

## **ATTACHMENT B**

RESOLUTION CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT; ADOPTING THE CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE YOLO COUNTY BOARD OF SUPERVISORS  
CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE  
CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT (ZF #2018-0015);  
ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING  
CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, Yolo County (“County”) is proposing to take action to approve the CEMEX Mining and Reclamation Plan Amendment Project (ZF #2018-0015) (referred to as “the Project” or “CEMEX”);

**WHEREAS**, the Final Subsequent Environmental Impact Report (SCH #2021020487) has been prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000, *et seq.* (“CEQA”) to analyze the environmental effects of the Project;

**WHEREAS**, a Notice of Preparation was circulated for a minimum 30-day public review and comment period commencing from February 26, 2021, and ending March 29, 2021;

**WHEREAS**, on March 11, 2021, the Planning Commission held a public scoping meeting to receive comments regarding the appropriate scope of environmental analysis;

**WHEREAS**, the Draft Subsequent Environmental Impact Report (“Draft SEIR”) was circulated for a 47-day public review period commencing March 11, 2024, and ending May 6, 2024;

**WHEREAS**, on April 11, 2024, the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft SEIR;

**WHEREAS**, the Final Supplemental Environmental Impact Report/Responses to Comments document (“Final SEIR”) was released on September 24, 2025;

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

**WHEREAS**, public meetings and hearings were publicly posted and/or noticed (including direct mailing and/or advertisement) in compliance with State law and local requirements;

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

**WHEREAS**, the County has undertaken Tribal coordination and consultation required pursuant to standard County practice, CEQA, AB 52, and SB 18, feasible recommendations of which have been integrated into the Project;

**WHEREAS**, on November 13, 2025, the Planning Commission held a hearing to receive public testimony, and take action on the Project in the form of a recommendation to the Board of Supervisors;

**WHEREAS**, on November 13, 2025, the Planning Commission voted 6 - 0 (1 absence) to recommend certification of the Final SEIR and recommend approval of the Project to the Board of Supervisors;

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

**WHEREAS**, on \_\_\_\_\_, 2025, the Board of Supervisors held a hearing to receive public testimony and take action on the Project at which the Board independently reviewed the Final SEIR, related staff reports, the record of the Planning Commission, and all evidence including testimony and correspondence received at the Planning Commission and Board meetings and hearings, all documents and evidence of which are hereby incorporated by reference into this resolution;

**WHEREAS**, on \_\_\_\_\_, 2025, the Board of Supervisors voted \_\_\_\_\_ to certify the Final SEIR as adequate pursuant to Section 15090 of the CEQA Guidelines, noting that the Final SEIR identifies certain significant and potentially significant adverse effects on the environment that may result from adoption and operation of the Project;

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

**WHEREAS**, the CEMEX Mining and Reclamation Plan Permit Amendment Mitigation Monitoring and Reporting Program (“MMRP”) identifies the mitigation measures set forth in the Final SEIR, the responsible party for the monitoring action, and the timing of the monitoring action;

**WHEREAS**, CEMEX will bear responsibility for fully understanding and implementing the mitigation measures contained within the MMRP, and the County of Yolo will bear the responsibility for monitoring compliance;

**WHEREAS**, the Board of Supervisors desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the Project that the Board believes justify the occurrence of those impacts; and

**WHEREAS**, the Board of Supervisors specifically finds that where more than one reason for approving the Project and alternatives is given in the findings or in the record for approving the

Project and related actions and rejecting alternatives, the Board would have made its decision on the basis of any one of those reasons.

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

1. The foregoing recitals are true and correct.

2. Pursuant to Section 15090 of the CEQA Guidelines, the Board of Supervisors hereby certifies that: a) the Final SEIR has been completed in compliance with CEQA; b) the Final SEIR was presented to the Board of Supervisors, and the Board of Supervisors reviewed and considered the information contained in the Final SEIR prior to approving the Project and related actions; and c) the Final SEIR reflects the independent judgment and analysis of the Board of Supervisors and the County of Yolo.

3. Exhibit 1 of this Resolution provides findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project, feasibility of mitigation measures, and feasibility of alternatives. The Board of Supervisors hereby adopts these various findings of fact attached hereto as Exhibit 1.

4. Exhibit 1 also provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the Project due to overriding considerations. The Board of Supervisors has balanced the economic, legal, social, technological, and other benefits of the Project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The Board of Supervisors therefore finds the adverse environmental effects of the Project to be “acceptable” under Section 15093 of the CEQA Guidelines. The Board of Supervisors hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit 1.

5. After considering the Final SEIR and in conjunction with making these findings, the Board of Supervisors hereby finds that pursuant to Section 15092 of the CEQA Guidelines, approval of the Project as modified in the final action by the Board will result in significant effects on the environment; however, the County has eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under CEQA Section 15091 and acceptable under CEQA Section 15093.

6. The Board of Supervisors has considered four alternatives to the Project as discussed in the Chapter 6 of the Draft SEIR, and concluded based on substantial evidence in the record that the Project as modified in the final action by the Board is the most feasible and desirable action in light of economic, legal, social, technological, and other reasons, as discussed herein.

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

8. Pursuant to Public Resources Code Section 21081.6 and Sections 15091(d) and 15097 of the CEQA Guidelines, the Board of Supervisors hereby adopts the CEMEX Mining and Reclamation Plan Permit Amendment MMRP, provided in Exhibit 2.

9. Pursuant to Section 15091(d) of the CEQA Guidelines, all feasible mitigation measures that avoid or substantially lessen the significant effects of the project have been made part of the project and are fully enforceable by the Board of Supervisors.

10. The Board of Supervisors finds the Project to be consistent with the Climate Action Plan and Resolution No. 20-114, entitled "A Resolution Declaring a Climate Change Crisis Requiring an Urgent and Inclusive Mobilization in Yolo County."

11. A Notice of Determination shall be filed immediately after final approval of the project.

**PASSED, ADOPTED, AND APPROVED** by the Board of Supervisors of the County of Yolo following a noticed public hearing held this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

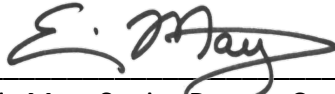
- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Mary Vixie Sandy, Chair  
Yolo County Board of Supervisors

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

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

\_\_\_\_\_  
Deputy (Seal)

  
\_\_\_\_\_  
Eric May, Senior Deputy County Counsel

Attachments:

- Exhibit 1 – CEQA Findings of Fact and Statement of Overriding Considerations
- Exhibit 2 – CEQA Mitigation Monitoring and Reporting Program

# **EXHIBIT 1**

## **CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

**CEQA FINDINGS OF FACT**

**and**

**STATEMENT OF OVERRIDING  
CONSIDERATIONS**

**of the**

**YOLO COUNTY BOARD OF SUPERVISORS**

**for the**

**CEMEX MINING AND RECLAMATION  
PLAN PERMIT AMENDMENT  
(ZF #2018-0015)**

**NOVEMBER 2025**

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## I. INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (“CEQA”) Guidelines, and relevant statutes, associated with approval and operation of the **CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT** (Zone File #2018-0015) (SCH #2021020487) (the “project” or the “proposed project”).

The CEQA Statutes (Public Resources Code Sections 21000, *et seq.*) and Guidelines (Code of Regulations Title 14, Sections 15000, *et seq.*) state that if it has been determined that a project may or will have significant impacts on the environment, an Environmental Impact Report (“EIR”) must be prepared.

For later discretionary approvals or amendments to projects involving a previously-certified EIR, as is the case for the subject project, Public Resources Code (“PRC”) Section 21166 and CEQA Guidelines Section 15162 establish that a Subsequent EIR (“SEIR”) should be prepared in specified circumstances, including when substantial changes are proposed to a project, or the circumstances under which the project will be undertaken have substantially changed, which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Further, a SEIR should be prepared where new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence when the previous EIR was certified as complete, becomes available following the certification of the previous EIR that shows:

- a) the project will have significant effects not discussed in the previous EIR;
- b) effects discussed in the previous EIR will be substantially more severe than previously shown;
- c) mitigation measures or alternatives previously found infeasible are in fact feasible, but the project proponent declines to adopt them; or
- d) considerably different mitigation measures or alternatives would substantially reduce significant effects, but the project proponent declines to adopt them.

Pages 4-3 through 4-6 of the Draft SEIR contain a more detailed discussion of the analysis approach and relevant aspects of the project.

Also, as allowed under Sections 15152 and 15168 of the CEQA Guidelines, the CEMEX SEIR tiers from earlier relevant EIRs as follows:

- The *Solano Concrete Long-Term Off-Channel Mining Permit Final Environmental Impact Report* (SCH #96012034) (“1996 EIR”), prepared for the former owner/operator of the

subject site in 1996 for ongoing mining and reclamation activities; and

- The 2019 Cache Creek Area Plan Update Final EIR (SCH #2017052069) (“CCAP Update FEIR”), particularly as related to impacts of the Cache Creek Area Plan (“CCAP”) as a program, some setting information, programmatic growth inducement, programmatic cumulative impacts, and programmatic alternatives.

The Board of Supervisors hereby attests to their consideration of these two documents in addition to the SEIR in evaluating the project.

Prior to approval of the project, the SEIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

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

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

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

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

## **II. TERMINOLOGY OF FINDINGS**

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

- The term “mitigation measures” shall constitute the “changes or alterations” discussed above.
- The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level.
- The term “feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

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

These findings use the same definitions and acronyms set forth in the SEIR.

## **III. PROJECT LOCATION**

The project revises the existing CEMEX sand and gravel mining operation, located primarily east of Interstate 505, along the south bank of Cache Creek, near the unincorporated community of Madison. The project site totals 1,902 acres including all, or portions of, the following Assessor’s Parcel Numbers (APNs): 025-450-001, 049-060-004, 049-060-019, 049-070-004, 049-070-005, 049-070-006, 049-070-009, 049-070-010, 049-070-011, 049-070-019, 049-070-020, and 049-070-021.

## **IV. PROJECT DESCRIPTION**

### **A. SUMMARY OF THE PROJECT**

The existing CEMEX off-channel mining facility is operated subject to a 1996 permit approval (as subsequently modified) (Mining Permit No. ZF #95-093 and Development Agreement No. 96-287) and has been operating continuously in this location since the 1970s. The 1996 permit approval was evaluated in the 1996 EIR certified by the Board of Supervisors on November 25, 1996. The operation is identified by the State Department of Conservation, Division of Mine Reclamation (“DMR”) as Mine Identification Number 91-57-0008.

Under the 1996 approvals, the operation is authorized to extract up to 1,445,783 tons of material annually (with a maximum of 1,200,000 tons sold per year), and a total of 32,170,000 tons over the life of the permit (with up to 26,700,000 tons sold). Mining activities are approved to occur in seven phases, generally progressing from west to east, over a 30-year period ending in 2027, to a maximum depth of 70 feet.

The applicant requested the following modifications to their pre-existing approvals:

- (1) Extend Mining Term – Extend the mining permit by 20 years through 2047 to allow for the continued extraction of aggregate reserves within the approved mining footprint.
- (2) Increase Total Tonnage – Increase the total production limit by 21,336,426 additional tons mined (19,936,119 additional tons sold) over the term of the permit from 32,170,000 tons mined (26,700,000 tons sold) to 53,536,426 tons mined (46,636,119 tons sold) through 2047.
- (3) Acreage – Remove the project assumption in the 1996 EIR restricting the maximum disturbed area at any one time (126 acres) and allow simultaneous disturbance of larger acreage at any one time consistent with the proposed phasing and operation. The range of actively disturbed land at any one time during the remaining life of the proposed project would range from 167 to 285 acres.
- (4) Increase Acreage Used for Processing – Use the eastern half of Phase 2 as an extension of the plant site for stockpiles and construction materials recycling. Use Phase 3 for a new settling pond for deposition of process fines. As a result, reclamation of these areas would not occur until after all mining on the site has been completed (post 2047). Reclamation of all areas would be complete by 2052.
- (5) Extend Reclamation – Extend the reclamation date of some phases by up to 36 years.
- (6) Remove Phase 7 – Modify the approved mining and reclamation plans to eliminate Phase 7 (15 acres of mining; 21.1 acres of reclamation) located on the west side of Interstate-505 (I-505). As a result, the modified project would be completely to the east of I-505.
- (7) Other Modifications to the Approved Mining Plans – These proposed changes would: a) modify phase boundaries; b) comport all approvals over the years to one conformed set of mining and reclamation plans; c) incorporate areas previously overmined as required by the 2017 Stipulated Order to Comply; and d) reflect existing conditions at the mining and processing areas.
- (8) Other Modifications to the Approved Reclamation Plans (Plan Sheets, Narrative, and Habitat Restoration Plan) – These proposed changes would: a) comport all approvals over the years to one conformed set of reclamation plans and one updated complete Habitat Restoration Plan (“HRP”); b) add other areas (totaling 100 acres) previously

disturbed by mining that were not included within the original reclamation area boundaries; and c) decrease reclaimed agriculture by ±57 acres, increase reclaimed open water lake by 51 acres, decrease reclaimed tree crops by 138 acres, and increase reclaimed row crops by 111 acres.

- (9) Modify Various Conditions of Approval – These proposed changes would integrate all previously approved conditions and include modifications to the conditions to reflect the proposed project as approved.
- (10) Amend the Development Agreement – These proposed changes would reflect the project as approved (including the extended permit period, and modified mining and reclamation plans) and describe modified/expanded net gains dedications and contributions.

All other aspects of the project and operation remain unchanged, including the maximum annual aggregate production, total mining area, method of mining, maximum mining depth, truck routes, and hours of operation.

All references to acreages are approximate.

#### B. DISCRETIONARY ACTIONS

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

**CERTIFICATION OF A SUBSEQUENT EIR** prepared pursuant to Section 15162 of the CEQA Guidelines.

**FINDINGS OF GENERAL PLAN CONSISTENCY** related to General Plan Policy CI-3.1(X) and reduced level of service at the intersection of State Route 16 (“SR 16”) and County Road 96 (“CR 96”).

**AMENDMENT TO MINING PERMIT NO. ZF #95-093** to:

- Allow mining to continue on ±383 acres (Phases 4 through 6) for an additional 20 years through the year 2047;
- Approve revised Mining Plan sheets reflecting modified mining phase boundaries, elimination of Phase 7 mining, increased acreage that can be simultaneously disturbed, and increased acreage that can be used for processing;
- Approve increased total production limit from 32,170,000 tons mined (26,700,000 tons sold) over the term of the permit to 53,536,426 tons mined (46,636,119 tons sold);
- Modify various conditions of approval to reflect the final approved changes;
- Require operation to be consistent with revised Mining Plans, subject to (and as modified by) revised Conditions of Approval; and,

- Require excavated materials to be processed at the CEMEX processing plant facilities, which plant(s) shall be subject to the same maximum term and conditions of approval.

**AMENDMENT TO THE APPROVED RECLAMATION PLAN to:**

- Modify reclamation area to reflect ±816 total acres reclaimed to ±419 acres of agriculture (approximately 80% row crops and 20% tree crops), ±204 acres of permanent lakes, ±174 acres of riparian and other habitat, and ±19 acres of slopes and roads;
- Allow a longer period for reclamation by phase and overall, with all reclamation completed by 2052;
- Approve revised Reclamation Plan sheets, Reclamation Plan narrative, and Habitat Restoration Plan; and,
- Require reclamation to be consistent with revised Reclamation Plan, Reclamation Plan Narrative, and Habitat Restoration Plan, subject to (and as modified by) revised Conditions of Approval.

**AMENDMENT TO DEVELOPMENT AGREEMENT NO. 96-287** to reflect the revised mining and reclamation approvals and net gains.

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

## **V. PROJECT OBJECTIVES**

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

- To continue extraction of sand and gravel resources at the approved annual rate of production for the processing and sale of aggregate products through 2047.
- To maximize the extraction of the remaining available sand and gravel resources located within the permitted mining footprint.
- To increase total tons sold over the 20-year extended life of the permit by 20 million tons.
- To continue to supply an economic and reliable source of construction materials to the Yolo County market, utilizing the existing aggregate processing facility, conveyor system, and associated infrastructure.
- To establish a new settling pond for deposition of process fines.
- To use the eastern 31.9 acres of the existing Phase 2 area as an extension of the existing processing plant site for purposes of product stockpiling and construction materials

recycling.

- To implement the proposed reclamation plan to establish end uses of agriculture, permanent lakes, and wildlife habitat in accordance with the State’s Surface Mining and Reclamation Act of 1975 (“SMARA”) (PRC 2710, *et seq.*) and the CCAP.
- To continue to employ approximately 15 mining and processing personnel at the site.
- To resolve outstanding operational concerns identified by the County.

The Board of Supervisors finds that the project as approved best meets these objectives as discussed further in Section XI (Statement of Overriding Considerations) of these Findings.

## **VI. APPLICATION REVIEW PROCESS**

On February 28, 2018, CEMEX submitted an application requesting to modify their approved mining permit and reclamation plan for its ongoing mining operation. The application was subsequently revised multiple times, with the final revision being submitted on November 23, 2022. On February 26, 2021, the County circulated a Notice of Preparation (“NOP”) of an EIR for the proposed. The NOP was distributed to the public, the State Clearinghouse, the Yolo County Clerk, and responsible, trustee, and other relevant local, State, and federal agencies. The scoping period began on February 26, 2021, and ended March 29, 2021.

A scoping meeting before the Planning Commission was held remotely on March 11, 2021. The NOP and scoping meeting provided an additional opportunity for comment from public agencies, stakeholders, organizations, and interested individuals on the scope of the environmental analysis addressing the potential effects of the proposed project. During the scoping period, 11 public and agency responses were received. Yolo County reviewed and considered all public comments in preparing the Draft SEIR.

On March 21, 2024, the Draft SEIR (SCH #2021020487) was circulated for a 47-day period of review and comment by the public and other interested parties, agencies, and organizations. A public meeting was held by the Planning Commission on April 11, 2024, to discuss the project and receive oral comments on the Draft SEIR. All comments received on the Draft SEIR, including a summary of the comments provided at the Planning Commission meeting, are included in the Final SEIR which was released on September 24, 2025. The Final SEIR also includes individual responses to each individual comment, corrections and clarifications to the Draft SEIR, and a mitigation and monitoring program (“MMRP”) for the project.

## **VII. CONSISTENCY WITH APPLICABLE PLANS, POLICIES, AND REGULATIONS**

The project site falls within the boundary of the CCAP. The project as approved, is consistent with the land use designations and policies of the General Plan; the policies and requirements of the CCAP; SMARA; and other applicable laws and regulations. This is substantiated in the analysis that occurs in each of the following tables in the Draft SEIR that examines consistency with applicable

standards: Tables 4.1-2, 4.2-10, 4.3-3, 4.4-2, 4.5-2, 4.6-2, 4.7-4, and 4.8-4. This is further substantiated in the letters received from DMR dated July 31, 2019, and March 29, 2021, which document the State’s review of the proposed mining and reclamation plans, and concur that the State offered no comments on the applicant’s mining and reclamation plans.

As modified by the conditions of approval including the adopted mitigation measures, the project is consistent with the regulatory requirements of SMARA, Yolo County General Plan, 2011 County Climate Action Plan (“2011 CAP”)<sup>1</sup>, CCAP, and the County’s mining, reclamation, and in-channel maintenance mining ordinances. The Board of Supervisors does hereby affirm these findings of consistency.

## **VIII. RECORD OF PROCEEDINGS**

### **A. FINAL SEIR**

The Final SEIR (SCH #2021020487) for the project includes the following items:

- Draft SEIR document dated March 2024; and
- Final SEIR document dated September 2025.

Within these findings, the terms “Final SEIR” and “SEIR” are used interchangeably. All references to text in the Draft SEIR shall be interpreted to include relevant revisions to that same text as identified in Chapter 4 (Revisions to the Draft SEIR) of the Final SEIR document.

### **B. THE RECORD**

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

Jeff Anderson, Principal Planner  
Yolo County Department of Community Services, Planning Division  
292 W. Beamer Street  
Woodland, CA 95695  
[Jeff.Anderson@yolocounty.gov](mailto:Jeff.Anderson@yolocounty.gov)  
(530) 666-8043

The record of proceedings, including the SEIR, is hereby incorporated by reference into these

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<sup>1</sup> As directed by the 2030 General Plan, the County first adopted a Climate Action Plan in 2011 (“2011 CAP”). Following adoption, the 2030 General Plan was subsequently amended to include components of the 2011 CAP. More recently in December 2024, the County adopted the 2030 Climate Action and Adaptation Plan (“2030 CAAP”), which is a strategic planning document that provides a roadmap of actions to achieve GHG reduction goals. Although it provides the County information about GHG impacts and potential mitigation strategies, the 2030 CAAP is not a part of the County General Plan and does not implement binding regulations until the County takes further action (e.g., amending the General Plan).

findings.

## **IX. FINDINGS REQUIRED UNDER CEQA**

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

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. Inclusion of the adopted mitigation measures as conditions of approval for the project and/or alternatives to the project are among the “changes or alterations” referenced in this finding. Other “changes and alterations” are discussed herein. For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level.

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

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

(1982) 133 Cal.App.3d 401, 417.)

In the process of adopting mitigation measures, the Board of Supervisors has made a determination regarding whether the mitigation measures proposed in the SEIR are “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the Draft SEIR to update, clarify, streamline, correct, or revise those measures. Where applicable, these are discussed herein.

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

#### A. THRESHOLDS OF SIGNIFICANCE FOR ENVIRONMENTAL DETERMINATIONS

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

Lead agencies are responsible for determining the thresholds of significance for all documents they prepare. They can rely on several sources, including: Appendix G of the CEQA Guidelines; CEQA’s mandatory findings of significance (CEQA Guidelines Section 15065); thresholds established by regulatory agencies; thresholds provided in General Plans or other local planning documents; or thresholds established by other agencies.

For example, many jurisdictions rely on thresholds established by a local or regional air district when analyzing air quality impacts. Appendix G is the most common source, though Lead agencies are

not required to use it and are free to develop their own thresholds. Lead agencies are encouraged in the CEQA Guidelines (CEQA Guidelines Section 15064.7(a)) to develop and formally adopt thresholds of significance, though this is not a requirement. Thresholds established for general use by a Lead agency must: be adopted by ordinance, resolution, rule, or regulation; be subjected to public review; and be supported by substantial evidence (CEQA Guidelines Section 15064.7(b)). Thresholds used solely for a specific project are not required to be adopted by ordinance or other formal means.

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

#### B. FINDINGS REGARDING RECIRCULATION OF THE SEIR

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

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

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

Recirculation is not required if new information added to an EIR merely clarifies or makes minor modifications to an otherwise adequate EIR. Since the release of the Draft SEIR, in response to comments and continued staff analysis, there have been several modifications to the project, the SEIR, and the circumstances under which the project will be implemented.

**1. CHANGES TO THE PROPOSED PROJECT**

County staff is recommending approval of the project as modified by proposed conditions of approval. These conditions include all mitigation measures as identified in the Draft SEIR plus a number of additional requirements identified by staff and other agencies to ensure consistency with all applicable plans, policies, and regulations, and otherwise improve on the project.

**2. CHANGES TO THE DRAFT SEIR**

County staff is recommending modifications to the Draft SEIR that are documented in Chapter 4 (Revisions to the Draft SEIR Text) of the Final SEIR in “strikeout and redline” format. These changes include various corrections, clarifications, and minor modifications which clarify, amplify, and provide minor technical corrections to the Draft SEIR. These changes result in no new significant environmental impacts nor would they cause a substantial increase in the severity of an environmental impact. The CEQA Guidelines are clear that recirculation is not required where the information added to an EIR merely clarifies, amplifies, and makes insignificant modifications in an adequate EIR.

In addition, since the release of the Final SEIR, the following errata have been identified. These revisions correct additional minor errors in the Draft SEIR that were not known at the time of publication of the Final EIR. The revisions do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft SEIR.

Chapter 3.0 (Project Description), page 3-45, Net Gains, item 1, first bullet:

- Snyder ~~West~~ East Lake and perimeter habitat = 38.3 acres

Chapter 3.0 (Project Description) , page 3-52, Table 3-10 (Comparison of Key Features of Project) , Net Gains, fourth row and footnote 6:

Dedication of <del>±15</del> <u>±17</u> acres of riparian restoration	±14 ac in ±2032	±14 <sup>6</sup> <u>±17</u> <sup>6</sup> ac in ±2052	In conjunction with final reclamation. Dedication delayed 20 years.
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<sup>6</sup> Change ~~from 15 acres to 14 acres~~ due to discrepancies in mapping – boundaries are unchanged. This acreage is separate from the 55-acre dedication comprised of the creek frontage to centerline.

**3. CHANGES IN CIRCUMSTANCES**

There are no applicable changes in circumstances that have been identified.

**4. NEW INFORMATION**

There is no applicable new information that has been identified.

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

- No new significant environmental impacts that had not previously been disclosed in the Draft SEIR would result from the changes.
- The level of impact that had been identified in the Draft SEIR would not change, or would be lessened, as a result of these modifications.
- No feasible mitigation measure or alternative that is considerably different from those previously analyzed, which would clearly lessen the significant impacts and which the project proponents declined to adopt, were identified.
- The EIR was fully adequate, supported by substantial evidence, and allowed for meaningful public review and comment.

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

The Board of Supervisors hereby determines, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft SEIR is not required. The changes do not create a new significant effect or worsen a previously identified one nor has new information that would require recirculation become available. The public has not been deprived of a meaningful opportunity to comment on any new or different environmental impacts and had multiple opportunities to provide input. Thus, recirculation is not necessary as the changes do not constitute significant new information under CEQA.

In sum, the Board finds the project as recommended for approval and the minor modifications described above do not require recirculation of the SEIR based on the standards provide in Section 15088.5 of the CEQA Guidelines.

#### C. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

Page 4-2 of the Draft SEIR provides a more detailed discussion of how significance was determined. The SEIR identifies a number of less-than-significant impacts associated with the project that do not require mitigation. The SEIR also identifies significant, and potentially-significant, environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of the mitigation measures identified in the SEIR. As discussed in further detail below, some significant effects cannot be fully avoided or substantially lessened through the

adoption of feasible mitigation measures and thus are identified as significant and unavoidable. For reasons set forth in Section XI (Statement of Overriding Considerations) of these Findings, the Board of Supervisors has determined that overriding economic, social, legal, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the Board of Supervisors, with respect to the project's significant effects and mitigation measures, are set forth in the Final SEIR and summarized below. This discussion does not attempt to describe the full analysis of each environmental impact contained in the SEIR. Rather, the following information is provided: the impact statement; a summary of the analytical conclusions; identification of the mitigation measures deemed feasible by the County; and the findings of the Board. A full documentation of the environmental analysis and conclusions can be found in the SEIR and associated record (see Section VIII, Record of Proceedings), both of which are incorporated by reference into these findings. The Board of Supervisors hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the SEIR relating to environmental impacts and potential mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

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

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

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

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

Based on the discussion of impacts in Draft SEIR Chapter 4 (Existing Environmental Setting,

Impacts, and Mitigation Measures), as well as relevant responses to comments in the Final SEIR and other evidence in the record, the Board of Supervisors hereby finds the environmental impacts of the project be as follows:

### 1. AGRICULTURAL RESOURCES

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.1-1 on pages 4.1-19 through 4.1-25 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.1-1: Implementation of the proposed project would have the potential to Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. This impact would be *significant*.**

This impact is analyzed on pages 4.1-26 through 4.1-31 of Chapter 4.1 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the project would result in the following changes to previously identified impacts:

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

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

As noted in the Draft SEIR, 6.2 acres of the native habitat enhancement along the south creekbank adjoining the plant site would result from implementation of the proposed HRP. This area (which consists of 3.7 acres of oak savanna and 2.5 acres of native grassland buffer) provides hedgerow

values contributing to future agricultural reclamation of the plant site. As a result, this lessens the impact resulting from the proposed decrease in agricultural reclamation (57.4 ac. – 6.2 ac. = 51.2 ac.). The net loss of 51.2 acres of anticipated future reclaimed farmland must therefore be mitigated pursuant to Section 10-5.525 of the County Mining Ordinance, which establishes requirements to compensate for the permanent loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that are equivalent to the countywide requirements identified in Section 8-2.404 of the County Code, but modified to reflect the unique requirements and outcomes of the CCAP.

Mitigation Measure 4.1-1a requires 3:1 mitigation for the net reduction of 51.2 acres of anticipated future reclaimed prime farmland. As allowed under the ordinances, this ratio may be reduced to 1:1 in specified circumstances.

Under the proposed project, the footprints of each of the phases are individually substantially unchanged. The largest phase size under the original approval was Phase 1 at 140 acres (mining and reclamation) and as proposed would be Phase 6 at 135 acres of mining and 146 acres of reclamation.

Although the applicant is requesting no substantive change in the overall mining area, a larger total area (between 167.4 ac. and 284.6 ac.) of simultaneous disturbance at any one time is a component of the application request. As compared to a maximum of 126 acres at one time assumed in the 1996 EIR, this represents an increase of up to 159 acres in the net total area of simultaneous disturbance (284.6 ac. – 126 ac. = 158.6 ac.). In addition, the length of time of site disturbance would increase by 20 years overall due to the permit extension, and by up to 36 years in a portion of Phase 2 under a “worst-case” scenario, due to proposed changes in phasing and end uses.

The mitigation ratios in County Code Section 8-2.404, which address permanent loss of farmland, would not apply to these temporary impacts because there is no net change in the permanent loss of farmland acres as compared to the original approval and 1996 EIR analysis. The effect of the larger area of disturbance, coupled with the disturbance occurring over decades, results in a net new impact of the project. This temporary impact is not equivalent to the permanent conversion of farmland, so a ratio less than 3:1 or 2:1 would be appropriate to mitigate for the project’s temporary impacts.

Mitigation Measure 4.1-1b requires the acquisition of 79.5 acres of additional permanent conservation easements to offset the increased effects resulting from the larger net area of temporary disturbance at a 0.5:1 ratio (285 ac. proposed – 126 ac. analyzed in 1996 EIR = 159 additional ac. x 0.5 = 79.5 ac.).

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measures would compensate for the new impacts that

result from the net reduction of 51.2 acres of reclaimed farmland and the 159-acre increase in temporary impacts.

***Mitigation Measure 4.1-1a:** The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 153.6 acres (51.2 acres of unrealized reclaimed prime farmland at a 3:1 ratio) of equivalent or better unmined prime farmland that has not previously been used for mitigation under any program, compliant with the requirements of Section 8-2404(d), or compliant with Section 10-5.525(a), (b), (c), or (d). The total acreage placed in permanent easement may be reduced to a minimum of 51.2 acres (1:1 ratio) in accordance with Sections 8-2404(d) or 10- 5.525(a), (b), (c), or (d). The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review and approval by the Division of Natural Resources.*

***Mitigation Measure 4.1-1b:** The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 79.5 acres (159 acres of net larger simultaneous disturbance at a 0.5:1 ratio) of equivalent or better (quality and capability as compared to original) agricultural land located on unmined agricultural land that has not previously been used for mitigation under any program, compliant with the requirements of Sections 8-2404(d) and 10-5.525.*

### **Findings After Mitigation**

In requiring the applicant to comply with these measures, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into the project that will reduce the effects of these impacts to the extent feasible, but not to a less than significant level.

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

- The Countywide General Plan and General Plan EIR anticipated some loss of farmland as planned approved land uses occur over time.
- By restricting allowed land development activities, the Countywide General Plan minimized and reduced these losses to an acceptable level.
- The CCAP and CCAP Update Final EIR<sup>2</sup> anticipated some loss of farmland as planned approved mining, reclamation, creek restoration, and related activities occur over time.
- By restricting authorized mining, reclamation, creek restoration, and related activities, the CCAP minimized and reduced these losses to an acceptable level. For example, the CCAP minimizes the geographic impacts of mining by limiting it to a defined area and by

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

encouraging the removal of the full depth of available resources.

- The CCAP is one of the most restrictive mining programs in California and exceeds the requirements of the State for operator obligations.
- The CCAP balances many goals including agricultural preservation, aggregate mining, habitat, open space, and recreation, among many others.
- The project is consistent with the Countywide General Plan and the CCAP.
- Prime farmland and significant aggregate deposits created by natural forces over time overlay one another along both sides of Cache Creek; and as a result, it is generally not possible to extract aggregate without effects to farmland.
- Aggregate resources are found only in areas with natural deposits and do not occur elsewhere in the County. The CCAP area is the only area in Yolo County where aggregate mining is allowed.
- Allowed mining under the CCAP is consistent with the policies of the County and of the State related to aggregate resources.
- Reclamation of mined lands to agriculture is the top priority for reclamation under the CCAP. The project as approved would result in reclamation of a minimum of 418.6 acres to agriculture (51.3 percent of the total 815.8 acres to be reclaimed).
- Reclamation of early phases to productive agriculture as mining progressed did not occur in a manner consistent with the original project approvals and EIR analysis. The applicant has determined there will not be enough topsoil and overburden to undertake the amount of reclaimed agriculture originally approved.
- The applicant has indicated that limiting its operations to 126 acres of simultaneously disturbed area is not feasible and is inconsistent with their approved mining and reclamation plans and related permit approvals.
- Implementation of the identified mitigation measures will result in permanent protection for other farmland in the County through the acquisition of permanent conservation easements.

The Board of Supervisors hereby confirms that the stated mitigation measures were incorporated into the project as conditions of approval. Authority to require implementation of these mitigation measures is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that these measures are appropriate and feasible, and will lessen impacts to farmland though not to less than significant levels. The Board of Supervisors further finds there are no other known feasible measures for reducing impacts to farmland. Therefore, the finding of significant and unavoidable impact is confirmed by the Board of Supervisors. To the extent

that this adverse impact will not be eliminated or lessened to a less-than-significant level, the Board finds that specific economic, legal, social, technological, and other considerations identified in Section XI (Statement of Overriding Considerations) of these Findings support approval of the Project as modified, despite unavoidable residual impacts, and make infeasible other mitigation measures or alternatives that would avoid or substantially lessen the impact.

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

This impact is analyzed on pages 4.1-31 and 4.1-32 of Chapter 4.1 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.1-3: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. The impact would be *less than significant*.**

This impact is analyzed on page 4.1-32 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.1-4: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to agricultural resources. The impact would be *less than significant*.**

This impact is analyzed on pages 4.1-32 through 4.1-45 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**2. AIR QUALITY, GREENHOUSE GASES, AND ENERGY**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.2-5 on pages 4.2-26 and 4.2-27 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.2-1: The proposed project would conflict with or obstruct implementation of the applicable air quality plan. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-28 and 4.2-29 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.2-2: The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-29 through 4.2-31 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.2-3: The proposed project would expose sensitive receptors to substantial pollutant concentrations. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-31 and 4.2-32 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.2-4: The proposed project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-32 and 4.2-33 of the Draft SEIR, and in Chapters 5 and 6 relevant

to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.2-5: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The impact would be significant.**

This impact is analyzed on pages 4.2-33 through 4.2-35 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the project would result in a net increase of 1,038 MTCO<sub>2</sub>e/year relative to the existing baseline conditions. Because County policy finds a net increase in GHG emissions to be potentially significant, the GHG emissions impact associated with implementation of the proposed project is considered potentially significant. Mitigation Measure 4.2-5 requires the operator to develop and implement a Greenhouse Gas Reduction Plan to reduce annual operational emissions to or below the annual baseline emissions of the project thus ensuring no net increase.

***Significance Before Mitigation***

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

***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

*Mitigation Measure 4.2-5: Prior to the August 11, 2027 (the original date of expiration of the 1996 entitlements), the operator 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 annual operational emissions of the proposed project would be reduced to or below the annual baseline emissions of 5,668 MTCO<sub>2</sub>e. Strategies to achieve emissions reductions may include, but are not limited to, the following:*

- a. *Replacement of existing fossil fueled equipment with hybrid or electrically powered equipment;*
- b. *Purchase of an increased proportion of electricity from renewable sources;*
- c. *Installation of on-site renewable energy systems (Note: The operator has an existing wind turbine that provides renewable energy and was accounted for in the impact analysis. This measure would allow for installation of additional renewable energy systems.);*
- d. *Use of a blend of renewable diesel and biodiesel (80/20 mix) to power mobile equipment;*
- e. *Installation of electric vehicle (EV) charging stations in parking areas for passenger automobiles;*
- f. *Purchase of verified carbon credits. Credits purchased as part of this mitigation option shall be real, quantifiable, permanent, verifiable, enforceable, and 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 the County and/or the YSAQMD. The credits must be purchased through one of the following: 1) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; 2) any registry approved by CARB to act as a registry under the California Cap and Trade Program; or 3) through the CAPCOA GHG Reduction Exchange.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.2-6: The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-36 and 4.2-37 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

**Mitigation**

None required.

**Findings After Mitigation**

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

**Impact 4.2-7: The proposed project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-37 through 4.2-39 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

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

**Mitigation**

None required.

**Findings After Mitigation**

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

**Impact 4.2-8: The proposed project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The impact would be *less than significant*.**

This impact is analyzed on page 4.2-39 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

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

**Mitigation**

None required.

### ***Findings After Mitigation***

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

**Impact 4.2-9: The proposed project would cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to air quality, GHG emissions, or energy. The impact would be *less than significant*.**

This impact is analyzed on pages 4.2-40 through 4.2-43 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

## **3. BIOLOGICAL RESOURCES**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.3-1 on pages 4.3-18 through 4.3-29 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. The impact would be *significant*.**

This impact is analyzed on pages 4.3-29 through 4.3-34 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the proposed 20-year extension of the permit and the modifications to the timing of when reclamation would be completed (by phase and overall reclamation) would expose special status species to impacts over greater periods of time.

In addition, the County is not able to confirm the validity of the 2081 California Endangered Species MOU (CESA No. 2081-1997-048-2)(which provided mitigation for Swainson's hawk and bank swallow) including whether it was properly conveyed to CEMEX from the executing parties; whether

amendment of the authorization is required to reflect the proposed project; and/or whether the authorization will terminate 30 years from execution which would be September 24, 2027, or may be continued in some manner in order to continue to rely upon it for purposes of the proposed project. Should new “take” authorization be required, coverage under the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (“Yolo HCP/NCCP”), including implementation of relevant avoidance and minimization measures, may be required.

Also, the potential for new habitat occupation on the site and impacts to habitat from proposed project modifications, supports the need for identified revisions to existing conditions of approval to: update references to applicable mitigation regulations, frameworks, and practices that protect bank swallow, Valley Elderberry Longhorn Beetle (“VELB”), and nesting migratory birds; and to minimize and/or avoid impacts to Western Red Bat and other special-status bat species.

Mitigation Measure 4.3-1a addresses the submittal of information to support the continued validity of the 2081 MOU. Mitigation Measures 4.3-1b and 4.3-1c identify modifications to existing conditions of approval to update mitigation requirements for VELB and nesting migratory birds. Mitigation Measure 4.3-1d identifies requirements to avoid impacts to bat species.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

***Mitigation Measure 4.3-1a:*** *To demonstrate that potential impacts on Swainson’s hawk and bank swallow foraging habitat are adequately mitigated, the applicant shall:*

- a. Demonstrate to the satisfaction of County Counsel that the 2081 authorization was appropriately conveyed from the executing parties to CEMEX; and,*
- b. Determine to the satisfaction of County Counsel whether the 2081 authorization will terminate, require amendment, require reauthorization, or should be superseded by participation in the Yolo HCP/NCCP.*

***Mitigation Measure 4.3-1b:*** *COA #59 shall be revised as follows to reference applicable requirements for addressing potential impacts on VELB:*

*The proposed Reclamation Plan, including relevant plan sheets, the reclamation narrative, and the HRP, as appropriate, shall be revised to include specific provisions to ensure compliance with the USFWS “Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle.” “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 pre-construction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of each phase 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 ~~CountyUSFWS~~ 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 4.3-1c: COA #61.5 shall be revised as follows to avoid native bird nests in active use and ensure compliance with the Migratory Bird Treaty Act and CDFW Code:

A pre-construction raptor and native bird nesting survey shall be conducted by a qualified wildlife biologist prior to initiation of mining in each phase to determine the presence or absence of active raptor and other native bird nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the ~~CountyCDFG~~ 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 tree removal and grubbing, grading or other habitat modifications if proposed during the breeding season for tree nesting raptors and other native birds (from ~~February~~ March 1 through August ~~31~~ 15). Confirmation surveys for ground nesting bank swallow shall be conducted as well during this period when grading and other habitat modifications are proposed during the breeding season. 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 or other native bird nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of ~~CDFW~~ CDFG. The perimeter of the buffer zone shall be temporarily fenced or 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 ~~CDFW~~ 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 completed nesting activity has been submitted in writing to the County and CDFW/CDFG.*

***Mitigation Measure 4.3-1d:*** *The following measures will avoid inadvertent take of western red bat and other special-status bat species, if present in trees to be removed:*

- *A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist shall look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains or urine stains around openings in trees, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes, or loose and flaking bark have the highest chance of occupation and shall be inspected carefully.*
- *If signs of bats are detected, confirmation of presence or absence shall be determined by the qualified biologist, which may include night emergence or acoustic surveys. Appropriate measures shall be recommended by the qualified biologist to prevent loss or injury to individual bats if determined to be present. This may include phased removal of any occupied tree over multiple days to allow individual bats to disperse to other roosting locations.*
- *If an active maternity roost is encountered during the maternity season (April 15 to August 31), CDFW shall be contacted for direction on how to proceed and an appropriate exclusion zone established around the occupied tree or structure until young bats are old enough to leave the roost without jeopardy. The size of the buffer would take into account the proximity and noise level of project activities, the distance and amount of vegetation or screening between the roost and construction activities; and species-specific needs, if known, such as sensitivity to disturbance.*
- *Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. A qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.3-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.**

**The impact would be *less than significant*.**

This impact is analyzed on pages 4.3-34 through 4.3-36 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.3-3: Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The impact would be *less than significant*.**

This impact is analyzed on pages 4.3-36 and 4.3-37 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.3-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The impact would be *significant*.**

This impact is analyzed on page 4.3-37 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the proposed project would alter

existing habitat and impact special-status species as discussed under Impact 4.3-1, and would degrade the quality of the reclaimed environment for wildlife as discussed in Impact 4.3-6. The proposed project could also result in interference with the movement of wildlife species, impacts to wildlife corridors, and adverse effects on wildlife nursery sites under future reclaimed conditions.

However, with implementation of the reclamation plan and proposed habitat restoration required in Mitigation Measures 4.3-1 (a through d) and 4.3-6 (a through c), these outcomes would be avoided, and the potential for impacts would be mitigated to acceptable levels.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measures 4.3-1 (a through d) (discussed earlier in these findings under Impact 4.3-1) and Mitigation Measures 4.3-6 (a through c) (discussed earlier in these findings under Impact 4.3-6) would reduce the project impact to less-than-significant levels.

### ***Findings After Mitigation***

In requiring the applicant to comply with these measures, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.3-5: Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan. The impact would be *less than significant*.**

This impact is analyzed on page 4.3-38 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

**Impact 4.3-6: The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species. The impact would be *significant*.**

This impact is analyzed on pages 4.3-38 through 4.3-56 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the proposed project would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore revisions to the analysis in the 1996 EIR are required related to this area of impact. These changes include: 1) changes in reclamation design that would result in less valuable reclaimed habitat; 2) reduced contiguity between future reclaimed lakes and creek habitat; 3) inconsistency with County code language related to field margin habitat; 4) mining activities inconsistent with approvals; 5) delayed restoration and reclamation to hedgerows; 6) underperforming design and failed maintenance of hedgerows; 7) longer periods of mining; 8) delayed reclamation; 9) larger areas of disturbance; and 10) increases in the plant processing area.

There are also changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts due to creek erosion and mining activities.

Mitigation Measure 4.3-6a would incorporate hedgerow requirements into the HRP, and require hedgerow plantings at 300-foot intervals in native grasslands transition areas along agricultural transition areas and in native grasslands around the future lakes, in addition to the hedgerow requirements in the 2022 Minor Modification (ZF #2022-0037) conditions of approval.

Mitigation Measure 4.3-6b would require a minimum of 200-feet of oak savanna and native grassland south of the top of bank and north of the plant site.

Mitigation Measure 4.3-6c identifies various clarifications and modifications to the proposed HRP and Reclamation Plans.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

**Mitigation Measure 4.3-6a: *The proposed Habitat Restoration Plan shall be modified as follows:***

1. *The proposed HRP shall be modified and resubmitted for staff confirmation of compliance to*

*incorporate a new section integrating hedgerow as a restoration planting type and including descriptive text, locations for required and expanded planting, cross-sections, and elevations substantively equal to or better than the equivalent information contained in the approved 1995/1997 HRP. The HRP shall define performance standards and completion benchmarks, and identify monitoring and reporting requirements. Proposed Exhibit A, Hedgerow Restoration Plan (see Figure 4.3-4), and proposed Exhibit B, Hedgerow Irrigation Plan (see Figure 4.3-5), shall also be integrated.*

2. *Proposed Exhibit A, Hedgerow Restoration Plan, shall be modified to adjust the location and interval of woody plantings, and reference the seed mix and application rates in Table 4 of the proposed HRP. Where hedgerow treatments are required to be integrated into native grassland zones, tree and shrub plantings shall occur at minimum intervals of about 300 feet.*
3. *2022 Minor Modification Condition #4 shall be clarified as follows to reflect corrected information:*

*Implement hedgerow planting to provide required vegetative cover within a continuous uninterrupted 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~~ riparian depression 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, and shall reflect the modifications described in Measure 4.3-6a(1) and (2) above. ~~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.*

4. *All plans, permit documents, and exhibits shall be modified to be consistent with the final approved HRP as modified by mitigation measures and/or conditions of approval.*
5. *The proposed HRP shall be modified to include hedgerow plantings integrated: (i) in the native grassland reclamation proposed for the sloped transition between unmined agricultural fields and reclaimed agricultural fields in phases 1 through 4 (shown in pink on Figure 4.3-8, Mitigation Measure 4.3-6 Expanded Hedgerows and Native Habitat Enhancement); and (ii) on the west, south, and east sides of the combined future reclaimed lake area within the proposed native grasslands buffer areas (shown in red on Figure 4.3-8).*
6. *The minimum width of the proposed new hedgerow plantings in the agricultural transition area described in item 5(i) shall be the entire width of the transition slope. The minimum width of the hedgerow plantings around the lake area described in item 5(ii) shall be the entire width of the proposed native grassland buffer area as shown in the final approved HRP.*

7. *Proposed native habitat enhancement adjoining the creek north of Phases 1, 3, and 4 (shown in purple on Figure 4.3-8) are acceptable, as revised by other mitigation measures and/or conditions of approval.*
8. *Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain all hedgerows.*

*Mitigation Measure 4.3-6b: The proposed HRP shall be revised to expand the Oak Savanna and Native Grassland treatment to a minimum of 200 feet south of the top of bank to Cache Creek along the entire existing Plant Site and west to I-505 (Kaupke parcel) (shown in green on Figure 4.3-8).*

*Mitigation Measure 4.3-6c: The following modifications to the proposed HRP and Reclamation Plans are required:*

1. *The proposed HRP shall be modified to:*
  - a. *Modify the size for both islands to 0.8 acres each measured above the high water elevation. Provide design details for both islands subject to review and approval by the County.*
  - b. *Both islands shall be clearly identified in mining plans, reclamation plans, and revegetation plans in the proposed HRP as permanent features.*
  - c. *Peninsulas and other modifications to shoreline treatments shall be shown on the reclamation plans.*
  - d. *The east lake shoreline shall have a minimum of three smaller peninsulas with a total acreage equal to or exceeding the acreage as proposed, designed to improve habitat complexity (see Figure 4.3-9, Lake Shorelines with Peninsulas).*
  - e. *Reclamation plans sheets and the final figures in the HRP shall be consistent. Reclamation Plan sheets shall be made consistent with HRP Figure 3, Typical Cross-Section detail.*
2. *COA #56 shall be replaced with the following:*

*Characteristics of the two permanent islands and shoreline treatments shall include the following:*

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

- groundwater level to prevent predators from wading to the island during the summer months. A temporary land-bridge to permit vehicle access and maintenance of restoration plantings on the island may be included in the design, or alternative method defined to ensure maintenance and monitoring. If land-bridge access is used, it shall be removed following completion of the minimum five-year monitoring program for the restoration effort.*
- c. *The islands shall be revegetated with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of native grassland and scattered shrubs and trees provided over the top of the island. The HRP shall ensure successful establishment of vegetative cover on the islands, which shall include installation of temporary irrigation consistent with other tree and shrub plantings.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

### **Impact 4.3-7: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The impact would be *significant*.**

This impact is analyzed on pages 4.3-56 through 4.3-60 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, there are several components of the proposed HRP related to the diversity of plantings, weed control, performance criteria for invasive cover, and performance standards for target weed species that are not in alignment with applicable policies and ordinances protecting biological resources. Mitigation Measure 4.3-7 identifies required revisions to the proposed HRP in order to ensure adequacy for successful monitoring and establishment.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

***Mitigation Measure 4.3-7:*** *The following revisions to the proposed HRP shall be implemented to expand species diversity, allow for verification of annual monitoring, and ensure control of noxious weed species as part of on-going and future maintenance:*

1. *Increase the diversity of plantings in the shrub layer of the Oak Savanna to include wood rose (*Rosa californica*) (Table 3).*
2. *Define additional controls for Noxious Grassland Species under the Weed Control Plan to address common invasive species with a moderate California Invasive Plant Council (IPC) rating of Moderate, with corrective action taken to reduce their dominance and encourage native perennial species in areas of Native Grassland and Oak Savanna Understory any time estimated cover of target invasive species exceeds 5 percent.*
3. *Include an Invasive Cover component of less than 5 percent in the Performance Criteria for Riparian Woodland and Oak Savannah (Table 7) where corrective action is to be taken as part of annual maintenance any time this threshold is exceeded.*
4. *Expand the Performance Standards under the Weed Control Plan to clearly define corrective actions any time target species exceed the 5 percent cover threshold. This shall at minimum include options of mechanical or cultural (i.e., grazing) treatment on an annual basis as necessary to reduce abundance, particularly for more common invasive grass species which tend to dominate native grassland restoration areas.*
5. *Revise the proposed HRP to require update as necessary of the list of target invasive species to be monitored based on input from the TAC Riparian Biologist, to ensure that new invasive species that may colonize the site are adequately addressed as part of future monitoring and treatments.*
6. *Provide in annual reports, the GPS coordinates for test plot locations established as part of the annual monitoring effort, to allow for field inspection by the County.*
7. *Modify the notation at the bottom of the Native Grassland Buffer Plant List (Table 4) to clarify that overall species diversity shall be maintained even where substitutions may be necessary based on availability and demonstrated suitability.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.3-8: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The impact would be *less than significant*.**

This impact is analyzed on pages 4.3-61 through 4.3-69 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

## **4. CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.4-1 on pages 4.4-14 through 4.4-16 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.4-1: The proposed project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5. The impact would be potentially *significant*.**

This impact is analyzed on pages 4.4-17 through 4.4-19 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, there is a potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. Also, alluvial river wash and floodplain soil types present in the project area indicate a history of flood events that increase the likelihood for archaeological sites to be deeply buried, and thus subject to discovery during mining. During consultation held on March 30, 2021, the representative of the Yocha Dehe Wintun Nation (“YDWN”) requested that project contractors and workers receive cultural resource sensitivity training, and be made aware of required procedures for informing the tribe of any artifacts and/or burial remains that may be encountered during ground-disturbing activities. Mitigation Measure 4.4-1 addresses the recommendations of the YDWN and updates existing Condition of Approval No. 73 and Condition of Approval No. 74.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

**Mitigation Measure 4.4-1:** *In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of an historical resource to a less-than-significant level. This measure, together with Mitigation Measure 4.5-5, replace Condition of Approval No. 73 and Condition of Approval No. 74.*

- a. *The operator shall modify the Reclamation Plans to add 8-10 inches of additional soil over the protected confidential reburial site, blended with the existing grade on the exterior and mounded in the center. Reclamation plantings shall consist of native grasses, and plants with a shallow root system. The added soil and plantings shall blend in with the surrounding restoration and reclamation.*
- b. *The operator shall fence the protected confidential reburial site for CA-YOL-69 to the specifications set by the County. Stake and wire fencing, or other fencing approved by the County, may be used to protect the site during mining. Sturdier permanent fencing shall be installed during final reclamation, including over a larger area than the reburial site.*
- c. *The operator shall design, develop, and install new signage to discourage access by operator's personnel and approved visitors, subject to County approval. The operator shall be responsible for annual monitoring and regular ongoing maintenance of the signage.*
- d. *The operator shall record a deed restriction or Declaration of Covenants and Restrictions to protect the area, the choice between the two and the content shall be subject to County review and approval.*
- e. *If isolated artifacts are encountered on other parts of the project site they shall be placed within the restricted area.*
- f. *Within six months of approval, the operator shall retain a qualified professional archaeologist, subject to approval by the County, to develop and implement a contractor awareness training program. A consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representative and monitors from culturally affiliated Native American Tribes. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The worker cultural resources awareness program shall describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential archeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native American and for behavior consistent with Native American Tribal values. A copy of the cultural resources awareness brochure and written verification of completion of the training program shall be*

*submitted to the Yolo County Department of Community Services. All employees involved with ground disturbance and other related constriction activities shall complete this training annually.*

- g. Actions a, b, c, and e shall be performed by/under the direction of a professional archeologist and tribal monitor.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.4-2: Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5. The impact would be potentially significant.**

This impact is analyzed on pages 4.4-19 and 4.4-20 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, there is a potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. Also, alluvial river wash and floodplain soil types present in the project area indicate a history of flood events that increase the likelihood for deeply buried archaeological sites. Mitigation Measure 4.4-1 (discussed earlier in these findings under Impact 4.4-1) addresses the recommendations of the YDWN and existing Condition of Approval No. 73 and Condition of Approval No. 74.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measure 4.4-1 (discussed earlier in these findings under Impact 4.4-1) would reduce the project impact to less-than-significant levels.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.4-3: Disturb any human remains, including those interred outside of dedicated**

**cemeteries. The impact would be *less than significant*.**

This impact is analyzed on pages 4.4-20 and 4.4-21 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.4-4: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or (b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. The impact would be potentially *significant*.**

This impact is analyzed on pages 4.4-21 and 4.4-22 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, there is a potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. Also, alluvial river wash and floodplain soil types present in the project area indicate a history of flood events that increase the likelihood for deeply buried archaeological sites. During consultation held on March 30, 2021, the representative of the YDWN requested that project contractors and workers receive cultural resource sensitivity training, and be made aware of required procedures for informing the tribe of any artifacts and/or burial remains that may be encountered during ground-disturbing activities. Mitigation Measure 4.4-1 addresses the recommendations of the YDWN and updates existing Condition of Approval No. 73 and Condition of Approval No. 74.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measure 4.4-1 (discussed earlier in these findings under Impact 4.4-1) would reduce the project impact to less-than-significant levels.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.4-5: The project has the potential to eliminate important examples of the major periods of California history or prehistory (CEQA Guidelines, Section 15065(a)(1)). The impact would be potentially significant.**

This impact is analyzed on pages 4.4-22 and 4.4-23 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, there is a potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. Also, alluvial river wash and floodplain soil types present in the project area indicate a history of flood events that increase the likelihood for deeply buried archaeological sites. Mitigation Measure 4.4-1 (discussed earlier in these findings under Impact 4.4-1) addresses the recommendations of the YDWN and updates existing Condition of Approval No. 73 and Condition of Approval No. 74.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measure 4.4-1 (discussed earlier in these findings under Impact 4.4-1) would reduce the project impact to less-than-significant levels.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.4-6: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to cultural and Tribal Cultural Resources. The impact would be *less than significant*.**

This impact is analyzed on pages 4.4-23 through 4.4-26 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**5. GEOLOGY AND SOILS, MINERAL RESOURCES, AND PALEONTOLOGICAL RESOURCES**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.5-1 on pages 4.5-16 through 4.5-21 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.5-1: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. The impact would be *less than significant*.**

This impact is analyzed on pages 4.5-22 through 4.5-24 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.5-2: Result in substantial erosion or loss of topsoil. The impact would be *less than significant*.**

This impact is analyzed on pages 4.5-24 and 4.5-25 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.5-3: Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The impact would be *less than significant*.**

This impact is analyzed on page 4.5-25 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.5-4: Be located on expansive soils, as defined in Table 18-1-B of the California Building**

**Code, creating substantial risks to life or property. The impact would be *less than significant*.**

This impact is analyzed on page 4.5-26 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.5-5: Directly or indirectly destroy a unique paleontological resource. The impact would be *significant*.**

This impact is analyzed on pages 4.5-26 through 4.5-28 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the County's updated mining regulations (Section 10-4.410) provide more effective mitigation for unknown paleontological discoveries than the existing conditions of approval. Mitigation Measure 4.5-5 updates existing Condition of Approval No. 73 and Condition of Approval No. 74.

***Significance Before Mitigation***

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

***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

*Mitigation Measure 4.5-5: In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of a paleontological resource to a less-than-significant level. This measure together with Mitigation Measure 4.4-1 replace Conditions of Approval No. 73 and Condition of Approval No. 74.*

*Within six months of approval, the operator shall retain a qualified professional, subject to approval by the County, to develop and implement a contractor paleontological awareness training program.*

*The program will provide resource sensitivity training regarding ground disturbing activities, discovery of paleontological resources, required protocols and notifications, and information about other related treatments or issues that may arise if paleontological resources are discovered during project construction. All employees involved with ground disturbance and other related construction activities shall complete this training annually.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

**Impact 4.5-6: The loss of availability of a known mineral resource that would be of value to the region and the residents of the State. The impact would be *less than significant*.**

This impact is analyzed on pages 4.5-28 and 4.5-29 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

**Impact 4.5-7: The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The impact would be *less than significant*.**

This impact is analyzed on page 4.5-30 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

**Mitigation**

None required.

**Findings After Mitigation**

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

**Impact 4.5-8: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to geology and soils, mineral resources, and paleontological resources. The impact would be *less than significant*.**

This impact is analyzed on pages 4.5-30 through 4.5-37 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

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

**Mitigation**

None required.

**Findings After Mitigation**

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

**6. HYDROLOGY AND WATER QUALITY**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.6-1 on pages 4.6-25 and 4.6-26 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.6-1: The proposed project could violate a water quality standard or waste discharge requirement or otherwise substantially degrade surface or ground water quality. The impact would be *less than significant*.**

This impact is analyzed on pages 4.6-27 through 4.6-32 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on

the evidence and analysis provided in the record.

**Mitigation**

None required.

**Findings After Mitigation**

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

**Impact 4.6-2: The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The impact would be *less than significant*.**

This impact is analyzed on pages 4.6-32 and 4.6-33 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

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

**Mitigation**

None required.

**Findings After Mitigation**

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

**Impact 4.6-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. The impact would be *less than significant*.**

This impact is analyzed on pages 4.6-33 and 4.6-34 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on

the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.6-4: In flood hazard, tsunami, or seiche zones, result in release of pollutants due to project inundation. The impact would be *less than significant*.**

This impact is analyzed on pages 4.6-34 and 4.6-35 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 4.6-5: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The impact would be *less than significant*.**

This impact is analyzed on pages 4.6-35 and 4.6-36 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

### **Findings After Mitigation**

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

**Impact 4.6-6: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to hydrology and water quality. The impact would be *significant*.**

This impact is analyzed on pages 4.6-36 through 4.6-55 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, the *2022 Cache Creek Annual Status Report*, prepared by the County's Cache Creek Technical Advisory Committee ("TAC") (pages 42 and 43), identified previously active channel migration and aggradation proximate to the project site, and the need to monitor and potentially accelerate bar skimming and other channel maintenance activities in the CEMEX reach. Pursuant to the adaptive management focus of the County's CCAP regulations and the ongoing oversight of creek channel conditions by the County TAC, a mitigation measure has been identified to update the 2016 project hydraulic analysis to reflect current and future projected conditions. Mitigation Measure 4.6-6 would mitigate this impact to be less-than-significant.

### **Significance Before Mitigation**

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

### **Mitigation**

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

*Mitigation Measure 4.6-6: No later than March 2031, the operator shall submit an updated hydraulic analysis of the CEMEX reach that utilizes and incorporates the most recent version of the County hydraulic model including updated/current site data. The model, method, and all inputs shall be reviewed and approved by the County, including review by the TAC geomorphologist and hydraulic engineer. Consistency with Section 10-4.429(e) and other applicable sections of the Mining and Reclamation Ordinances shall be demonstrated.*

*The analysis shall confirm containment of 100-year flood flows, continued control of erosive forces, and continued integrity of the 200-foot setback area between the channel boundary and the edge of mining, particularly in areas where prior over-mining has occurred. All recommendations, including bar skimming and other channel maintenance activities consistent with County regulations, the CCAP, and recommendations of the TAC shall be timely implemented by the operator.*

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

## **7. NOISE AND VIBRATION**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.7-3 on page 4.7-12 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

**Impact 4.7-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The impact would be *less than significant*.**

This impact is analyzed on pages 4.7-13 through 4.7-15 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

**Impact 4.7-2: Generation of excessive groundborne vibration or groundborne noise levels. The impact would be *less than significant*.**

This impact is analyzed on page 4.7-15 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

**Mitigation**

None required.

**Findings After Mitigation**

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

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

This impact is analyzed on pages 4.7-15 and 4.7-16 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

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

**Mitigation**

None required.

**Findings After Mitigation**

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

**Impact 4.7-4: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating noise impacts. The impact would be *less than significant*.**

This impact is analyzed on pages 4.7-16 through 4.7-19 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

**Significance Before Mitigation**

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

**Mitigation**

None required.

### **Findings After Mitigation**

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

## **8. TRANSPORTATION AND CIRCULATION**

Related impacts, mitigation measures, and conditions of approval identified in the 1996 EIR are summarized in Table 4.8-2 on page 4.8-19 of the Draft SEIR. This table also provides a discussion of the status of each mitigation measure.

### **Impact 4.8-1: Cause an increase in baseline total VMT. The impact would be *significant*.**

This impact is analyzed on pages 4.8-20 through 4.8-22 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the SEIR, vehicles miles travelled (“VMT”) at the CEMEX site is estimated to be 2,395,346 vehicle-miles per year under existing conditions (see Table 4.8-1). This estimate is based on a ten-year annual average of 735,448 tons sold at the project site from 2012 to 2021. The project will not result in an increase in the permitted annual capacity attributable to CEMEX as analyzed in the 1996 EIR, and thus may result in the same average VMT that has occurred under existing conditions. However, it is also feasible that CEMEX will maximize its allowed production in any given year, which would result in a greater VMT as compared to existing average conditions, but not as compared to the existing permitted maximum. In order to fully analyze this potential impact and to advance CEQA’s policy of being more protective of the environment, the Draft SEIR conservatively measures VMT over the proposed 20-year extended permit period assuming CEMEX will maximize its production, even though historical data show actual volumes being lower.

At the maximum permitted level, total annual VMT would be 3,102,873, as compared to a VMT of 2,395,346 reflective of average conditions over the 2012 to 2021 ten-year period. The maximum level is assumed to occur during the requested 20-year extended permit period. This potential increase of 707,527 annual VMT is attributable to the increase in aggregate truck trips that would occur if production were maximized to approved levels, as well as an assumed commensurate increase in independent recyclable material truck trips.

Mitigation measures that would reduce VMT must result in one of two outcomes – a decrease in average trip length or a decrease in trip generation. The proposed project’s remote location, specialized land use type, and relatively small number of employees would limit the range and effectiveness of potential VMT mitigation options, particularly those that are commonly applicable in urban or suburban settings (e.g., co-locating complementary land uses, providing subsidized transit passes, improving pedestrian/bicycle networks, managing parking supply, establishing ride sharing, or other mechanisms to reduce employee commute, etc.). However, one of the primary concerns associated with increased VMT is the resulting increase in GHG emissions. Mitigation Measure 4.2-5 (discussed earlier in these findings under Impact 4.2-5) is intended to mitigate for the increase in GHG emissions associated with the project. Nonetheless, other impacts associated with increased VMTs could not be feasibly mitigated, meaning that this impact is considered significant

and unavoidable.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measure 4.2-5 (discussed earlier in these findings under Impact 4.2-5) would reduce the impact, but not to a less-than-significant level. Due to the net increase in VMT at the project site, the impact would remain *significant and unavoidable*.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which will reduce the effects of these impacts to the extent feasible, but not to a less than significant level.

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

- An analysis of VMT from heavy truck trips is not required pursuant to SB 743 and the CEQA Guidelines; however, it is not precluded, and the County has chosen to include it in the analysis.
- The VMT analysis is conservative. The “existing” (i.e., baseline) VMT conditions were developed using the average annual production over the 10-year period between 2012 and 2021. Rather than using VMT figures based on the maximum permitted mining activity, or a brief snapshot during an above-average time period, the Draft SEIR relies on the 10-year average annual production level in order to provide a more realistic representation of existing VMT conditions (given the use of actual data) and a more conservative analysis. The 10-year average is a conservative baseline because the 10-year average annual tonnage is lower than the maximum permitted annual extraction, lower than the actual annual production for the year the NOP was released, and reflects a period of economic recession. The selection of this lower figure as the baseline results in a higher estimate of the project’s impact on VMT.
- The CCAP minimizes aggregate truck trips and VMT by ensuring a local source of aggregate, rather than requiring longer-distanced transport of material from sources farther away.
- By restricting allowed mining and related activities, the CCAP minimizes increases on VMT associated with aggregate extraction.

- In support of state and local policy, the CCAP ensures a local source of aggregate for local and regional construction projects that would otherwise be transported from greater distances, and therefore reduces the distance trucks must travel to deliver product to local and regional sites.
- Unlike many urban land uses which can fundamentally be located anywhere, resource-based land uses are limited to locations where the resource exists. The CCAP area is the only area in Yolo County where aggregate resources are found, and where mining is allowed.
- Given the project's land use type (i.e., an industrial mining operation) and the project site location in rural Yolo County, a Transportation Demand Management ("TDM") program aimed at reducing employee commute trips would have relatively limited effectiveness. The larger proportion of VMT is associated with the haul trips, which are already minimized to the greatest feasible degree by ensuring a local source of aggregate.

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

**Impact 4.8-2: Cause an inconsistency with applicable design standards. The impact would be *less than significant*.**

This impact is analyzed on page 4.8-22 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

***Significance Before Mitigation***

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

***Mitigation***

None required.

### ***Findings After Mitigation***

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

#### **Impact 4.8-3: Cause a substantial decrease in safety. The impact would be *less than significant*.**

This impact is analyzed on pages 4.8-22 and 4.8-23 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

#### **Impact 4.8-4: Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating transportation impacts. This impact would be *significant*.**

This impact is analyzed on pages 4.8-23 through 4.8-30 of the Draft SEIR, and in Chapters 5 and 6 relevant to Cumulative Impacts and Alternatives. As described in the Draft SEIR, the traffic operations analysis prepared for the proposed project (included in the Draft SEIR as Appendix K) demonstrates that the intersection of SR 16 and CR 96 has an existing level of service (“LOS”) deficiency that cannot be reasonably or feasibly resolved by the proposed project because the required reduction in trips to achieve the target LOS would likely exceed the proposed project’s entire trip contribution during AM and PM peak hours. In other words, restricting all trip generation from the CEMEX site during the AM and PM peak hours would not produce acceptable peak hour operations at the subject intersection. SR 16 is a State facility and there are no planned capacity improvements for it. All other intersections potentially affected by project traffic are operating at acceptable LOS and project trip contributions will not adversely affect operations. General Plan Policy CI-3.1(X) allows exceptions to the target LOS identified for various roadway segments based on a case-by-case determination by the Board of Supervisors. Where exceptions are applicable, there would, by definition, be no significant impact.

The CCAP ensures a local source of aggregate for local needs that would otherwise be transported from greater distances and thereby reduces the distance trucks must travel to meet local and regional needs. In this respect, implementation of the CCAP is beneficial to regional VMT. In

addition, mining is an allowed use in the Agriculture land use designation and zone district; mining is a documented beneficial contributor to the economy; implementation of the CCAP precludes other adverse impacts from occurring by ensuring a local source of aggregate; the project is not growth inducing; and there is no reserved right-of-way for any planned capital improvements for this segment of SR 16. In support of these points, and as required under General Plan Policy CI-3.1(X), Mitigation Measure 4.8-4 identifies the required findings of the Board of Supervisors.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measure would reduce the project impact to less-than-significant levels:

*Mitigation Measure 4.8-4: The Board shall make the following findings to ensure consistency with the General Plan and CCAP, if this project is approved: The Board hereby finds that acceptance of a reduced Level of Service under existing and future conditions at the intersection of SR 16 and CR 96 is appropriate pursuant to Policy CI-3.1(X) of the General Plan which allows for such exceptions in recognition of the benefits of preserving agriculture or open space land; enhancing the agricultural economy; preserving the rural character of the county; avoiding adverse impacts to alternative transportation modes; avoiding growth inducement; and where right-of-way constraints would make the improvements infeasible.*

### ***Findings After Mitigation***

By complying with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final SEIR.

## **9. TOPICS FOUND TO HAVE NO OR LESS-THAN-SIGNIFICANT IMPACTS**

CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, CEQA Guidelines Section 15128). Based on the research and analysis of technical studies, data, and review as documented in the record, it was determined that the proposed project would not result in significant environmental impacts identified below. This was disclosed in Chapter 4.9 (Topics Found to Have No Significant Impacts) of the Draft SEIR, which disclosed that implementation of the proposed project would result in no impact, or a less-than-significant impact related to the areas of impact identified below. Accordingly, these impacts are so noted in the Draft SEIR, and not analyzed further:

- Population and Housing

- Public Services and Recreation
- Utilities and Service Systems
- Aesthetics and Visual Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Wildfire

***Significance Before Mitigation***

The determination of no or less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of no or less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**D. CUMULATIVE IMPACTS**

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

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

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

Table 5-1 on pages 5-5 and 5-6 of the Draft SEIR provide a summary of the CCAP mining tonnages

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

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

Required findings for cumulative impacts (as corrected in Section 4.3 (Revisions to the Draft SEIR Text) of the Final SEIR volume) are provided below:

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

Cumulative impacts to aesthetics are analyzed on pages 5-4 through 5-7 of the Draft SEIR.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

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

Cumulative impacts to farmland are discussed on pages 5-7 and 5-8 of the Draft SEIR. Development of the proposed project would result in a permanent loss of 57 acres of anticipated future reclaimed prime farmland and a temporary loss of up to 159 acres associated with new net total area of simultaneous disturbance over a 20-to-36-year period (see Impact 4.1-1 of the Draft SEIR). Upon completion of the proposed mining activities, the proposed project would reclaim 418.6 acres of 815.8 total acres to agriculture (51.3 percent). The remaining areas are proposed to be reclaimed to habitat (174 ac.), open water lake (204 ac.), and slopes/roads/buffers (19.2 ac.) (see Table 3-1 of

the Draft SEIR).

Mitigation Measure 4.1-1 requires the applicant to mitigate for loss of agricultural resources by protecting between 216 acres (57 ac. + 159 ac.) and 330 acres (171 ac. + 159 ac.) in a permanent conservation easement consistent with County regulations. Because the proposed project would result in a net loss of on-site farmland, project-level impacts regarding the conversion of agricultural land to non-agricultural uses were determined to remain significant and unavoidable. Therefore, the project's incremental contribution to the cumulative loss of agricultural land would be considered cumulatively considerable and significant and unavoidable.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of the following mitigation measures would compensate for the new impacts that result from the net reduction of 51.2 acres of reclaimed farmland and the 159-acre increase in temporary impacts. Implementation of these measures would reduce the impact to the extent feasible but not to a less-than-significant level. Due to the net loss of farmland, the impact would remain *cumulatively considerable and significant and unavoidable*.

*Mitigation Measure 4.1-1a: The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 153.6 acres (51.2 acres of unrealized reclaimed prime farmland at a 3:1 ratio) of equivalent or better unmined prime farmland that has not previously been used for mitigation under any program, compliant with the requirements of Section 8-2404(d), or compliant with Section 10-5.525(a), (b), (c), or (d). The total acreage placed in permanent easement may be reduced to a minimum of 51.2 acres (1:1 ratio) in accordance with Sections 8-2404(d) or 10- 5.525(a), (b), (c), or (d). The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review and approval by the Division of Natural Resources.*

*Mitigation Measure 4.1-1b: The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 79.5 acres (159 acres of net larger simultaneous disturbance at a 0.5:1 ratio) of equivalent or better (quality and capability as compared to original) agricultural land located on unmined agricultural land that has not previously been used for mitigation under any program, compliant with the requirements of Sections 8-2404(d) and 10-5.525.*

### ***Findings After Mitigation***

In requiring the applicant to comply with these measures, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which will reduce the effects of these impacts to the extent feasible, but not to a less than cumulatively considerable level.

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

- The Countywide General Plan and General Plan EIR anticipated some loss of farmland as planned approved land uses occur over time.
- By restricting allowed land development activities, the Countywide General Plan minimized and reduced these losses to an acceptable level.
- The CCAP and CCAP Update Final EIR anticipated some loss of farmland as planned approved mining, reclamation, creek restoration, and related activities occur over time.
- By restricting authorized mining, reclamation, creek restoration, and related activities, the CCAP minimized and reduced these losses to an acceptable level. For example, the CCAP minimizes the geographic impacts of mining by limiting it to a defined area and by encouraging the removal of the full depth of available resources.
- The CCAP is one of the most restrictive mining programs in California and exceeds the requirements of the State for operator obligations.
- The CCAP balances many goals including agricultural preservation, aggregate mining, habitat, open space, and recreation, among many others.
- The project is consistent with the Countywide General Plan and the CCAP.
- Prime farmland and significant aggregate deposits created by natural forces over time overlay one another along both sides of Cache Creek; and as a result, it is generally not possible to extract aggregate without effects to farmland.
- Aggregate resources are found only in areas with natural deposits and do not occur elsewhere in the County. The CCAP area is the only area in Yolo County where aggregate mining is allowed.
- Allowed mining under the CCAP is consistent with the policies of the County and of the State related to aggregate resources.
- Reclamation of mined lands to agriculture is the top priority for reclamation under the CCAP. The project as approved would result in reclamation of a minimum of 418.6 acres to agriculture (51.3 percent of the total 815.8 acres to be reclaimed).
- Reclamation of early phases to productive agriculture as mining progressed did not occur in a manner consistent with the original project approvals and EIR analysis. The applicant has determined there will not be enough topsoil and overburden to undertake the amount of

reclaimed agriculture originally approved.

- The applicant has indicated that limiting its operations to 126 acres of simultaneously disturbed area is not feasible and is inconsistent with their approved mining and reclamation plans and related permit approvals.
- Implementation of the identified mitigation measures will result in permanent protection for other farmland in the County through the acquisition of permanent conservation easements.

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

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

Cumulative impacts to air quality are analyzed on page 5-8 of the Draft SEIR.

#### ***Significance Before Mitigation***

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

#### ***Mitigation***

None required.

#### ***Findings After Mitigation***

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

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

Cumulative impacts to greenhouse gas emissions are analyzed on page 5-8 of the Draft SEIR. Issues related to GHG emissions are, by nature, cumulative. Specifically, emissions of GHG contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change (e.g., sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and other environmental impacts). As described in the SEIR, the project would result in a net increase of 1,038 MTCO<sub>2</sub>e/year relative to existing baseline conditions. Because County policy finds a net increase in GHG emissions to be potentially significant, the GHG emissions impact associated with implementation of the proposed project is considered potentially significant. Mitigation Measure 4.2-5 requires the operator to develop and implement a Greenhouse Gas Reduction Plan to reduce annual operational emissions to or below the annual baseline emissions of the project thus ensuring no net increase.

***Significance Before Mitigation***

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

***Mitigation***

Implementation of Mitigation Measures 4.2-5 (discussed earlier in these findings under Impact 4.2-5) would reduce the project's incremental contribution to the cumulative impact to less than cumulatively considerable.

***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the cumulative impacts to a less than cumulatively considerable level as identified in the Final SEIR.

**Impact 5-5: Cumulative impacts to energy. The project's incremental contribution to the cumulative impact is *less than cumulatively considerable*.**

Cumulative impacts to energy are analyzed on page 5-9 of the Draft SEIR.

***Significance Before Mitigation***

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

***Mitigation***

None required.

### ***Findings After Mitigation***

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

#### **Impact 5-6: Cumulative impacts to biological resources. The project's incremental contribution to the cumulative impact is *cumulatively considerable*.**

Cumulative impacts to biological resources are analyzed on pages 5-9 to 5-10 of the Draft SEIR. As demonstrated in Section 4.3 of the Draft SEIR volume, the proposed project would comply with all applicable County regulations related to biological resources, and would be consistent with the CCAP. Mitigation Measures 4.3-1(a-d), 4.3-6(a-c), and 4.3-7 impose additional project-specific requirements to ensure the project's incremental contribution to cumulative impacts to biological resources would be less than cumulatively considerable.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measures 4.3-1(a-d), 4.3-6(a-c), and 4.3-7 (discussed earlier in these findings under Impact 4.3-6) would reduce the project's incremental contribution to the cumulative impact to less than cumulatively considerable.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the cumulative impacts to a less than cumulatively considerable level as identified in the Final SEIR.

#### **Impact 5-7: Cumulative impacts to cultural and Tribal Cultural resources. The project's incremental contribution to the cumulative impacts is *cumulatively considerable*.**

Cumulative impacts to cultural and Tribal Cultural resources are analyzed on pages 5-10 and 5-11 of the Draft SEIR. Compliance with Section 10-4.410 of the Mining Ordinance and implementation of Mitigation Measure 4.4-1 would ensure that the project's contribution to cumulative impacts would be reduced to less than cumulatively considerable. Continued mining and reclamation as part of the proposed project would not change cumulative impacts beyond what was analyzed in the CCAP Update FEIR. Based on the above, the project's incremental contribution to cumulative impacts to cultural resources would be less than cumulatively considerable.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measures 4.4-1 (discussed earlier in these findings under Impact 4.4-1) would reduce the project's incremental contribution to the cumulative impact to less than cumulatively considerable.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the cumulative impacts to a less than cumulatively considerable level as identified in the Final SEIR.

**Impact 5-8: Cumulative increase in the potential for impacts to geological and paleontological resources. The project's incremental contribution to the cumulative impact is *cumulatively considerable*.**

Cumulative impacts to geological and paleontological resources are analyzed on page 5-11 of the Draft SEIR. Compliance with Section 10-4.410 of the Mining Ordinance and implementation of Mitigation Measure 4.5-5 would ensure that the project's contribution to cumulative impacts would be reduced to less than cumulatively considerable. Continued mining and reclamation as part of the proposed project would not change cumulative impacts beyond what was analyzed in the CCAP Update FEIR. Based on the above, the project's incremental contribution to cumulative impacts to cultural resources would be less than cumulatively considerable.

### ***Significance Before Mitigation***

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

### ***Mitigation***

Implementation of Mitigation Measure 4.5-5 (discussed earlier in these findings under Impact 4.5-5) would reduce the project's incremental contribution to the cumulative impact to less than cumulatively considerable.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the cumulative impacts to a less than cumulatively considerable level as identified in the Final

SEIR.

**Impact 5-9: Cumulative exposure from hazards and hazardous materials. The project's incremental contribution to the cumulative impact is *less than cumulatively considerable*.**

Cumulative exposure from hazards and hazardous materials is analyzed on pages 5-11 and 5-12 of the Draft SEIR.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 5-10: Cumulative impacts to hydrology and water quality. The project's incremental contribution to the cumulative impact is *cumulatively considerable*.**

Cumulative impacts to hydrology and water quality are analyzed on pages 5-12 through 5-14 of the Draft SEIR. The proposed project would comply with all applicable standards and regulations included in the CCAP related to hydrology and water quality. Compliance with the CCAP and implementation of Mitigation Measure 4.6-6 would ensure that the project's contribution to cumulative impacts would be reduced to less than cumulatively considerable. Continued mining and reclamation as part of the proposed project would not change cumulative impacts beyond what was analyzed in the CCAP Update FEIR. Based on the above, the project's incremental contribution to cumulative impacts to hydrology and water quality would be less than cumulatively considerable.

***Significance Before Mitigation***

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

***Mitigation***

Implementation of Mitigation Measure 4.6-6 (discussed earlier in these findings under Impact 4.6-6) would reduce the project's incremental contribution to the cumulative impact to less than cumulatively considerable.

### ***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the cumulative impacts to a less than cumulatively considerable level as identified in the Final SEIR.

**Impact 5-11: Cumulative land use impacts. The project's incremental contribution to the cumulative impact is *less than cumulatively considerable*.**

Cumulative land use impacts are analyzed on pages 5-14 and 5-15 of the Draft SEIR.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

**Impact 5-12: Cumulative impacts from noise and vibration. The project's incremental contribution to the cumulative impact is *less than cumulatively considerable*.**

Cumulative impacts from noise and vibration are analyzed on page 5-15 of the Draft SEIR.

### ***Significance Before Mitigation***

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

### ***Mitigation***

None required.

### ***Findings After Mitigation***

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

**Impact 5-13: Cumulative impacts to public services, utilities, and service systems. The project's incremental contribution to the cumulative impact is *less than cumulatively considerable*.**

Cumulative impacts to public services, utilities, and service systems are analyzed on pages 5-15 and 5-16 of the Draft SEIR.

***Significance Before Mitigation***

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

***Mitigation***

None required.

***Findings After Mitigation***

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

**Impact 5-14: Cumulative impacts to transportation and circulation. The project's incremental contribution to cumulative VMT impacts is *cumulatively considerable*.**

Cumulative impacts to transportation and circulation are discussed on pages 5-16 and 5-17 of the Draft SEIR. Impact 4.8-1 identifies a significant and unavoidable impact related to VMT. The VMT associated with the proposed project is a function of the total amount of aggregate sold annually (i.e., the number of haul trucks generated annually). Because VMT increases resulting from the proposed project would contribute to regional VMT, the project's incremental contribution would be considered cumulatively considerable.

***Significance Before Mitigation***

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

***Mitigation***

Implementation of Mitigation Measure 4.2-5 would reduce this impact to the extent feasible but not to a less-than-significant level. Due to the potential net increase in VMT at the project site, the impact would remain *significant and unavoidable*.

***Mitigation Measure 4.2-5: Prior to the August 11, 2027 (the original date of expiration of the 1996 entitlements), the operator 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 annual operational emissions of the proposed project would be reduced to or below the annual baseline emissions of 5,668 MTCO<sub>2e</sub>. Strategies to achieve emissions reductions may include, but are not limited to, the following:***

- a. *Replacement of existing fossil fueled equipment with hybrid or electrically powered equipment;*
- b. *Purchase of an increased proportion of electricity from renewable sources;*
- c. *Installation of on-site renewable energy systems (Note: The operator has an existing wind turbine that provides renewable energy and was accounted for in the impact analysis. This measure would allow for installation of additional renewable energy systems.);*
- d. *Use of a blend of renewable diesel and biodiesel (80/20 mix) to power mobile equipment;*
- e. *Installation of electric vehicle (EV) charging stations in parking areas for passenger automobiles;*
- f. *Purchase of verified carbon credits. Credits purchased as part of this mitigation option shall be real, quantifiable, permanent, verifiable, enforceable, and 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 the County and/or the YSAQMD. The credits must be purchased through one of the following: 1) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; 2) any registry approved by CARB to act as a registry under the California Cap and Trade Program; or 3) through the CAPCOA GHG Reduction Exchange.*

### **Findings After Mitigation**

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which will reduce the effects of these impacts to the extent feasible, but not to a less than cumulatively considerable level.

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

- An analysis of VMT from heavy truck trips is not required pursuant to SB 743 and the CEQA Guidelines; however, it is not precluded, and the County has chosen to include it in the analysis.
- The VMT analysis is conservative. The “existing” (i.e., baseline) VMT conditions were developed using the average annual production over the 10-year period between 2012 and 2021. Rather than using VMT figures based on the maximum permitted mining activity, or a brief snapshot during an above-average time period, the Draft SEIR relies on the 10-year

average annual production level in order to provide a more realistic representation of existing traffic conditions (given the use of actual data) and a more conservative analysis. The 10-year average is a conservative baseline because the 10-year average annual tonnage is lower than the maximum permitted annual extraction, lower than the actual annual production for the year the NOP was released, and reflects a period of economic recession. The selection of this lower figure as the baseline results in a higher estimate of the project's impact on VMT.

- The CCAP minimizes aggregate truck trips and VMT by ensuring a local source of aggregate, rather than requiring longer-distanced transport of material from sources farther away.
- By restricting allowed mining and related activities, the CCAP minimizes increases on VMT associated with aggregate extraction.
- In support of state and local policy, the CCAP ensures a local source of aggregate for local and regional construction projects that would otherwise be transported from greater distances, and therefore reduces the distance trucks must travel to deliver product to local and regional sites.
- Unlike many urban land uses which can fundamentally be located anywhere, resource-based land uses are limited to locations where the resource exists. The CCAP area is the only area in Yolo County where aggregate resources are found, and where mining is allowed.
- Given the project's land use type (i.e., an industrial mining operation) and the project site location in rural Yolo County, a TDM program aimed at reducing employee commute trips would have relatively limited effectiveness. The larger proportion of VMT is associated with the haul trips, which are already minimized to the greatest feasible degree by ensuring a local source of aggregate.

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

**Impact 5-14: Cumulative impacts to transportation and circulation. The project's incremental**

**contribution to cumulative LOS policy conflicts is *cumulatively considerable*.**

Cumulative impacts to transportation and circulation are discussed on pages 5-16 and 5-17 of the Draft SEIR. Impact 4.8-4 identifies a significant and mitigatable impact related to LOS policy conflict at the intersection of SR 16 and County Road 96. General Plan Policy CI-3.1(X) allows exceptions to the target LOS identified for various roadway segments based on a case-by-case determination by the Board of Supervisors. Where exceptions are applicable, there would, by definition, be no significant impact.

The CCAP ensures a local source of aggregate for local needs that would otherwise be transported from greater distances and thereby reduces the distance trucks must travel to meet local and regional needs. In this respect, implementation of the CCAP is beneficial to regional VMT. In addition, mining is an allowed use in the Agriculture land use designation and zone district; mining is a documented beneficial contributor to the economy; implementation of the CCAP precludes other adverse impacts from occurring by ensuring a local source of aggregate; the project is not growth inducing; and there is no reserved right-of-way for any planned capital improvements for this segment of SR 16. In support of these points, and as required under General Plan Policy CI-3.1(X), Mitigation Measure 4.8-4 identifies the required findings of the Board of Supervisors.

***Significance Before Mitigation***

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

***Mitigation***

Implementation of Mitigation Measure 4.8-4 (discussed earlier in these findings under Impact 4.8-4) would reduce the project's incremental contribution to the cumulative impact to less than cumulatively considerable.

***Findings After Mitigation***

In requiring the applicant to comply with this measure, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the cumulative impacts to a less than cumulatively considerable level as identified in the Final SEIR.

**E. GROWTH INDUCEMENT**

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

other way, significantly affects the environment.

Growth inducing effects are analyzed in Section 5.2 of the Draft EIR. The proposed project would not directly induce population growth because it does not propose to construct housing nor remove obstacles to growth within an area. The proposed project would maintain employment at levels similar to current conditions with approximately 15 employees on site. There would be no new jobs created by the proposed project, as maximum production levels would not be increased. The continued employment of approximately 15 people would not be growth-inducing, as they already reside and work in the area.

As demonstrated throughout the subject Draft SEIR, the proposed project would be generally consistent with the CCAP and would accommodate growth consistent with the local general plan and land use decisions. The proposed project is not driving or creating the demand for aggregate material. Rather, the proposed project supports the existing demand for aggregate in the region. As such, the proposed project is market driven and would not result in growth-inducing impacts.

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

#### F. MITIGATION MEASURES AND PROJECT ALTERNATIVES PROPOSED BY COMMENTERS

Some comments on the Draft SEIR have suggested additional mitigation measures and/or modifications to the mitigation measures or alternatives recommended in the environmental document. In considering specific recommendations from commenters, the County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. It is recognized that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure or alternative can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects.

The Board of Supervisors is also cognizant, however, that the mitigation measures recommended in the SEIR represent the professional judgment and extensive experience of County staff and the consultant team. Accordingly, it is the Board's position that these recommendations should not be altered without careful consideration and compelling analysis. In evaluating the commenters' proposed changes or additions to the mitigation measures and alternatives as set forth in the SEIR, Yolo County has considered the following factors, among others, in determining whether to accept

such suggestions in whole or in part:

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

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

## **X. PROJECT ALTERNATIVES**

### **A. INTRODUCTION**

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

When significant effects are identified in the EIR for the project, CEQA Guidelines Section 15126.6 requires the EIR to consider and discuss alternatives to the proposed actions as a way of avoiding the significant effects. The primary intent of the alternatives analysis in an EIR, as stated in

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

## B. RANGE OF ALTERNATIVES

The 1996 EIR considered five project-level alternatives:

- 1996 Alternative 1: No Project
- 1996 Alternative 2a: Shallow Mining (Expanded Area)
- 1996 Alternative 2b: Shallow Mining (Decreased Volume)
- 1996 Alternative 3a: Decreased Mining (Limited Extraction Rate)
- 1996 Alternative 3b: Decreased Mining (Limited Extraction Period)

The No Project Alternative assumed mining and reclamation activities would be completed under the “short-term” (i.e., five-year) mining permit held by Solano Concrete, the former owner and operator of the site, and the existing vested plant facilities would continue to operate, processing aggregate from an unknown off-site source. The two shallow mining alternatives were found to be more impactful, including increased loss of farmland, and economically infeasible. These alternatives did not meet the objectives of the project and were inconsistent with the CCAP objective of encouraging deeper mining within a smaller footprint. The two decreased mining alternatives were found to be inconsistent with the objectives of the project and therefore economically infeasible.

Based on consideration of the alternatives previously evaluated in the 1996 EIR, current site conditions, CCAP objectives, and the requirements of CEQA, the following alternatives to the proposed project are evaluated in the Draft SEIR:

- Alternative 1A: No Project Alternative
- Alternative 1b: No Project Alternative, Compliance Concerns Corrected
- Alternative 2: Shorter Permit Extension

- Alternative 3: Limited Mining During Extended Period

These alternatives, discussed further below, represent a reasonable range of potential alternatives to the proposed project that could potentially reduce or avoid environmental impacts identified in this Draft SEIR.

### C. PROJECT OBJECTIVES

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

- To continue extraction of sand and gravel resources at the approved annual rate of production for the processing and sale of aggregate products through 2047.
- To maximize the extraction of the remaining available sand and gravel resources located within the permitted mining footprint.
- To increase total tons sold over the 20-year extended life of the permit by 20 million tons.
- To continue to supply an economic and reliable source of construction materials to the Yolo County market, utilizing the existing aggregate processing facility, conveyor system and associated infrastructure.
- To establish a new settling pond for deposition of process fines.
- To use the eastern 31.9 acres of the existing Phase 2 area as an extension of the existing processing plant site for purposes of product stockpiling and construction materials recycling.
- To implement the proposed reclamation plan to establish end uses of agriculture, permanent lakes, and wildlife habitat in accordance with SMARA (PRC 2710, *et seq.*) and CCAP.
- To continue to employ approximately 15 mining and processing personnel at the site.
- To resolve outstanding operational concerns identified by the County.

### D. FEASIBILITY OF ALTERNATIVES

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

definition of feasibility encompasses desirability to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors.

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

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

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

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

#### E. ALTERNATIVE 1A: NO PROJECT ALTERNATIVE

This alternative assumes the project is not modified as proposed, no permit extension is granted, and the current reclamation plan would stay in place. Therefore, under this alternative, the current

approvals would expire August 11, 2027; there would be no change in total mined tonnage; mining, processing, and mixing of concrete and asphalt materials would cease at the site in 2027; and reclamation would proceed as described in the current approved reclamation plan. This alternative is described in greater detail on pages 6-7 through 6-10 of the Draft SEIR.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects Alternative 1A (No Project Alternative) as infeasible for the following reasons:

Accomplish Project Objectives – This alternative does not meet any of the project objectives. In addition, the operator has indicated that the proposed reclamation activities under the alternative could not be fully implemented during the original permit term. This is because salvaging soil resources from the entire footprint of all mining phases would be necessary to complete the planned reclamation to agriculture, and mining has not progressed as quickly as originally anticipated.

Avoid or Substantially Lessen Impacts – This alternative would generally minimize environmental effects of the project related to mining and processing activities at the proposed site.

Impacts at the site associated with cultural resources and Tribal cultural resources; slope stability; and hydrology and water quality would likely be similar.

Impacts at the site associated with aesthetic and visual resources; agricultural and forestry resources; air quality, energy, and direct GHG emissions; biological resources; paleontological resources; noise; and transportation and circulation would likely decrease.

Impacts associated with the loss of access to mineral resources would generally be greater.

However, as noted in the SEIR, aggregate demand exists independently of the source. Mining at another site would result in new environmental impacts elsewhere and could result in the importation of aggregate from more distant sources to meet existing and future demand, thereby resulting in greater VMT and associated transportation-related air quality and GHG emissions.

Plan Consistency – This alternative fails to achieve the goals and policies of the CCAP to encourage efficient and effective mining at those locations permitted for mining to occur. As a result, impacts associated with conflicting with the CCAP would be greater.

Additional Public Benefits – This alternative would not result in achievement of the proposed net gains package.<sup>3</sup>

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<sup>3</sup> As described on page 3-45 of the Draft SEIR, “net gains” are additional public benefits that go beyond CEQA mitigation measures. The provision of net gains is a fundamental component of the CCAP, and a requirement under OCMP Action 7.4-1, CCRMP Action 5.4-1, and Section 10-4.502(i) of the Mining Ordinance.

F. ALTERNATIVE 1B: NO PROJECT ALTERNATIVE, COMPLIANCE CONCERNS CORRECTED ALTERNATIVE

This alternative assumes the project is not modified as proposed, no permit extension is granted, and the current reclamation plan would stay in place. Therefore, under this alternative, the current approvals would expire August 11, 2027; there would be no change in total mined tonnage; mining, processing, and mixing of concrete and asphalt materials would cease at the site in 2027; and reclamation would proceed as described in the current approved reclamation plan. Additionally, this alternative assumes that modifications to the mining and reclamation plans are made to satisfy outstanding compliance concerns. These modifications include: changes to the mining and reclamation plans to incorporate areas that were overmined and encroachments within the 200-foot Cache Creek setback; design and implementation of expanded hedgerows along the north boundary of the west half of Phase 1 and the entire west boundary between Phase 1 and Phase 2; resolution of temporary impacts to croplands in excess of the maximum 126 acres of disturbance assumed in the 1996 EIR; corrections to phasing numbering and order; corrections to lot lines; and modifications to fully comport all approvals over the years to one conformed set of mining and reclamation plans, reclamation narrative, and HRP. This alternative is described in greater detail on pages 6-10 through 6-13 of the Draft SEIR.

Based on the information in the record as summarized above, the Board of Supervisors hereby rejects Alternative 1B (No Project Alternative, Compliance Concerns Corrected Alternative) as infeasible for the following reasons:

Accomplish Project Objectives – This alternative meets the project objective of resolving outstanding operational concerns identified by the County. However, it does not meet any of the remaining project objectives. In addition, the operator has indicated that the proposed reclamation under this alternative could not be fully implemented during the original permit term. This is because salvaging soil resources from the entire footprint of all mining phases would be necessary to complete the planned reclamation to agriculture, and mining has not progressed as quickly as originally anticipated.

Avoid or Substantially Lessen Impacts – This alternative would generally minimize environmental effects of the project related to mining and processing activities at the proposed site.

Impacts at the site associated with cultural resources and Tribal cultural resources; slope stability; and hydrology and water quality, would likely be similar.

Impacts at the site associated with aesthetic and visual resources; agricultural and forestry resources; air quality, energy, and direct GHG emissions; biological resources; paleontological resources; noise; and transportation and circulation, would likely decrease.

Impacts associated with the loss of access to mineral resources would generally be greater.

However, as noted in the SEIR, aggregate demand exists independently of the source. Mining at another site would result in new environmental impacts elsewhere and could result in the

importation of aggregate from more distant sources to meet existing and future demand, thereby resulting in greater VMT and associated transportation-related air quality and GHG emissions.

Plan Consistency – This alternative fails to achieve the goals and policies of the CCAP to encourage efficient and effective mining at those locations permitted for mining to occur. As a result, impacts associated with conflicting with the CCAP would be greater.

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

#### G. ALTERNATIVE 2: SHORTER PERMIT EXTENSION

This alternative is identical to the proposed project, except that the permit extension is limited to 10 years (through 2037), which is half the duration of the requested period. Therefore, under this alternative the annual mined tonnage, mining footprint, and all other approved components of the project would be the same. Additionally, this alternative assumes that the total additional mining tonnage would be 10,668,263 tons mined (9,968,060 tons sold), which is 50 percent less than the amount requested. This alternative is described in greater detail on pages 6-13 through 6-16 of the Draft SEIR.

Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects Alternative 2 (Shorter Permit Extension) as infeasible for the following reasons:

Accomplish Project Objectives – This alternative generally meets three of the nine project objectives and partially meets three of them:

- To continue to supply an economic and reliable source of construction materials to the Yolo County market, leveraging the existing aggregate processing facility, conveyor system and associated infrastructure. *(Partially achieved with this alternative.)*
- To modify mining phases to allow an electric dredge to efficiently move between mining phases without the need to disassemble and reassemble the dredge equipment and establish a new settling pond for deposition of process fines.
- To use the eastern 31.9 acres of the existing Phase 2 area as an extension of the existing processing plant site for purposes of product stockpiling and construction materials recycling.
- To implement the proposed reclamation plan to establish end uses of agriculture, permanent lakes, and wildlife habitat in accordance with the Surface Mining and Reclamation Act (PRC 2710, *et seq.*). *(Partially achieved with this alternative.)*
- To continue to employ approximately 15 mining and processing personnel at the site.

*(Partially achieved with this alternative.)*

- To resolve outstanding operational concerns identified by the County.

The operator has indicated that the proposed reclamation activities under this alternative could not be fully implemented during the reduced permit term. This is because the salvaging of soil resources from the entire footprint of all mining phases would be necessary to complete the planned reclamation to agriculture, and reducing annual extraction in half would not provide adequate time for removal of the resource, nor economically support existing equipment or labor.

Avoid or Substantially Lessen Impacts – This alternative would generally result in environmental effects similar to those expected to occur under the originally proposed project.

Impacts at the site associated with cultural resources and Tribal cultural resources; slope stability; and hydrology and water quality, would likely be similar.

Impacts at the site associated with aesthetic and visual resources; agricultural and forestry resources; air quality, energy, and direct GHG emissions; biological resources; paleontological resources; noise; and transportation and circulation, would likely decrease.

Impacts associated with the loss of access to mineral resources would generally be greater.

However, as noted in the SEIR, aggregate demand exists independently of the source. Mining at another site would result in new environmental impacts elsewhere, and could result in the importation of aggregate from more distant sources to meet existing and future demand, thereby resulting in greater VMT and associated transportation-related air quality and GHG emissions.

Plan Consistency – This alternative fails to achieve the goals and policies of the CCAP to encourage efficient and effective mining at those locations permitted for mining to occur. As a result, impacts associated with conflicting with the CCAP would be greater.

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

#### H. ALTERNATIVE 3: LIMITED MINING DURING EXTENDED PERIOD

This alternative assumes the annual cap on extraction (1,204,819 tons mined; 1,000,000 tons sold) is reduced by 50 percent to 602,410 tons mined and 500,000 tons sold for the requested permit extension period (2027 to 2047). The approved 20 Percent Exceedance would continue which would allow a maximum of up to 722,892 tons mined and 600,000 tons sold in any given year. This alternative assumes that the project is modified as proposed, a permit extension is granted, and the revised reclamation plan would be implemented. This alternative is described in greater detail on pages 6-17 through 6-19 of the Draft SEIR.

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

Accomplish Project Objectives – Alternative 3 (Limited Mining During Extended Period generally meets three of the nine project objectives and partially meets three of them:

- To continue to supply an economic and reliable source of construction materials to the Yolo County market, leveraging the existing aggregate processing facility, conveyor system and associated infrastructure. *(Partially achieved with this alternative.)*
- To modify mining phases to allow an electric dredge to efficiently move between mining phases without the need to disassemble and reassemble the dredge equipment and establish a new settling pond for deposition of process fines.
- To use the eastern 31.9 acres of the existing Phase 2 area as an extension of the existing processing plant site for purposes of product stockpiling and construction materials recycling.
- To implement the proposed reclamation plan to establish end uses of agriculture, permanent lakes, and wildlife habitat in accordance with the Surface Mining and Reclamation Act (PRC 2710, *et seq.*). *(Partially achieved with this alternative.)*
- To continue to employ approximately 15 mining and processing personnel at the site. *(Partially achieved with this alternative.)*
- To resolve outstanding operational concerns identified by the County.

The operator has indicated that the proposed reclamation activities under this alternative could not be fully implemented during the reduced permit term. This is because the salvaging of soil resources from the entire footprint of all mining phases would be necessary to complete the planned reclamation to agriculture, and reducing annual extraction in half would not provide adequate time for removal of the resource, nor economically support existing equipment or labor.

Avoid or Substantially Lessen Impacts – This alternative would generally result in environmental effects similar to those expected to occur under the originally proposed project.

Impacts at the site associated with aesthetic and visual resources; agricultural and forestry resources; biological resources; cultural resources and Tribal cultural resources; slope stability; and hydrology and water quality, would likely be similar.

Impacts at the site associated with air quality, energy, and direct GHG emissions; paleontological resources; noise; and transportation and circulation, would likely decrease.

Impacts associated with the loss of access to mineral resources would generally be greater.

However, as noted in the SEIR, aggregate demand exists independently of the source. Mining at another site would result in new environmental impacts elsewhere, and could result in the importation of aggregate from more distant sources to meet existing and future demand, thereby resulting in greater VMT and associated transportation-related air quality and GHG emissions.

Plan Consistency – This alternative fails to achieve the goals and policies of the CCAP to encourage efficient and effective mining at those locations permitted for mining to occur. As a result, impacts associated with conflicting with the CCAP would be greater.

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

#### I. ENVIRONMENTAL SUPERIOR ALTERNATIVE

All four alternatives result in less site impacts overall than the proposed project, with Alternatives 1A and 1B resulting in less impact than Alternatives 2 and 3 comparatively. However, it is likely that similar, or possibly greater impacts will occur regionally as demand for aggregate resources is met by another location within the CCAP area or outside of Yolo County.

Related to significant and unavoidable loss of anticipated reclaimed farmland associated with implementation of the project: Alternatives 1A, 1B, and 2 would have less project-level impact, as compared to the proposed project. Alternative 3 would have similar impacts as the proposed project.

Related to significant and unavoidable increases in VMT associated with the proposed project: all four alternatives would result in less VMT from the project site. However, as noted above, each alternative is likely to result in increased VMT associated with the demand for aggregate being met by another location within the CCAP area or outside of Yolo County. The further aggregate mining occurs from areas of demand, the greater the haul distances and the larger the increase of VMT to regional totals.

Both “No Project” alternatives fail to meet the objectives of the project, and neither is consistent with the CCAP’s focus on fully excavating feasibly available aggregates on land approved for mining. Alternatives 2 and 3 each meet some of the project objectives but are inconsistent with the CCAP in terms of maximizing resource extraction from approved mining sites, economic use of equipment and labor, and feasibility of approved reclamation.

Based on the evaluation provided above and the comparison summary included in Table 6-2 of the Draft SEIR, the No Project Alternatives (1A and 1B are similar) would be environmentally superior to the project, because either would likely reduce impacts at the site as compared to the proposed project, and more so than Alternatives 2 and/or 3. However, per CEQA Guidelines Section 15126.6(e)(2), if the No Project alternative is the environmentally superior alternative then the County must identify which of the other alternatives is environmentally superior to the project.

The next best ranking environmentally superior alternative would be Alternative 2 (Shorter Permit Extension Alternative). This alternative would result in similar but slightly less environmental impact for those effects identified as “significant and unavoidable” for the project. This alternative results in ten fewer years of impact as compared to Alternative 3 and allows for the same amount of annual tonnage as the approved operation. Both Alternatives 2 and 3 fail to meet the project objectives. Alternative 2 generally achieves four of the nine project objectives. Alternative 3 generally achieves only three.

In summary, Alternative 2 would result in reduced impacts compared to the proposed project, meet more of the project objectives than the other alternatives, and would be considered the Environmentally Superior Alternative. None of the alternatives eliminate impacts found to be significant and unavoidable for the project. Moreover, the project fully achieves all of the project objectives, making it superior to the alternatives.

#### J. SUMMARY OF ALTERNATIVES EVALUATED

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

The Board of Supervisors is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various “economic, social, and other factors.” Based on impacts identified in the SEIR, and other reasons documented herein, the Board of Supervisors finds that adoption and implementation of the project, as modified by the mitigation measures and conditions of approval, is the most desirable, feasible, and appropriate action, and rejects the other alternatives, and other combinations and/or variations of alternatives, as infeasible.

This project, as modified by the mitigation measures and conditions of approval, is consistent with the CCAP and would result in significant additional public benefits in the form of net gains. Moreover, the project fully achieves all of the project objectives and fully mitigates impacts in all topical areas except VMT and impacts to farmland, making it superior overall to the alternatives.

The Board hereby determines that no other project alternative, or combination of project alternatives, would better implement the goals and objectives of the CCAP while providing as many public benefits as the project, as modified by the mitigation measures and conditions of approval.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **A. GENERAL**

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

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

### **B. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

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

- Impact 4.1-1: Implementation of the proposed project would have the potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The impact would be significant and unavoidable.
- Impact 4.8-1: Cause an increase in baseline total VMT. The impact would be significant and unavoidable.
- Cumulative Impact 5-2: Cumulative impacts to farmland. The project's incremental contribution to cumulative farmland impacts is cumulatively considerable.
- Cumulative Impact 5-14: Cumulative impacts to transportation and circulation (net increase in VMT). The project's incremental contribution to increases in VMT is cumulatively considerable.

Feasible mitigation measures that would partially mitigate the remaining impacts have been identified and discussed in the SEIR and are summarized in Section IX.C of these Findings.

### C. OVERRIDING CONSIDERATIONS

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

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

- VMT and air quality and greenhouse gas emissions associated with aggregate transport would be reduced as a result of having a continued local source of aggregate.
- The project must participate in the CCAP requirements for groundwater quality and quantity monitoring.
- Consistency with the General Plan, CCAP, 2011 CAP, SMARA, and all applicable laws and regulations.
- The project will continue to transport material to the plant by electric conveyor thus avoiding truck trips.
- The project will utilize existing processing plants, infrastructure, and conveyors thus avoiding impacts associated with a new operation.
- The project will maximize the extraction of sand and gravel resources located within the permitted mining footprint.
- The project receives renewable energy from an existing wind turbine and would be required to decrease additional operational emissions through increased use of renewable energy.

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

- Aggregate extracted from the project site will be subject to CCAP per-ton gravel mining fees that will fund restoration of Cache Creek, development of the Cache Creek Parkway, and other efforts specified in the County’s regulations.
- The project is required to re-designate the mining site and plants as “place of sale” for the purposes of establishing the retail sales location and calculating the sales tax obligations

of the operation, or 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.

- The project will continue to provide for employment of approximately 15 people.
- The project will ensure a flow of material to the onsite processing plants thus enabling continued operation and service to local markets.
- The project will contribute \$15,000 for the Cache Creek Nature Preserve or Cache Creek Nature Preserve Endowment Fund.
- The project will contribute \$5,000 to the County for update of the Cache Creek Parkway Plan.

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

- The project will result in the dedication of two reclaimed lakes and perimeter habitat totaling approximately 298 acres upon final reclamation sign-off in approximately 2052.
- The project will result in the dedication of creek frontage from lakes to centerline of creek.
- The project will result in the dedication of land between creek centerline and county-owned Millsap property.
- The project will result in the dedication of 40-foot access road easement (on the east side of the subject property).
- The project will result in the dedication of new 40-foot access road easement on the west side of prior Phase 7 to SR 16.
- The project will result in the dedication of 40-foot trail easement from public access on the west side to net gains dedications on the east side.
- The project will result in the dedication of ±15 acres of riparian restoration.

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

- Consistency with the General Plan, CCAP, 2011 CAP, SMARA, and all applicable laws and regulations.
- Mining on land designated and zoned for aggregate extraction, and with significant high-grade aggregate reserves as confirmed by the State Department of Conservation.

- Buffers and screening from public viewpoints.
- Extraction of valuable aggregate resources in compliance with the CCAP followed by reclamation to agriculture, habitat, and open space, in perpetuity.

#### D. CONCLUSION

The Final SEIR has been prepared pursuant to CEQA and the CEQA Guidelines. The Board of Supervisors has independently determined that the Final SEIR fully and adequately addresses the impacts and mitigations of implementation of the CEMEX Mining and Reclamation Plan Permit Amendment project. The project alternatives identified and considered in the Final SEIR meets the test of “reasonable” analysis, and provide the Board of Supervisors with important information from which to make an informed decision. Public hearings were held before the Planning Commission and the Board of Supervisors. Substantial evidence in the record from those meetings and other sources demonstrates various benefits the County would achieve from approval and operation of the project. The Board of Supervisors has balanced these project benefits and considerations against the significant and unavoidable environmental impacts that would result from the project and has concluded that those impacts are outweighed by the benefits. Upon balancing the environmental risk and countervailing benefits, the Board of Supervisors has concluded that the benefits that the County will derive from the project outweigh those environmental risks. The Board of Supervisors hereby determines that the benefits of the project override the significant and unavoidable environmental impacts that may result.

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

<END OF DOCUMENT>

## **EXHIBIT 2**

### **CEQA MITIGATION MONITORING AND REPORTING PROGRAM**

**CEQA  
MITIGATION MONITORING AND  
REPORTING PROGRAM**

**for the**

**CEMEX MINING AND RECLAMATION  
PLAN PERMIT AMENDMENT  
(ZF #2018-0015)**

**SEPTEMBER 2025**

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
IMPACT	MITIGATION MEASURES	MONITORING AGENCY	IMPLEMENTATION TIMING	SIGN-OFF
<b>4.1. AGRICULTURAL RESOURCES</b>				
<p><b>Impact 4.1-1</b>                      Implementation of the proposed project would have the potential to Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.</p>	<p><b>Mitigation Measure 4.1-1a</b>                      The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 153.6 acres (51.2 acres of unrealized reclaimed prime farmland at a 3:1 ratio) of equivalent or better unmined prime farmland that has not previously been used for mitigation under any program, compliant with the requirements of Section 8-2404(d), or compliant with Section 10-5.525(a), (b), (c), or (d). The total acreage placed in permanent easement may be reduced to a minimum of 51.2 acres (1:1 ratio) in accordance with Sections 8-2404(d) or 10- 5.525(a), (b), (c), or (d). The proposal and the substantiation in support of finding equivalency shall be provided in writing by the applicant, for review and approval by the Division of Natural Resources.</p> <p><b>Mitigation Measure 4.1-1b</b>                      The applicant shall complete the following subject to approval by the County. Within one year of approval, place a permanent conservation easement on 79.5 acres (159 acres of net larger simultaneous disturbance at a 0.5:1 ratio) of equivalent or better (quality and capability as compared to original) agricultural land located on unmined agricultural land that has not previously been used for mitigation under any program, compliant with the requirements of Sections 8-2404(d) and 10-5.525.</p>	Yolo County Planning Division	Within one year of approval.	
<b>4.2. AIR QUALITY, GREENHOUSE GASES, AND ENERGY</b>				
<p><b>Impact 4.2-5</b>                      The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a</p>	<p><b>Mitigation Measure 4.2-5</b>                      Prior to the August 11, 2027 (the original date of expiration of the 1996 entitlements), the operator 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</p>	Yolo County Planning Division	Prior to August 11, 2027.	

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significant impact on the environment.	<p>baseline conditions, the GHGRP shall demonstrate how annual operational emissions of the proposed project would be reduced to or below the annual baseline emissions of 5,668 MTCO<sub>2</sub>e. Strategies to achieve emissions reductions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>a. Replacement of existing fossil fueled equipment with hybrid or electrically powered equipment</li> <li>b. Purchase of an increased proportion of electricity from renewable sources;</li> <li>c. Installation of on-site renewable energy systems (Note: The operator has an existing wind turbine that provides renewable energy and was accounted for in the impact analysis. This measure would allow for installation of additional renewable energy systems.);</li> <li>d. Use of a blend of renewable diesel and biodiesel (80/20 mix) to power mobile equipment;</li> <li>e. Installation of electric vehicle (EV) charging stations in parking areas for passenger automobiles;</li> <li>f. Purchase of verified carbon credits. Credits purchased as part of this mitigation option shall be real, quantifiable, permanent, verifiable, enforceable, and 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</li> </ul>			

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	the County and/or the YSAQMD. The credits must be purchased through one of the following: 1) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; 2) any registry approved by CARB to act as a registry under the California Cap and Trade Program; or 3) through the CAPCOA GHG Reduction Exchange.			
4.3. BIOLOGICAL RESOURCES				
<b>Impact 4.3-1</b> Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.	<b>Mitigation Measure 4.3-1a</b> To demonstrate that potential impacts on Swainson’s hawk and bank swallow foraging habitat are adequately mitigated, the applicant shall: <ul style="list-style-type: none"> <li>a. Demonstrate to the satisfaction of County Counsel that the 2081 authorization was appropriately conveyed from the executing parties to CEMEX; and</li> <li>b. Determine to the satisfaction of County Counsel whether the 2081 authorization will terminate, require amendment, require reauthorization, or should be superseded by participation in the Yolo HCP/NCCP.</li> </ul>	Yolo County Counsel	Within six months of approval.	
	<b>Mitigation Measure 4.3-1b</b> COA #59 shall be revised as follows to reference applicable requirements for addressing potential impacts on VELB:  The proposed <u>Reclamation Plan, including relevant plan sheets, the reclamation narrative, and the HRP, as appropriate</u> , shall be revised to include specific provisions to ensure compliance with the USFWS <u>“Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle.”</u> <del>“General Compensation Guidelines for the Valley Elderberry Longhorn Beetle.”</del> This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings	Yolo County Planning Division	Completion, and acceptance by the County, of revisions to the Reclamation Plan shall occur prior to commencement of activities authorized under the modified permit.  Completion, and acceptance by the County, of pre-	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	and associated riparian vegetation at appropriate ratios; and defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A pre-construction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of <u>each phase of</u> 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 <del>County</del> 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.		construction surveys shall occur prior to commencement of activities authorized under the modified permit in any new phase. Authorization to commence activities may occur only in compliance with the terms of the modified permit and requirements of the survey.	
	<p><b>Mitigation Measure 4.3-1c</b>                      COA #61.5 shall be revised as follows to avoid native bird nests in active use and ensure compliance with the Migratory Bird Treaty Act and CDFW Code:</p> <ul style="list-style-type: none"> <li>• A pre-construction raptor <u>and native bird nesting</u> survey shall be conducted by a qualified wildlife biologist prior to initiation of mining <u>in each phase</u> to determine the presence or absence of active raptor <u>and other native bird nests</u> which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the <del>County</del>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:                             <ul style="list-style-type: none"> <li>○ Conduct the survey 30 days prior to any <u>tree removal and grubbing</u>, grading or other habitat modifications if proposed during the breeding</li> </ul> </li> </ul>	Yolo County Planning Division	Completion, and acceptance by the County, of pre-construction surveys shall occur prior to commencement of activities authorized under the modified permit in any new phase. Authorization to commence activities may occur only in compliance with the terms of the modified permit and requirements of the survey.	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	<p>season for tree nesting raptors and other native birds (from February <del>March</del> 1 through August 31<del>45</del>). <u>Confirmation surveys for ground nesting bank swallow shall be conducted as well during this period when grading and other habitat modifications are proposed during the breeding season.</u> 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.</p> <ul style="list-style-type: none"> <li>o If an active raptor <u>or other native bird</u> nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of <del>CDFW</del>CDFG. The perimeter of the buffer zone shall be <u>temporarily fenced or flagged</u> 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.</li> <li>o 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 <del>CDFW</del>CDFG-approved relocation plan has been successfully implemented.</li> <li>o 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 <u>completed</u> nesting activity has been submitted in writing to</li> </ul>			

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	the County and CDFW CDFG.			
	<p><b>Mitigation Measure 4.3-1d</b>                      The following measures will avoid inadvertent take of western red bat and other special-status bat species, if present in trees to be removed:</p> <ul style="list-style-type: none"> <li>• A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist shall look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains or urine stains around openings in trees, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes, or loose and flaking bark have the highest chance of occupation and shall be inspected carefully.</li> <li>• If signs of bats are detected, confirmation of presence or absence shall be determined by the qualified biologist, which may include night emergence or acoustic surveys. Appropriate measures shall be recommended by the qualified biologist to prevent loss or injury to individual bats if determined to be present. This may include phased removal of any occupied tree over multiple days to allow individual bats to disperse to other roosting locations.</li> <li>• If an active maternity roost is encountered during the maternity season (April 15 to August 31), CDFW shall be contacted for direction on how to proceed and an appropriate exclusion zone established around the occupied tree or structure until young bats are old enough to leave the roost without jeopardy. The size of the buffer would take into account the proximity and noise level of project activities, the distance and amount</li> </ul>	Yolo County Planning Division	Within 7 days prior to removal of any tree.	

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	<p>of vegetation or screening between the roost and construction activities; and species-specific needs, if known, such as sensitivity to disturbance.</p> <ul style="list-style-type: none"> <li>Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. A qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.</li> </ul>			
<p><b>Impact 4.3-4</b> Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>	<p><b>Mitigation Measure 4.3-4</b> Implement Mitigation Measures 4.3-1(a through d), and Mitigation Measures 4.3-6 (a through c).</p>	As specified for these measures.	As specified for these measures.	
<p><b>Impact 4.3-6</b> The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or</p>	<p><b>Mitigation Measure 4.3-6a</b> The proposed Habitat Restoration Plan shall be modified as follows:</p> <ol style="list-style-type: none"> <li>The proposed HRP shall be modified and resubmitted for staff confirmation of compliance to incorporate a new section integrating hedgerow as a restoration planting type and including descriptive text, locations for required and expanded planting, cross-sections, and elevations substantively equal to or better than the equivalent information contained in the approved 1995/1997 HRP. The HRP shall define performance standards and completion benchmarks, and identify monitoring and reporting requirements. Proposed Exhibit A, Hedgerow Restoration Plan (see Figure 4.3-4), and proposed</li> </ol>	Yolo County Planning Division	Completion, and acceptance by the County, of revisions to the Habitat Restoration Plan shall occur prior to commencement of activities authorized under the modified permit.	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
IMPACT	MITIGATION MEASURES	MONITORING AGENCY	IMPLEMENTATION TIMING	SIGN-OFF
substantially reduce the number or restrict the range of an endangered, rare or threatened species.	<p>Exhibit B, Hedgerow Irrigation Plan (see Figure 4.3-5), shall also be integrated.</p> <p>2. Proposed Exhibit A, Hedgerow Restoration Plan, shall be modified to adjust the location and interval of woody plantings, and reference the seed mix and application rates in Table 4 of the proposed HRP. Where hedgerow treatments are required to be integrated into native grassland zones, tree and shrub plantings shall occur at minimum intervals of about 300 feet.</p> <p>3. 2022 Minor Modification Condition #4 shall be clarified as follows to reflect corrected information:</p> <p>Implement hedgerow planting to provide required vegetative cover within a continuous uninterrupted 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 <del>hedgerow</del> <u>riparian depression</u> plantings on the north. If the PG&amp;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, <u>and shall reflect the modifications described in Measure 4.3-6a(1) and (2) above.</u> <del>The applicant shall submit design plans (including proposed native species and irrigation) for County review and approval no later than September 30, 2022.</del> All approved improvements shall be implemented within 90 days of County approval.</p> <p>4. All plans, permit documents, and exhibits shall be modified to be consistent with the final approved HRP as</p>			

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
IMPACT	MITIGATION MEASURES	MONITORING AGENCY	IMPLEMENTATION TIMING	SIGN-OFF
	<p>modified by mitigation measures and./or conditions of approval.</p> <p>5. The proposed HRP shall be modified to include hedgerow plantings integrated: (i) in the native grassland reclamation proposed for the sloped transition between unmined agricultural fields and reclaimed agricultural fields in phases 1 through 4 (shown in pink on Figure 4.3-8, Mitigation Measure 4.3-6 Expanded Hedgerows and Native Habitat Enhancement); and (ii) on the west, south, and east sides of the combined future reclaimed lake area within the proposed native grasslands buffer areas (shown in red on Figure 4.3-8).</p> <p>6. The minimum width of the proposed new hedgerow plantings in the agricultural transition area described in item 5(i) shall be the entire width of the transition slope. The minimum width of the hedgerow plantings around the lake area described in item 5(ii) shall be the entire width of the proposed native grassland buffer area as shown in the final approved HRP.</p> <p>7. Proposed native habitat enhancement adjoining the creek north of Phases 1, 3, and 4 (shown in purple on Figure 4.3-8) are acceptable, as revised by other mitigation measures and/or conditions of approval.</p> <p>8. Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain all hedgerows.</p>			
	<p><b>Mitigation Measure 4.3-6b</b>                      The proposed HRP shall be revised to expand the Oak Savanna and Native Grassland treatment to a minimum of 200 feet south of the top of bank to Cache Creek along the entire existing Plant Site and west to I-505 (Kaupke parcel)</p>	Yolo County Planning Division	Completion, and acceptance by the County, of revisions to the Habitat Restoration Plan shall	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	(shown in green on Figure 4.3-8).		occur prior to commencement of activities authorized under the modified permit.	
	<p><b>Mitigation Measure 4.3-6c</b>                      The following modifications to the proposed HRP and Reclamation Plans are required:</p> <ol style="list-style-type: none"> <li>1. The proposed HRP shall be modified to:                             <ol style="list-style-type: none"> <li>a. Modify the size for both islands to 0.8 acres each measured above the high water elevation. Provide design details for both islands subject to review and approval by the County.</li> <li>b. Both islands shall be clearly identified in mining plans, reclamation plans, and revegetation plans in the proposed HRP as permanent features.</li> <li>c. Peninsulas and other modifications to shoreline treatments shall be shown on the reclamation plans.</li> <li>d. The east lake shoreline shall have a minimum of three smaller peninsulas with a total acreage equal to or exceeding the acreage as proposed, designed to improve habitat complexity (see Figure 4.3-9, Lake Shorelines with Peninsulas).</li> <li>e. Reclamation plans sheets and the final figures in the HRP shall be consistent. Reclamation Plan sheets shall be made consistent with HRP Figure 3, Typical Cross-Section detail.</li> </ol> </li> </ol>	Yolo County Planning Division	Completion, and acceptance by the County, of revisions to the Habitat Restoration Plan and Reclamation Plan shall occur prior to commencement of activities authorized under the modified permit.	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	<p>2. COA #56 shall be replaced with the following:</p> <p>Characteristics of the two permanent islands and shoreline treatments shall include the following:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months. A temporary land-bridge to permit vehicle access and maintenance of restoration plantings on the island may be included in the design, or alternative method defined to ensure maintenance and monitoring. If land-bridge access is used, it shall be removed following completion of the minimum five-year monitoring program for the restoration effort.</li> </ul> <p>The islands shall be revegetated with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of native grassland and scattered shrubs and trees provided over the top of the island. The HRP shall ensure successful establishment of vegetative cover on the islands, which shall include installation of temporary irrigation consistent with other tree and shrub plantings.</p>			

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
IMPACT	MITIGATION MEASURES	MONITORING AGENCY	IMPLEMENTATION TIMING	SIGN-OFF
<p><b>Impact 4.3-7</b>                      Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>	<p><b>Mitigation Measure 4.3-7</b>                      The following revisions to the proposed HRP shall be implemented to expand species diversity, allow for verification of annual monitoring, and ensure control of noxious weed species as part of on-going and future maintenance:</p> <ol style="list-style-type: none"> <li>1. Increase the diversity of plantings in the shrub layer of the Oak Savanna to include wood rose (<i>Rosa californica</i>) (Table 3).</li> <li>2. Define additional controls for Noxious Grassland Species under the Weed Control Plan to address common invasive species with a moderate California Invasive Plant Council (IPC) rating of Moderate, with corrective action taken to reduce their dominance and encourage native perennial species in areas of Native Grassland and Oak Savanna Understory any time estimated cover of target invasive species exceeds 5 percent.</li> <li>3. Include an Invasive Cover component of less than 5 percent in the Performance Criteria for Riparian Woodland and Oak Savannah (Table 7) where corrective action is to be taken as part of annual maintenance any time this threshold is exceeded.</li> <li>4. Expand the Performance Standards under the Weed Control Plan to clearly define corrective actions any time target species exceed the 5 percent cover threshold. This shall at minimum include options of mechanical or cultural (i.e., grazing) treatment on an annual basis as necessary to reduce abundance, particularly for more common invasive grass species which tend to dominate native grassland restoration areas.</li> <li>5. Revise the proposed HRP to require update as necessary of the list of target invasive species to be</li> </ol>	<p>Yolo County                      Planning                      Division</p>	<p>Completion, and acceptance by the County, of revisions to the Habitat Restoration Plan shall occur prior to commencement of activities authorized under the modified permit.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	<p>monitored based on input from the TAC Riparian Biologist, to ensure that new invasive species that may colonize the site are adequately addressed as part of future monitoring and treatments.</p> <p>6. Provide in annual reports, the GPS coordinates for test plot locations established as part of the annual monitoring effort, to allow for field inspection by the County.</p> <p>7. Modify the notation at the bottom of the Native Grassland Buffer Plant List (Table 4) to clarify that overall species diversity shall be maintained even where substitutions may be necessary based on availability and demonstrated suitability.</p>			
4.4. CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES				
<p><b>Impact 4.4-1</b>                      The proposed project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5.</p>	<p><b>Mitigation Measure 4.4-1</b>                      In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of an historical resource to a less-than-significant level. This measure, together with Mitigation Measure 4.5-5, replace Condition of Approval No. 73 and Condition of Approval No. 74.</p> <p>a. The operator shall modify the Reclamation Plans to add 8-10 inches of additional soil over the protected confidential reburial site, blended with the existing grade on the exterior and mounded in the center. Reclamation plantings shall consist of native grasses, and plants with a shallow root system. The added soil and plantings shall blend in with the surrounding restoration and reclamation.</p>	<p>Yolo County                      Planning                      Division</p>	<p>Completion, and acceptance by the County, of revisions to the Reclamation Plans shall occur prior to commencement of activities authorized under the modified permit.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	<p>b. The operator shall fence the protected confidential reburial site for CA-YOL-69 to the specifications set by the County. Stake and wire fencing, or other fencing approved by the County, may be used to protect the site during mining. Sturdier permanent fencing shall be installed during final reclamation, including over a larger area than the reburial site.</p> <p>c. The operator shall design, develop, and install new signage to discourage access by operator’s personnel and approved visitors, subject to County approval. The operator shall be responsible for annual monitoring and regular ongoing maintenance of the signage.</p> <p>d. The operator shall record a deed restriction or Declaration of Covenants and Restrictions to protect the area, the choice between the two and the content shall be subject to County review and approval.</p> <p>e. If isolated artifacts are encountered on other parts of the project site they shall be placed within the restricted area.</p> <p>f. Within six months of approval, the operator shall retain a qualified professional archaeologist, subject to approval by the County, to develop and implement a contractor awareness training program. A consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representative and monitors from culturally affiliated Native American Tribes. The program shall include</p>		<p>Fencing and signage shall be completed within six months of approval.</p> <p>The deed restriction/ declaration shall be recorded within one year of approval.</p> <p>The training program shall be completed, under active implementation, and filed with the County within six months of hiring the archeologist.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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	<p>relevant information regarding sensitive tribal cultural laws and regulations. The worker cultural resources awareness program shall describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential archeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native American and for behavior consistent with Native American Tribal values. A copy of the cultural resources awareness brochure and written verification of completion of the training program shall be submitted to the Yolo County Department of Community Services. All employees involved with ground disturbance and other related construction activities shall complete this training annually.</p> <p>g. Actions a, b, c, and e shall be performed by/under the direction of a professional archeologist and tribal monitor.</p>			
<p><b>Impact 4.4-2</b> Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5.</p>	<p><b>Mitigation Measure 4.4-2</b> Implement Mitigation Measure 4.4-1.</p>	As specified for this measure.	As specified for this measure.	
<p><b>Impact 4.4-4</b> Cause a substantial adverse change in the significance of a tribal cultural resource as</p>	<p><b>Mitigation Measure 4.4-4</b> Implement Mitigation Measure 4.4-1.</p>	As specified for this measure.	As specified for this measure.	

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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<p>defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision</p>				

MITIGATION MONITORING AND REPORTING PROGRAM CEMEX MINING AND RECLAMATION PLAN PERMIT AMENDMENT PROJECT				
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(c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
<b>Impact 4.4-5</b> The project has the potential to eliminate important examples of the major periods of California history or prehistory (CEQA Guidelines, Section 15065(a)(1)).	<b>Mitigation Measure 4.4-5</b> Implement Mitigation Measure 4.4-1.	As specified for this measure.	As specified for this measure.	
4.5. GEOLOGY AND SOILS, MINERAL RESOURCES, AND PALEONTOLOGICAL RESOURCES				
<b>Impact 4.4-5</b> Directly or indirectly destroy a unique paleontological resource.	<b>Mitigation Measure 4.4-5</b> In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of a paleontological resource to a less-than-significant level. This measure together with Mitigation Measure 4.4-1 replace Conditions of Approval #73 and 74.  Within six months of approval, the operator shall retain a qualified professional, subject to approval by the County, to develop and implement a contractor paleontological awareness training program. The program will provide resource sensitivity training regarding ground disturbing activities, discovery of paleontological resources, required	Yolo County Planning Division	The training program shall be completed, under active implementation, and filed with the County within six months of hiring the archeologist.	

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	protocols and notifications, and information about other related treatments or issues that may arise if paleontological resources are discovered during project construction. All employees involved with ground disturbance and other related construction activities shall complete this training annually.			
<b>4.6. HYDROLOGY AND WATER QUALITY</b>				
<b>Impact 4.6-6</b> Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to hydrology and water quality	<b>Mitigation Measure 4.4-6</b> No later than March 2031, the operator shall submit an updated hydraulic analysis of the CEMEX reach that utilizes and incorporates the most recent version of the County hydraulic model including updated/current site data. The model, method, and all inputs shall be reviewed and approved by the County, including review by the TAC geomorphologist and hydraulic engineer. Consistency with Section 10-4.429(e) and other applicable sections of the Mining and Reclamation Ordinances shall be demonstrated.  The analysis shall confirm containment of 100-year flood flows, continued control of erosive forces, and continued integrity of the 200-foot setback area between the channel boundary and the edge of mining, particularly in areas where prior over-mining has occurred. All recommendations, including bar skimming and other channel maintenance activities consistent with County regulations, the CCAP, and recommendations of the TAC shall be timely implemented by the operator.	Yolo County Planning Division	No later than the last day of March 2031.	
<b>4.8. TRANSPORTATION AND CIRCULATION</b>				
<b>Impact 4.8-1</b> Cause an increase in baseline total VMT.	<b>Mitigation Measure 4.8-7</b> Implement Mitigation Measure 4.2-5.	As specified for this measure.	As specified for this measure.	
<b>Impact 4.8-4</b> Cause a significant environmental impact due to a conflict with	<b>Mitigation Measure 4.8-4</b> The Board shall make the following findings to ensure consistency with the General Plan and CCAP, if this project is approved:	Yolo County Board of Supervisors	In conjunction with project approval.	

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applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating transportation impacts.	The Board hereby finds that acceptance of a reduced Level of Service under existing and future conditions at the intersection of SR 16 and CR 96 is appropriate pursuant to Policy CI-3.1(X) of the General Plan which allows for such exceptions in recognition of the benefits of preserving agriculture or open space land; enhancing the agricultural economy; preserving the rural character of the county; avoiding adverse impacts to alternative transportation modes; avoiding growth inducement; and where right-of-way constraints would make the improvements infeasible.			
<b>5.0. CUMULATIVE IMPACTS AND OTHER REQUIRED SECTIONS</b>				
<b>Impact 5-2</b> Cumulative impacts to farmland.	<b>Mitigation Measure 5-2</b> Implement Mitigation Measure 4.1-1a and b.	As specified for these measures.	As specified for these measures.	
<b>Impact 5-4</b> Cumulative greenhouse gas emissions.	<b>Mitigation Measure 5-4</b> Implement Mitigation Measure 4.2-5.	As specified for this measure.	As specified for this measure.	
<b>Impact 5-6</b> Cumulative impacts to biological resources.	<b>Mitigation Measure 5-6</b> Implement Mitigation Measures 4.3-1(a-d), 4.3-6(a-c), and 4.3-7.	As specified for these measures.	As specified for these measures.	
<b>Impact 5-7</b> Cumulative impacts to cultural and tribal cultural resources.	<b>Mitigation Measure 5-7</b> Implement Mitigation Measure 4.4-1.	As specified for this measure.	As specified for this measure.	
<b>Impact 5-8</b> Cumulative impacts to geological and paleontological resources.	<b>Mitigation Measure 5-8</b> Implement Mitigation Measure 4.5-5.	As specified for this measure.	As specified for this measure.	

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<b>IMPACT</b>	<b>MITIGATION MEASURES</b>	<b>MONITORING AGENCY</b>	<b>IMPLEMENTATION TIMING</b>	<b>SIGN-OFF</b>
<b>Impact 5-10</b> Cumulative impacts to hydrology and water quality.	<b>Mitigation Measure 5-10</b> Implement Mitigation Measure 4.6-6.	As specified for this measure.	As specified for this measure.	
<b>Impact 5-14</b> Cumulative impacts to transportation and circulation.	<b>Mitigation Measure 5-14</b> For increased VMT, implement Mitigation Measure 4.8-1.  <b>Mitigation Measure 5-14</b> For LOS policy conflicts, implement Mitigation Measure 4.8-4.	As specified for these measures.	As specified for these measures.	