a timely manner and that a reimbursement mechanism is in place to ensure repayment of any costs contributed in excess of fair share amounts. The program shall be initiated upon approval of the long-term mining permits and shall be updated biennially by the County to ensure any new or modified impacts or funding sources are being addressed.

Each operator shall have the option to complete the work at their expense without triggering the competitive bid process, as long as they comply with the applicable legal requirements of the County. If the operator declines the option, the County shall utilize the competitive bid process. The Applicant's maintenance responsibility for the roads specified above shall continue throughout the life of the mining permit. The County will provide maintenance of the county-maintained roadside drainage ditches, traffic signs, and striping.

By May 15 of each year, the Applicant shall submit to the County an annual evaluation report documenting the structural integrity of the pavement structural section and the pavement condition index (PCI) of the portions of the county roads noted above. The annual report shall be signed and sealed by a civil engineer licensed in the State of California. The report shall contain a proposed action plan for pavement maintenance and pavement improvements to maintain safe and efficient traffic operation on the roads, and a PCI of 70 or more as defined by American Society for Testing and Materials (ASTM) Method D6433 (Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys) for the upcoming year.

Within 30 days, the County will review the report and recommend revisions, if necessary. Following acceptance of the report, the Applicant shall secure a County encroachment permit specific to the action plan (at no cost to Applicant) and complete the proposed roadway maintenance and improvement activities prior to submittal of the annual report. Striping may be provided by the County if County striping equipment and material are available. Otherwise, striping will be provided by the Applicant. Once the work is completed, the Applicant will resubmit the annual evaluation report by November 15 each year, and include the scope and dates that work was completed.

If minor emergency asphalt repairs (work requiring a single County Public Works maintenance pick-up truck with asphalt patching material) are identified within the maintenance areas of the hauling routes after the Applicant's yearly maintenance has been completed, county crews will perform the minor asphalt repair maintenance once in a sixty (60) consecutive day period. The types of asphalt pavement failures requiring repairs include, but are not limited to, cracking, pot holes, depressions, rutting, shoving, upheaval, and raveling and any other pavement damage or failures requiring immediate repair by the county.

If minor emergency asphalt repairs (work requiring a single County Public Works maintenance pick-up truck with asphalt patching material) are identified within the maintenance areas of the hauling routes after the Applicant's yearly maintenance has been completed, county crews will perform the minor asphalt repair maintenance once in a sixty (60) consecutive day period. The types of asphalt pavement failures requiring repairs include, but are not limited to, cracking, pot holes, depressions, rutting, shoving, upheaval, and raveling and any other pavement damage or failures requiring immediate repair by the county. The operator does not assume the liability for the roadway, except for cases where the operator has not fulfilled its maintenance obligations.

Operator acknowledges the terms of this condition. Roadway maintenance described in this condition is currently occurring under the maintenance agreement for Woodland Properties (ZF No. 95-095). Repairs are currently planned to pave the haul roads with rubberized asphalt and will take place in conjunction with the next rubberized asphalt job at the Woodland Plant.

21. Deleted.

22. The operator shall install conveyors, as proposed, to transport aggregate from the mining area to the processing plant site.

Operator acknowledges the terms of this condition. All conveyors have been installed and are in use as required.

23. Condition #42 from the Teichert Woodland permit approval shall continue to apply to the Teichert Woodland plant site: The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely affect supply wells located within 1,000 feet of the plant well (compared to currently permitted conditions). If the applicant proposes to increase groundwater pumping to meet the increased water demand, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the Woodland processing plant would not adversely affect active water supply wells within 1,000 feet of the plant well, as compared to currently permitted conditions. The proposed incremental increase in pumping shall be lessened as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using analytical methods or MODFLOW and shall assume historic average low groundwater levels. Groundwater modeling of the project area submitted with the project application (Luhdorff and Scalmanini, 1995) could be modified to include the plant well and vicinity.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts. If the applicant meets the additional demand without increasing groundwater pumping, such as by recycling wash water from the settling ponds, the above groundwater modeling is not required (Teichert Woodland 1996 EIR Mitigation Measure 4.4-8a).

Operator acknowledges the terms of this condition. Compliance with this condition is documented with respect to the Woodland Properties permit (ZF No. 95-095).

24. The applicant shall place a minimum of one-foot of soil on all reclaimed slopes and land surfaces consistent with the reclamation plan. If a topsoil shortage occurs, importation will be as necessary to meet

the reclamation standard. This may require additional approvals which will be the responsibility and expense of the applicant.

Operator acknowledges the terms of this condition. The reclamation plan incorporates the requirements of this condition.

25. The applicant shall coordinate with the Sacramento-Yolo Mosquito and Vector Control District to identify and implement project-specific best management practices for mosquito reduction and control at the ponds and elsewhere on the site, as appropriate.

Operator acknowledges the terms of this condition.

26. MM 4.4-1 requires a separate Vegetation and Maintenance Plan (consistent with the Reclamation Plan) for the vegetative buffer along CR 96. The Vegetation and Maintenance Plan shall be merged by the applicant into the final revised Reclamation Plan. The final revised Reclamation Plan shall address reclamation of the mining area, reclamation in the 700 foot setback area, reclamation of the plant site, and all plantings and improvements (including the turnaround and fencing) within the 50-foot setback from the CR 96 right-of-way.

Operator acknowledges this condition. A revised reclamation plan for the Schwarzgruber site was submitted to the County in November of 2013. The revised reclamation plan incorporated a Vegetation and Maintenance Plan addressing a vegetative buffer along County Road 96 and reclamation of the mining area, 700-foot setback area, and plant site. An additional reclamation plan minor modification was approved in 2021 to provided for enhanced riparian habitat creation within the 700 foot setback area.

27. The County holds a 25-foot right-of-way (ROW) that extends along the entire eastern property line of the Schwarzgruber property (APN 025-350-010). The ROW comprises one half section of CR 96. The County holds a similar 25-foot ROW off-site along the eastern side of the property line. Portions of the total 50-foot CR 96 ROW have been mined out under prior mining activities leaving the ROW unusable. Other portions have been modified by a berm and water conveyance facilities and the traveled way currently varies considerably from the County ROW, in some instances extending completely outside of the ROW.

Prior to commencement of mining, the applicant is responsible for establishing a graded and compacted drivable 12- to 15-foot public access within the existing (but partially destroyed or unusable, as discussed above) 50-foot ROW or re-established ROW (50-foot minimum) to the satisfaction of the County Engineer. The access shall extend the full distance from the southeast edge of property north to the bank of Cache Creek. Separately, in conjunction with reclamation, the applicant is responsible for redefining a 25-foot ROW segment that may include usable portions of the existing ROW on the mining parcel, to the satisfaction of the County Engineer. This ROW segment shall extend the full distance from the southeast edge of property north to the bank of Cache Creek. As determined by the County Engineer, where a 25-foot ROW segment cannot feasibly be physically contained within the existing 50-foot ROW due to conditions described in the first paragraph, the applicant may dedicate (or otherwise provide easements to establish) the revised ROW segment outside the boundaries of the existing ROW. If the 12- to 15-foot graded and compacted drivable public access (created prior to the commencement of mining) falls outside of the final re-established 25-foot ROW, it shall be built within the new ROW. Altogether, the ultimate condition shall be a 25-foot usable ROW segment on the mining parcel, containing a minimum 12-to 15-foot graded and compacted public access road, extending the full distance from the southeast edge of property north to the bank of Cache Creek, to the satisfaction of the County Engineer.

The applicant is prohibited from mining closer than 50 feet from western edge of the CR 96 ROW. Within the 50-foot setback, a 15 foot landscape buffer must be planted and maintained consisting of native landscaping that satisfies MM 4.4-1. Plant density and timing of installation shall satisfy the requirements of Section 10-4.429 of the Mining Ordinance by resulting in the required screening. During the term of mining the remaining 35 feet within the 50-foot setback shall be comprised of Teichert's 15-foot MSHA

berm (adjoining the pit) and 15-foot maintenance road around the pit which lies between the 15 foot landscape buffer and the berm. After mining, the berm shall stay in place and the 15 foot access road will be planted using the same criteria as established for the 15-foot buffer, resulting in a post-reclamation landscape buffer of 30-feet. The conversion of the 15-foot private access road to an additional 15 feet of native landscape screening shall occur as a part of the reclamation of the property and shall be addressed in the revised Reclamation Plan.

A plan view exhibit showing the 50-foot setback from the CR 96 right-of-way, from CR 20 north to the creek, shall be prepared and submitted for approval by the County within six months of permit approval. The exhibit shall identify the pit edge, the berm, the private access road, the 15-foot interim landscaping, and the right-of-way for CR 96. The exhibit shall include dimensions, and shall identify in a series of written notes, relevant requirements of these conditions of approval (#27 and 28) and the mitigation measures (MM 4.4-1 and 4.4-2).

Operator acknowledges the terms of this condition. A revised reclamation plan that incorporates the native landscape screening described in the condition was submitted to the County in November of 2013. A plan view exhibit depicting the setback area and proposed improvements described in the condition was prepared and submitted to the County in November of 2013. The 12-15 foot compacted and drivable surface has been installed to the berm prior to the creek. Per the County request, the berm will be graded out this winter. And ROW grant has been provided to the County.

28. The applicant shall design and construct a vehicle turnaround on CR 96 just north of the intersection with CR 20. This improvement shall be located and installed to the satisfaction of the County Engineer prior to commencement of mining. The right-of-way for the turnaround shall be dedicated to the County. The mining and reclamation plans shall be modified to show the turnaround within the 50-foot setback area. The turnaround is expected to utilize all 15 feet available between the edge of the road right of- way and the temporary noise fence, leaving no room for the 15-foot landscape buffer. Therefore, the fence shall be planted with vegetation to act as a screen until the fence is removed and the Teichert access road is converted to landscaping. A design for the fencing planting and irrigation shall be prepared by the applicant for approval by the County, and installed by the applicant, prior to commencement of mining.

Operator acknowledges the terms of this condition. Revised mining and reclamation plan sheets that incorporate the proposed vehicle turnaround described in the condition were submitted to the County in November of 2013. The turnaround was installed and dedication provided to the County. The turnaround was provided in a larger area than required after consulting with neighbors and approval from the County.

29. At the westerly corner of the southern boundary of the mining pit where the mining footprint would extend within a few feet of the property line for a linear distance of about 600 feet, no later than six months from the date of approval the applicant shall adjust the mining and reclamation plans to reflect a minimum setback of 30-feet from the property line to the edge of the reclaimed habitat around the pit, taking into account the requirements of Mitigation Measure 4.2-2b related to the southwest corner of the mining pit. This will require a reduction in the mining area or a lot line adjustment with the property to the south to create the minimum area to incorporate the 30-foot setback and the modified reclaimed edge to satisfy Mitigation Measure 4.4-2b.

Operator acknowledges this condition. A lot line adjustment application and revised mining and reclamation plans showing the revised property boundary and modified reclaimed edge were submitted to the County on May 3, 2013. The lot line adjustment was recorded on June 14th, 2014.

30. The applicant shall comply with Section 10-4-410(a) and (b) of the Off-Channel Mining Ordinance related to unknown cultural resources.

(a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites, paleontological resources, and unique geologic features. Damaging effects on cultural resources shall be avoided

whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resources are determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural, paleontological, or unique geologic resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

(b) If human skeletal remains are encountered during excavation, all work within seventy-five (75') feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed.

If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75') feet shall immediately stop and the Director shall be notified at once. 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. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to the County for public display at the Cache Creek Nature Preserve or other appropriate venue.

Operator acknowledges the condition. In the application and subsequent EIR process, all cultural resource records were checked, and no cultural resources are located within the permitted area. No human remains have been discovered at the site. Per Section 10-4.410 if human skeletal remains are encountered during excavation, all work will stop within 75 feet and the County Coroner will be notified. If the remains are of Native American origin, the appropriate Native American Heritage Commission representative will be contacted for disposition. Likewise if cultural resource or paleontological materials are unearthed, appropriate steps will be taken per Section 10-4.410.

31. Use of the Schwarzgruber processing plant shall cease upon commencement of mining on the site by Teichert. The Schwarzgruber plant shall be decommissioned (included but not limited to removal of all equipment above and below ground and any necessary remediation, particularly soil clean up from oil and fluid spills) prior to reclamation.

Operator acknowledges this condition. The plant has been removed as required.

32. Mining shall not be conducted within 50 feet of the Magnolia Canal. Pursuant to the recommendations of the Slope Stability Evaluation (Geocon May 2011), the timing of mining and reclamation activities adjacent to Magnolia Canal shall be coordinated with the Yolo County Flood Control and Water Conservation District.

Operator acknowledges this condition.

33. The applicant shall demonstrate consistency and compliance with the County's adopted Climate Action Plan.

Operator acknowledges this condition.

34. The applicant shall comply with the requirements of the County Off-Channel Mining Ordinance including but not limited to: Section 10-4.402 related to access roads; Section 10-4.403 related to accident reporting, Section 10-4.410(b) related to cultural resource finds, Section 10-4.412 related to prohibition on dewatering, Section 10-4.413 related to drainage, Section 10-4.414 related to dust control (including compliance with the requirements of the Yolo Solano Air Quality Management District), Section 10-4.415 related to equipment maintenance, Section 10-4.417 related to groundwater monitoring, Section 10-4.419

related to haul roads, Section 10-4.420 related to existing lighting (no new lighting was requested), Sections 10-4.421 and 10-4.422 related to noise, Section 10- 4.424 related to other agency approvals, Section 10-4.425 related to parking, Section 10-4.427 related to protection of wells, Section 10-4.428 related to sanitary facilities, Section 10-4..429 related to setbacks, Section 10-4.430 related to site maintenance, Section 10-4.432 related to soil removal, Section 10-4.433 related to soil stockpiles, Section 10-4.436 related to vegetation protection, Section 10-4.437 related to wastewater discharge, Section 10-4.438 related to watercraft, Section 10-4.605 related to interim permit reviews, Article 7 related to annual reports, and Article 8 related to fees.

- a) Section 10-4.402: The first 100 feet of access road intersecting a County-maintained road shall be surfaced in a manner approved by the Public Works Department, with an approach constructed to County standards. Traffic control and warning signs shall be installed as required by the Public Works Department.

Operator acknowledges the condition. All truck traffic is routed through the Woodland Plant site and paving is in place.

- b) Section 10-4.403: The operator shall immediately notify the Director of any events such as fires, explosions, spills, land or slope failures, or other conditions at the site which could pose a hazard to life or property. Action shall be immediately undertaken to alleviate the hazard. Upon request by any County agency, the operator shall provide a written report of any such event, within thirty (30) days, which shall include, but not be limited to, a description of the facts of the event, the corrective measures used, and the steps taken to prevent a recurrence of the incident. This condition does not supersede nor replace any requirement of any other governmental entity for reporting incidents

A copy of the operators' approved Business Emergency Response Plans and the approved Spill Prevention Control and Countermeasure Plans shall be submitted to the Yolo County Health Department, prior to the commencement of mining.

Operator acknowledges the condition. The 2023 Business Emergency Response Plan is on file with the County Office of Emergency Services through the Woodland Plant.

- c) Section 10-4.410(b):) If human skeletal remains are encountered during excavation, all work within seventy-five (75') feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75') feet shall immediately stop and the Director shall be notified at once. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Agency.

Operator acknowledges the condition. In the application and subsequent EIR process, all cultural resource records were checked, and no cultural resources are located within the permitted area. No human remains have been discovered at the site. Per Section 10-4.410 if human skeletal remains are encountered during excavation, all work will stop within 75 feet and the County Coroner will be notified. If the remains are of Native American origin, the appropriate Native American Heritage Commission representative will be contacted for disposition. Likewise if cultural resource or paleontological materials are unearthed, appropriate steps will be taken per Section 10-4.410.

- d) Section 10-4.412: "Dewatering" shall mean lowering the water level in a wet pit by pumping water from the pit, regardless of the purpose of the pumping. Water generated from dewatering activities must be beneficially used and discharged on-site. Pumps systems used to dewater the wet pits shall

be powered by electricity (i.e., through connection to power lines) or solar power. This ordinance does not permit water generated from dewatering activities to be used or discharged off-site. No off-channel excavation shall use dewatering as a part of surface mining operations, unless site-specific technical analysis performed by a qualified Professional Engineer or Professional Geologist with experience in hydrogeology demonstrates that the proposed dewatering will not adversely affect off-site wells with respect to groundwater level and quality. The Professional Engineer or Professional Geologist shall demonstrate, using appropriate hydrogeologic analysis (i.e., using data-supported empirical, analytical, and/or numerical investigative tools), that the proposed dewatering activity will not adversely impact active off-site wells or other water resources (e.g., creeks and wetlands) within 1,000 feet of the proposed dewatering pit boundary. Average historic low groundwater levels in the subject well shall be used for the analysis. Site-specific aquifer testing shall be conducted, if needed, to determine aquifer properties for the analysis. Consistent with the OCMP EIR, an effect shall be considered adverse if the reduction in simulated groundwater levels exceeds two feet at any well located within 1,000 feet of the pit boundary or results in well failure.

The hydrogeologic analysis shall be submitted to the County for review and approval prior to implementation of any dewatering activities. If an adverse impact is identified by the analysis (either impacts to existing wells or other water resources, including creeks and wetlands), dewatering activities will be modified to eliminate any adverse impacts, and/or the applicant shall otherwise mitigate adverse impacts to the satisfaction of the County.

Prior to and for the duration of dewatering activities, the applicant shall: 1) monitor water levels in the wet pit(s) and nearby monitoring wells on a quarterly basis; and 2) quantify the amount of water pumped from and returned to the wet pit(s). This monitoring data shall be reviewed by the applicant's Professional Engineer or Professional Geologist to determine whether any adverse impacts are occurring. Documentation of the monitoring and data evaluation shall be submitted to the County annually. If adverse impacts are found to be occurring, dewatering activities will be modified to eliminate adverse impacts, or the applicant shall otherwise mitigate impacts to the satisfaction of the County. Any measures designed to mitigate adverse impacts identified after implementation of dewatering activities shall be approved by the Planning Commission at a regularly scheduled meeting, with written notice of the adverse impact and proposed mitigation measures given by mail to all property owners within 1,000 feet of the pit boundary in addition to any notice otherwise required by law.

For purposes of this section, mitigation measures of adverse impacts may include, but are not limited to, well modification, well relocation, compensation of well owners for increased pumping cost, or providing an alternative water supply. Such mitigation measures shall be paid for by the mining operator, with sufficient financial security to ensure completion of the measures.

Pumping of water from the wet pit in lieu of pumping of groundwater from a well shall not require predictive impact analysis in addition to analysis provided in the approved, site-specific CEQA document, unless the total annual water demand, as set forth in the CEQA document, is exceeded. This does not remove the requirement for monitoring and reporting activities described above.

Operator acknowledges the condition.

- e) Section 10-4.413: Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a twenty (20) year, one-hour storm event. All drainage

conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

Operator acknowledges the condition. Surface water will be directed into an onsite drainage swale and/or to drop pipes. Operator uses a combination of ditches, berms, and grading to prevent stormwater runoff from leaving offsite. All pits were inspected for drainage compliance by a registered engineer from GEI Consultants in October 2022 (report attached). No bank erosion or instability was detected. All drainage pathways/pipes are installed. Report indicates Operator is in compliance with its entitlement.

- f) Section 10-4.414: Unless superseded by newer more effective standards, the following measures shall be implemented in order to control fugitive dust:

(a) All stockpiled soils shall be enclosed, covered, or have sufficient moisture to control fugitive dust at all times. Inactive soil stockpiles should be vegetated or adequately watered to create an erosion-resistant outer crust.

(b) During operating hours, all disturbed soil and unpaved roads shall be adequately watered to keep soil moist.

(c) All disturbed but inactive portions of the site shall either be seeded or watered until vegetation is grown or shall be stabilized using methods such as chemical soil binders, jute netting, or other Yolo-Solano Air Quality Management District approved methods.

Operator acknowledges the condition and fugitive dust is controlled as described above.

- g) Section 10-4.415: All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within 100 feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

Operator acknowledges the requirements of the condition. All internal combustion engines are kept in good working order and the performance standard will be adhered to. Operator's Spill Prevent Control and Countermeasure Plan (SPCC) includes provisions for releases of fuels during fueling activities. No floating draglines or suction dredges are used.

- h) Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two (2) components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six (6) months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three (3) monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs

for proposed mining areas exceeding 100 acres (total proposed mining area over the life of the project) shall include one additional well for each 100 acres of wet pit mining. Therefore, wet pit mining areas of one to ninety-nine (99) acres would require three (3) wells, 100 to 199 acres would require four (4) wells, 200 to 299 acres would require five (5) wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

(a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.

(b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:

(1) *Prior to the removal of overburden.* One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with *E. coli* confirmation).

(2) *During wet pit mining and active reclamation.* The wet pit shall be sampled semiannually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with *E. coli* confirmation).

One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with *E. coli* confirmation). The wells shall be sampled according to the following schedule: semiannually for the first two (2) years, and annually every year thereafter.

(3) *After active reclamation.* One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with *E. coli* confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10)-year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency) which identified, the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

Per Section 10-4.417, find attached the 2023 groundwater monitoring report prepared by Luhdorff & Scalmanini; status quo prevails. As in past years, the assessment of conditions during the last year indicates that the off-channel mining operations have not impacted groundwater levels or quality. Levels remain generally consistent with measurements recorded during previous years. The contour maps show that the direction of ground-water beneath the area has consistently been to the east and southeast. In 1997, staff approved the Woodland monitoring well network which is more comprehensive than Section 10-4.417's requirements. Wells are measured on a quarterly basis. Wet pit mining has begun see condition number 13. Operator acknowledges that upon initiating wet mining, semi-annual water quality testing is required for the duration of mining and during active reclamation. Find attached water-quality sampling results.

- i) Section 10-4.419: Trucks accessing a mining site to pick up a load, or leaving a mining site to deliver a load, are restricted to the approved/designated haul routes identified in the operator's permit which applies to the route taken from the mining site access/ driveway to a state/federal highway. If a truck subsequently exits the state/federal highway while within Yolo County, this too may only occur on an approved/designate haul route. This applies to all truck trips serving the mining site, unless making a local delivery. Those portions of designated truck haul routes that include County-maintained roads shall be posted as such, in accordance with the Public Works Department, to facilitate law enforcement and public safety. Private truck haul routes or conveyors shall be used to transport material within the mining site, in order to reduce impacts to public roads.

Operator Acknowledges the condition.

- j) Section 10-4.420: All lighting shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties.

Operator Acknowledges the condition.

- k) Section 10-4.421: From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dbA) for any nearby off-site residences or other noise-sensitive land uses.

From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.

At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied offsite residential structures. Achieving the noise standards may involve setbacks, the use of quieter equipment adjacent to residences, the construction of landscaped berms between mining activities and residences, or other appropriate measures.

Operator Acknowledges the condition.

- l) Section 10-4.422: If mining occurs within 1500 feet of residences, equipment used during nighttime activities shall be equipped with nonsonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

Operator Acknowledges the condition. No night time mining has occurred during the past year. Should mining commence after 6:00 p.m., the performance standard for night time activities will be adhered to. Machinery will be equipped with non-sonic warning devices consistent with Cal OSHA regulations.

- m) Section 10-4.424: Operators shall obtain any and all permits and approvals required by other agencies having jurisdiction over the proposed mining operations and shall provide copies to the County.

Operator Acknowledges the condition.

- n) Section 10-4.425: All operations shall provide sufficient off-street parking to accommodate customers, employees, and all mining equipment.

Operator Acknowledges the condition.

- o) Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six (6) months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within 1,000 feet

and all domestic wells within 500 feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within 1,000 feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within 1,000 feet of a municipal water supply or within 500 feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six (6) months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within 1,000 feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approve the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

Operator acknowledges the requirements of the condition; Operator's application included an evaluation of nearby drinking water wells. No impact occurs.

- p) Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled "potable" or "nonpotable."

Operator Acknowledges the condition. Permanent toilets are provided at the Woodland Plant site and chemical toilets are used on site as necessary.

- q) Section 10-4.429: All off-channel surface mining operations shall comply with the following setbacks:

(a) New processing plants and material stockpiles shall be located a minimum of 1,000 feet from public rights-of-way, public recreation areas, and/or off-site residences, unless alternate measures to reduce potential noise, dust, and aesthetic impacts are developed and implemented;

(b) Soil stockpiles shall be located a minimum of 500 feet from public rights-of-way, public recreation areas, and off-site residences, unless alternate measures to reduce potential dust and aesthetic impacts are developed and implemented;

(c) Off-channel excavations shall maintain a minimum 1,000 foot setback from public rights-of-way and adjacent property lines off-site residences, unless a landscaped buffer is provided or site-specific characteristics reduce potential aesthetic impacts. Where landscaped buffers are proposed, the setback for off-channel excavations may be reduced to a minimum of fifty (50') feet from either the property line or the adjoining right-of-way, whichever is greater. Where mining occurs within 1,000 feet of a public right-of-way, operators shall phase mining such that no more than fifty (50) acres of the area that lies within 1,000 feet of the right-of-way would be actively disturbed at any time, except where operations are adequately screened from public view. Where adequate screening exists in the form of mature vegetation and/or constructed berms that effectively block public views, the area of active disturbance within 1,000 feet of the right-of-way shall not exceed the area that is screened by more than fifty (50) acres at any one time. Actively disturbed areas are defined as those on which mining operations of any kind, or the implementation of reclamation such as grading, seeding, or installation of plant material are taking place.

(d) Proposed off-channel excavations located within the streamway influence boundary shall be set back a minimum of 700 feet from the existing channel bank, unless it is demonstrated that a smaller distance will not adversely affect channel stability. The evaluation of the potential for adverse effects of bank erosion or failure of the land separating pits located less than 700 feet from the active channel shall address, at a minimum, the following:

(1) The 200 foot setback area shall not include portions of the former historic active floodplain or formerly mined lands separated from the active channel by levees or unmined areas less than 200 feet wide (measured perpendicular to the active channel).

(2) Identification of the former historic positions of the Cache Creek channels as delineated in the CCRMP Technical Studies, and determination if the proposed project is located within the limits of the historic channel.

(3) Description of current channel hydraulic conditions (based on existing or site-specific hydraulic models) for the Cache Creek channel adjacent to the site and extending not less than 1,000 feet upstream and downstream of the site.

(4) Determination of the erosion potential of the stream bank adjacent to the site made on the basis of stream flow velocity and estimated shear stress on bank materials during 100-year flood flows and historic patterns of erosion.

(5) Analytical slope stability analysis in conformance with Sections [10-4.426](#) and [10-5.517](#) of this title. The analysis of the slopes separating the mining area from the creek

channel shall include evaluation of stability conditions during 100-year flood flows in the channel.

(6) Future proposed bank stabilization designs, if recommended, shall not conflict with channel design recommendations of the Cache Creek Resource Management Plan unless approved by the Technical Advisory Committee.

(e) Off-channel excavations shall be set back a minimum of twenty-five (25) feet from riparian vegetation; and

(f) Recreational facilities shall be located a minimum of 150 feet from private dwellings, with a landscaped buffer provided to reduce noise and maintain privacy, unless the dwelling is proposed to be an integral component of the recreational facility.

(g) No mining activities shall occur within 2,000 feet of the community boundaries of Capay, Esparto, Madison, Woodland, and/or Yolo. This setback may be reduced by up to 500 feet when existing mature vegetation, proposed landscape buffers of a sufficient height and density to create a visual buffer (consisting of native species and fence-row habitat appropriate to the area), or other site-specific characteristics reduce potential incompatibilities between urban land uses and mining. Commercial mining shall not take place east of County Road 96.

Operator acknowledges the condition. Per Section 10-4.416, the mining design minimizes capture. All mining and reclamation activities adhere to Section 10-4.429 setback regulations. Creek side frontage provides the required minimum 200 foot setback. The Muller and Coors mining sites were inspected for signs of erosion by a registered engineer from GEI Consultants (October, 2021). All drain features are in compliance with the approved mining plan. Condition 33 repeats Condition 26; see attached annual channel bank and levee monitoring report prepared by GEI Consultants.

- r) Section 10-4.430: During operations, the site shall be kept free of debris and maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions. All overburden shall be stockpiled and all stumps, brush, or other debris resulting from excavation and/or processing shall be properly disposed.

Operator acknowledges this condition. The site is kept clean or orderly.

- s) Section 10-4.432: Soil shall be cut in maximum depths in order to minimize traffic and limit compaction. The handling and transportation of soil shall be minimized. All handling of topsoil shall be accomplished when the soil is dry in order to avoid undue compaction.

Operator acknowledges this condition.

- t) Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40') feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and

leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to a 2:1 (horizontal:vertical) slope for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each workday where stockpiles have been disturbed during the active breeding season.

Operator acknowledges this condition

- u) Section 10-4.436: Existing vegetation and habitat to be retained shall be enclosed by temporary fencing to restrict access, protect against damage and/or provide buffers to reduce the impact of dust. Temporary fencing shall be a minimum of four (4') feet high. The disturbance of riparian or oak woodland vegetation, including identified off-channel vegetation. Replacement habitat and plantings shall be established where complete avoidance is not possible, according to a habitat restoration plan prepared by a qualified biologist, consistent with the goals of this plan.

Operator acknowledges this condition

- v) Section 10-4.437: No wastewater shall be directly discharged to Cache Creek. Sediment fines generated by aggregate processing shall either be used for agricultural soil enhancement, habitat restoration sites, or shall be placed in settling ponds, designed and operated in accordance with all applicable regulations, and used for backfill materials in off-channel excavations. Agricultural tailwater shall be diverted to catchment basins prior to its release to the creek.

Operator acknowledges this condition

- w) Section 10-4.438: Existing jurisdictional wetlands shall be retained to the extent possible. Replacement wetlands shall be provided where complete avoidance is not possible according to a habitat restoration plan prepared by a qualified wetland specialist and approved by jurisdictional agencies, ensuring no net loss of wetland acreage or habitat value.

Operator acknowledges this condition

- x) Section 10-4.605: Every ten (10) years after a surface mining permit has been approved, the Commission shall hold a public hearing in accordance with Article 5 of this chapter, for the purpose of amending the permit to bring it into conformance with applicable future environmental regulations and statutory changes. An additional public hearing may be held fifteen (15) years after a surface mining permit has been approved, at the discretion of the Commission. The Commission shall evaluate the permit to determine if there have been any subsequently adopted environmental regulations or statutory provisions which should be made applicable to the mining operation, even if such laws themselves are not made retroactive to affect the permit. For the purposes of this article, an environmental regulation

or statutory provision is one that is promulgated by a responsible or trustee agency that has authority for a particular natural resource (e.g., Yolo-Solano Air Quality Management District, California Department of Fish and Game, California Department of Conservation, Regional Water Quality Control Board, State Lands Commission, State Reclamation Board, etc.), including the County of Yolo.

As a part of this review, the Commission shall also consider whether per-ton fees to which the permit is subject, reasonably reflect actual costs. The fees shall be adjusted up or down accordingly.

Should the Commission decide to incorporate into the permit new regulatory or statutory provisions that were not available at the time of project approval, said provisions shall be applied as an amendment to the permit and processed in accordance with Article 6 of this chapter. The decision of the Commission may be appealed, in accordance with Article 10 of this chapter.

Operator acknowledges this condition.

35. The applicant shall comply with the requirements of the County Surface Mining Reclamation Ordinance including but not limited to Section 10-5.507 related to drainage, Section 10-5.508 related to erosion control, Section 10-5.510 related to fencing, Section 10-5.519 related to watercraft, Section 10-5.520 related to operational areas and haul roads, Section 10-5.521 related to stockpiles, Section 10-5.524 related to post-reclamation groundwater monitoring, Section 10-5.526 related to natural disasters, Article 7 related to financial assurances, and Article 10 related to fees. These requirements shall be referenced in the revised Reclamation Plan.

- a. Section 10.5-507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the twenty (20) year/one-hour storm or less. For events greater than the twenty (20) year/one-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

Per Section 10-5.507, the reclamation submittals were found to be in compliance with drainage and detention regulations. Regarding deed restrictions allowing drainage inspection by county staff and owner's responsibility for maintenance. Deed recordation will occur between now and the return of Teichert's reclamation bond. No further action necessary at this time.

- b. Section 10.5-508: The grading of final slopes, the replacement of soil, and associated erosion control measures shall take place prior to November 1 in areas where mining has been

completed. To minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Per Section 10-5.508, a drought-tolerant, weed-free mix of native and grass species will be established on final slopes. Erosion control measures are implemented prior to the onset of the rainy season. Generally, final slopes are reclaimed as mining progresses. Condition acknowledged.

- c. Section 10.5-510: Open wet pits shall be fenced with a forty-two (42") inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

Per Section 10-5.510, open wet pits will be fenced using four-strand barbed wire. Regarding the placement on the deed of a requirement that fencing and gates be maintained after the completion of reclamation, please refer to the letter mailed to the property owners informing them of this responsibility. Recordation will occur between now and the return of the financial assurances.

- d. Section 10.5-519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

No motorized watercraft to be used, aside from wildlife mercury bioaccumulation monitoring as allowed. Condition acknowledged.

- e. Section 10.5-520: Operational areas and haul roads that are not required for future use of the site shall be ripped, resoiled, and prepared accordingly, to allow for replanting.

Operator acknowledges this condition.

- f. Section 10.5-521: There shall be no permanent piles of mine waste and/or overburden. Berms established for visual screening and noise abatement shall be contoured to conform visually with the surrounding topography.

Operator acknowledges this condition.

- g. Section 10.5-524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet-pit mining continues for (10) years after the completion of reclamation.

Operator acknowledges this condition.

- h. Section 10.5-526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

As directed by Section 10-5.526, repair of damage due to natural disaster is a contingency cost included in the financial assurance estimate. Operator acknowledges the requirements of the condition.

36. The operator shall implement an explicit educational program that alerts project employees to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional.

Operator acknowledges the condition. The training video was prepared by Jensen & Associates, a firm which provides archaeological, historical and cultural resource management services. Operator has thoroughly educated employees regarding cultural and habitat conventions. The training video will continue to be shown intermittently to employees throughout the entitlement period.

37. Exposed slopes shall be inspected by a geotechnical engineer or certified engineering geologist every 10 to 15 feet of excavation depth or at least once per year for subsurface conditions that could affect slope stability.

Operator acknowledges this condition. See attached GEI Consulting report from October 2021.

38. The hours of operation for the mining site are 6:00am to 6:00pm Monday through Saturday. Occasional 24-hour operations to fulfill contract requirements are allowed within the regulations established in Section 10-4.421 of the mining ordinance. The hours of operation for the Teichert-Woodland plant are 6:00am to 6:00pm Monday through Friday. For the months of August, September, and October, hours may be extended to 10:00pm (Monday through Friday) and 6:00am to 6:00pm Saturday and/or Sunday subject to compliance with Section 10-4.421 of the Mining Ordinance.

Operator acknowledges the terms of this condition.

39. The Applicant shall implement the following standard measures during construction and operation to reduce emissions of equipment and vehicle exhaust (YSAQMD 2007, BAAQMD 1999, SCAQMD 2008):

The project specifications shall include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to five minutes at any location;

Grid power shall be used instead of diesel generators when the following conditions are feasible:

- Grid power is available,
- Construction is within 100 feet of the grid power source,
- Portable electrical cabling is feasible, and

The grid power source is the proper voltage, amperage and can be connected without effect to the entity being supplied by the grid power.

A schedule of low-emissions tune-ups shall be developed and such tune-ups shall be performed on all equipment, particularly for haul and delivery trucks under company ownership;

- The fleet of off road mobile equipment at the project site shall meet the requirements of the ARB In-Use Off Road Diesel Vehicle Regulation, as it applies to large fleets.
- Alternative-fuel-powered equipment (i.e. natural gas, biodiesel, and electric) shall be used when feasible.

Operator acknowledges the terms of this condition.

40. In order to protect surface water and groundwater quality, the applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements by implementing a project Stormwater Pollution Prevention Plan (SWPPP) if required by the RWQCB. If the RWQCB does not require a SWPPP, the applicant shall implement an equivalent plan regulated by the County Department of Environmental Health.

Operator acknowledges this condition. A SWPPP is not required for operations where stormwater is contained on-site. No off-site discharge of stormwater is proposed under this permit. Therefore, no SWPPP is required. The Yolo County Environmental Health Division Department is the regulatory agency for the Hazardous Materials Business Plan. Compliance with this condition is documented with respect to the Woodland Properties permit (ZF No. 95-095).

41. Pursuant to the Slope Stability Evaluation (Geocon May 2011) appropriate erosion control measures and best management practices (BMP) devices should be installed to reduce long-term slope degradation.

Operator acknowledges the terms of this condition and BMPs are in place as needed.

42. Pursuant to the Slope Stability Evaluation (Geocon May 2011) the applicant shall train onsite workers regarding seismic safety issues, including appropriate actions to be taken during a seismic event.

Operator acknowledges the terms of this condition.

EIR MITIGATION MEASURES

AESTHETICS

43. **Mitigation Measure 4.4-1:** The applicant shall submit a Vegetation and Maintenance Plan to the County for approval prior to initiation of mining for the 15-foot landscaped buffer along County Road 96. The Vegetation and Maintenance Plan shall be prepared by a qualified landscape architect. The Vegetation and Maintenance Plan shall be consistent with the plant material requirements described in the Reclamation Plan as modified by Mitigation Measure 4.2-2c, and include the following elements:

Native planting palette; this should include native non-deciduous 15-gallon trees such as coast live oak and valley oak, as well as larger shrubs such as coffee berry, coyote brush, toyon, blue elderberry, California wild rose, and California blackberry. Trees and shrubs should be planted in a natural mosaic pattern, rather than a linear alignment, and should be arranged to maximize screening with shrubs concentrated at the east edge of the planting area and trees on the west edge. Spacing of tree plantings should be approximately 20 feet on center to prevent future crowding and long-term decline in condition while still providing relatively rapid screening. Shrub plantings should be spaced in mosaics of same and mixed species on 5-foot centers.

Timing; the screening buffer shall be fully installed prior to the initiation of mining activities.

Maintenance Program; the Maintenance Program shall include irrigation frequency and duration during the first 5 years of planting in the vegetation buffer; annual monitoring during the spring of vegetation survival (which shall be 100 percent); a replacement protocol for dead or struggling vegetation; and weed

control measures. Responsibility for the Maintenance Program shall be identified and maintenance activities shall be performed by a qualified vegetation management specialist.

Annual Reporting; the Vegetation and Maintenance Plan shall include provisions for annual reporting of maintenance activities and conformance with the Maintenance Program to the County.

Operator acknowledges the terms of this condition. A Vegetation and Maintenance Plan addressing the 15-foot landscaped buffer along County Road 96 was submitted to the County in May 2013 as part of the revised reclamation plan, as required under Condition 26.

44. **Mitigation Measure 4.4-2:** In accordance with Mitigation Measure 4.4-1, the applicant shall prepare and submit a Vegetation and Maintenance Plan to the County for approval. This plan shall include installation of a landscape buffer along the eastern edge of the proposed mining area. In areas where previous mining activities have resulted in the removal of the County right-of-way, Teichert shall conduct whatever earthmoving activities are necessary to re-establish the right-of-way so that the proper setback is in place and the screening can be installed. The Vegetation and Maintenance Plan shall specify plantings adjacent to the County Road 96 turnaround, including vines that will grow on the fence and create an effective screen. All requirements included in Mitigation Measure 4.4-1 shall apply to the extended landscape buffer.

Operator acknowledges the terms of this condition. A Vegetation and Maintenance Plan addressing the 15-foot landscaped buffer along County Road 96 was submitted to the County in November 2013 as part of the revised reclamation plan, as required under Condition 26.

BIOLOGICAL RESOURCES

45. **Mitigation Measure 4.2-1a: Valley Elderberry Longhorn Beetle.** Teichert shall coordinate with the United States Fish and Wildlife Service (USFWS) regarding whether the Project's impacts to on-site elderberry shrubs would result in "appreciable effects" to valley elderberry longhorn beetle (VELB). If the USFWS concurs that no "appreciable effects" to VELB would occur as a result of the Project, no further mitigation is necessary.

If the USFWS does not concur with the no effect finding, Teichert shall develop a low-effect project Habitat Conservation Plan (HCP) that addresses potential impacts to the taxon, including direct impacts of mining and indirect impacts such as dust generated by mining activities. At a minimum, the project HCP shall be consistent with the USFWS's Conservation Guidelines for the Valley Elderberry Longhorn Beetle (1999) that were developed to assist federal agencies and non-federal project applicants needing incidental take authorization through a Section 7 consultation or a Section 10(a)(1)(B) permit in developing measures to avoid and minimize adverse effects to VELB.

If the USFWS determines that an incidental take authorization is required, a VELB Mitigation Program shall be prepared for Teichert by a qualified invertebrate biologist in consultation with the USFWS. The Mitigation Program must do one or more of the following: a) implement an on-site mitigation and monitoring plan that includes transplantation of shrubs and planting of elderberry seedlings in a permanently protected location consistent with the 1999 Conservation Guidelines; or b) obtain credits for VELB habitat at a USFWS approved mitigation bank. Prior to issuance of any grading permits within 100 feet of any elderberry shrubs on the site shown on Figure 4.2-1 of the Draft EIR, including shrubs located on the creek-side of the levee road, Teichert shall provide written verification to the County Planning and Public Works Department that the requirements of the USFWS have been satisfied.

Operator acknowledges the terms of this condition. No VELB take will occur.

46. **Mitigation Measure 4.2-1b: Nest Avoidance for Non-Listed Migratory Birds Protected under the federal Migratory Bird Treaty Act (MBTA).** The applicant shall comply with the MBTA through controls on vegetation removal, conduct of pre-mining surveys, and nest avoidance, where required.

Documentation of all pre-mining surveys shall be submitted to the County for review and approval prior to the initiation of mining activities. These shall be accomplished according to the following provisions:

Restrictions on Vegetation Removal to Avoid Nesting Birds. To avoid and minimize potential impacts on nesting birds, Teichert shall not remove trees and shrubs on the site during the nesting season (February 1 to August 31). This vegetation shall only be removed from September 1 through January 31, to the extent feasible.

Pre-mining Nesting Surveys. If the Applicant initiates mining during the nesting season (between February 1 to August 31), pre-mining surveys shall be conducted no more than 30 days prior to any activities in potential nesting areas within the Project. A qualified biologist shall conduct pre-mining surveys and monitor mining areas with suitable nesting habitat continuously for bird nesting activities and inspect animal burrows for burrowing owl nests, prior to site clearing and grading. All ground areas shall be surveyed prior to any mining activities and initial grading. Raptor nesting surveys shall include examination of all trees and shrubs within 500 feet of the mining area. All trees that will be removed shall be surveyed prior to removal.

Active Nest Avoidance. Any active nests of non-listed birds found in or adjacent to mining-related disturbance areas shall be fenced with a 300 foot radius buffer around the nest location for raptors and 100-feet for non-raptors. These buffer distances may be reduced if the qualified biologist determines that the nesting birds are acclimated to the project and related disturbance, and otherwise will not be adversely affected by mining activities. At a minimum, the non-disturbance buffer shall be a radius of 100 feet around the nest location for raptors and 50 feet for non-raptors. If the nest location is on an adjacent property or property that cannot be accessed, the portion of the buffer that occurs within the Project Site shall be fenced. When mining buffers are reduced in size, the qualified biologist shall monitor distress levels of the nesting birds while the birds nest and mining persists. If it is determined that mining could result in reproductive failure or nest abandonment, mining shall be postponed in the immediate area until young have fledged. In cases where mining activities cannot be postponed, the qualified biologist shall coordinate with CDFG and USFWS, and at a minimum, the respective 300- and 100-foot buffers shall be implemented.

Operator acknowledges the terms of this condition. All preconstruction surveys were completed and reports completed and submitted.

47. **Mitigation Measure 4.2-1c: Nest Avoidance for Swainson's Hawk.** Teichert shall retain a qualified biologist to ensure that active Swainson's hawk nests are not disturbed during the nesting season (between February 1 and August 31). The timing and methodology for conducting Swainson's hawk nesting surveys shall follow the latest guidelines recognized by CDFG, currently defined in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Documentation of all nesting surveys shall be submitted to the County for review and approval prior within 30 days of completion of the surveys. The following protective measures shall be employed by the qualified biologist to avoid impacts to nesting Swainson's hawks:

- Prior to initiation of mining activity, conduct surveys for nesting Swainson's hawks within at least 0.5 miles of the Project Site boundaries.
- Identify and map all active Swainson's hawk nests observed during the surveys.
- If no Swainson's hawk nests are found within 0.25 miles, proceed with mining activity with no further restrictions.
- If Swainson's hawk nests are found, identify and map all new work areas within 0.25 miles of the active nest(s).
- Evaluate visibility from the nest(s) based on distance, line-of-sight (topography, barriers) and nest(s) position in tree.
- Evaluate history of the active nest location (i.e., could the nesting pair be sufficiently habituated to mining disturbances due to other ongoing mining activity).

- If a new nest site is established within 0.25 miles of planned Project-activities and it is determined that the nest is subject to disturbance-related impacts, postpone mining activities until nesting activity is completed (young have fledged or failed nest).
- Once nesting activity is completed, proceed with mining activities with no further restrictions.

Alternatively, the qualified biologist can monitor any active nests that are within 0.25 miles or less from mining activities to determine if the individuals are exhibiting any behaviors that would suggest that nest abandonment could occur. If the qualified biologist determines that disturbance is sufficient to cause nest abandonment, all activities within 0.25 miles of the nest shall be terminated until the young-of-the-year are no longer reliant upon the nest. Under no circumstances shall mining activities be initiated within a minimum buffer of 800 feet of an active nest once nesting has begun. Note that no restrictions on mining activities are required in relation to active nests beyond 800 feet if nesting is initiated after active mining has begun.

Operator acknowledges the terms of this condition. Preconstruction surveys were completed and all nests were avoided as required.

48. **Mitigation Measure 4.2-1d: Loss of Swainson's Hawk Foraging Habitat.** Teichert shall mitigate for the temporary loss of the estimated 6.3 acres of suitable foraging habitat for Swainson's hawk disturbed by the Project in accordance with the provisions in the YNHP JPA interim management agreement to which both the County and the CDFG are signatories. Teichert shall either 1) participate in the Swainson's Hawk Interim Mitigation Fee Program for the 6.3 acres of suitable foraging habitat disturbed by the Project or 2) implement an equivalent Project-specific mitigation plan satisfactory to the JPA through establishment of a suitable conservation easement. As acceptable to the JPA, the mitigation may be phased to reflect timing of actual acreage impacted and reclaimed. In addition, the easements may be structured to reflect the term of the impact (e.g. permanent easements for mitigation of permanent loss and termed easements for interim loss). In the event that the Final Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) is adopted before mining is initiated, Teichert may participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk foraging habitat.

Operator acknowledges the terms of this condition. Mitigation Credits were purchased in July 2017 for all impacts to the 6.3 acres of Swainson's Hawk Foraging Habitat.

49. **Mitigation Measure 4.2-1e: Avoidance of Bank Swallow Nests.** Teichert shall retain a qualified biologist to ensure that active bank swallow nests are not disturbed during the nesting season (between March 1 through July 31). If the qualified biologist determines that swallows are nesting in areas where mining could result in injury or failed reproductive success, mining disturbance shall be postponed in the immediate area until young have fledged. In cases where mining activities cannot be postponed (for safety or significant schedule conflicts) the qualified biologist shall coordinate with CDFG and USFWS in advance of any disturbance within 200 feet of the nesting colony.

Stockpiles shall be maintained according to the Yolo County Off-Channel Surface Mining Ordinance (OCSMO) and inspected to ensure that bank swallows have not established nests in them. OCSMO Section 10-4.433 (Soil Stockpiles) establishes maximum height (40 feet) and slopes (2H:1V for inactive stockpiles and 1H:1V for stockpiles in daily use). Soil stockpiles shall be inspected weekly by a trained foreman from March 1 through July 31, if disturbance is planned during that period, to verify that no bank swallows have begun nesting activities in the slope areas. Teichert shall submit documentation to the County of the results of any biological surveys and inspections conducted in compliance with this mitigation measure within 30 days of completion of the surveys or inspections.

Operator acknowledges the terms of this condition. All preconstruction surveys were completed and reports completed and submitted.

50. **Mitigation Measure 4.2-1f: Western Pond Turtle Nest Avoidance.** A predisturbance survey for the western pond turtle shall be conducted by a qualified biologist no more than 30 days before ground

disturbance begins. Any western pond turtle encountered shall be relocated to secure pool habitat along Cache Creek selected by the qualified biologist, unless it is determined that they would most likely remain within the on-site ponds during mining and reclamation activities. Mining and reclamation workers shall be trained by the qualified biologist regarding the potential presence of western pond turtle, that this species is to be avoided, that the foreman must be notified if they are seen, and that grading activities shall be halted if individual turtles are at risk. If any western pond turtles are encountered on the site and are at risk, the qualified biologist or trained foreman shall relocate the individual to either one of the on-site ponds, if considered secure, or a secure location along the Cache Creek channel.

If an active western pond turtle nest is discovered during the pre-disturbance survey or operations, then the qualified biologist shall consult with CDFG to determine what mitigation measures shall be applied (i.e., buffer zones, alterations to the mining and/or reclamation schedule, installation of exclusionary fencing, or other acceptable protections) to avoid the area until nesting is complete. Teichert shall submit documentation of all pre-mining surveys shall be submitted to the County for review and approval prior to the initiation of mining activities.

Operator acknowledges the terms of this condition. All preconstruction surveys were completed and reports completed and submitted.

51. **Mitigation Measure 4.2-1g: Sanford's Arrowhead Avoidance.** A pre-mining survey for Sanford's arrowhead shall be conducted by a qualified biologist or botanist prior to any grading or vegetation removal within 100 feet of the on-site ponds to confirm absence of this species. If an occurrence of Sanford's arrowhead is encountered, a Sanford's Arrowhead Avoidance Program shall be developed by the qualified biologist or botanist to ensure habitat restoration activities associated with reclamation do not adversely affect the occurrence. This shall include a "no disturbance zone" providing a minimum setback of 25 feet for all grading and revegetation activities in the vicinity of the occurrence. Teichert shall submit documentation of all pre-mining surveys shall be submitted to the County for review and approval prior to the initiation of mining activities.

Operator acknowledges the terms of this condition. All preconstruction surveys were completed and reports completed and submitted.

52. **Mitigation Measure 4.2-2a: Reclamation Plan Implementation.** The Reclamation Plan shall be revised to provide a minimum success criterion for species richness in riparian oak woodland habitat and shall be fully implemented with annual monitoring reports provided to the county by August 31st of each year following completion of reclamation for a minimum of 5 years. Table 7 of the Reclamation Plan shall be revised under riparian oak woodland habitat type to include an additional minimum success criteria that reads "species richness must average at least six woody riparian oak woodland species per acre."

Operator acknowledges this condition. A revised reclamation plan that incorporates the referenced minimum success criteria was submitted to the County in November 2013.

53. **Mitigation Measure 4.2-2b: Reclamation Plan Enhancement.** The Reclamation Plan shall be revised to provide for additional wetland and riparian enhancement around the shoreline of the reclaimed pond and existing ponds, consistent with the intent of Action 6.4-2 of the OCMP. Specifically:
- Additional wetland and riparian habitat shall be created by installing terraces at appropriate elevations along the western and northern edge of the seasonal pond, modifying the locations and configurations of the proposed riparian wetland nodes, and installing terraces at appropriate elevations along portions of the edge of the existing ponds, as illustrated in Figures 4.2-2 and 4.2-3. The terraces (labeled "Riparian Enhancement" on Figure 4.2-2) and revised riparian wetland nodes shall be similar in elevation and function under similar conditions as the three "Riparian Wetland" nodes depicted in Figure 4 of the Proposed Reclamation Plan.

In addition to the enhancements shown on Figures 4.2-2 and 4.2-3, Teichert shall ensure that the southwest and southeast corners of the mining pit are reclaimed with more fanning, scalloping,

and more gradual slopes than depicted. Implementation of the mining plan variation shown in the inset of Figure 4.2-2 would accomplish this in the southeast corner. Planting plans, success criteria and monitoring provisions for these areas shall be revised from "Grassland" to "Riparian Wetland." Target acreages for created "Grassland" and "Riparian Wetland" habitat shall be adjusted accordingly in Table 1 in Section 4.0 of the Reclamation Plan. Slopes in one or two locations along the expanded terraces around the reclaimed pond shall be gentle enough to allow for future pedestrian access to the shoreline of the reclaimed pond. The additional wetland and riparian habitat areas shall be engineered so that they do not increase the potential for pit-capture during major flood events, given their location within the 700-foot setback area called for in the OCSMO.

- An oak woodland landscaped buffer shall be created within the upland area along the eastern shore as shown on Figure 4.2-2 and 4.4-7. This oak woodland landscaped buffer, which shall be more densely planted than typical oak woodland elsewhere at the Project Site, shall be installed and maintained consistent with the objectives of creating a visual screen and managed according to the Vegetation and Maintenance Plan described in Mitigation Measure 4.4-1.

Operator acknowledges this condition. A revised reclamation plan that incorporates the changes described above was submitted to the County in November 2013.

54. **Mitigation Measure 4.2-2c: Reclamation Plan Invasive Species Controls.** The Reclamation Plan shall be revised to provide for additional controls on preventing the establishment and spread of invasive species to reduce competition with target species to be planted and seeded on the site. These shall consist of the following revisions to the proposed Reclamation Plan.

- Use of soft-chess brome (*Bromus hordeaceus*) and Rose clover (*Trifolium hirtum*) shall be eliminated in all grassland seeding on the site, and substituted with native California brome (*Bromus carinatus*) to prevent further establishment of these invasive species on the site. This shall include substitution in the seed mix for soil stockpiles in Section 3.3 and seeding specifications in Table 2 in Section 5.1.
- Use of slow-release fertilizer as part of grassland seeding and planting of plugs shall be prohibited to prevent the encouragement of invasive species plant growth. This shall include deleting the reference to the application of fertilizer at the end of Section 5.2.
- Section 6.1.1 shall be revised to specify that native grass straw will be spread on all slopes receiving grass seed, at a rate of one bale for every 800 square feet of surface area. Seed and straw will be adhered in place to prevent wind drift using a sprayed tackifier typically used in the hydroseeding process. Seed, straw, and tackifier installation will occur on a calm day with little or no winds to ensure even installation of broadcast seed, distribution of straw, and successful layer of tackifier.

Section 7.2.1 shall be revised to include the use of weed control fabric at the base of each planting. Fabric shall extend a minimum 1-foot radius from each tree and shrub planting, and shall be stapled into the ground to remain in place.

Operator acknowledges this condition. A revised reclamation plan that incorporates the changes described above was submitted to the County in November 2013.

55. **Mitigation Measure 4.2-2d: Tree Protection.** Consistent with Section 10-4.436 of the OCMP, temporary construction fencing a minimum of four feet in height shall be installed around the base of trees to be retained along the edges of Magnolia Canal, County Road 96, and along the eastern edge of the Project Site to prevent inadvertent damage during mining and reclamation activities. The fencing shall remain in place during all phases of mining where equipment operation could result in injury to the root and trunks of trees to be retained. Fence locations shall be determined under the direction of a qualified biologist or certified arborist, providing a minimum setback distance of 10 feet from trunks of trees to be retained. Any incursion into this minimum setback zone required to accommodate and install the temporary sound barrier fencing shall be reviewed and approved by the qualified biologist or certified arborist, with

adjustments made in the field to prevent damage to individual tree trunks and tree root zones. Equipment storage and other mining-related activities shall be prohibited within the fenced trunk setback zone.

Operator acknowledges the terms of this condition.

HYDROLOGY AND WATER QUALITY

56. **Mitigation Measure 4.3-1:** To ensure that that the project does not increase flood water elevations, all mining and material storage activities shall adhere to a “no net fill” policy when working within the FEMA flood hazard zone. Specifically, Teichert shall:

- 1) Initiate mining in the southwestern portion of the Project Site (within the floodplain) and a minimum of 4,500 cubic yards (i.e., the volume of the portion of the berm to be located within the floodplain) shall be excavated and transported to the Teichert-Woodland plant prior to October 15 of the first year of operation to ensure that there is no net fill in the floodplain. Teichert shall provide the County documentation of the amount of material used to construct the berm (within the floodplain) and the amount of materials mined and sent to the Teichert Woodland plant prior to October 15 of the first year of mining at the site.
- 2) Continue to extract material from the mining area in a way that maintains a net increase in floodplain storage capacity (i.e., more material is removed from the floodplain than is placed there) for the duration of mining. If Teichert intends to place stockpiles in the floodplain prior to mining/transport of 300,000 cubic yards or more of material from the floodplain, then Teichert shall submit documentation to the County that demonstrates that more material has been removed than will be placed in the floodplain.
- 3) Orient stockpiles located within the floodplain during the wet season (October 15 to April 15) in a direction that is parallel to the direction of Cache Creek flows to ensure that the piles do not block or redirect flood flows.

In addition, upon completion of mining and grading for reclamation, Teichert shall coordinate with FEMA to revise or amend the FIRM to reflect the change in topography and the extent of the 100-year flood hazard zone. The revision or amendment process shall be completed within one year after reclamation grading is complete.

Operator acknowledges the terms of this condition.

NOISE

57. **Mitigation Measure 4.1-1a:** Without mitigation, nighttime mining under the Project is likely to exceed applicable noise thresholds. In addition, it is possible that daytime mining could exceed applicable thresholds. For these reasons, the Project applicant shall comply with the following:

Construct Noise Barrier. An 8-foot high wood fence shall be constructed in the location shown on Figure 3-5 prior to the initiation of mining activities. The fence shall be at least one-inch thick and contain no gaps. If wood slat construction is to be used, there shall be a 50 percent overlap of each slat so that no gaps will form over time with. As an alternative, a one-inch thick plywood barrier could be used, with slats covering the joints where plywood sheets would abut.

Restrict Nighttime Mining. Nighttime mining shall not be conducted until a pit has been excavated so that the top of all mining equipment is below surrounding grade. When nighttime mining is first initiated, a qualified acoustical consultant or engineer shall be present to monitor noise levels at the property boundary to ensure that applicable thresholds are met.

Conduct Noise Monitoring. Teichert shall retain a qualified acoustical consultant or engineer to conduct the monitoring in accordance with standard noise monitoring methodology. Noise monitoring shall be initiated at the first occurrence of nighttime mining. The duration of monitoring at the initiation of nighttime mining shall be determined by the qualified acoustical consultant or engineer. Noise measuring locations

shall be selected to be representative of the locations of the off-site receptors. For the period when noise monitoring is conducted, the acoustical consultant or engineer shall obtain representative meteorological data, including general observations on weather conditions, including wind speed, wind direction, relative humidity, air temperature, and precipitation. The level of activity at the Project Site shall represent worst-case noise conditions. The acoustical consultant or engineer shall consider the depth and proximity of mining to the receptors when determining the worst-case noise conditions. The acoustical consultant or engineer shall evaluate the collected data to determine the measured hourly A-weighted sound level at each noise monitoring location. Measurements shall be evaluated to determine the noise levels at the Project Site and at the nearest farm dwellings and the values shall be compared to the following standard: *From 6:00 PM to 6:00 AM, noise levels shall not exceed 65 dBA Leq measured at the property boundaries of the site. At no time shall noise levels exceed a CNEL of 60 dBA at any farm dwelling.*

The noise consultant shall conduct other analyses determined necessary or useful for demonstrating whether the Project is compliance with the noise standards.

Report Results. The acoustical consultant or engineer shall produce a report documenting the noise monitoring conducted for the proposed Project and this report shall be submitted to the Yolo County Planning and Public Works Department. The report shall include: 1) a description of the methods used to conduct the noise monitoring, including details on the test personnel, the meteorological conditions, the Project layout and measurement locations, and the test equipment; 2) a thorough presentation of the measured sound level data including explanatory or summary graphics, tables, and charts, as appropriate; and 3) a summary discussion relating the measured results to the requirements of the noise performance standards.

The final report shall be provided to the Yolo County Planning and Public Works Department no later than 60 days or two months after the completion of the on-site noise monitoring.

In the event that the OCSMO noise standards are exceeded, the Project applicant shall provide information to the Yolo County Planning and Public Works Department within 48 hours of the exceedance, identifying the source of the exceedance (e.g., unusually noisy activities, broken muffler, emergency repair) and identifying the corrective actions that have been implemented to reduce the noise. If the noise levels cannot be mitigated to applicable thresholds, then operations shall be ceased until a methodology is implemented to meet the thresholds.

Operator acknowledges the terms of this condition. Fencing was installed prior to mining and nighttime mining has not taken place.

58. **Mitigation Measure 4.1-1b:** It is possible that the conveyor will be moved as mining occurs in different parts of the Site. To ensure that the noise level at the property line from the conveyor start-up system alarms remain at or below the OCSMO noise standards of 80 dBA between 6:00 AM to 6:00 PM and 65 dBA between 6:00 PM. To 6:00 AM, the conveyor start-up system alarms shall not be placed within 800 feet of a farm dwelling.

Operator acknowledges the terms of this condition.

STATE OMR REQUIREMENTS

59. Pursuant to the September 17, 2012 comments of the State Office of Mine Reclamation (OMR) the applicant shall make the following modifications to the Reclamation Plan within six months of approval:
- Add a termination date to the plan that coincides with the terms of the permit approval (SMARA 2772c3);
 - Add a section to the plan describing measures that will be taken to protect public health and safety such as signage, fencing, gates, etc. (CCR 3502b2);
 - Show where all equipment, supplies, and other materials is stored and include a statement that waste will be disposed of according to state and local health and safety ordinances (CCR 3709a);

- d. Include erosion control measures to protect the levee from potential overtopping during a high-flow event that is greater than the 100-year discharge (CCR 3502, 3704);
- e. Show the proposed location of berms and v-ditches on the mining plans and conceptual reclamation plan sheets; inconsistencies between the engineered drawings and the reclamation plan text shall be revised; design calculations and typical cross-section drawings shall be included to ensure that stormwater conveyance structures are designed to handle runoff from not less than a 20-year/1 hour intensity storm event. (CCR 3706d);
- f. Include a provision that requires topsoil stockpiles to be clearly identified in the field to prevent inadvertent use (CCR 3711d).
- g. Add the applicant's signed statement accepting responsibility for reclaiming the mined lands in accordance with the approved reclamation plan. This statement was provided with the application materials; however it shall be added to the final reclamation plan pursuant to (SMARA 2772c10).

Operator acknowledges this condition. A revised reclamation plan that incorporates the changes described above was submitted to the County in November 2013.

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

- 60. Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions.

Operator acknowledges this condition.

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

Operator acknowledges this condition.

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

Operator acknowledges this condition.

- 63. Comply with the performance standards included in Section 10-4.422 (Noise: Sonic Safety Devices) of the Mining Ordinance as related to nighttime mining within 1,500 feet of a residence.

Operator acknowledges this condition.

2023 OFF CHANNEL MINING ANNUAL REPORT

TEICHERT MATERIALS Shifler Mining and Reclamation Project CA Mine ID #91-57-0024

MINING AND RECLAMATION STATUS OVERVIEW

The Shifler Mining and Reclamation Project (ZF 2018-0078) was approved in January of 2022. The reclamation plan was amended, and all conditions of approval required to commence mining were satisfied. Mining began in June of 2022.

ENTITLEMENT HISTORY

- **DEVELOPMENT AGREEMENT**

Development Agreement number 22-16 was approved by the Board of Supervisors on January 11th, 2022.

- **YOLO COUNTY APPROVALS**

Zone File No. 2018-0078 was approved by the Board of Supervisors on January 11th, 2022.

SEC. 10-4.701 ANNUAL REPORTS: CONTENTS

SEC. 10-4.701(A)-SITE PLAN

Please see enclosed Site Plan for mining status.

SEC. 10-4.701(B)-MATERIAL PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(C)-RECYCLE PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(D)-GROUNDWATER MONITORING

Please see enclosed “Groundwater Conditions in the Vicinity of the Woodland Plant Site, 2023” as prepared by Luhdorff & Scalmanini and dated October 2023.

SEC. 10.4.701(E)-AGRICULTURAL REPORT

Agricultural Reclamation has not yet commenced.

SEC. 10-4.701(F)-BIOLOGICAL RECLAMATION MONITORING

Reclamation activity has not yet commenced.

SEC. 10-4.701(G)-SLOPE STABILITY REPORT

Please see enclosed “Annual Report on Channel Bank and Levee Conditions Woodland Properties” as prepared by GEI Consultants and dated October 2022. Additionally, the 2023 Inspection was completed on October 10th, 2023.

SEC. 10-4.701(H)-EXTENT OF MINING

Please see enclosed SMARA Reclamation Exhibits which detail the extent of mining in the Shifler Property.

SEC. 10-4.701(I)-CONDITION OF APPROVAL COMPLIANCE

Please see below for a list of each of the conditions with a response to the compliance status:

Conditions for ZF# 2018-0078 area as follows:

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

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

Operator acknowledges the requirements of the condition. The lawsuit filed by Yolo Land and Water Defense was decided in the County's favor in Superior Court. They decided to appeal the decision and that is currently pending.

2. The maximum permitted annual “base” tonnage allowed for this project (Teichert Shifler) is 1,800,000 tons (sold weight) and/or 2,117,648 tons (mined weight). Tons sold in any given year may not exceed this amount.

Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, these limits shall not apply to recycled concrete or asphalt, or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the requirements of the condition.

3. The maximum total tonnage allowed for this operation (Teichert Shifler) over the life of the permit is 30,000,000 tons (sold weight) and/or 35,400,000 (mined weight). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled concrete or asphalt, or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the requirements of the condition.

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

Operator acknowledges the requirements of the condition. Teichert is current and up to date in paying all appropriate fees.

5. Pursuant to Section 10-11.02(e) of the Gravel Mining Fee Ordinance, operators approved to utilize the Twenty Percent Production Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose. This operator is not approved to utilize the Twenty Percent Exceedance.

Operator acknowledges the requirements of the condition. There will be no tons in excess of the base permitted amount, per condition 2.

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

Operator acknowledges the requirements of the condition.

7. The Mining Permit is approved for a period not to exceed 30 years, starting from the date the approval is granted (January 11, 2022). The permit expires on January 11, 2052. If permitted aggregate reserves are still available at the end of the approved 30-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

Operator acknowledges the requirements of the condition.

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

Operator acknowledges the requirements of the condition.

9. The operator shall amend the financial assurances as appropriate to reflect the modifications to the project, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in an amount to be determined, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining under the permit approval.

Operator acknowledges the requirements of the condition. The current Financial Assurance in place and held by the County and Division of Mine Reclamation is \$927,989.07.

10. The project to which these conditions are applicable is as described in the 2021 project EIR as the Moore Canal Avoidance Alternative (Alternative 4) and summarized in the Yolo County Board of Supervisors Staff Report (dated January 11, 2022) as modified to reflect the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description, as determined by Yolo County, may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

Operator acknowledges the requirements of the condition.

11. The project approval, including all permits and entitlements, shall not take effect until the Development Agreement between the County and the operator has been executed. The Development Agreement shall be executed within 30 days of the date of approval by the Board of Supervisors.

Operator acknowledges the requirements of the condition. This condition has been satisfied.

12. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Title 10, Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.

Operator acknowledges the requirements of the condition.

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

Operator acknowledges the requirements of the condition.

14. The aggregate material extracted from this site shall be processed at the adjoining Teichert Woodland plant facilities. Mining at Teichert Schwarzgruber shall be completed and final reclamation underway prior to transfer of mining tonnage allocation to Teichert Shifler and prior to commencement of mining activities at Teichert Shifler. The operator must notify the County in writing following conclusion of mining at Schwarzgruber and a minimum of 30 days prior to commencement of mining at Shifler informing the County that mining has ended, the status of final reclamation, and acknowledging that the Teichert Woodland plant facility is operating under the authority of the Teichert Shifler permit approval, from that point forward, for the purposes of processing material extracted from the Shifler site.

Mining at Teichert Esparto shall be completed and final reclamation underway prior to transfer of approved portion of mining tonnage allocation to Teichert Shifler. The operator must notify the County in writing following conclusion of mining at Teichert Esparto informing the County that mining has ended the status of final reclamation of the site, the status of closure/removal/reclamation of the plant, the timeframe for installation and operations of equipment transferred from the Esparto plant to the Woodland plant, and to request the transfer of the approved portion of mining tonnage allocation to the Teichert Shifler operation. The County shall have 30 days to respond to the request.

Operator acknowledges the requirements of the condition. Mining has ceased at Schwarzgruber. Mining continues in Esparto and there has been no transfer of tonnage to Shifler.

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

Operator acknowledges the requirements of the condition.

16. The mining and reclamation plans shall be revised within six months of approval to reflect the items listed below. Revised plans are subject to review and approval by staff (including review by the serving Riparian Biologist on the Cache Creek Technical Advisory Committee) to ensure substantial compliance with the conditions of approval.

- a) The reclamation acreage shall include reclamation of the full 319.3-acre project site.
- b) The addition of hedgerows and buffers described in f) below, and Condition 43.
- c) Install an irrigation system for buffers, berms, and other pre-reclamation plantings. Add a requirement that landscaping/vegetation be monitored annually and require replacement of dead or dying trees and vegetation.
- d) Reflect all changes necessary to be consistent with this approval, including all conditions of the approval, and all mitigation measures.
- e) 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. (2021 EIR MM 4.8-4(c))
- f) Conditions 30, 31, 32, and 33.
- g) The reclamation plan and narrative for the Shifler project shall be modified and resubmitted for staff confirmation of compliance to the reflect the following:

Seed Mix, Tree/Shrub Diversity, and Planting Methods

- Sec. 8.2.1 – Drill seeding of the 32.8 acres of grass slopes is preferred. If broadcast seeding is utilized, a harrow, trackwalker, or imprinter shall be used to ensure seeds are sufficiently buried to ensure seed-soil contact and ensure seeds are not exposed on the soil surface.

- Sec. 8.2.1 – The diversity of the grass slope seed mix specified in the Reclamation Plan narrative shall be increased to enhance habitat for wildlife and pollinators, as well as to increase resistance to invasion by non-native species. The addition of broadleaf species at the time of initial planting may not be feasible because of the need for broadleaf weed control. To address this the applicant will undertake a two-phase approach as follows: a) additional native grasses (e.g., creeping wildrye, California barley) shall be added to the mix with the total Pure Live Seed (PLS) measure adjusted accordingly; and, b) native forbs (such as gumplant, tom cat clover, and sky lupine) shall be seeded or plug-planted into the site after a sufficient period of broadleaf weed control (e.g., two years). This two-phase approach is appropriate to ensure both native forb reintroduction and broadleaf weed control.
- Sec. 8.2.1 – The Reclamation Plan narrative suggests that nonnative species naturalized, non-native annual plants may readily colonize revegetated areas. The implication is that this outcome is unavoidable and may actually contribute to creation of additional plant cover in the sense of a desirable outcome. This outcome is not desirable, as the species listed (esp. filaree) are widely recognized as detrimental to the long-term success of grassland restoration projects in Central California. The required higher diversity seed mix (see above) will help exclude such species. Further control of the non-native species listed will be required if necessary through management strategies such as strategic mowing and spot-treatment with herbicide.
- Sec. 8.2.3 – Lower riparian woodland. Successional native trees and shrubs (such as cottonwood; black, red, and arroyo willows; and mulefat) shall be actively planted in lower riparian zones. These species are key components of woody vegetation along lower Cache Creek, and are standard components of revegetation projects within the CCAP area. The applicant will assess natural establishment of these species after a two year period, and actively plant any species that are not naturally establishing into the site.
 - o Additional woody species shall be added to the planting list to increase native diversity and add value for wildlife (e.g., California blackberry, California wild rose, and/or dogwood).
 - o The seed mix applied to the understory of the lower riparian zone shall be customized to account for higher soil moisture, and include species such as creeping wildrye (via plugs) and broadleaf species like mugwort (and shall be added using the two-phase approach described above).
- Sec. 8.2.3 – Upper riparian woodland. To increase diversity and value for wildlife, additional woody species shall be added to the planting palette, such as interior live oak and California buckeye. Species such as purple needlegrass and creeping wildrye (planted via plugs) shall be included in the understory seed mix to augment the more diverse seed mix recommended above.
- Sec. 8.4 – The Reclamation Plan narrative states: “Plants collected and grown locally will always be given priority in the selection process”. This text shall be modified to be consistent with Sec. 10-5.601(c)(1) of the Reclamation Ordinance which specifically requires that all “native seeds, plants and cuttings used for reclamation and restoration activities shall be ecotypes of Cache Creek Watershed genetic origin, including areas outside of Yolo County, and of Yolo County genetic origin when materials are used that originate from outside of the Cache Creek Watershed” and that “Plant materials should be collected in the vicinity of the project site in order to control the origin of the genetic stock and provide the most site-adapted ecotypes.”

- Sec. 8.4.2 – Careful monitoring and treatment of non-native/invasive species is required on sites where natural recolonization is part of the formal reclamation strategy.
- Sec. 8.5.2 – The list of regularly-updated priority non-native and invasive species listed in the annual Cache Creek Status Report shall also be referenced for species to be controlled on reclamation/restoration sites.

Salvaged Soil Stockpiles

- Sec. 6.2 – Salvaged soil stockpiles are to be planted with a native species mix (similar or identical to the mix used for grass slopes). Native cover is required pursuant to Sec. 10-4.433 of the Mining Ordinance. A complete native species mix (similar or identical to the mix used for grass slopes) may be used or, to achieve similar results at reduced costs, a simplified mix may be planted including native annual Festuca, other fast-growing native species, and a sterile cover crop. Annual reseeding and control of noxious invasive species shall be undertaken to maintain native species planted on soil stockpiles. Where feasible, soils stockpiled for future use on reclaimed agricultural fields shall be planted in agricultural crops which will be harvested and/or managed annually to keep soil in good tilth, maintain organic matter, and promote soil aggregation. (House 10/1/2021)

Reclamation Design

- Per Sec. 10-5.533 of the Reclamation Ordinance, more variation is required regarding the design of the lake (e.g., shoreline heterogeneity). Specifically, sculpting and shoreline variation (e.g., a mix of slopes, terraces, and non-linear shoreline orientations) shall be added to increase habitat value and to “soften” the trapezoidal shape of the reclaimed lake and habitat. Peninsula(s) and island(s) are encouraged if feasible. In addition, additional consideration shall be given the north shore of the lake where the future connection to the Cache Creek Parkway will be made. Additional shoreline heterogeneity shall be included to maximize habitat, slopes in this area shall be as shallow as feasible in consideration of future public access, and breadth of shoreline shall be ensured, to accommodate future amenities such as picnic areas, shade trees, interpretive signage, and vantage points for visitors to see and appreciate wildlife and native habitat.
- Sec. 10-4.440 of the Mining Ordinance and Sec. 10-5.523 of the Reclamation Ordinance specify that native-planted hedgerows are to be planted between riparian habitat and agricultural fields. The reclamation design shall include native-planted hedgerows between all agricultural fields and adjacent habitat (including the north border of the Phase A agricultural field).

h) The reclamation plan and narrative for the Woodland plant site shall be modified and resubmitted for staff confirmation of compliance to the reflect the following:

The diversity of all seed mixes and woody vegetation planting palettes shall be increased, in a manner similar to that described above for the Shifler mining site, to add value for wildlife and increase the chance of long-term establishment of riparian habitat. Understory species shall also be planted in all reclamation zones designed as riparian forest and oak woodland habitat.

i) The Reclamation Narrative (Section 9.2, Table 8, page 30) shall be modified under Grassland Slopes, to add: Total absolute cover of herbaceous species shall be 10%; and b) under Lower Riparian Woodland, to increase total absolute cover of native woody species from at least 10% to at least 25%.

j) The Reclamation Narrative (Section 8.3, page 22) shall be modified to add a requirement for revegetation test plots on the site.

Operator acknowledges the requirements of the condition. The reclamation plan was modified and approved to reflect the requirements above. This condition has been satisfied.

17. Upon receipt of final Reclamation Plan from the applicant and acceptance of the plans by staff as satisfying the required Reclamation Plan modifications, the applicant shall assist the County in resubmittal of the final Mining and Reclamation Plans to the State Department of Conservations Division of Mine Reclamation pursuant to Public Resources Code (PRC) Sections 2772 and 2772.1.

Operator acknowledges the requirements of the condition. Condition Satisfied.

18. Upon approval of the final Reclamation Plan, the County shall record a “Notice of Reclamation Approval” with the County Recorder, pursuant to PRC Section 2772.7.

Operator acknowledges the requirements of the condition.

19. The applicant shall comply with the requirements of the County Off-Channel Surface Mining Ordinance including but not limited to: Section 10-4.402 related to access roads; Section 10-4.403 related to reporting of accidents and/or hazardous conditions at the site; Section 10-4.406 and 10-4.431 related to slopes and benches while mining; Section 10-4.410(b) related to human skeletal remains; Section 10-4.413 related to drainage; Section 10-4.414 related to dust control (including compliance with the requirements of the Yolo Solano Air Quality Management District); Section 10-4.415 related to equipment maintenance; Section 10-4.416 related to flood protection; Section 10-4.417 related to groundwater monitoring; Section 10-4.419 related to haul roads; Section 10-4.419.1 related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP); Section 10-4.420 related to lighting; Sections 10-4.421 and 10-4.422 related to noise, Section 10-4.424 related to other agency approvals, Section 10-4.425 related to parking; Section 10-4.427 related to protection of wells; Section 10-4.428 related to sanitary facilities; Section 10-4.429 related to setbacks; Section 10-4.430 related to site maintenance; Section 10-4.432 related to soil removal; Section 10-4.433 related to soil stockpiles; Section 10-4.436 related to vegetation protection; Section 10-4.437 related to wastewater discharge; Section 10-4.438 related to watercraft; Section 10-4.605 related to interim permit reviews; Article 7 related to annual reports; and Article 8 related to fees.

Operator acknowledges the requirements of the condition.

20. The applicant shall comply with the requirements of the County Surface Mining Reclamation Ordinance including but not limited to: Section 10-5.507 related to drainage (including the requirement to file various deed restrictions and inspections easements, and disclosure to property owners of the obligation to implement corrective action); Section 10-5.508 related to erosion control; Section 10-5.510 related to fencing; Section 10-5.518 prohibiting mining on reclaimed lands; Section 10-5.519 related to watercraft; Section 10-5.520 related to restoration of operational areas and haul road; Section 10-5.521 related to stockpiles following mining; Section 10-5.524 related to post-reclamation groundwater monitoring; Section 10-5.526 related to natural disasters; Section 10-5.528 prohibiting use of reclaimed pits for sewage or landfill purposes; Section 10-5.530 related to reclaimed slopes; Article 7 related to financial assurances; and Article 10 related to fees.

Operator acknowledges the requirements of the condition.

21. The applicant shall comply with the requirements of the County In-Channel Ordinance including but not limited to the performance standards in Article 4, Sections 10-3.401 through 10-3.419.

Operator acknowledges the requirements of the condition. No in-channel material removal was conducted.

22. In order to proceed with the proposed in-channel bar skimming, the applicant shall:
- a) prepare and submit the application materials identified in Article 5 of the County In-Channel Ordinance;
 - b) demonstrate compliance with the County In-Channel Ordinance;
 - c) prepare a hydraulic analysis to confirm public benefit through reduction of flood risk;
 - d) integrate/implement applicable mitigation measures from the CCAP Update EIR;
 - e) prepare necessary plans for excavation and creek restoration/reclamation subject to review and oversight by the Cache Creek Technical Advisory Committee (Cache Creek TAC), and approval by the County; and
 - f) secure a Flood Hazard Development Permit (FHDP).

Operator acknowledges the requirements of the condition.

23. The hours of operation for the mining site are 6:00 a.m. to 6:00 p.m. Monday through Saturday. Occasional 24-hour operations to fulfill contract requirements are allowed subject to compliance with Section 10-4.421 of the Mining Ordinance. The hours of operation for the Teichert-Woodland plant are 6:00 a.m. to 6:00 p.m. Monday through Friday. For the months of August, September, and October, hours 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 operations to fulfill contract requirements are allowed within the regulations established in Section 10-4.421 of the mining ordinance. If nighttime mining is undertaken, mining equipment used on-site shall direct all lighting downwards toward the active work area. Any area lighting, including safety lighting for the conveyor, shall be minimized and directed downward to illuminate only specific work areas.

Operator acknowledges the requirements of the condition.

24. Prior to commencement of mining, the applicant shall provide documentation to the county that the following approvals have been secured or are not required:
- Clean Water Act Section 404 Permit (U.S. Army Corps of Engineers);
 - Clean Water Act Section 401 Water Quality Certification (Central Valley RWQCB);
 - Waste Discharge Requirements (WDRs) for use of sediment fines from the Woodland plant site for reclamation of the project site (Central Valley RWQCB). These WDRs shall be obtained prior to use of such fines in reclamation;
 - SMARA Compliance Review (California Department of Conservation, Division of Mine Reclamation);

- Gas Well Abandonment Permit (California Department of Conservation, Division of Oil, Gas, and Geothermal Resources);
- Water Well Abandonment Permit (County Environmental Health Division); and
- Public Water System Permit (County Environmental Health Division).

Operator acknowledges the requirements of the condition. All required permits are in place.

25. The conveyor system, the proposed new water pipe for dewatering, and any other buildings or fixed equipment, shall be permitted by the building department and meet all applicable requirements of the Yolo County Flood Protection Ordinance. (County Building 12/10/2018)

Operator acknowledges the requirements of the condition.

26. Prior to building permit application, the applicant shall schedule a meeting with the building division to discuss use and occupancy classification, construction type, fire resistant construction, fire protection systems, egress, disabled access, and structural requirements for any proposed structures or fixed equipment. (County Building 12/10/2018)

Operator acknowledges the requirements of the condition.

27. Building and Fire permits in compliance with the California Building Code, California Fire Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, and California Green Building Code shall be required for all construction associated with this permit. (County Building 12/10/2018)

Operator acknowledges the requirements of the condition.

28. The applicant shall pay the appropriate fees prior to issuance of building permits, including but not limited to applicable school and fire district fees, county facility fees, and Environmental Health fees. (County Building 12/10/2018)

Operator acknowledges the requirements of the condition.

29. Site access for fire engines shall be coordinated with the local fire district chief. For more information please contact the Woodland/Springlake Fire Department at (530) 661-5855 or fire-prevention@cityofwoodland.org. (County Building 12/10/2018)

Operator acknowledges the requirements of the condition.

- 29.2. Prior to commencement of mining activities on the project site, the applicant shall coordinate with Pacific Gas and Electric Company (PG&E) to determine whether the project is adjacent or within proximity to PG&E facilities or infrastructure, and undergo appropriate plan review and inspection.

Operator acknowledges the requirements of the condition.

- 29.4. A) Nighttime Notification Requirements. The plant operator shall notify, via email, the County of Yolo and residents located within 500 feet of the Woodland Plant site and/or the Shifler mining site of any night operations that will occur after 8:00 p.m., with estimated start and end dates, or other operational changes that may affect such residents. In addition, the operator shall add any property owners/residents beyond 500 feet of the Woodland Plant site and/or the Shifler mining site to the notification list upon request. The operator shall update the list every year to ensure that names, email addresses, and contact information

are current. The notice shall state the dates and hours of nighttime activities, in addition to a contact name and phone number at the Woodland Plant. The notices shall be sent out to the property owners no less than one week in advance of the nighttime activity if the date is known that far in advance. Because many jobs are scheduled only a day or so in advance, notice shall immediately be sent to the contact list as soon as evening work is scheduled.

B) Complaint Log Requirements. The operator shall provide the County of Yolo and residents located within 500 feet of the Woodland Plant site and/or the Shifler mining site with a 24-hour contact name, email address, and phone number in order to allow citizens a mechanism to voice concern or lodge a complaint over any aspect of the mining operation. In addition, Teichert shall provide this information to residents who live more than 500 feet from the Woodland Plant site and/or the Shifler mining site upon request. A complaint log shall be maintained with all pertinent information and such log shall be submitted to the County Natural Resources Division at the end of every work week.

Operator acknowledges the requirements of the condition. No complaints have been filed this year.

AGRICULTURAL RESOURCES

30. The Reclamation Plans shall reflect the requirements of Section 10-5.511 and 10-5.512 of the Reclamation Ordinance related to field drainage and field releveling of reclaimed agricultural fields.

Operator acknowledges the requirements of the condition. No agricultural fields have been reclaimed to date.

31. The final distance between lowered surfaces reclaimed to agriculture and the average high groundwater shall not be less than five (5) feet, pursuant to the requirements of Section 10-5.516.

Operator acknowledges the requirements of the condition. No agricultural fields have been reclaimed to date.

32. Deleted.

33. Deleted.

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

Operator acknowledges the requirements of the condition. No agricultural fields have been reclaimed to date.

35. The applicant shall complete the following, subject to approval by the County:

- a) In accordance with the approved reclamation plan and conditions of approval, reclaim a minimum of 113.2 acres mined lands to agriculture, with enhancements to reclaimed soil quality and agricultural capacity as described in the proposed

Reclamation Plan. This acreage and the calculations below will ultimately be based on the final Reclamation Plan.

- b) Prior to the commencement of mining activity on any Prime Farmlands, Unique Farmlands, or Farmland of Statewide Importance, establish a permanent agricultural conservation easement on 408.9 acres (249.5 disturbed acres minus 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-g). The total acreage placed in permanent easement may be reduced to a minimum of 136.3 acres (249.5 disturbed acres minus 113.2 reclaimed 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 Prime Farmland.
- c) Prior to the commencement of mining activity on any Prime Farmlands, Unique Farmlands, or Farmland of Statewide Importance, establish a permanent agricultural conservation easement on 17.5 acres (0.5 disturbed acres plus 8.25 disturbed acres, at a 2:1 ratio) of equivalent or better (in quality and capability). Farmland of Statewide Importance and Unique Farmland compliant with the requirements in County Code Sections 8-2.404(d) and 8-2.404(e-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. (2021 EIR MM 4.2-1)

Operator acknowledges the requirements of the condition. Agricultural Conservation Easements have been acquired and recorded to mitigate for all agricultural impacts on all phases of the project. This condition has been satisfied.

AIR QUALITY

- 36. The Applicant shall comply with all applicable rules, regulations, and permit requirements of the Yolo Solano Air Quality Management District (YSAQMD) as may amended during the life of the permit, including the following standard measures during construction and operation to reduce emissions of equipment and vehicle exhaust:
 - The project specifications shall include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to five minutes at any location;
 - Grid power shall be used instead of diesel generators when the following conditions are feasible:
 - o Grid power is available,
 - o Construction is within 100 feet of the grid power source,
 - o Portable electrical cabling is feasible, and

o The grid power source is the proper voltage, amperage and can be connected without effect to the entity being supplied by the grid power.

- A schedule of low-emissions tune-ups shall be developed and such tune-ups shall be performed on all equipment, particularly for haul and delivery trucks under company ownership.

- The fleet of off road mobile equipment at the project site shall meet the requirements of the ARB In-Use Off Road Diesel Vehicle Regulation, as it applies to large fleets.

- Alternative-fuel-powered equipment (i.e. natural gas, biodiesel, and electric) shall be used when feasible.

Operator acknowledges the requirements of the condition.

ENERGY AND GREENHOUSE GAS EMISSIONS

37. Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, aggregate facilities shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions.

Operator acknowledges the requirements of the condition. The Woodland Plant has converted to Valley Clean Energy UltraGreen and UltraGreen Equivalent.

- 37.2. The Teichert Woodland plant and offices shall be powered by Valley Clean Energy (VCE) UltraGreen energy or equivalent 100 percent renewable/100 percent carbon-free electricity at the outset of mining.

Operator acknowledges the requirements of the condition. The Woodland Plant has converted to Valley Clean Energy UltraGreen and UltraGreen Equivalent.

38. The operator shall install and maintain electric conveyors to transport aggregate from the mining area to the processing plant site.

Operator acknowledges the requirements of the condition. Conveyors are installed, maintained and in use.

39. 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. (2021 EIR MM 4.3-7)

Operator acknowledges the requirements of the condition. GHG Reduction Plan was submitted, approved and implemented.

40. 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. (2021 EIR MM 4.3-8).

The applicant shall install appropriate infrastructure to provide charging capacity for at least one employee, and infrastructure to provide for charging of electric haul trucks or machinery.

Operator acknowledges the requirements of the condition.

BIOLOGICAL RESOURCES

41. Approximately 1.67 acres of Valley Oak Woodland habitat in the northeast corner of the project site, north of the Moore Canal, near the Magnolia Canal, including 45 of 52 existing trees (larger than six inches diameter at breast height (DBH)) shall be avoided and protected. Pursuant to Section 10-4.436 of the Mining Ordinance, this habitat area shall be protected against damage and dust, including protective fencing a minimum of four (4) feet high. Roads and trail shall be routed out of the area and tree dripline to the greatest feasible extent.

Operator acknowledges the requirements of the condition. Fencing has been installed.

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

Operator acknowledges the requirements of the condition. Stockpiles have been installed and seeded as required.

43. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, Section 10-4.440 of the Mining Ordinance, and Section 10-5.523 of the Reclamation Ordinance, hedgerows or other vegetated buffers are required between restored habitat areas and adjoining farmland, and shall be designed using entirely native species. These hedgerows and buffers are intended to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations. The Reclamation Plans shall be modified within six months of approval to include hedgerows separating the future lake and habitats areas from adjoining agriculture.

Operator acknowledges the requirements of the condition. No agricultural or habitat areas have been reclaimed to date.

44. General – 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). The project applicant's payment of Yolo HCP/NCCP fees shall fund acquisition of suitable habitat easements through the Yolo HCP/NCCP. Proof of payment of HCP/NCCP coverage and proof of fee payment shall be submitted to the Yolo Habitat Conservancy (YHC) and Natural Resources Division prior to the County issuing an HCP/NCCP Certificate of Approval and prior to the commencement of mining in any HCP/NCCP phase of disturbance. This requirement may be satisfied by phased payment of fees consistent with phased project approvals at the discretion of the YHC, in compliance with the following parameters:

- For purposes of Yolo HCP/NCCP compliance, each HCP/NCCP phase of disturbance shall generally be a minimum of fifty (50) acres in size. The project applicant may include one (1) smaller HCP/NCCP phase, approximately six (6) acres in size, located in the northeastern portion of the Project site. This smaller HCP/NCCP phase will encompass an area that will not be mined but will instead be used for the storage of material stockpiles and the parking of mining equipment and other construction vehicles.

- At least 30 days prior to ground disturbance within any HCP/NCCP phase of disturbance, the project applicant will submit a written request and Yolo HCP/NCCP application for private projects to the County and the Yolo Habitat Conservancy (YHC), including a narrative description and illustration of the HCP/NCCP phase of disturbance and a summary of the land cover impacts and required mitigation associated with that HCP/NCCP phase.

- Ground disturbance within an HCP/NCCP phase may not commence until the project applicant (i) remits payment of any applicable Yolo HCP/NCCP fees associated with the HCP/NCCP phase, (ii) implements any/all required AMMs associated with that HCP/NCCP phase, and (iii) the County issues an HCP/NCCP Certificate of Approval.

A delineation of the accepted HCP/NCCP phases of disturbance shall be on file with the YHC and the Natural Resources Division. (2021 EIR MM 4.4-1(a))

Operator acknowledges the requirements of the condition. Permits have been obtained and fees paid to the Yolo Habitat Conservancy for Phase 1.

45. Valley Elderberry Longhorn Beetle – Prior to initiation of any ground-disturbing activities associated with the project, 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 AMMs, as set forth in Condition 44, above. (2021 EIR MM 4.4-1(a))

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. (2021 EIR MM 4.4-1(b))

Operator acknowledges the requirements of the condition.

46. Western Pond Turtle – 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. (2021 EIR MM 4.4-1(c))

In addition, the project applicant will 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. (2021 EIR MM 4.4-1(d))

Operator acknowledges the requirements of the condition.

47. Northern Harrier and Short-Eared Owl – 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. (2021 EIR MM 4.4-1(e))

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. (2021 EIR MM 4.4-1(f))

Operator acknowledges the requirements of the condition.

48. Swainson's Hawk and White-Tailed Kite – 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. (2021 EIR MM 4.4-1(g))

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. (2021 EIR MM 4.4-1(h))

Operator acknowledges the requirements of the condition.

49. Loggerhead Shrike – 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 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. (2021 EIR 4.4-1(i))

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. (2021 EIR 4.4-1(j))

Operator acknowledges the requirements of the condition.

50. Other Nesting Raptors Protected Under the MBTA – 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. (2021 EIR MM 4.4-1(k))

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. (2021 EIR MM 4.4-1(l))

Operator acknowledges the requirements of the condition.

51. Other Nesting Birds Protected Under the MBTA – Implement Mitigation Measures 4.4-1(i) and (j). (2021 EIR MM 4.4-1(m))

Operator acknowledges the requirements of the condition.

52. Foraging Habitat for Tricolored Blackbirds, Swainson's Hawk, and White-Tailed Kite and Winter Foraging Habitat for Ferruginous Hawk and Merlin – 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. (2021 EIR MM 4.4-1(n))

Operator acknowledges the requirements of the condition.

53. Silver-Haired Bat, Western Red Bat, and Hoary Bat – 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 the canopy area to open the roosting area up to airflow. Final tree removal shall only occur after at least one night has passed since tree canopy trimming has been completed, to allow bats to wake from torpor and leave during darkness before the trunk of any tree is cut. Subject to the field determination of the biologist, tree trimming and removal shall occur only on days with temperatures above 50o F (to ensure bats are able to quickly become active and fly away during tree removal). 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. (2021 EIR MM 4.4-1(o))

Operator acknowledges the requirements of the condition.

CULTURAL AND TRIBAL CULTURAL RESOURCES

54. The applicant shall comply with Section 10-4-410(a) and (b) of the Mining Ordinance related to unknown non-Tribal cultural resources. Tribal Cultural Resources are addressed through Condition 56.

Operator acknowledges the requirements of the condition. No cultural resources or remains have been found.

55. The operator shall implement annual worker awareness training that alerts project employees to the nature of paleontological and other non-Tribal archaeological and historic resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional. Awareness training for Tribal Cultural Resources is addressed in Condition 56.

Operator acknowledges the requirements of the condition. Training has been prepared, approved and provided to employees.

56. 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. At a minimum, training shall be conducted annually.
 - 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. (2021 EIR MM 4.5-3 and 4.5-4)

Operator acknowledges the requirements of the condition. Tribal Monitoring Plan has been prepared, reviewed, approved and implemented.

GEOLOGY AND SOILS, MINERAL RESOURCES, AND PALEONTOLOGICAL RESOURCES

57. Pursuant to Section 10-4.432 of the Mining Ordinance, soil shall be cut in maximum depths in order to minimize traffic and limit compaction. The handling and transportation of soil shall be minimized. To the extent feasible, all handling of topsoil shall be accomplished when the soil is dry in order to avoid undue compaction. Pursuant to Section 10-5.531 of the Reclamation Ordinance, where areas are to be reclaimed to agricultural usage, all A and B horizon soil shall be ripped to a depth of three (3) feet after every two (2) foot layer of soil is laid down, in order to minimize compaction.

Operator acknowledges the requirements of the condition.

58. The applicant shall satisfy the requirements of Section 10-5.532 of the Reclamation Ordinance related to use of overburden and fine sediments in reclamation.

Operator acknowledges the requirements of the condition. No reclamation soil has been placed.

59. Reclamation slopes shall be constructed using stockpiled overburden materials. Reclamation fill shall be compacted in horizontal lifts not exceeding 8 inches (loose thickness). Each lift shall be moisture-conditioned to at least 2% above optimum and compacted to at least 90% relative compaction as determined by the latest American Society for Testing and materials (ASTM) D1557 Test Procedure. (Geocon 5/25/2016) For

reclaimed agricultural fields, the applicant shall use feasible resoiling methods that minimize compaction.

Operator acknowledges the requirements of the condition. No reclamation slopes have been placed.

60. Reclamation shall occur concurrently with mining, and final reclamation shall occur within two years of completion of mining. Mining slopes shall not be left exposed throughout the winter months without a program of active monitoring and ongoing slope maintenance. (Geocon 5/25/2016)

Operator acknowledges the requirements of the condition. No final mining slopes have been created, all exposed slopes are active working faces outside of the final slopes.

61. Mining shall not be conducted within 50 feet of the Moore or Magnolia Canal. Mining and reclamation activities adjacent to the Moore and Magnolia Canals shall be coordinated with the Yolo County Flood Control and Water Conservation District. (Geocon 5/25/2016)

Operator acknowledges the requirements of the condition.

62. Slopes exposed to rain and surface runoff are susceptible to erosion and surficial degradation. Appropriate erosion control measures and best management practice (BMP) devices shall be installed to reduce long-term slope degradation. (Geocon 5/25/2016)

Operator acknowledges the requirements of the condition.

63. The applicant shall train onsite workers annually regarding seismic safety issues, including appropriate actions to be taken during a seismic event. (Geocon 5/25/2016)

Operator acknowledges the requirements of the condition.

64. During mining operations, the applicant shall have sufficient materials and equipment available to repair slopes due to surficial sloughing and/or erosion. (Geocon 5/25/2016)

Operator acknowledges the requirements of the condition.

65. Exposed slopes shall be inspected by a geotechnical engineer or certified engineering geologist every 10 to 15 feet of excavation depth or at least once per year for subsurface conditions that could affect slope stability.

Operator acknowledges the requirements of the condition. Inspection was completed by GEI Consulting Engineers in August of 2022.

66. 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 in the Mining Ordinance 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. (2021 EIR MM 4.6-5)

Operator acknowledges the requirements of the condition. No resources have been found.

HAZARDS AND HAZARDOUS MATERIAL

67. The Teichert Woodland Plant is already registered in the CUPA program for hazardous materials, hazardous waste, aboveground storage tanks, and waste tires. The proposed project site may be incorporated under the Teichert Woodland plant for the CUPA program or it may need to be registered separately. To determine CUPA program requirements for the proposed project site, call the YCEH office at 530-666-8646 and ask to speak with a Hazardous Materials Specialist. (County Environmental Health 12/18/2018 and 6/18/2020)

Operator acknowledges the requirements of the condition.

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

Operator acknowledges the requirements of the condition. No permanent lakes have been created.

69. The applicant shall coordinate with the Sacramento-Yolo Mosquito and Vector Control District to identify and implement project-specific best management practices for mosquito reduction and control at the ponds and elsewhere on the site, as appropriate.

Operator acknowledges the requirements of the condition.

70. Use of the Woodland processing plant shall cease upon cessation of mining on the site by Teichert. The Woodland plant shall be decommissioned (included but not limited to removal of all equipment above and below ground and any necessary remediation, particularly soil clean up from oil and fluid spills) prior to reclamation.

Operator acknowledges the requirements of the condition.

71. 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. (2021 EIR MM 4.7-2(a))

Operator acknowledges the requirements of the condition.

72. 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. (2021 EIR MM 4.7-2(b))

Operator acknowledges the requirements of the condition. This condition has been satisfied.

73. 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. (2021 EIR MM 4.7-2(c))

Operator acknowledges the requirements of the condition. No overburden material has been removed from this area.

HYDROLOGY AND WATER QUALITY

74. Construction Storm Water General Permit – Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. If required, the Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition.

75. Industrial Storm Water General Permit – Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition.

76. Clean Water Act Section 404 Permit – If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Wildlife for information on Streambed Alteration Permit requirements. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition.

77. Measures shall be taken to prevent construction materials and/or activities from entering any waters of the United States. Appropriate soil erosion and sediments controls shall be implemented on site to achieve this end. (USACOE 6/3/2020)

Operator acknowledges the requirements of the condition. Measures have been installed.

78. Clean Water Act Section 401 Permit – Water Quality Certification. If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition. No discharges have taken place.

79. Waste Discharge Requirements – Discharges to Waters of the State. If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition. No discharges have taken place.

- 79.2 Waste Discharge Requirements – Discharges to Land. Prior to discharge of processing fines to the mining site for use in reclamation or other waste discharge to the mining site, the property owner and operator (together) are required to have WDRs or other documents from the Regional Water Quality Control Board allowing discharge to land of mining waste. A report of waste discharge must be submitted with the proper filling fees. (CVRWQCB 11/1/2021)

Operator acknowledges the requirements of the condition. No discharges have taken place.

80. Dewatering Permit – If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering

projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition. No dewatering has taken place from the Shifler site.

81. Regulatory Compliance for Commercially Irrigated Agriculture – If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:
- Obtain Coverage Under a Coalition Group. Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website.
 - Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order RS-2013-0100. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition. No agricultural reclamation has taken place.

82. Limited Threat General NPDES Permit – If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition.

83. NPDES Permit – If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. (CVRWQCB 11/28/2018)

Operator acknowledges the requirements of the condition.

84. Unused Well – There are two unused wells within the project area. One of these wells may be converted to a monitoring well. Unused wells, with no plan to reestablish use within a

year, shall be abandoned under an approved YCEH Well Abandonment Permit. All wells shall be maintained to prevent surface contamination of aquifers and to promote public safety at all times. If an unused well will be converted to a monitoring well and the conversion requires the well to be opened, a well reconstruction permit from YCEH is required. Otherwise, the well may be utilized as a monitoring well without a YCEH permit. Monitoring wells must be installed and destroyed under an approved YCEH permit. (County Environmental Health 12/18/2018 and 6/18/2020)

Operator acknowledges the requirements of the condition. No wells have been abandoned or destroyed.

85. Public Water System – A public water system is defined as a water system that provides water for human consumption to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year. If the mining and/or plant site qualifies as a public water system, permits shall be secured through the YCEH office. (County Environmental Health 12/18/2018 and 6/18/2020)

Operator acknowledges the requirements of the condition. No public water systems have been created.

86. Onsite Wastewater treatment system (Septic System) – Flushable toilets must be provided by a place of business where persons are employed, unless the Environmental Health Director has deemed that special circumstances warrant a non-discharging wastewater disposal unit (such as a portable toilet). Portable toilets must still meet the same setback requirements as a septic tank, including a 100 foot setback from any wells. (County Environmental Health 12/18/2018 and 6/18/2020)

Operator acknowledges the requirements of the condition.

87. In order to protect surface water and groundwater quality, the applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements by implementing a project Stormwater Pollution Prevention Plan (SWPPP), if required by the RWQCB. If the RWQCB does not require a SWPPP, the applicant shall implement an equivalent plan regulated by the County Division of Public Works.

Operator acknowledges the requirements of the condition.

88. Mining is authorized to be conducted within the 700-foot Streamway Influence Zone setback, but no closer than 250 feet to the active channel. Section 10-5.506 of the Reclamation Ordinance requires that the financial assurances shall include adequate funding for maintenance during the mining and reclamation period of bank stabilization features identified in the Streambank Stabilization Plan (SSP). Additional requirements of Section 10-5.506 shall apply including a mechanism to disclose ongoing maintenance and repair responsibility for bank stabilization features constructed pursuant to the SSP.

Operator acknowledges the requirements of the condition. No mining has taken place within 700' of Cache Creek.

89. The applicant may conduct dewatering activities at the project site in-lieu of pumping groundwater solely from a well as part of the proposed surface mining operations on the project site subject to the following conditions (see also conditions 80 and 82):

- Groundwater pumping rate from the Shifler mining area may not exceed 3,500 gallons per minute (gpm), consistent with the maximum pumping rate for dewatering at the Esparto site.
- Annual water use may not exceed 1,910 acre-feet/year (average steady state flow rate of 1,184 gpm or 227,920 cubic feet per day based on 24 hours/day, 365 days/year operations).
- Off-site use or discharge of pumped groundwater shall not occur. Groundwater from the Shifler mining area would be pumped through a new water pipe to the adjacent Woodland plant for use in aggregate processing. Aggregate wash water from the Woodland plant would be discharged to the Shifler mining area in accordance with WDRs to be specified by the RWQCB.
- Pursuant to Section 10-4.412 of the Mining Ordinance, groundwater levels shall be monitored quarterly and groundwater pumping volumes shall be recorded. Prior to and for the duration of dewatering activities, the applicant shall: 1) monitor water levels in the wet pit(s), and nearby monitoring wells on a quarterly basis; and 2) quantify the amount of water pumped from and returned to the wet pit(s). This monitoring data shall be reviewed by the applicant's Professional Engineer or Professional Geologist to determine whether any adverse impacts are occurring. Documentation of the monitoring and data evaluation shall be submitted the County annually. If adverse impacts are found to be occurring, dewatering activities will be modified to eliminate adverse impacts, or the applicant shall otherwise mitigate impacts to the satisfaction of the County, and in compliance with the requirements of Section 104.412 of the Mining Ordinance.
- Pursuant to Section 10-4.412 of the Mining Ordinance, pump systems used to dewater the wet pits shall be powered by electricity (i.e., through connection to power lines) or solar power.

Operator acknowledges the requirements of the condition. No dewatering activities has defined have taken place.

90. 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 conceptually in red 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, or another similar improvement which achieves the same objectives. The design, location, and placement of this improvement shall be described in a Streambank Stabilization Plan (SSP) subject to review by the Cache Creek TAC and approval by the County in conjunction with issuance of a Flood Hazard Development Permit (FHDP) to allow for construction of the improvement. (2021 EIR MM 4.8-4(a))

Operator acknowledges the requirements of the condition. This condition has been implemented.

91. 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 green 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. Where allowable 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. The design, parameters, and placement of this improvement shall be described in a Streambank Stabilization Plan (SSP) subject to review by the Cache Creek TAC and approval by the County in conjunction with issuance of a Flood Hazard Development Permit (FHDP) to allow for construction of the improvement. (2021 EIR MM 4.8-4(b))

Operator acknowledges the requirements of the condition. This condition has been implemented.

- 91.2. In furtherance of the requirements of Sections 10-4.417 and 10-4.427 of the County Mining Ordinance as related to both water levels and water quality, operator shall allow nearby residents with domestic water wells to join the Teichert Woodland well monitoring system and have access to monitoring results (at no cost to the resident or County). If a resident's domestic water well experiences adverse effects to water levels or water quality attributable to Teichert's operations/activities, Teichert shall relocate or redesign the well, or secure a written agreement with the resident documenting their acceptance of the impact (at no expense to the resident or the County).

Operator acknowledges the requirements of the condition. No reports of adverse effects have taken place.

NOISE

92. Comply with the performance standards included in Section 10-4.422 (Noise: Sonic Safety Devices) of the Mining Ordinance as related to night-time mining within 1,500 feet of a residence.

Operator acknowledges the requirements of the condition.

93. The applicant shall implement the following, 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 the Draft 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 applicant shall implement the following, 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 a.m. to 6:00 a.m. 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. (2021 EIR MM 4.10-1(a))

- A noise assessment shall be conducted by a qualified noise professional acceptable to the County to verify compliance with the conditions above and the mining noise regulations.

Operator acknowledges the requirements of the condition. Berms have been installed adjacent to the homes on County Road 94b.

94. A noise survey shall be conducted following the installation and operation of proposed new equipment (including equipment in use currently at the Esparto plant and proposed to be transferred to the Woodland plant) 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. If the survey results indicate the additional equipment has resulted in a substantial increase in processing plant noise emissions (in excess of 5 decibels (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 MSHA-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. (2021 EIR MM 4.10-1(b))

Operator acknowledges the requirements of the condition.

- 94.2. Teichert shall repave County Road 20 from County Road 98/State Route 16 to its terminus at the Teichert Woodland Plant, and repave County Road 96 from County Road 20 to State Route 16 with rubberized asphalt no later than June 30, 2025.

Operator acknowledges the requirements of the condition. Improvements and paving will take place in conjunction with the next rubberized asphalt job at the Woodland Plant.

TRANSPORTATION AND CIRCULATION

95. Within three years of project approval, the applicant shall install a paved shoulder, and 5 percent sloped aggregate base shoulders with a 2:1 back slope, along both sides of County Road 96 similar to County of Yolo Improvement Standards Drawing No. 4-8, for the approximate one-mile segment between County Road 20 and State Route 16. Engineered improvement plans shall be reviewed and approved by the County Engineer, and an encroachment permit shall be issued prior to beginning this work within the County right-of-way.

Operator acknowledges the requirements of the condition. Improvements and paving will take place in conjunction with the next rubberized asphalt job at the Woodland Plant.

96. Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: County Road 20 from the Woodland plant entrance to County Road 98 and from that point north on State Route 16 (County Road 98) to Interstate 5; and County Road 20 from the Woodland plant entrance to County Road 96 and from that point south on County Road 96 to State Route 16, and west to Interstate 505. The operator shall abide by this condition and the specific requirements of Section 10-4.419. County Road 94B is not an approved haul route. Haul trucks are prohibited from using this road unless making a local delivery.

Operator acknowledges the requirements of the condition.

97. Pursuant to Section 10-4.408 (County Road Improvements) the applicant shall pay for any road improvements determined to be necessary to support their operation consistent with County and CCAP standards, and for ongoing operations and maintenance. Based on current pavement conditions, significant road rehabilitation is anticipated to be required on the approved haul routes over the life of the permit.

Operator acknowledges the requirements of the condition.

98. Pursuant to Section 10-4.409 (County Road Maintenance), the applicant shall assume joint pavement maintenance responsibility with Yolo County on County Road 20 from the project entrance to County Road 98, and on County Road 96 from County Road 20 to State Route 16.

Operator acknowledges the requirements of the condition.

99. The applicant shall contribute their fair share of the costs of design and construction of a traffic signal, left turn or merge lane, or other traffic control mechanism at State Route 16 and Wildwing Drive, if such an improvement is undertaken.

Operator acknowledges the requirements of the condition.

100. 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 reduce employee commute VMT to the maximum extent feasible. Feasible trip reduction strategies may include, but are not limited to, development of an employer-led program that considers: carpooling encouragement; ride-matching assistance; and vanpool assistance. (2021 EIR MM 4.12-2)

Operator acknowledges the requirements of the condition. TDM Program has been developed and approved. Condition Satisfied.

2023 OFF CHANNEL MINING ANNUAL REPORT

TEICHERT AGGREGATES Woodland Plant & Properties CA Mine ID #91-57-0012 CA Mine ID #91-57-0002

MINING AND RECLAMATION STATUS OVERVIEW

The aggregate processing plant site, including equipment and wash ponds returned to full processing activity. Mining in the Muller Property (Phase I) is complete. Sign off of the Muller 30 agricultural reclamation has been granted. Additionally, reclamation and planting is complete at the Muller Pond and has been signed off. Mining in the Coors Property (Phase II) is complete and reclamation activities are also complete. The property is now being maintained and monitored for reclamation sign off. Mining in the Storz Property (Phase III) began in 2009 and was mined in 2016, and since mining has been completed. Reclamation work is now under way. The Woodland Plant is now processing material from the Shifler Permit (91-57-0024).

ENTITLEMENT HISTORY

▪ DEVELOPMENT AGREEMENT

As required under Section 7.1 of Development Agreement No. 96-286, as amended, the operator has reviewed the terms of the agreement and is in compliance with all terms of the agreement.

▪ YOLO COUNTY APPROVALS

According to the Planning Commission Minutes for January 4, 1955, A. Teichert and Sons was operating a sand and gravel business on 260 acres on County Road 20 under an existing Use Permit.

Zone File No. 1161 was approved by the Planning Commission on August 1, 1961 for a variance to allow the commercial operation, storage, and wholesale and retail distribution of asphaltic oil for paving purposes. No conditions were placed on the use permit approval.

Zone File No. 1937 was approved by the Planning Commission on May 16, 1972 to allow for the expansion of the existing rock, sand, and gravel plant by the addition of a commercial asphalt mixing plant and related activities.

Zone File No. G-4 was approved by the Planning Commission on October 29, 1980, to allow for in-channel mining on 361 acres with reclamation to a streamway.

Zone File No. 94-062 was approved by the Board of Supervisors on September 5, 1995, to allow for short-term, off-channel mining on 92 acres, with reclamation to agricultural row-crop production.

Zone File No. 95-095 was approved by the Planning Commission on November 25, 1996, to allow for off-channel mining on 272 acres over a 30-year period, with reclamation to permanent lakes, habitat, and row-crop production. This permit superseded portions of Zone File No. 96-062 on January 1, 1998.

Commencement of mining under this permit also voided Zone File No. G-4 (except as it pertains to the processing plant site), as per Section 3.1 of Development Agreement No. 96-286.

Modification No. 1 to Zone File No. 95-095 was approved by the Planning and Public Works Director in September of 1998 to allow for grasses to be established on the berms located north and west of Phase 1, instead of landscaping. The berms are constructed of temporary soil stockpiles, which will be necessary for use in reclamation of Phase 1, thus making long-term landscaping infeasible. The temporary berms adequately screen the mining operations from nearby public roads.

Amendment No. 1 to Development Agreement No. 96-286 was approved by the Board of Supervisors on April 28, 1998, to modify Section 2.2.8. (iii) and allow an extension of time in which to construct the Rodger's groundwater recharge facility.

Zone File No. 96-041 was approved by the Yolo County Planning Commission on July 24, 1996, to allow for a minor modification to replace existing asphalt processing equipment with new and more efficient equipment. The requirements of ZF No. 96-041 superseded those of ZF No. 1161 and 1937.

Amendment No. 2 to Zone File No. 96-041 was approved by the Board of Supervisors on January 18, 2000, by accepting a permanent agricultural conservation easement on 123 acres of prime agricultural land.

Agreement No. 02-85 was approved by the Board of Supervisors, and the Board authorized by the Chairman of the Board to sign an agreement with A. Teichert & Son, Inc. for storage, and related activities, as compensation for the completion of reclamation work on an adjacent privately owned parcel previously used as a borrow site by the County.

Agreement No. 04-312: Authorized the Chair of the Board to sign real estate dedication agreement between Yolo County and Teichert Land Company and Teichert, Inc. regarding the Rodgers Pond. Authorized the Chair to sign Resolution No. 04-169 accepting transfer of Rodgers Pond on October 5, 2004.

Agreement No. 05-231: Approved the following amendments relative to the Cache Creek Nature Preserve Documents to allow relocation of the Teichert Conveyor System:

1. Concluded that the AEIR has been completed in compliance with the California Environmental Quality Act (CEQA).
 2. Concluded that the information has been reviewed and considered in the AEIR prior to approving the proposed amendments to the Cache Creek Nature Preserve documents.
 3. Concluded that the AEIR reflects the County's independent judgment and analysis.
- B. Approved and authorized the Chair to sign the amendment to the Master agreement with Teichert Land Company.

Flood Hazard Development Permit: has been issued on an ongoing basis to Teichert by the Planning, Resources and Public Works Department to allow for the installation of a seasonal crossing to access the Muller area from the plant. The crossing is installed in the spring after high water flows recede and is removed in the fall in early November, as required by the Permit. The permit complies with State and Federal agency requirements (GP 58).

SEC. 10-4.701 ANNUAL REPORTS: CONTENTS

SEC. 10-4.701(A)-SITE PLAN

Please see enclosed Site Plan for Woodland Plant, Muller Pit, Coors Pit and Storz Pit mining status.

SEC. 10-4.701(B)-MATERIAL PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(C)-RECYCLE PRODUCTION

This information is submitted under separate cover as part of the Annual SMARA Reports submitted to the Office of Mine Reclamation on June 30th, 2023 and copied to the County of Yolo.

SEC. 10-4.701(D)-GROUNDWATER MONITORING

Please see enclosed “Groundwater Conditions in the Vicinity of the Woodland Plant Site, 2023” as prepared by Luhdorff & Scalmanini and dated October 2023.

SEC. 10-4.701(E)-AGRICULTURAL REPORT

Please see enclosed Agricultural Reports as prepared by Jessica Johnston, Teichert biologist, and dated August 2020 and updated in October 2023.

SEC. 10-4.701(F)-BIOLOGICAL RECLAMATION MONITORING

Please see enclosed “Yolo County Reclamation Status Summary” dated October 2023 which includes Muller, Coors, Storz, Schwarzgruber and the Woodland Plant Site.

SEC. 10-4.701(G)-SLOPE STABILITY REPORT

Please see enclosed “Annual Report on Channel Bank and Levee Conditions Woodland Properties” as prepared by GEI Consultants and dated October 2022. Additionally, the 2023 Inspection was completed on October 10th, 2023.

SEC. 10-4.701(H)-EXTENT OF MINING

Please see enclosed SMARA Reclamation Exhibits which detail the extent of mining in the Storz Property. The mining permit is valid until January 1, 2028. Mining is complete in the Muller and Coors Properties and at the Woodland Plant.

SEC. 10-4.701(I)-CONDITION OF APPROVAL COMPLIANCE

Please see below for a list of each of the conditions with a response to the compliance status:

Conditions for ZF# 1937 area as follows:

1. Approval shall conform to the plot plan as presented.

The asphalt batch plant was installed in compliance with the plot plan dated May 16, 1972.

2. The applicant shall meet the requirements of all agencies of jurisdiction.

As described above, the operator is in compliance with all applicable federal, state, and local agencies.

3. The property owner may request consideration of an extension of time if the subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to May 31, 1973.

No Extension of Time application was necessary as permit was initiated within one year.

Conditions for ZF# 95-095 (current off-channel mining permit) are as follows:

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

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

Operator acknowledges the condition. No claims or actions have been filed against the County regarding the permit.

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,176,471 (mined tonnage). The operator may exceed this amount by 20 percent to 1.2 million tons (sold) in any one year, in order to meet temporary market demand. However, production over any consecutive 10-year period shall not exceed 10,000,000 tons (sold). Under no circumstances may annual production exceed 1.2 million tons (sold). Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the condition. Operator will inform the County if production were to surpass the one million ton production limit. Furthermore, Operator understands that we are not to exceed the limit by more than 20%, and that this will trigger the 20% exception surcharge of \$.20 per ton of aggregate material sold in excess of the approved production.

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

Operator acknowledges the condition. Fees have been adjusted to \$0.669 per ton for 2022 and \$.0696 for 2023. All fees are paid upon receiving invoices from the County. Fees are paid on a quarterly schedule; as of October 2021, Operator is current in posting payments to the County and to the Conservancy.

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

CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

Operator acknowledges the condition. If production exceeds the 1.0 million ton cap the Operator will pay the increased fees as required by the Gravel Mining Fee Ordinance. All 2023 fees are paid; to date, Operator remains current in its payment schedule.

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

Operator acknowledges the condition. Mining has been completed for the Woodland Properties permit.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after the permit has been approved, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

Mining under this permit commenced on January 1, 1998. Written confirmation regarding commencement was included in the 1997 Pre-commencement Report and acknowledged in the County's Annual Compliance Report. This permit expires on January 1, 2028. No undertaking to extend the life of the permit is anticipated.

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

The Operator acknowledges the condition. Permit monitoring is paid for with funds generated by the OCMP Administration Fee collected under the Yolo County Gravel Mining Fee Ordinance. Operator is current in all payments.

8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$87,221 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

The adjusted financial assurances were determined by using the Financial Assurance Cost Estimate worksheets developed by the Division of Mine Reclamation. The updated Financial Assurance amounts currently held by Yolo County and the Department of Conservation Division of Mine Reclamation are as follows. \$552,946.00 for the Woodland Plant, \$71,699.00 for the Coors Site, and \$1,080,169.00 for the Storz Site. They will be updated again upon receiving approval from County Staff, following Inspections.

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

Operator acknowledges this condition. All modifications have been processed in accordance with direction received from staff. Yolo County staff's Annual Compliance Review cites modifications and/or amendments to the mining and reclamation entitlement. Most recently staff facilitated the Coors bridge and conveyor crossing.

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

Operator acknowledges the condition. Development Agreement No. 96-286 was executed between the County and the Operator on December 30, 1996. This agreement included all of the above elements.

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

Operator acknowledges this condition and continues to be in compliance. Stockpiles in the Storz Site setback have been moved to facilitate final reclamation.

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

Operator acknowledges the condition and is in compliance with applicable requirements. No notice of violation received.

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

Wet mining has commenced. A letter noting the commencement of wet mining was posted to the County in 2004. Ambient mercury levels were determined in a study performed by Dr. Darell Slotton, Shaun Ayers, and Dr. John Reuter and submitted to the County in December 1997. The County staff in conjunction with the TAC/Cache Creek

Conservancy commissions periodic surface water quality tests to gauge maximum contaminant levels.

Limited wet mining occurs at Storz in accordance with the approved entitlement.

14. Within one year of execution of the Development Agreement, the operator shall submit to the County a revised reclamation plan for the Muller site, which reflects the minimum 200' setback from the Cache Creek Area Plan boundary. There will be no substantial change to the reclaimed uses proposed by the operator in the November 1996 reclamation plan for Muller other than to address the setback issue. No mining shall occur which intrudes on the 200-foot setback. Approval of the revised plan shall be by the Community Development Director with appeal rights to the Planning Commission and the Board of Supervisors.

Operator acknowledges the condition. Revised mining and reclamation plans were submitted to the County, accepted, and were determined to be in compliance with ordinance criteria. Condition satisfied, no further action required.

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

Operator acknowledges the terms of the condition, which was also memorialized in the Development Agreement, Section 2.2.10.

16. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).

Operator acknowledges the condition. The 2022 Business Emergency Response Plan is on file with the County Office of Emergency Services and attached to this report. (Please note that due to a recent change in State regulations, hazardous material business plans are now submitted every three years, instead of every other year.)

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

The Woodland properties will be reclaimed to either agricultural use or lakes with a mosaic of habitats. Grasslands and/or hedgerows will be used as warranted and approved in the reclamation exhibits to separate riparian habitat from adjoining farmland. Revised reclamation plans were submitted in the 1997 Pre-commencement Report and determined to satisfy this condition obligation.

18. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications; recyclable material, aggregate

obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

Operator acknowledges the terms of the condition.

19. Create at least one permanent island to improve the wildlife habitat value of the created wetlands. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following parameters:
 - a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level to prevent complete inundation during the winter months.
 - b. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
 - c. The island shall be revegetated consistent with the reclamation plan, with perennial marsh and riparian vegetation in the lower terraces and drought-tolerant shrubs near the summit.
 - d. A linear island is suggested for increased edge length and maximum possible distances between nesting birds.
 - e. The channel of water separating the island from the shoreline shall be at least 20 feet wide and 5 feet deep at average low water elevations.

Operator acknowledges the terms of the condition. Revised reclamation exhibits prepared by Jones & Stokes Associates reflecting the above characteristics were included in the 1997 Pre-commencement Report, in addition to being approved by the Board of Supervisors on November 25, 1996. Reclamation of the Muller Site was completed to meet the intent of both the Development Agreement and the original plan. This was done with minor modifications to the approved Reclamation Plan to account for variations in the aggregate deposit and extreme seasonal and annual ground water fluctuations. The County provided concurrence that substantial compliance was achieved during 2014.

20. The aggregate processing plant, located on a 111.9 acre site south of Cache Creek and west of County Road 96 (APNs: 025-350-19), shall be reclaimed in accordance with the CCAP.

Operator acknowledges the condition, which is also memorialized in the Development Agreement. Repeat of condition 15 requirements.

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

Condition satisfied; modifications where appropriate to conform to the approved project have occurred and been accepted. (For details, please reference 1997 report.)

22. Pursuant to Action 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of the overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the

maintenance of any bank stabilization features during the 30-year permit period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

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

Operator acknowledges the terms of the condition. The Development Agreement (No. 96-286) which constitutes the legally-binding agreement cited above was executed on December 30, 1996. Maintenance of channel improvements is guaranteed through CCRMP fee payments, the Development Agreement and financial assurances. Deed restrictions will be recorded prior to the release of financial assurances. An alternative habitat management and maintenance outline presented to Linda Fiack and the TAC committee has been approved. Teichert's habitat specialist is implementing the revised in-channel plan that more appropriately addresses the physical constraints of this disturbed portion of Cache Creek.

23. Pursuant to Section 10-4.429 of the Off-Channel Mining Ordinance, stockpiled topsoils shall be utilized as a screening berm along the western edge of the mining area to be reclaimed to agriculture. A combination of vegetation and berming shall be used along the relevant portion of the north side of the mining area to meet the requirements of this section. A qualified biologist or landscape architect shall design the landscape buffer. The reclamation plan and Habitat Restoration Plan for Phase 1 shall be revised to incorporate the landscaped buffers and shall be submitted to the Community Development Director for review and approval prior to the commencement of mining in Phase 1.

Agricultural reclamation commenced with the planting of a wheat crop in fall of 2006. The seeded berm has been removed and its material used as part of the reclamation in Phase 1. Muller Farms rotated the perimeter field adjoining the mining pit from seasonal crops to walnut trees. See Agriculture section for a complete report.

24. Within one year of execution of the Development Agreement the operator shall submit to the County a revised reclamation plan for the Storz site, which reflects the minimum 200-foot setback from the Cache Creek Area Plan boundary and which meets the spirit and intent of the CCAP with respect to the shape and revegetation of the proposed reclaimed lake. No mining shall occur which intrudes on the 200-foot setback. Approval of the revised plan shall be by the Community Development Director with appeal rights to the Planning Commission and the Board of Supervisors.

The condition is satisfied; a revised reclamation plan showing the 200-foot boundary was submitted and accepted in 1997.

25. In compliance with Section 10-5.520.2 (Permanent Easements) of the Reclamation Ordinance, upon the completion of reclamation within Phases 1 and 2 of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, or other equivalent long-term easements or deed restriction satisfactory to the County, for the purpose of protection of the agricultural use of the reclaimed land in perpetuity.

Operator acknowledges the requirements of the conditions. Muller Agricultural Reclamation has agricultural/conservation easement in place.

- 25.3 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by 1997. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 1998, describing the reasons for delay and a revised deadline for installation.

Conveyors have been installed. No further action required at this time.

- 25.6 Total production allowed under this Mining Permit shall not exceed 15.2 million tons (sold weight) and 17.9 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

Operator acknowledges the terms of this condition. Cumulative production has not exceeded the overall limits.

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

Operator acknowledges the terms of this condition.

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

Operator acknowledges and is compliance with the terms of this condition.

LAND USE AND PLANNING

26. Implement Mitigation Measures 4.2-8a; 4.4-1a; 4.4-2a, f, g, h, and i; 4.4-3a and b; and 4.4-8a of the Final EIR for the proposed project (Mitigation Measure 4.2-2a).

- a. Mitigation Measure 4.2-8a: The County shall solicit the dedication of all or a portion of the Storz site to fulfill the open space and recreational goals of the OCMP, for that segment of the creek. The County shall also coordinate with the applicant how adequate public access to the dedicated open space could be accommodated. The applicant's reclamation plans shall be modified to include a public access road, if any portion of the subject site is dedicated to the County or other non-profit group.

Per Mitigation Measure 4.2-8a, Section 2.28 of Development Agreement 96-286 requires the dedication of 64 acres of the Storz site to the County to fulfill the open

space and recreational goals of the OCMP for this segment of the creek. Public access will be provided along the eastern boundary of the site, which fronts on County road 94B. Teichert and the County will coordinate the specifics of the public access during the dedication process. No action is necessary at this time.

- b. Mitigation Measure 4.4-1a: The applicant shall obtain a floodplain development permit for excavation within the FEMA 100-year flood plain as required by the Yolo County General Plan Safety policy number 9 (S9) and the Yolo County Flood Ordinance.

Per Mitigation Measure 4.4-1a, County approved flood Hazard Development Permit No. 96-069 on December 8, 1996. Condition satisfied.

- c. Mitigation Measure 4.4-2a: The County shall revise the CCRMP channel boundary in the vicinity of the Muller site (shown as the amended CCRMP channel boundary in Figure 4.4-11). The amended channel boundary shall reflect changes to the 100-year floodplain that have occurred subsequent to the COE modeling used to define the CCRMP channel boundary (COE 1994). The applicant is in the process of constructing a berm to provide 100-year flood protection for the site. The amended channel boundary shall follow the creek side of the flood protection berm, at the COE 100-year flood elevation. Alternately, the mining plan shall be revised to exclude areas within the existing CCRMP boundary.

Per Mitigation Measure 4.4-2a, in 1998 staff revised the Muller CCRMP channel boundary to reflect changes to the 100-year floodplain subsequent to the COE modeling. The revised channel boundary was approved by the Board of supervisors on April 28, 1998.

- d. Mitigation Measure 4.4-2f: Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees for evidence of erosion or slope instability. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director along with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps and photographs) and estimated area and volume of eroded materials of slope failure, a determination of the cause(s) of erosion or slope failure, and recommendation for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year.

Per Mitigation Measure 4.4-2f, Operator acknowledges the requirement. Both Muller, Coors, and Storz were inspected in August 2022 by GEI Consultants and were found to be in compliance with the conditions of approval. Full report included in the Slope Stability section.

- e. Mitigation Measure 4.4-2g: Following reclamation, the Community Development Director shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property

requiring continued inspection and maintenance of channel banks and levees and allowing access by the County.

Teichert acknowledges the requirements of the condition. A deed restriction will be placed on affected properties prior to the release of financial assurances.

- f. Mitigation Measure 4.4-2h: The operator shall enter into a legally-binding agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the creek frontage owned or controlled by the applicant. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the county, and channel modification at bridges near the site (Mitigation Measure 4.4-2h).

Condition 4.4-2h is satisfied. The Development Agreement commemorates the legally-binding duty to participate in implementation of the CCIP program for that portion of the creek frontage owned or controlled by Teichert. Maintenance of channel improvements is guaranteed through CCRMP fee payments, the Development Agreement(s) and financial assurances. (See Condition 22.)

- g. Mitigation Measure 4.4-2i: Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction.

Per Mitigation Measure 4.4-2i, in a letter dated July 10, 1996, the Division of Dam Safety determined that the alluvial separators created by the Project are not subject to their jurisdiction. Condition executed.

- h. Mitigation Measure 4.4-3a: Implement OCMP EIR Mitigation Measure 4.4-2a, using MODFLOW and PATH3D for capture zone analysis.

1. Mitigation Measure 4.4-2a: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within one-thousand (1,000) feet of a municipal water supply or within five-hundred (500) feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and

submitted to the County for review and approved at least six months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within one-thousand (1,000) feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approve the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

Operator acknowledges the condition. Capture analysis was reviewed during the entitlement process, and modeling demonstrated that Phases I & II do not adversely impact wells within 1,000 feet. Reclamation is underway at Storz, Coors and Muller. Groundwater conditions continue to be monitored by Ludhorff & Scalmanini.

- i. Mitigation Measure 4.4-3b: Conduct groundwater modeling to identify the vertical extent of the Storz domestic well 30-day and 1-year capture zones for both the upper and lower aquifers. Modeling should explicitly account for seepage of water from the upper aquifer through the well packing materials. Excavation boundaries and/or depths shall be adjusted as necessary to ensure that the Storz well in the lower aquifer would not draw from the proposed Storz pond in the shallow aquifer. As an alternative, the applicant may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts.

Operator acknowledges the condition.

- j. Mitigation Measure 4.4-8a: The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well (compared to currently permitted conditions).

If the applicant proposes to increase groundwater pumping to meet the increased water demand, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the Woodland processing plant would not adversely affect active water supply wells within 1,000 feet of the plant well, as compared to currently permitted conditions. The proposed incremental increase in pumping shall be lessened as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using analytical methods or MODFLOW and shall assume historic average low groundwater levels. Groundwater modeling of the project area submitted with the project application (Luhdorff and Scalmanini, 1995) could be modified to include the plant well and vicinity.

Operator acknowledges the condition. No increase in groundwater pumping is proposed.

- 27. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10.5.510, 10-

5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).

- a. Section 10-4.413: Surface water may be allowed to enter mined areas, through either perimeter berms or ditches and grading, when designed and engineered pursuant to an approved reclamation plan and where effective best management practices (BMPs) to trap sediment and prohibit contamination are included. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Stormwater drainage systems shall be designed to connect with natural drainages so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a twenty (20) year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. If the system is found to be functioning ineffectively, the operator shall promptly implement the recommendations of the engineer.

Per Section 10-4.413, Operator acknowledges the condition. Surface water will be directed into an onsite drainage swale and/or to drop pipes. Operator uses a combination of ditches, berms, and grading to prevent stormwater runoff from leaving the site. All pits were inspected for drainage compliance by a registered engineer from GEI Consultants in October 2022 (report attached). No bank erosion or instability was detected. All drainage pathways/pipes are installed. Report indicates Operator is in compliance with its entitlement.

As stated in Condition 40 response, a SWPPP is not required for operations where all stormwater runoff is contained on-site. (A Business Emergency Response Plan is on file with the County Office of Emergency Services, as is a Spill Prevention Control and Countermeasure Plan approved by the U.S. Environmental Protection Agency. These plans incorporate Best Management Practices.)

- b. Section 10-4.417: All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of two components: water level measurements and water quality testing. A groundwater level monitoring program shall be initiated at least six months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three monitoring wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit. Monitoring programs for proposed mining areas exceeding one hundred (100) acres (total proposed mining area over the life of the project) shall include one additional well for each one-hundred (100) acres of wet pit mining. Therefore, wet pit mining areas of 1 to 99 acres would require 3 wells, 100 to 199 acres would require 4 wells, 200 to 299 acres would require 5 wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining

and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a relatively long period of time, pit boundaries may change with time. Selection, and installation if necessary, of downgradient monitoring wells, which would be critical to adequately characterize the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

- (a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.
- (b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:
 - (1) Prior to the removal of overburden - One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).
 - (2) During wet pit mining and active reclamation - The wet pit shall be sampled semi-annually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).

One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semi-annually for the first two years, and annually every year thereafter.

- (3) After active reclamation - One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total dissolved solids; total coliform (with E. coli confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10) year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing.

Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency), which identified the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply.

If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring.

- c. Section 10-4.427: If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six months prior to the commencement of excavation below the average high groundwater level, the operator shall identify and locate all off-site municipal wells within one-thousand (1,000) feet and all domestic wells within five hundred (500) feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within one-thousand (1,000) feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within one-thousand (1,000) feet of a municipal water supply or within five-hundred (500) feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within one-thousand (1,000) feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site-specific hydrogeology and available water quality data, whether to approved the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications.

Per Section 10-4.427, Operator's application included an evaluation of nearby drinking water wells. No impact occurs. As stated in response to condition 26, recycling of wash water reduces groundwater usage. Operator acknowledges the requirements of the condition; no action necessary at this time.

- d. Section 10-4.428: At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled "potable" or "non-potable."

Per Section 10.4.428, sanitary facilities are available at the plant site. New facilities were not required; an existing permanent toilet serves the permitted area. Approvals for the existing facilities were obtained from the County Building Official and the Environmental Health Department prior to commencement of use. On-site water storage facilities are labeled. Condition satisfied.

- e. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement, which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community

Development Agency. The property owner shall be required to implement recommended corrective action, if any.

Per Section 10-5.507, as evaluated in the project-EIR, submittals were found to be in compliance with drainage regulations. A SWPPP is not required for operations where stormwater runoff is contained on-site. Regarding deed restrictions allowing drainage inspection by County staff and owner's responsibility for maintenance, a notification letter was mailed to property owners in 1997. Deed recordation will occur between now and the return of the financial assurances. Specifically, a deed restriction will be placed on each phase prior to release of the surety bond.

- f. Section 10-5.510: Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property, which requires the landowner to maintain fences.

Per Section 10-5.510, open wet pits will be fenced using four-strand barbed wire. Wet pit mining has concluded at the Muller site and Coors site. Wet pit mining continues at the Storz site. Two gates are installed on private driveways entering from County Road 94B. A deed restriction will be placed on the property, prior to the release of financial assurances, regarding long-term fence maintenance. Condition obligation acknowledged.

- g. Section 10-5.517: Prior to the approval of reclamation of aggregate mining areas to permanent lakes, the County shall commission a sampling and analysis program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:
- (a) Average concentrations of total mercury in excess of 0.000012 milligrams per liter (mg/l) in the water; and
 - (b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the County prior to the excavation of any new wet pit mine and at years 10, 20, and 30 in the permit time period, and shall be paid for by the mining permit operators on a fair-share basis.

The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten years of biennial monitoring shall be performed after reclamation of each lake has been completed. The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

- (c) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.
- (d) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens for mercury content. Sampling and analysis shall be conducted using methodologies, which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.
- (e) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site specific data to available data on the background concentrations of mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory should be issued.
- (f) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes, which prohibit fishing in the lakes and describe the fish advisory.

If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

- (g) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5) feet above the average seasonal high groundwater level with a suitable backfill material; or
- (h) Present a mitigation plan to the Yolo County Community Development Agency, which provides a feasible and reliable method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a long-term solution.)

The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan.

Per Section 10-5.517, mercury bioaccumulation in wildlife, the initial baseline testing has occurred. This evaluation of methylmercury potential was conducted at the existing Solano Concrete wet pit mining site in accordance with the ordinance and submitted to the County on May 2, 1996. The study was included in the Response to Comments for the OCMP released on June 14, 1996. The results indicated that average mercury levels in fish samples exceeded the 0.5 milligram per kilogram (mg/kg) threshold. A verification study was not required by the County. Ambient mercury levels in the creek were determined in a study performed by Dr. Darell Slotton, Shaun Ayers, and Dr. John Reuter and was submitted to the County in December of 1997. Five year annual testing is triggered upon the creation of the permanent lake. Operator acknowledges that an additional ten years of biennial monitoring is to be performed after reclamation on each lake that has been completed. Sampling is conducted in accordance with the ordinance. Also see Condition 27.

- h. Section 10-5.519: The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

Per Section 10.5.519, Operator acknowledges the prohibition of motorized watercraft. No body of water has been created; Operator does not propose usage of motorized watercraft, aside from equipment used in monitoring mercury bioaccumulation in wildlife.

- i. Section 10-5.524: Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet pit mining continues for (10) years after the completion of reclamation.

Per Section 10-5.524, Operator acknowledges that for ten years after the completion of reclamation, groundwater monitoring obligations continue. Per the County, financial assurances will be maintained to ensure that post-reclamation monitoring is completed. No action necessary at this time.

- j. Section 10-5.528: The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited.

Per Section 10-5.528, Operator acknowledges that no sewage storage is allowed. No sewage effluent or landfill materials have been stored on site.

- k. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform to industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5

for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Per Section 10.5.30, Operator acknowledges the requirements of the condition. All slopes were designed by a registered civil engineer and meet or exceed the minimum safety threshold. Stability analyses were included in the submittal application and evaluated in the project-level EIR. Slopes conform to static and pseudostatic seismic specifications. Condition is satisfied; no further action necessary.

- I. Section 10-5.532: Sediment fines associated with processed in-channel aggregate deposits (excavated as a result of maintenance activities performed in compliance with the CCIP) shall not be used in the backfill or reclamation of off-channel permanent lakes. Fines that result from the processing of in-channel sand and gravel shall be used for in-channel habitat restoration efforts or as soil amendments in agricultural fields.

Overburden and processing fines shall be used whenever possible to support reclamation activities around reclaimed wet pits. These materials may be used in reclamation activities without testing for agricultural chemicals. If topsoil (A-horizon soil), formerly in agricultural production, is proposed for use within the drainage area of a wet pit, the soils must be sampled prior to placement and analyzed for pesticides and herbicides (EPA 8140 and 8150). Samples shall be collected and analyzed in accordance with EPA Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846, Third Edition (as updated). Topsoil that contains pesticides or herbicides above the Maximum Contaminant Levels for primary drinking water (California Code of Regulations) shall not be placed in areas that drain to the wet pits.

No aggregate material was removed as a result of in-channel activities during the past year. Operator acknowledges Section 10-5.532 regarding the use of overburden and fine sediments in reclamation. If topsoil is placed into a drainage area in the reclaimed Muller or Storz lake, the soils will be sampled prior to placement for pesticides and herbicides. No action necessary at this time.

- 27.5 The County shall solicit the dedication of all or a portion of the Storz site to fulfill the open space and recreational goals of the OCMP for that segment of the creek. The County shall also coordinate with the operator to provide public access to the planned recreation node. The applicant's reclamation plan shall be revised as appropriate (Mitigation Measure 4.2-8a).

Operator acknowledges the requirement. The goals of the County regarding dedication and access are outlined in the Woodland Development Agreement. Section 2.2.8 of the Agreement requires the dedication of 64 acres to the County. Furthermore, public access will be provided along the easterly boundary of Storz, including frontage to the centerline of Cache Creek. Also see Condition 26.

GEOLOGY AND SOILS

28. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).
 - a. Section 10-5.504: Improvements, including the construction of buildings, roadways, or other public facilities proposed for construction in reclaimed mining pits shall require a geotechnical investigation of the stability of fills conducted by a Licensed Geotechnical Engineer or a Registered Civil Engineer. A report on the results and recommendations of

the investigation shall be submitted to the Yolo County Community Development Agency prior to the issuance of building permits. The recommendations of the geotechnical investigations shall be fully implemented by the applicant.

Per Section 10-5.504, No buildings or roadways are proposed to be constructed in the reclaimed areas.

- b. Section 10-5.505: Backfilled mining areas and slopes shall be inspected by the Director following strong seismic shaking events. Observable damage shall be reported to the landowner. If the Director determines that the damage requires repair to meet the intended use of the reclaimed land, the landowner shall perform the required repairs.

Per Section 10-5.505, if upon inspection by the Director so directed, the Operator will perform repairs to slopes if damaged during a strong seismic event. No strong seismic events occurred within the past year (2022/23). No action necessary.

- c. Section 10-5.512: The operator shall retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey any areas reclaimed to agricultural usage after the first two (2) crop seasons have been completed. Any areas where settling has occurred shall be releveled to the field grade specified in the approved reclamation plan.

Per Section 10-5.512, Operator will retain a Licensed Land Surveyor or Registered Civil Engineer to resurvey Muller and Coors at the conclusion of two crop years. Areas where settling has occurred will be re-leveled to the applicable field grade. The Coors Site was releveled in 2017 to comply with this condition.

- d. Section 10-5.526: The cost of implementing recommendations for repair of reclaimed land caused during earthquakes or other natural events shall be met through application of contingency costs provided for by the project's financial assurances as required by SMARA.

As directed by Section 10-5.526, repair of damage due to natural disaster is a contingency cost included in the financial assurance estimate. Operator acknowledges the requirements of the condition.

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

- a. Section 10-4.406: During mining operations, a series of benches may be excavated in a slope provided that the excavations are made in compliance with the requirements of the state Mine Safety Orders (California Code of Regulations, Title 8, Subchapter 17). The vertical height and slope of the benches constructed for permanent reclaimed slopes shall not exceed maximum standards for the specific soil types presented in the California Code of Regulations, Title 8, Article 6. In general, vertical cutslopes between benches shall not exceed four (4) feet in height in topsoil and overburden sediments. Benching shall be allowed in cohesive soil (clay, sandy or silty clay, clayey silt) only. Slopes above the elevation of groundwater (determined at the time of the excavation by the level of exposed water in the excavation) that exceed the maximum vertical height shall be excavated and maintained at slopes not greater than 2:1 (horizontal:vertical). Slopes located five (5) feet or less below the average summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical). Slopes located more than five (5) feet below the average summer low groundwater level shall not be steeper than 1:1 (horizontal to vertical).

Vertical cutslopes in excess of four (4) feet in height may be approved for the development of special habitat (e.g., bank swallows) if a site-specific slope stability analysis, performed by a licensed engineer, indicates that the slope does not exceed critical height for the on-site soil conditions. Projects proposing such slopes shall submit a long-term maintenance plan to ensure that the function of the slopes as habitat is met.

Operator acknowledges the condition. No benches were included in the approved mining and reclamation plan. Mining and reclamation drainage and slopes are constructed according to ordinance Sections 10-4.406, 10-4.413 and 10-5.531. (Please see Condition 27.)

- b. Section 10-4.413: Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a 20-year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report.

Operator acknowledges the condition. No benches were included in the approved mining and reclamation plan. Mining and reclamation drainage and slopes are constructed according to ordinance Sections 10-4.406, 10-4.413 and 10-5.531. (Please see Condition 27.)

- c. Section 10-4.431: Except where benches are used, all banks above groundwater level shall be sloped no steeper than 2:1 (horizontal:vertical). Proposed steeper slopes shall be evaluated by a slope stability study, prepared by a Registered Civil engineer. Slopes below the groundwater level shall be no steeper than 1:1 (horizontal:vertical). Slopes located five (5) feet or less below the summer low groundwater level shall not be steeper than 2:1 (horizontal:vertical).

Regarding Section 10-4.431, a note was added to the mining and reclamation exhibits stating: slopes located five feet or less below the summer low groundwater level shall not be steeper than 2:1. All slopes (shown on the revised reclamation plans) conform to ordinance requirements. Slopes below groundwater will not be steeper than 1:1.

- d. Section 10-5.507: Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the 20-year/1-hour storm or less. For events greater than the 20-year/1-hour storm, runoff

from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement, which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The property owner shall be required to implement recommended corrective action, if any.

Per Section 10-5.507, Operator acknowledges deed obligations related to post mining drainage. Deed restrictions will be placed on each phase prior to the release of the financial assurances. As evaluated in the project-level EIR, the approved drainage systems comply with the performance requirements. Drainage is designed to prevent flooding on surrounding properties and County right-of-way. See Condition 27.

- e. Section 10-5.508: The grading of final slopes, the replacement of soil, and associated erosion control measures shall take place prior to November 1 in areas where mining has been completed. To minimize erosion, the finish grading of mining pit slopes above the average seasonal high groundwater level, with the exception of the location of designated haul roads, shall be performed as soon as practical after the mining of overburden and unsaturated aggregate resources has been completed. A drought-tolerant, weed-free mix of native grass species shall be established on slopes prior to November 1 or alternate erosion control (mulch or netting) shall be placed on exposed soil on the slopes prior to this date. Phasing of mining to minimize the length of exposed mining slopes during the rainy season is encouraged.

Per Section 10-5.508, a drought-tolerant, weed-free mix of native and grass species will be established on final slopes. Erosion control measures are implemented prior to the onset of the rainy season. Generally, final slopes are reclaimed as mining progresses. Condition acknowledged.

- f. Section 10-5.530: All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5) feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5) feet or more below the average summer low groundwater level shall not be steeper than 1:1 (horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform to industry standard methodologies regarding rotational slope failures under static and pseudostatic (seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to

levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the post-reclamation use proposed for the mining area.

Per Section 10-5.530, engineering analysis was submitted in the application and reviewed via the EIR process. Sites are in compliance with Section 10-5.530 static and pseudostatic criteria and maximum angle of repose. Also reference Condition 27. Condition satisfied.

HYDROLOGY AND WATER QUALITY

30. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by Section 8-3.401 of the County Flood Damage Prevention Ordinance. (Mitigation Measure 4.4-1a).

The Board of Supervisors approved Floodplain Development Permit No. 96-069 allowing for specified off-channel mining and reclamation activities conducted within the 100-year floodplain. Condition satisfied.

31. The operator shall provide a continuous flood protection berm that is connected (tied in) with higher ground outside the 100-year flood zone. Prior to construction, detailed plans of the tie-in connection shall be submitted to the County for review and approval (Mitigation Measure 4.4-1b).

Implementation of the 100-year flood protection measures was required in Condition 16 of permit ZF #94-062 (short-term entitlement). Banks and berms required to provide the flood protection were constructed in 1997. As-built structure surveys documenting continuous 100-year flood protection integrated with higher ground outside the floodplain were submitted. This documentation verified compliance; no further action required. Please note that the Operator is concerned that the Corps of Engineers Feasibility Study & Associated Woodland Flood Insurance Rate Maps will impact permit compliance obligations. Purposeful flooding will influence mitigation results, e.g., polluted water samples, landscaping loss, slope erosion, etc.

32. The County shall revise the CCRMP channel boundary in the vicinity of the Muller site (shown as the amended CCRMP channel boundary in Figure 4.4-11). The amended channel boundary shall reflect changes to the 100-year floodplain that have occurred subsequent to the COE modeling used to define the CCRMP channel boundary (COE 1994). The applicant is in the process of constructing a berm to provide 100-year flood protection for the site. The amended channel boundary shall follow the creek side of the flood protection berm, at the COE 100-year flood elevation. Alternately, the mining plan shall be revised to exclude areas within the existing CCRMP boundary (Mitigation Measure 4.4-2a).

County staff revised the Muller property CCRMP channel boundary to reflect changes to the 100-year floodplain subsequent to the COE modeling. The revised channel boundary was approved by the Board of Supervisors on April 28, 1998.

- 32.5 Pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation of Ordinance, the applicant shall not mine within 700 feet of the channel boundary until bank stabilization has been provided. Bank protection shall be in conformance with guidelines contained in the Cache Creek Resource Management Plan and Cache Creek Improvement Program. Prior to mining within 700 feet of the CCRMP channel boundary (or amended boundary, as appropriate), the applicant shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use (Mitigation Measure 4.4-2e).

Operator submitted certification by a licensed engineer that the banks and berms constructed in accordance with Condition 31 are stable and that backfilled materials have been appropriately compacted to meet minimum safety thresholds. Furthermore, vegetation adjoining the permitted mining area provides additional bank protection in accordance with the CCRMP and CCIP.

33. Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees for evidence of erosion or slope instability. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director along with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps and photographs) and estimated area and volume of eroded materials of slope failure, a determination of the cause(s) of erosion or slope failure, and recommendation for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.4-2f).

Operator acknowledges the condition. Per Section 10-4.416, the mining design minimizes capture. All mining and reclamation activities adhere to Section 10-4.429 setback regulations. Creek side frontage provides the required minimum 200 foot setback. The Muller and Coors mining sites were inspected for signs of erosion by a registered engineer from GEI Consultants (October 2022). All drain features are in compliance with the approved mining plan. Condition 33 repeats Condition 26; see attached annual channel bank and levee monitoring report prepared by GEI Consultants.

34. Following reclamation, the Community Development Director shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees and allowing access by the County for same (Mitigation Measure 4.4-2g).

Repeat condition; response same as Condition 26. Operator acknowledges the requirements of the condition. Recordation of deed restriction will occur between now and the return of surety bonds. Reclamation has not been completed within any phase at this time.

35. The operator shall enter into a legally-binding agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for that portion of the creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition #22. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the county, and channel modification at bridges near the site (Mitigation Measure 4.4-2h).

Operator acknowledges the condition, which is a repeat of Condition 22. Compliance with this condition's obligation is memorialized in the Development Agreement Sections 3.1 and 4.4.2. This document was executed by Operator and the County and recorded on January 7, 1997. Maintenance of channel improvements is guaranteed through financial assurance and the Development Agreement(s). Deed restrictions will be recorded prior to the release of financial assurances.

36. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2i).

Repeat of Condition 26. In a letter dated July 10, 1996 the Division of Dam Safety determined that the alluvial separators created by the project are not subject to their jurisdiction. Condition satisfied; no further action required.

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

a. Sec. 10-4.413. Drainage.

Surface water shall be prevented from entering mined areas, through either perimeter berms or ditches and grading. Appropriate erosion control measures shall be incorporated into all surface water drainage systems. Natural and stormwater drainage systems shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Storm water runoff from mining areas shall be conveyed to lowered areas (detention basins) to provide detention of runoff generated during a twenty (20) year, one-hour storm event. All drainage conveyance channels or pipes (including spillways for detention areas) shall be designed to ensure positive drainage and minimize erosion. The drainage conveyance system and storm water detention areas shall be designed and maintained in accordance with Best Management Practices for the reduction of pollutants associated with runoff from mined areas. The design and maintenance procedures shall be documented in the Storm Water Pollution Prevention Plan required for mining operations. The drainage system shall be inspected annually by a Registered Civil Engineer, Registered Geologist, or Certified Erosion and Sediment Control Specialist to ensure that the drainage system is functioning effectively and that adverse erosion and sedimentation are not occurring. The annual inspection shall be documented in the Annual Mining and Reclamation Report. (§ 1, Ord. 1190, eff. September 5, 1996).

Ditches, drop pipes and berms will be utilized in conjunction with the natural topography in preventing surface water from entering the mining area. Annual inspections occur. Find attached the 2022 GEI Consultants report.

b. Sec. 10-4.417. Groundwater monitoring programs.

All surface mining operations that propose off-channel excavations extending below the groundwater level shall develop and maintain a groundwater monitoring program consisting of

two (2) components: water level measurements and water quality testing. A groundwater level

monitoring program shall be initiated at least six (6) months prior to the removal of overburden. At a minimum, the groundwater level monitoring program shall consist of three (3) monitoring

wells, with at least one well upgradient of the wet pit and one well downgradient of the wet pit.

Monitoring programs for proposed mining areas exceeding 100 acres (total proposed mining area over the life of the project) shall include one additional well for each 100 acres of wet pit

mining. Therefore, wet pit mining areas of one to ninety-nine (99) acres would require three (3)

wells, 100 to 199 acres would require four (4) wells, 200 to 299 acres would require five (5)

wells, and so on. These wells shall be distributed through the vicinity of the wet pit mining area and used for groundwater level measurements. Groundwater levels shall be collected from the monitoring wells on a quarterly basis for six (6) months prior to mining and for the duration of the mining period. All wellheads shall be surveyed with horizontal and vertical control to allow calculation of groundwater elevations and development of groundwater contour maps. Groundwater levels shall be measured with an accuracy of plus or minus 0.01 foot, at minimum.

Water quality in the vicinity of each active wet pit mining location shall be evaluated by analyzing samples from selected monitoring wells (one upgradient and one downgradient) and wet pit surface water sampling locations. Since mining may be conducted in phases over a

relatively long period of time, pit boundaries may change with time. Selection, and installation if

necessary, of downgradient monitoring wells, which would be critical to adequately characterize

the groundwater quality in the vicinity of the wet pits, shall be submitted by the operator for review and approval by the County. The selected monitoring wells shall be installed and sampled at least six (6) months prior to the removal of overburden. The downgradient wells shall be located as near to the active wet pit mining areas as is practical. The upgradient wells shall be located an adequate distance from the proposed mining area to ensure that the effect of the wet pit on water quality in the well would be negligible. The water samples from the wet pit shall be collected in a manner so as to ensure that they are representative of water quality within the wet pit. The minimum sampling schedule and required analyses are described below.

(a) Groundwater level and pit water surface level measurements shall be performed quarterly in all wells for the duration of mining and reclamation.

(b) For monitoring the groundwater quality of proposed wet pit mining, sample collection and analysis of physical, chemical, and biological constituents shall be conducted according to the following specifications:

(1) *Prior to the removal of overburden.* One upgradient and one downgradient well shall be sampled at least six (6) months prior to the removal of overburden and again at the start of excavation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; total petroleum hydrocarbons (TPH) as diesel and motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX); pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation).

(2) *During wet pit mining and active reclamation.* The wet pit shall be sampled semiannually for the duration of mining and active reclamation. The samples shall, at minimum, be analyzed for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). One upgradient and one downgradient well shall be analyzed, at minimum, for general minerals; inorganics; nitrates; TPH as diesel and motor oil, BTEX; pesticides (EPA 8140 and 8150); and coliform (with E. coli confirmation). The wells shall be sampled according to the following schedule: semiannually for the first two (2) years, and annually every year thereafter.

- (3)*After active reclamation.* One year after all heavy equipment work has been completed in the vicinity of the pit, the TPH and BTEX analyses may be discontinued. The wet pit and one upgradient and one downgradient well shall be sampled and analyzed for pH; temperature; nutrients (phosphorous and nitrogen); total confirmation); and biological oxygen demand. This monitoring shall be conducted every two (2) years for a ten (10)-year period after completion of reclamation.

A report to the Agency and Department of Environmental Health shall be submitted within thirty (30) days of the required groundwater testing. Additional tests and analysis shall be required only if a new condition is recognized that may threaten water quality or if the results of previous tests fall outside allowable ranges. If at any time during the monitoring period, testing results indicate that sampling parameters exceed Maximum Contaminant Levels (MCLs), as reported in the California Code of Regulations, or established background levels, a qualified professional shall evaluate potential sources of the contaminants. The evaluation shall determine the source and process of migration (surface or subsurface) of the contaminants. A report shall be submitted to the regulatory agencies (the Agency, Yolo County Department of Environmental Health, the Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency), which identified, the source of the detected contaminants and specifies remedial actions to be implemented by the operator for corrective action. If it is determined that the source of water quality degradation is off-site, and the County and the RWQCB are in agreement with this conclusion, the operator shall not be responsible for corrective action.

If corrective action is ineffective or infeasible, the responsible party must provide reparation to affected well owners, either by treatment of water at the wellhead or by procurement of an alternate water supply. If, at the completion of the mining and reclamation period, water quality has not been impacted, all monitoring wells shall be destroyed in accordance with the California Department of Water Resources Well Standards. If the County or other agency wishes to maintain the wells for future water resources evaluation, selected wells may be preserved for this use. The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrologic reports related to monitoring. (§ 1, Ord. 1190, eff. September 5, 1996).

Operator acknowledges condition and continues to comply as needed.

- c. Sec. 10-4.427. Protection of nearby drinking water wells.

If any off-channel excavation proposes to extend below the level of seasonal high groundwater, then six (6) months prior to the commencement of excavation below the average

high groundwater level, the operator shall identify and locate all off-site municipal wells within 1,000 feet and all domestic wells within 500 feet of the proposed wet pit mining boundary. If active wells are identified, well characteristics (pumping rate, depth, and locations of screens) shall be determined. If wells are not located within 1,000 feet, the pre-mining impact evaluation shall be considered complete.

If wet pit mining is proposed within 1,000 feet of a municipal water supply or within 500 feet of a domestic water supply well, a capture zone analysis shall be conducted using the U.S. Environmental Protection Agency model WHPA (or a similar model of equal capability and proven reliability, as approved by the Director). The simulation shall assume thirty (30) days of continuous pumping of the water supply well (at its maximum probable yield) under analysis. A mining setback shall be established so that the capture zone and the pit

do not coincide. Alternatively, the operator shall submit a written agreement that the well owner has agreed to relocate or redesign the well, or accept the potential impact (at no expense to the County). The analysis shall be prepared and signed by a Registered Civil Engineer or Certified Hydrogeologist and submitted to the County for review and approved at least six (6) months prior to the commencement of excavation below the seasonal high groundwater level.

Any new drinking water wells proposed for installation within 1,000 feet of an approved wet pit mining area shall be subject to review by the Yolo County Environmental Health Department. The County shall determine, based on site specific hydrogeology and available water quality data, whether to approve the proposed well installation. Analysis of environmental impact for projects in the vicinity of the wet pits shall include consideration of potential water quality impacts on the open water bodies.

The County may retain appropriate staff or a contract consultant to provide third party critical review of all hydrogeologic reports related to mining applications. (§ 1, Ord. 1190, eff. September 5, 1996).

Operator's proposed groundwater monitoring program (level and quality) for the Woodland Properties was approved as written by the Resource Management Coordinator. (For details, see 1997 Pre-Commencement Report.) Per Section 10-4.417, monitoring and sampling continue to occur. As determined by the EIR and submittals from Luhdorff and Scalmanini, the off-channel excavation extending below the groundwater level will not adversely affect the producing capacity or water quality of local wells with one possible exception. Groundwater modeling indicates that the capture zone of the Storz domestic well extends beneath the adjacent Storz wet pit. The Storz well draws from the deep, confined aquifer, whereas the wet pit is within the upper unconfined aquifer. (Condition 39 also memorializes this event.) No action necessary at this time.

- d. Sec. 10-4.428. Sanitary facilities.
At least one toilet shall be provided for each off-channel mining operation. Chemical toilets shall be properly maintained and serviced regularly. Permanent toilets shall be properly engineered and the design approved by the Yolo County Building Official and the Environmental Health Department prior to installation. All on-site water storage facilities shall be labeled potable" or "nonpotable." (§ 1, Ord. 1190, eff. September 5, 1996).

Per Section 10-4.428, sanitary facilities are available to employees. Permanent toilet facilities are located at the scale house. Portable toilets are used around the property as necessary.

- e. Sec. 10-5.507. Drainage.

Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The

condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way. Drainage and detention facilities within the proposed mining areas and vicinity shall be designed to prevent discharges to the wet pits and surface water conveyances (i.e., creeks and sloughs) from the twenty (20) year/one-hour storm or less. For events greater than the twenty (20) year/one-hour storm,

runoff from around the perimeter of the mining areas shall be directed into surface water conveyances. Runoff from within the lowered mining area shall be directed away from wet pits to detention/infiltration areas. Drainage plans shall not rely solely on ditches and berms to direct runoff away from the wet pit. Without proper maintenance, berms and ditches may deteriorate with time and become ineffective. Drainage plans shall emphasize the grading of disturbed areas that results in broad gently slopes that drain away from the pits. Grading plans shall be reviewed by the County to evaluate compliance with drainage plan objectives prior to project approval.

In addition, a restriction shall be recorded on the deed that requires berms and ditches to be permanently maintained in a condition consistent with the final approval. The deed restriction shall require an inspection easement, which allows County staff or other authorized personnel access for the inspection of berms and ditches. If the County determines that evidence of damage to those facilities exist, the County shall require that the owner have an inspection report for the property prepared by a Registered Geologist or Registered Civil Engineer. The inspection report including recommendations for corrective action, if needed, shall be submitted to the Yolo County Community Development Agency. The property owner shall be required to implement recommended corrective action, if any. (§ 1, Ord. 1191, eff. September 5, 1996)

Per Section 10-5.507, the reclamation submittals were found to be in compliance with drainage and detention regulations. Regarding deed restrictions allowing drainage inspection by county staff and owner's responsibility for maintenance, a notification letter was sent to property owners. (For details, see 1997 Pre-Commencement Report.) Deed recordation will occur between now and the return of Teichert's reclamation bond. No further action necessary at this time.

- f. Sec. 10-5.510. Fencing.
Open wet pits shall be fenced with a forty-two (42") inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property, which requires the landowner to maintain fences. (§ 1, Ord. 1191, eff. September 5, 1996).

Per Section 10-5.510, open wet pits will be fenced using four-strand barbed wire. Regarding the placement on the deed of a requirement that fencing and gates be maintained after the completion of reclamation, please refer to the letter mailed to the property owners informing them of this responsibility. Recordation will occur between now and the return of the financial assurances.

- g. Sec. 10-5.519. Motorized watercraft prohibition. The use of motorized watercraft on any pond, lake or other body of water created as apart of the approved reclamation plan is prohibited. (§ 1, Ord. 1191, eff. September 5, 1996).

No motorized watercraft to be used, aside from wildlife mercury bioaccumulation monitoring as allowed. Condition acknowledged.

- h. Sec. 10-5.524. Post-reclamation groundwater monitoring. Monitoring during the mining and reclamation period shall be a condition of the permit. The applicant shall ensure that the groundwater monitoring of wet-pit mining continues for (10) years after the completion of reclamation. (§ 1, Ord. 1191, eff. September 5, 1996)

Section 10-5.524 addresses post-reclamation groundwater monitoring. Operator acknowledges that groundwater monitoring of wet pits continues for ten years after the completion of reclamation. Financial assurances will be maintained to ensure that post-reclamation monitoring is completed. No action necessary at this time.

- i. Sec. 10-5.528. Sewage storage prohibition.
The use of off-channel wet pits for the storage and treatment of sewage effluent, or for landfill purposes, is prohibited. (§ 1, Ord. 1191, eff. September 5, 1996)

Per 10-5.528, sewage effluent will not be discharged into wet pits. Furthermore, no sewage effluent or landfill has been stored on site. Condition acknowledged.

- j. Sec. 10-5.530. Slopes.
All final reclaimed slopes shall have a minimum safety factor equal to or greater than the critical gradient as determined by an engineering analysis of the slope stability. Final slopes less than five (5') feet below the average summer low groundwater level shall be designed in accordance with the reclaimed use and shall not be steeper than 2:1 (horizontal:vertical). Reclaimed wet pit slopes located five (5') feet or more below the average summer low groundwater level shall not be steeper than 1:1 horizontal:vertical), in order to minimize the effects of sedimentation and biological clogging on groundwater flow, to prevent stagnation, and to protect the public health.

The maximum slope angle for all final reclaimed slopes shall be determined by slope stability analysis performed by a Licensed Geotechnical Engineer or Registered Civil Engineer and submitted with any mining and reclamation application for review by the Yolo County Community Development Agency. The slope stability analysis shall conform to industry standard methodologies regarding rotational slope failures under static and pseudostatic seismic) conditions. The minimum factor of safety for all design reclamation slopes located adjacent to levees or below existing structures shall not be less than 1.5 for static and 1.1 for pseudostatic (seismic) conditions. Other reclamation slopes shall meet a minimum factor of safety that is consistent with the postreclamation use proposed for the mining area. (§ 1, Ord. 1191, eff. September 5, 1996)

Per 10-5.530, all slopes comply with this ordinance. Notes have been added to the Woodland exhibits which indicate that final slopes less than five feet below the average summer low groundwater level will be designed in accordance with the reclaimed use and shall not be steeper than 2:1. Slopes below groundwater will not be steeper than 1:1. Cut and fill slopes have been determined to possess factors of safety greater than or equal to 1.5. Slope stability analysis was submitted with the application and evaluated in the project-level EIR. All slopes were designed by a registered civil engineer and meet or exceed the minimum safety threshold.

- 38. Implement the performance standards contained in Section 10-4.427 of the Off-Channel Mining Ordinance, using MODFLOW and PATH3D for capture zone analysis (Mitigation Measure 4.4-3a).

Operator acknowledges the requirements of the above condition. Capture Analysis was included with the Operator's application submittal package.

39. Conduct groundwater modeling to identify the vertical extent of the Storz domestic well 30-day and 1-year capture zones for both the upper and lower aquifers. Modeling should explicitly account for seepage of water from the upper aquifer through the well packing materials. Excavation boundaries and/or depths shall be adjusted as necessary to ensure that the Storz well in the lower aquifer would not draw from the proposed Storz pond in the shallow aquifer. As an alternative, the applicant may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts (Mitigation Measure 4.4-3b).

Condition satisfied.

40. In order to protect surface water and groundwater quality, the applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements by implementing a project Stormwater Pollution Prevention Plan (SWPPP) if required by the RWQCB. If the RWQCB does not require a SWPPP, the applicant shall implement an equivalent plan regulated by the County Department of Environmental Health (Mitigation Measure 4.4-4c).

A SWPPP is not required for operations where stormwater is contained on-site. Yolo County Environmental Health Division Department is now the regulatory agency for the Hazardous Materials Business Plan program which was under the jurisdiction of Yolo County Communications Emergency Service Agency prior to July 1, 2000. If the types of hazardous materials change, a revised plan will be submitted within thirty days. Staff possesses copies of current plans. (Please note that due to a recent change in State regulations, hazardous material business plans are now submitted every three years, instead of every other year). See 2022 plan, attached.

41. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).
- g. Sec. 10-5.517. Mercury bioaccumulation in wildlife.
Prior to the approval of reclamation of aggregate mining areas to permanent lakes, the County shall commission a sampling and analysis program, to be implemented in one existing wet pit mining area within the OCMP planning area, to evaluate the potential for increased methylmercury production associated with wet pit mining and reclamation of mining areas to permanent lakes. The program shall include the sampling of water and sediments from the bottom of the existing pit and analysis of the samples for organic content; pH; dissolved oxygen content; dissolved carbon content; and total mercury. In addition, samples of predatory fish (preferably largemouth bass) shall be collected and analyzed for mercury and methylmercury content. If the initial sampling indicates either of the following conditions, the County shall perform verification sampling:
- (a) Average concentrations of total mercury in excess of 0.000012 milligrams per liter (mg/l) in the water; and,

(b) Average mercury levels in fish samples in excess of 0.5 milligrams per kilogram (mg/kg).

If verification sampling indicates exceedance of these mercury criteria, the County shall approve the reclamation of mining areas to permanent lakes only if the average level of mercury in fish collected from the existing mining pits is shown to be equal to or less than ambient (background) mercury levels determined from a representative sample of similar species of fish (of similar size) collected in the Cache Creek channel within the planning area. The determination of the ambient mercury level shall be performed by the County prior to the excavation of any new wet pit mine and at years ten (10), twenty (20) and thirty (30) in the permit time period, and shall be paid for by the mining permit operators on a fair-share basis. The County shall evaluate available data to determine any significant change in ambient concentrations of mercury in fish within the Cache Creek channel.

In the event of approval of reclamation of mined areas to permanent lakes, each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five (5) years after creation of the lake for conditions that could result in significant methylmercury production. An additional ten (10) years of biennial monitoring shall be performed after reclamation of each lake has been completed.

The evaluations shall be conducted by a qualified aquatic biologist or limnologist acceptable to the County and shall include the following analyses:

(b) Lake condition profiling during the period of June through September, including measurements of pH; eH (or redox potential); temperature; dissolved oxygen; and total dissolved carbon.

(c) Collection of a representative sample of fish specimens (including a minimum of five (5) predator fish if available) and analysis of the specimens for mercury content. Sampling and analysis shall be conducted using methodologies, which are consistent with the California State Water Resources Control Board Toxic Substances Monitoring Program procedures, or more stringent procedures.

(d) The results of the evaluation shall be summarized in a report and submitted to the County. The report shall include a comparison of the site-specific data to available data on the background concentrations of mercury in fish within the Cache Creek watershed. The County shall be responsible for submitting the data on mercury levels in fish to the California Department of Fish and Game and the Office of Environmental Health Hazard Assessment for a determination of whether a fish advisory should be issued.

(e) If a fish advisory is issued, the owner/operator shall be required to post warnings on fences surrounding the mining pit lakes, which prohibit fishing in the lakes and describe the fish advisory. If the average fish specimen mercury content exceeds the statistically verified ambient mercury concentrations for comparable fish species (of similar size) collected within the CCRMP planning area for two (2) consecutive years, wet pit mining on property controlled by the mining operator/owner shall be suspended and the owner/operator shall either:

(f) Present a revised reclamation plan to the Yolo County Community Development Agency which provides for filling the reclaimed lake to a level five (5') feet above the average seasonal high groundwater level with a suitable backfill material; or,

(g) Present a mitigation plan to the Yolo County Community Development Agency, which provides a feasible and reliable method for reducing methylmercury production or exposure to elevated mercury levels. Potential mitigation could include permanent aeration of the bottom levels of the lake, alteration of the water chemistry (increasing pH or dissolved organic carbon levels), control of anaerobic bacteria populations, or removal and replacement of affected fish populations. The mitigation plan would require review by the Regional Water Quality Control Board, California Department of Fish and Game, and the Yolo County Department of Environmental Health. (The removal and replacement of fish is not intended to be a long-term solution.) The reclamation plan shall be modified such that the mitigation approved for methylmercury reduction shall be applied to all mining areas proposed for reclamation to permanent lakes within the reclamation plan. (§ 1, Ord. 1191, eff. September 5, 1996).

This condition is a duplicate of condition 37, with the sole exception of Section 10-5.517. Regarding mercury bioaccumulation in wildlife, the initial baseline testing has occurred. Water quality testing was performed in July, 1997, more than six months before the commencement of the long-term, off-channel entitlements. All measurements were well below MCL thresholds. The Cache Creek Area Supplemental Costs Funding Agreement guarantees compliance. Per the five year annual testing, this action is triggered upon the creation of a permanent lake. Sampling will be conducted in accordance with the ordinance. See responses to condition 27

42. The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well (compared to currently permitted conditions).

If the applicant proposes to increase groundwater pumping to meet the increased water demand, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the Woodland processing plant would not adversely affect active water supply wells within 1,000 feet of the plant well, as compared to currently permitted conditions. The proposed incremental increase in pumping shall be lessened as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using analytical methods or MODFLOW and shall assume historic average low groundwater levels. Groundwater modeling of the project area submitted with the project application (Luhdorff and Scalmanini, 1995) could be modified to include the plant well and vicinity.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts

If the applicant meets the additional demand without increasing groundwater pumping, such as by recycling wash water from the settling ponds, the above groundwater modeling is not required (Mitigation Measure 4.4-8a).

No increase in groundwater pumping is proposed. Recycling wash water reduces groundwater dependency. Recycled water source is the wash water settling basins at the Woodland plant. The last paragraph represents Operator's intent. Condition is satisfied.

(Plant water usage discussed in greater detail in our response to condition 26, Section 4.4-8a.)

AGRICULTURE

43. All mining permit applications shall identify the location and acreage of prime farmlands, unique farmland, and farmland of statewide significance, as shown on the State Farmland Mapping and Monitoring Program (FMMP) which, as a result of reclamation, would be permanently converted to non- agricultural uses. For each acre of farmland in these categories that would be converted to non-agricultural use, the reclamation plan shall present provisions to offset the conversion of these lands, at a ratio consistent with Section 8-2.404 (Agricultural Conservation and Mitigation Program) of the County Code. This mitigation requirement may be satisfied using a variety of flexible options identified below so long as the total acreage of benefit is found to be equivalent to the applicable ratio and acreage required under Section 8-2.404 of the County Code, by type and amount of farmland being impacted, and so long as a minimum ratio of 1:1 of permanently protected agriculture land of equivalent or better quality/capability is achieved.
- (a) Implementation of improvements, identified by a qualified soil scientist, to the agricultural capability of non-prime lands within the project site or outside the project site but within the OCMP area, that convert non-prime to prime agricultural conditions. These improvements can include permanent improvement of soil capability through soil amendments, reduction of soil limitations (such as excessive levels of toxins), or improvements in drainage for areas limited by flooding or low permeability soils.
 - (b) Placement of permanent conservation easements on land of equal or better quality/capability. The operator shall be encouraged to target property "at risk" of conversion to non-agricultural uses in selecting areas for permanent protection. Prior to approval of the conservation easement, the operator shall consult with the County and/or an appropriate non-profit agency to determine the relative risk of conversion, to which the proposed property might otherwise be subject. A minimum ratio of 1:1 is required in this category.
 - (c) Dedication of land, funding, or equivalent improvements, consistent with the County's net gains goals, above and beyond the net gains benefits otherwise required under the CCAP program.
 - (d) Dedication of land, funding, or equivalent improvements, consistent with the Parkway Plan, above and beyond net gains benefits otherwise required under the CCAP program.

Operator's long-term mining and reclamation application identified and qualified prime farmland. The Woodland project results in the permanent conversion of 81 acres of prime farmland. Per Section 10-5.525 an offset ratio of 1:1 applies.

The total 1:1 offset for loss of prime soil for Woodland and Esparto (mining permits ZF# 95-095 and ZF# 95-094) is 123 acres. Mitigation for the loss will occur on the Muller and Haller properties. The Muller property (a portion of APN's 25-350-30 and 25-350-32) will offset 101 acres, with the remaining 22 acres occurring at Haller (a portion of APN 25-350-28). The County accepted this agricultural conservation strategy on March 7, 2000. The mitigation property is near the Growth Management Area located in the Dunnigan Hills, north of Cache Creek. Muller (phase 1) is not currently enrolled in a Williamson Act contract.

Phases I and II (the mined portion of Coors Property) will be placed into a Williamson Act contract upon the completion of reclamation. Haller has been reclaimed and its financial assurance released.

BIOLOGICAL RESOURCES

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

A Memorandum of Understanding and Management Authorization by and between the Operator and the California Department of Fish & Game was executed on December 26, 1997. On December 1, 1998 the Board of Supervisors accepted the Habitat Conservation Easement on 121 acres for the Operator's Woodland and Esparto Long-Term, Off-Channel surface mining permits. This acceptance protects approximately 121 acres of riparian vegetation from future conversion to non-environmental uses. A copy was provided to staff.

- 44.5 The proposed HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

As noted in the application and the subsequent review of the EIR, Operator's Woodland off-channel operations do not impact elderberry shrubs. No impact occurred with a 50-foot setback radius. The increased mining setback to 200-feet further reduces any likelihood of take. As described in the project-level EIR, there are several elderberry bushes without bore holes in the riparian scrub/oak woodland adjoining the three mining sites. Elderberry bushes with bore holes have been discovered to the south and west of the Muller property, outside the permitted mining area. No take of valley elderberry longhorn beetle occurred. As staff is aware, the Operator maintains a habitat preserve on the Haller peninsula. This site would offset any potential losses incurred by the project, even though none are anticipated.

45. Implement the performance standard included in Sections 10-4.418, 10-4.433, and 10-4.440 of the County Off-Channel Mining Ordinance and Sections 10-5.515 and 10-5.523 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.6-6a).

- a. Section 10-4.418: All surface mining operations shall complement the preservation and enhancement measures in the Yolo County Habitat Conservation Plan (HCP). Mining operators with lands designated as having a moderate to high potential for use as mitigation areas in the HCP shall be encouraged to participate in the Developer HCP Participation Options, including use of lands as mitigation sites.

Requested action noted. Please note that approved reclamation plans have multiple habitat components (uplands, riparian, etc.).

- b. Section 10-4.433: Topsoil, subsoil, and subgrade materials in stockpiles shall not exceed forty (40) feet in height, with slopes no steeper than 2:1 (horizontal:vertical). Stockpiles, other than aggregate stockpiles, shall be seeded with a vegetative cover to prevent erosion and leaching. The use of topsoil for purposes other than reclamation shall not be allowed without the prior approval of the Director.

Slopes on stockpiled soils shall be graded to a 2:1 (horizontal:vertical) slope for long-term storage to prevent use by bank swallows. At no time during the active breeding season

(May 1 through July 31) shall slopes on stockpiles exceed a slope of 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each work day where stockpiles have been disturbed during the active breeding season.

Operator acknowledges this condition and is in compliance with this requirement.

- c. Section 10-4.440: Avoid disturbance to important wildlife habitat features such as nest trees, colonial breeding locations, elderberry host plants for Valley Elderberry Longhorn Beetle, and essential cover associated with riparian forest and oak woodland habitat. This shall include sensitive siting of haul roads, trails, and recreational facilities away from these features. Essential habitat for special-status species shall be protected and enhanced, or replaced as a part of mitigation plans prepared by a qualified biologist.

Operator will comply with Section 10-4.440 requirements.

- d. Section 10-5.515: Proposed habitat restoration or mitigation plans for lands within the OCMF plan area shall be sent to the California Department of Fish and Game, U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and other interested parties for review and comment to ensure that the projects do not conflict with other existing habitat enhancement efforts.

Operator acknowledges this requirement, as was recently done in conjunction with placement of conveyor and bridge. County files should contain all appropriate paperwork.

- e. Section 10-5.523: Site-specific planting plans shall be developed by a qualified biologist for proposed habitat reclamation projects. Restoration components of reclamation plans shall include provisions to enhance habitat for special-status species, where feasible.

Operator acknowledges the listed ordinance sections noted in Condition 45. Per Section 10-4.418, Operator's mining and reclamation activities would complement any Habitat Conservation Plan adopted by the County. Habitat restoration and mitigation plans were circulated to responsible agencies and other interested parties during the EIR period. Operator understands that if any substantive changes are to be proposed to the approved plans, they would be circulated to the appropriate parties. Moreover, the Development Agreement authorizes the establishment of conservation easements (Section 2.29).

Per Section 10-4.433, soil heights will adhere to the ordinance limitation, and not exceed 40 feet in height with slopes no steeper than 2:1. Existing stockpiles are in compliance. Mining, haul roads, and related improvements were situated away from all sensitive vegetation and wildlife habitat. Reclamation plans were developed in concert with qualified biologists. The approved reclamation included habitat attractive to a variety of species. Additionally, the project included provisions to enhance habitat for valley elderberry longhorn beetle. Other special status species, such as Swainson's hawk, will be able to use the reclaimed agricultural lands and habitat areas as well as the 2081 mitigation properties.

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

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

- a. Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.
- b. If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.
- c. Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG-approved relocation plan has been successfully implemented.
- d. Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife biologist on the status of nesting activity has been submitted in writing to CDFG (Mitigation Measure 4.6-7a).

Regarding this prerequisite Operator respectfully points out that in the Specific Findings, the Board rejected the requirement. Please note that raptor surveys were conducted in conjunction with the application submittal. No active nests were discovered within the permitted area. (The record notes that nests have been located within one mile west of the Muller parcel, in the riparian forest south of County Road 20. Operator's reclamation will be attractive to raptors.)

Teichert conducted raptor and Valley Elderberry Longhorn Beetle surveys prior to mining Coors and installing the conveyor bridge. A copy of the results was submitted to CDFG and County staff, and should be present in County files.

TRAFFIC

46. The applicant shall widen the curve radius for east bound right-turn movement. Within one year of project approval, the operator shall widen the curve radius for the intersection of County Road 20 and County Road 96. The specific scope of the improvements shall be as determined by the Public Works Department. The operator shall pay 100 percent of the cost of the improvements. Encroachment permits from the Public Works Department shall be obtained prior to construction. (Mitigation Measure 4.8-1a).

The curve radius for the east-bound right-turn movement has been widened. Compliance occurred during the execution of short-term road obligations in 1996. Necessary encroachment permits were approved prior to construction. Condition is satisfied; no further action required.

47. The proposed project shall assume joint pavement maintenance responsibility with the County on County Road 20 from the project entrance to County Road 98 (State Route 16), and on County Road 96, from Road 20 to State Route 16, for the life of the permit. The operator shall annually submit appropriate reporting/documentation demonstrating compliance with Section 10-4.408

(County Road Improvements) and 10-4.409 (County Road Maintenance) of the County Mining Ordinance. (Mitigation Measure 4.8-2a).

Operator acknowledges the annual requirements of this condition. Teichert's road assessment is included under Traffic and Roads. There are two roadway segments for the Woodland Plant site. Both sections require repair. Teichert is currently planning on improvements to the shoulders along the County Road 96 segment and repaving County Road 20 with rubberized asphalt within the next two years (as soon as a rubberized asphalt job begins to pair with planned repairs).

NOISE

48. Use part of the overburden on the Storz site to create a temporary berm approximately 10-feet high along the rear property lines of the two homes south of the Storz parcel (Mitigation Measure 4.9-2a).

Condition satisfied.

49. Implement Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).
- a. Section 10-4.422: If mining occurs within fifteen-hundred (1500) feet of residences, equipment used during nighttime activities shall be equipped with non-sonic warning devices consistent with the California Office of Safety Hazard Administration (Cal OSHA) regulations, which may include fencing of the area to avoid pedestrian traffic, adequate lighting of the area, and placing an observer in clear view of the equipment operator to direct backing operations. Prior to commencement of operations without sonic warning devices, operators shall file a variance request with the California OSHA Standards Board showing that the proposed operation would provide equivalent safety to adopted safety procedures, including sonic devices.

Operator acknowledges the condition. No night time mining has occurred during the past year. Should mining commence after 6:00 p.m., the performance standard for night time activities will be adhered to. Machinery will be equipped with non-sonic warning devices consistent with Cal OSHA regulations.

- 49.2 Mitigate noise from the dragline by portable screens or berms to achieve sufficient attenuation, possible in conjunction with partial depression (Mitigation Measure 4.9-3b).

Dragline operations were not utilized. Operator acknowledges the requirements of the condition. Please see option provided in condition 49.8.

- 49.4 Avoid operating the dragline within 500 feet from the homes south of the Storz mine site (Mitigation Measure 4.9-3b).

Mining has commenced on the Storz property, but not dragline operations. Operator acknowledges the requirement. Please refer to option provided by condition 49.8.

- 49.6 Conduct noise testing of operating dragline to verify levels. If required, develop additional noise controls to achieve compliance with County noise standards. Within six months of the commencement of wet pit mining operations, a qualified acoustic consultant shall conduct noise monitoring of the wet pit dragline. The consultant shall make recommendations to bring any excessive noise levels into conformance with Section 10-4.421 of the County Off-Channel Mining

Ordinance. The acoustic consultant shall submit reports of noise measurements and recommended actions to the Community Development Director for review and approval, and all recommended actions shall be implemented (Mitigation Measure 4.9-3c).

Operator acknowledges the condition. Within six months of the commencement of wet pit mining, a qualified acoustic consultant will conduct noise monitoring of the wet pit dragline.

- 49.8 As an alternative to Mitigation Measures 4.9-3a and b, the applicant may secure a contractual agreement from the resident that indemnifies the County and reflects understanding of and acceptance of the noise impacts (Mitigation Measure 4.9-3d).

Operator acknowledges the condition and the flexibility it provides.

AESTHETICS

Implement Mitigation Measure 4.6-1a of the Final EIR for the proposed project (Mitigation Measures 4.10-1a and 2a).

- a. Mitigation Measure 4.6-1a: The reclamation plans for the Muller and Storz sites shall be revised to incorporate features conducive to wetland and riparian habitats surrounding the open water area, in order to comply with OCMP Performance Standard 6.5-5. Such features shall include scalloping of perimeter slopes, stepped benches above and below the groundwater level, and peninsulas and/or islands, as appropriate. Should the required agreements be reached for use of these sites as groundwater after recharge basins, an amended reclamation design may be submitted to the County for approval to modify the design, as necessary, for that use.

Condition has been satisfied; revised reclamation plans were submitted in 1997. Both Muller and Storz exhibit wetland and riparian habitat features that include scalloping, benches and peninsulas. No agreements have been made to use Phases I or III sites as groundwater recharge basins. Please see our letter dated 10.24.08 and attached map indicating that reclamation has officially begun at the site; located in the compliance section. No further action necessary; condition satisfied.

CULTURAL RESOURCES

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

- a. Section 10-4.410:

(a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites, paleontological resources, and unique geologic features. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resources are determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural, paleontological, or unique geologic resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

(b) If human skeletal remains are encountered during excavation, all work within seventy-five (75') feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed.

If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75') feet shall immediately stop and the Director shall be notified at once. 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. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to the County for public display at the Cache Creek Nature Preserve or other appropriate venue.

Operator acknowledges the condition. In the application and subsequent EIR process, all cultural resource records were checked, and no cultural resources are located within the Phase I permitted area. No human remains have been discovered at the site during the 2006-2023 mining years. Per Section 10-4.410 if human skeletal remains are encountered during excavation, all work will stop within 75 feet and the County Coroner will be notified. If the remains are of Native American origin, the appropriate Native American Heritage Commission representative will be contacted for disposition. Likewise if cultural resource or paleontological materials are unearthed, appropriate steps will be taken per Section 10-4.410.

52. The operator shall implement an explicit educational program that alerts project employees to the nature of Paleontological and archaeological resources in the region, the laws that protect them, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).

Operator acknowledges the condition. The training video was prepared by Jensen & Associates, a firm which provides archaeological, historical and cultural resource management services. Operator has thoroughly educated employees regarding cultural and habitat conventions. The training video will continue to be shown intermittently to employees throughout the entitlement period.

53. Implement Mitigation Measures 4.11-1a and 1b of the Final EIR for the proposed project (Mitigation Measures 4.11-2 and 3).

- a. Mitigation Measure 4.11-1a: Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance

- i. Section 10-4.410:

- (a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan

shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

- (b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or Paleontological materials are encountered during excavation, then all work within seventy-five (75) feet shall immediately stop and the Director shall be notified at once. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Agency.

- b. Mitigation Measure 4.11-1b: The operator shall implement an explicit educational program that alerts project employees to the nature of Paleontological and archaeological resources in the region, the laws that protect them, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional.

This is a repeat of conditions 50 and 51.

- 54. Prior to mining on the Storz parcel, the applicant shall conduct mechanical trenching in the area north and west of CA-YOL-38 to determine whether buried archaeological materials are present. This shall be done with a qualified professional archaeologist present who can identify and evaluate the importance of any discoveries that are made. Trench exposures shall be no more than 50 to 60 feet apart (30 to 40 feet long), and excavated to a depth of at least 8 to 10 feet. At this spacing, approximately 10 to 12 trenches would need to be opened to provide adequate coverage of the area (a 600-foot section at the north base of the knoll) in question (Mitigation Measure 4.11-3b).

Condition satisfied.

HAZARDS

- 55. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).
 - a. Section 10-4.415: All internal combustion engine driven equipment and vehicles shall be kept tuned according to the manufacturer's specifications and properly maintained to minimize the leakage of oils and fuel. No vehicles or equipment shall be left idling for a period of longer than ten (10) minutes.

Fueling and maintenance activities of heavy equipment (except draglines and floating suction dredges) are prohibited within one-hundred (100) feet of open bodies of water during mining and reclamation. All Storm Water Pollution Prevention Plans shall include provisions for releases of fuels during fueling activities for draglines and floating suction dredges.

Operator acknowledges the requirements of the condition. All internal combustion engines are kept in good working order and the performance standard will be adhered to. Operator's Spill Prevent Control and Countermeasure Plan (SPCC) includes provisions for releases of fuels during fueling activities.

2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS

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

10-4.420.1: Each mining area to be reclaimed to a permanent lake as part of each approved long-range mining plan shall be evaluated annually by the operator for five (5) years after the pit fills with groundwater with an intensive fish mercury monitoring program described in Section 10-5.517 of the Reclamation Ordinance.

- 10-5.517: As part of each approved long-term mining plan involving wet pit mining to be reclaimed to a permanent pond, lake, or water feature, the operator shall maintain, monitor, and report to the Director according to the standards given in this section. Requirements and restrictions are distinguished by phase of operation as described below.

- (a) Mercury Protocols. The Director shall issue and update as needed "Lower Cache Creek Off-Channel Pits Mercury Monitoring Protocols" (Protocols), which shall provide detailed requirements for mercury monitoring activities. The Protocols shall include procedures for monitoring conditions in each pit lake, and for monitoring ambient mercury level in the lower Cache Creek channel within the CCAP planning area, as described below. The Protocols shall be developed and implemented by a qualified aquatic scientist or equivalent professional acceptable to the Director. The protocols shall identify minimum laboratory analytical reporting limits, which may not exceed the applicable response threshold identified in subsection (e) below. Data produced from implementing the Protocols shall meet or exceed applicable standards in the industry.
- (b) Ambient Mercury Level. The determination of the ambient or "baseline" fish mercury level shall be undertaken by the County every ten (10) years in years ending in 0. This analysis shall be undertaken by the County for use as a baseline of comparison for fish mercury testing conducted in individual wet mining pits. The work to establish this baseline every ten (10) years shall be conducted by a qualified aquatic systems scientist acceptable to the Director and provided in the form of a report to the Director. It shall be paid for by the mining permit operators on a fairshare basis. The results of monitoring and evaluation of available data shall be provided in the report to substantiate the conclusions regarding ambient concentrations of mercury in fish within the lower Cache Creek channel within the CCAP planning area.
- (c) Pit Monitoring.
- (1) Mining Phase (including during idle periods as defined in SMARA). The operator shall monitor fish and water column profiles in each pit lake once every year during the period generally between September and November for the first five (5) years after a pit lake is created. Fish monitoring should include sport fish where possible, together with other representative species that have comparison samples from the creek and/or other monitored ponds. Sport fish are defined as predatory, trophic level four fish such as bass, which are likely to be primary angling targets and have the highest relative mercury levels. The requirements of this subsection apply to any pit lake that is permanently wet and navigable by a monitoring vessel. If, in the initial five (5) years after the pit lake is created, the applicable response threshold identified in subsection (e) is exceeded in any three (3) of five (5) monitoring years, the operator shall, solely at their own expense, undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).

- (2) Reclamation Phase. No monitoring is required after mining has concluded, during the period that an approved reclamation plan is being implemented, provided reclamation is completed within the time specified by SMARA or the project approval, whichever is sooner.
 - (3) Post-Reclamation Phase. After reclamation is completed, the operator shall monitor fish and water column profiles in each pit lake at least once every two (2) years during the period of September-November for ten (10) years following reclamation. Monitoring shall commence in the first calendar year following completion of reclamation activities. If fish monitoring results from the post-reclamation period exceed the applicable response threshold described in subsection (e) or, for ponds that have implemented mitigation management, results do not exhibit a general decline in mercury levels, the operator shall, solely at their own expense, undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).
 - (4) Other Monitoring Obligation. If monitoring conducted during both the mining and post-reclamation phase did not identify any exceedances of the ambient mercury level for a particular pit lake, and at the sole discretion of the Director no other relevant factors substantially support that continued monitoring is merited, the operator shall have no further obligations.
- (d) Reporting.
- (1) Pit Monitoring Results. Reporting and evaluating of subsection (c) pit monitoring results shall be conducted by a qualified aquatic scientist or equivalent professional acceptable to the Director. Monitoring activities and results shall be summarized in a single report (addressing all wet pit lakes) and submitted to the Director within six (6) months following each annual monitoring event. The report shall include, at a minimum: (1) results from subsection (b) (pit monitoring), in relation to subsection (a) (ambient mercury levels).
 - (2) Expanded Analysis Results. Reporting and evaluation of subsection (f) expanded analysis shall be conducted by a qualified aquatic scientist or equivalent professional acceptable to the Director. Results shall be summarized in a single report (addressing all affected wet pit lakes) and submitted to the Director within six (6) months following each annual monitoring event. The report shall include, at a minimum, the results of the expanded analysis undertaken pursuant subsection (f).
 - (3) Data Sharing. For pit lakes open to the public, the Director may submit the data on mercury concentrations in pit lake fish to the state Office of Environmental Health Hazard Assessment (or its successor) for developing site-specific fish consumption advisories.
- (e) Response Thresholds.
- (1) Fish Consumption Advisory. If at any time during any phase of monitoring the pit lake's average sport fish tissue mercury concentration exceeds the Sport Fish Water Quality Objective, as it may be modified by the state over time (as of 2019, the level was 0.2 mg/kg), the operator shall post fish consumption advisory signs at access points around the lake and around the lake perimeter. Catch-and-release fishing may still be allowed. Unless site-specific guidance has been developed by the state's Office of Health Hazard Assessment or the County, statewide fish consumption guidance shall be provided.
 - (2) Mining Phase Results. If, during the mining phase of monitoring, the pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three (3) of five (5) monitoring years, annual monitoring shall continue for an additional five (5) years, and the operator shall undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).
 - (3) Post-Reclamation Phase Results. If during the first ten (10) years of the post-reclamation phase of monitoring, the pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three (3) of five (5) monitoring years, biennial monitoring shall continue for an additional ten (10) years, and the operator shall undertake expanded analysis pursuant to subsection (f) and preparation of a lake management plan pursuant to subsection (g).
- (f) Expanded Analysis.
- (1) General. If during the mining or post-reclamation phase, any pit lake's average fish tissue mercury concentration exceeds the ambient mercury level for any three (3) years, the operator shall undertake expanded analyses. The analysis shall include expanded lake water column profiling

(a minimum of five (5) profiles per affected wet pit lake plus one or more nonaffected lakes for control purposes) conducted during the warm season (generally May through October) in an appropriate deep profiling location for each pit lake. The following water quality parameters shall be collected at regular depth intervals, from surface to bottom of each lake, following protocols identified in subsection (a): temperature, dissolved oxygen, conductivity, pH and oxidation-reduction potential (ORP), turbidity or total suspended solids, dissolved organic matter, and algal density by Chlorophyll or Phycocyanin. The initial analysis shall also include one-time collections of fine grained (clay/silt) bottom sediments from a minimum of six (6) well distributed locations for each affected lake, and from one or more nonaffected lakes for control purposes, to be analyzed for mercury and organic content.

- (2) Scope of Analysis. The purpose of the expanded analyses is to identify and assess potential factors linked to elevated methylmercury production and/or bioaccumulation in each pit lake. The scope of the expanded analyses shall include monitoring and analysis appropriate to fulfill this purpose, invoking best practices in the industry. In addition to the analyses described in subsection (f)(1) above, the analysis should also consider such factors as: electrical conductivity, bathymetry (maximum and average depths, depth-to-surface area ratios, etc.), and trophic status indicators (concentrations, Secchi depth, chlorophyll a, fish assemblages, etc.). Additional types of testing may be indicated and appropriate if initial results are inconclusive.
- (3) Use of Results. The results of the expanded analyses undertaken pursuant to this subsection shall be used to inform the preparation of a lake management plan described below under subsection (g).
- (g) Lake Management Activities.
 - (1) General. If monitoring conducted during the mining or post-reclamation phases triggers the requirement to undertake expanded analysis and prepare and implement a lake management plan, the operator shall implement lake management activities designed by a qualified aquatic scientist or equivalent professional acceptable to the Director, informed by the results of subsection (f). Options for addressing elevated mercury levels may include (A) and/or (B) below at the Director's sole discretion and at the operator's sole expense.
 - (A) Lake Management Plan. Prepare a lake management plan that provides a feasible, adaptive management approach to reducing fish tissue mercury concentrations to at or below the ambient mercury level. Potential mercury control methods could include, for example: addition of oxygen to or physical mixing of anoxic bottom waters; alteration of water chemistry (modify pH or organic carbon concentration); and/or removal or replacement of affected fish populations. The lake management plan may be subject to external peer review at the discretion of the Director. Lake management activities shall be appropriate to the phase of the operation (e.g., during mining or post-reclamation). The Lake Management Plan shall include a recommendation for continued monitoring and reporting. All costs associated with preparation and implementation of the lake management plan shall be solely those of the operator. Upon acceptance by the Director, the operator shall immediately implement the plan. The lake management plan shall generally be implemented within three (3) years of reported results from the expanded analyses resulting from subsection (f). If lake management does not achieve acceptable results and/or demonstrate declining mercury levels after a maximum of three (3) years of implementation, at the sole discretion of the Director, the operator may prepare an alternate management plan with reasonable likelihood of mitigating the conditions.
 - (B) Revised Reclamation Plan. As an alternative to (A), or if (A) does not achieve acceptable results and/or demonstrate declining mercury levels after a maximum of three (3) years of implementation, at the sole discretion of the Director, the operator shall prepare and submit revisions to the reclamation plan (including appropriate applications and information for permit amendment) to fill the pit lake with suitable fill material to a level no less than five (5) feet above the average seasonal high groundwater level, and modify the end use to agriculture, habitat, or open space at the discretion of the Director, subject to Article 6 of the Mining Ordinance and/or Article 8 of the Reclamation Ordinance as may be applicable.
- (2) Implementation Obligations.

- (A) If a lake management plan is triggered during the mining or post-reclamation phase and the subsequent lake management activities do not achieve acceptable results and/or demonstrate declining mercury levels, the operator may propose different or additional measures for consideration by the Director and implementation by the operator, or the Director may direct the operator to proceed to modify the reclamation plan as described in subsection (g)(1)(B).
- (B) Notwithstanding the results of monitoring and/or lake management activities during the mining phase, the operator shall, during the post-reclamation phase, conduct the required ten (10) years of biennial monitoring.
- (C) If monitoring conducted during the post-reclamation phase identifies three (3) monitoring years of mercury concentrations exceeding the ambient mercury level, the operator shall implement expanded analyses as in subsection (f), to help prepare and implement a lake management plan and associated monitoring.
- (D) If subsequent monitoring after implementation of lake management activities, during the post-reclamation phase, demonstrates levels of fish tissue mercury at or below the ambient mercury level for any three (3) monitoring years (i.e., the management plan is effective), the operator shall be obligated to continue implementation of the plan and continue monitoring, or provide adequate funding for the County to do both, in perpetuity. (§ 1, Ord. 1191, eff. September 5, 1996; as amended by Ord. 1518, eff. February 13, 2020)

Operator acknowledges the requirements of the condition. Repeat of Condition 27.

57. Except for local deliveries, the operator is restricted to use of the following approved haul route for all transport: County Road 20 from the project entrance to County Road 98 (State Route 16), and on County Road 96, from Road 20 to State Route 16. The operator shall abide by this condition and the specific requirements of Section 10-4.419.

Operator acknowledges the requirements of the condition.

SEC 10-4.701(J)-CEQA COMPLIANCE

Please see SEC. 10-4.701(I) above for complete listing of mitigation measures and compliance.

SEC 10-4.701(K)-OTHER AGENCY APPROVAL

Staff contacted other state and local regulating agencies to ensure that the operation was in compliance. The operator has an Authority to Operate Permit from the Yolo-Solano Air Quality Management District and a Waste Discharge Permit from the Regional Water Quality Board. The operator has also submitted its annual reporting form to the California Department of Conservation. The operator has a Business Emergency Response Plan on file with the Office of Emergency Services.

Additional relevant conditions of approval:

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

Staff has determined these conditions were superseded by Condition 25.8 adopted on March 20, 2007. See discussion of Condition #25.8.