

ATTACHMENT J

COMMENTS RECEIVED AFTER RELEASE OF THE
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT/PRIOR TO AND AFTER THE PLANNING
COMMISSION PUBLIC MEETING ON 10/9/2025 AND
PUBLIC HEARING ON 11/13/2025

Memorandum

To: Yolo Co. Planning Commission
Cc: Board of Supervisors
From: The Sierra Club Yolano Group
Date: October 7, 2025
Re: Inadequate Disclosures and Unanswered Questions in the County's Administration of the Cache Creek Area Parkway plan and in the CEMEX FEIR Renders It Deficient and Unsuitable for Certification and Approval of Entitlements for the Currently Proposed Mining Project Extension/Expansion

Dear Commissioners – We have reviewed both the Final SEIR for the CEMEX mine extension project and the Staff Report for your meeting this Thursday. We have found both to be severely deficient in terms of disclosures of environmental hazards and without sufficient protection and/or mitigation to render these potential environmental hazards to “less than significant” status. We will address these specific deficiencies in the FEIR in a future report prior to the planned Public Meeting to consider your recommendations to the BOS re certification of the FEIR and approval of project entitlements.

My comments in this correspondence provides some historic context to the County's Off-Channel Mining program, discusses the general program failures, and makes recommendations to the Planning Commission to resolve the ongoing problems in the program in general and the CEMEX project in particular.

Historical Context of the County's Off-Channel Surface Mining Program

In 1996, the County implemented with great fanfare the Cache Creek Area Plan (CCAP) in which off-channel mining sites adjacent to the Creek were to be converted to reclaimed agriculture, restored habitat, and impoundment lakes providing recreational opportunities. The Plan was presented to the public as a unique undertaking under which the County would receive income from the sale of sand and gravel and the public would receive the reclaimed or restored lands centered on pristine lakes strung like pearls along Cache Creek. This was to be called the Cache Creek Parkway. In addition, the public was promised reclaimed farmland that would be equivalent to or, as was repeatedly promised, “*even better than*” the farmland destroyed by the mining process.

Unfortunately, even after 30 years this vision has not been even remotely realized and none of the lofty goals are even close to being met. And now the County is facing the prospect of inheriting a barren moonscape of contaminated impoundment pits, functionally worthless reclaimed farmland, and purportedly restored habitat that only shows stunted plant growth with virtually no wildlife value.

How did this happen and what can be done to remediate this environmental disaster?

Current Status of the Mining Sites

Impoundment Pits – Almost every off-channel surface mining impoundment pit currently being monitored shows elevated levels of methyl mercury contamination in fish in violation of the Surface

Mining Reclamation Ordinance. Worse still, the mandatory annual reports showing the result of the monitoring are years late in being filed by the County. We disclosed these clear and obvious violations to you in a memo dated February 7 earlier this year. In that memo we also pointed out that the Lake Management Plans to resolve the elevated levels of methyl mercury contamination that are required by the Surface Mining Reclamation Ordinance to be “implemented” within 3 years of Enhanced Analysis of the water in the pits are also years late. This is despite being explicitly recommended by the County’s methyl mercury expert, Dr. Slotten in his 2020 report on methyl mercury monitoring to the County. But, to date, not a single Lake Management Plan has even been “prepared”, much less actually “implemented”.

Although in February we were promised by the then Interim County Administrator that we would get a near-immediate response from the County addressing our allegations, the long-awaited response from the County did not appear until about a month ago - and then only in the form of a response sent to the Planning Commission as “Correspondence” for your previous meeting. But as we pointed in our letter of September 11 (attached for your convenience), this Response from the County was riddled with false claims that these obvious deficiencies in the administration of the mining program were simply ministerial in nature and everything is going along swimmingly. That could not be further from the truth.

Instead we are now looking at a series of impoundment pits extensively contaminated with methyl mercury for which methyl mercury monitoring reports are years late and Lake Management Plans designed to mitigate the contamination reports have not yet even been prepared. Indeed, the two largest pits at the CEMEX plant have always shown elevated levels of methyl mercury contamination.

And what is CEMEX’s response? Well in their current application for expanded output from their facility, they are asking for permission to simply fill in the old pits and dig two even larger pits. But they have not provided a shred of evidence showing what they will be doing differently in the new pits to prevent a reoccurrence of these problems. CEMEX is ostensibly asking you not to worry because these new pits do not have to be completed and show compliance for another 20 years!. It appears outwardly that the attitude by CEMEX and the County is to simply let future Planning Commissioners and Supervisors and the public deal with the problem as they have not otherwise provided any facts to support the claim that the methyl mercury problem is under control - despite having 30 years to figure it out.

We are reminded of the saying often attributed to Albert Einstein which, paraphrased, states, “*Expecting a different result after doing the same thing over and over is a definition of insanity*”.

CEMEX and Staff are now functionally asking you to behave insanely and approve their plan for a 20-year extension and expansion of mining while repeating exactly their demonstrably failed practices they have been doing for the last 30 years in terms of impoundment pit construction and management but assuring you that this time it will somehow result in a different outcome.

Reclaimed Farmland – In their SEIR, CEMEX and Staff tout the progress toward reclaiming farmland and infer things are going along just fine based on two sites they discuss. But even after 5 years of

attempts they have not even achieved production equivalent to industry norms much less brought it back to prime farmland status as existed before mining.

Indeed, neither CEMEX nor any other mining company has yet to demonstrate they have successfully reclaimed *even an acre of farmland such that it is now being currently now being farmed economically*. The one site that has been accepted as reclaimed by the County and most often touted as a successful farmland reclamation effort was the Teichert Muller site. This property was reportedly farmed with wheat crops in 2006 and 2007 following extensive cover-cropping in 2006 and the addition of 1 foot of additional topsoil in 2007. Reported crop yields of about 3 tons per acre were achieved which slightly exceed pre-mining reported production of slightly less than 3 tons per acre. Based on these 2 years of wheat farming, the property was subsequently accepted by the County as successfully reclaimed in 2014 and financial assurances were released.

But the County failed to disclose that farming of that property was subsidized by Teichert. It was also not disclosed what additional crop-enhancing additives were added to the soil or other efforts to increase yields which may not be economical to continue farming in the future on that land..

The obvious question to be asked is, *“Has that reclaimed farmland actually been productively farmed since?”* The answer is a **“NO”**. That property has reportedly not been farmed since “successful” reclamation almost 18 years ago which suggests post-reclamation economic viability of farming may not be possible. Indeed, if this farmland was successfully reclaimed as purported by Teichert and the County, why has it not once been productively farmed since instead remaining as a weed-filled, fallow plot of land?

Perhaps the answer lies in an analysis of the soil structure on the site performed by House Consulting in 2021 wherein they reported, *“The soil surface was dry and loose to about four to six inches deep, and hard below that. There is little evidence of a developing soil structure; the soil particles appeared to be not aggregated but instead singular. We also observed a substantial amount of rocks and gravel mixed into the soil surface.”*

In their 2021 report, House Consultants also stated that, *“It is also important to note that while crops grown on reclaimed agricultural land can reach desired productivity standards as described herein, the soils themselves will not match the pre-mining quality or productivity.”* They further stated that, *“...the literature reflects that reclaimed soils are not the same quality as original soils due to loss of soil structure and organic matter during the period of mining when the top soils are stockpiled for later use. The literature also reflects challenges in managing production on reclaimed fields.”*

The Yolo County Surface Mining Reclamation Ordinance otherwise explicitly requires that farmland be reclaimed to its original quality and *“of good health, supporting earthworm populations and microbial health, such that the soils can support equivalent agriculture production”*. Based on objective results achieved thus far, it hardly sounds like farmland can be reclaimed to this prime condition as existed before mining began and was explicitly promised by the mining companies and the County when the off-channel mining program was promulgated.

Yet despite CEMEX's problems in their own attempts to reclaim farmland and the abject failure of every other mining company's attempts to successfully reclaim farmland along Cache Creek to ongoing productivity, CEMEX and the County are now trying to convince you to recommend approval of their proposed scheme to fill in their current impoundment pits with even more mining waste and turn it back into prime, productive farmland.

We once again refer you to Einstein's definition of insanity.

Our Recommendation to the Planning Commissioners

To get the Surface Mining program back on track and hold the mining companies responsible to fulfill their obligations under the Surface Mining Reclamation Ordinance and their permit entitlements, we recommend the County implement the following recommendations.

Recommendation 1 – Allow No New Permitting of New Mines or Extensions or Expansions of Existing Mines until Full Compliance with the Surface Mining Reclamation Ordinance is Achieved - In our earlier memo to you in February of this year, we explicitly noted in detail the ongoing violations of the Surface Mining Reclamation Ordinance by both the County and every one of the mining companies . At that time, we recommended that the County NOT permit any new mines or extensions or expansions of existing mines until all of the mining companies and the County come into full compliance with the Surface Mining Reclamation Ordinance. In the absence of any material progress towards meeting that goal, we still stand by that recommendation.

Recommendation 2 – Allow No New Mining Compliance Certifications to be Sent to the State until Full Compliance with the Surface Mining Reclamation Ordinance is Achieved - We also noted in that same communication that the County has for years filed reports with the State of California Division of Mines that falsely certify that all of the mining companies are in full compliance with both the California Surface Mining and Reclamation Act and the County's Surface Mining Reclamation Ordinance. They did so by submitting erroneous "*Statements of Facts*" to the Planning Commission wrongfully certifying such compliance in order to get your necessary approvals for these annual certifications. We recommended that the Planning Commission NOT approve or authorize any such certifications of compliance in the future until the County provide extensive details affirming such compliance in the future. We also stand by that recommendation.

Recommendation 3 – Establish an Independent Advisory Committee Focused on Off-Channel Mining Restoration- Further, in Public Comments to the Commission and the BOS, in the past we recommended that an independent Advisory Committee be established that is specifically devoted to the unique problems facing the County and the mining companies in restoring and reclaiming formerly mined lands. The current Technical Advisory Committee for Cache Creek has only concerned itself with in-channel problems on Cache Creek. While their skill set has proven very useful in addressing in-channel problems facing the Creek, their expertise is not particularly well-suited for addressing off-channel mining problems. We recommend that such an Independent Advisory Committee be comprised of individuals with particular expertise in i) farmland restoration, ii) methyl mercury

bioaccumulation in the environment and remediation, and iii) environmental habitat restoration with particular emphasis on riparian habitats.

Recommendation 4 – Require the Mining Companies Themselves to be Responsible for Compliance with the Methyl Mercury Monitoring and Lake Management Plan Implementation - We also noted in our recent communication to you in early September that that the County has assumed functional responsibility for ensuring both the methyl mercury monitoring reports are submitted and the Lake Management Plans are implemented in a timely manner. The Surface Mining Reclamation Ordinance otherwise states explicitly that these are the responsibilities of the mine “operator” – not the County. The County claimed that they have done so to ensure “consistency” in the reporting and implementation required under the ordinance. However, such “consistency” could have just as easily been demanded of the mining companies and, in doing so, the County could be relieved of the liabilities associated with assuming these responsibilities themselves. Further, for whatever reasons the County has proven itself completely incapable of properly administering these functions and responsibilities and we urge the County to order the mining companies to assume these responsibilities themselves as specified in the County’s Reclamation Ordinance.

Recommendation 5 – Hold a Special Meeting or Series of Meetings to Discuss the Ongoing Failures in the Off-Channel Mining Program and a Path Forward - By all outward appearances, the County’s administration of their Cache Creek Area Plan has gone completely off the rails. Methyl mercury monitoring and Lake Management Plans are severely behind mandatory deadlines and the farmland reclamation process is stalled. It is abundantly clear that severe deficiencies exist and are ongoing and the County and/or mining companies are seemingly incapable of resolving the problems after 30 years. So now what should the Planning Commission do in the face of this ongoing complete lack of compliance to ensure that the standards demanded by the Surface Mining Reclamation Ordinance are achieved in the future? We believe it is incumbent on the Planning Commission get to the bottom of these myriad of problems and shortcomings and again recommend that a special meeting or series of meetings be convened by the Planning Commission in which these deficiencies are explored in detail and an objective, verifiable plan be put in place to ensure such gross mishaps are not repeated in the future. We still stand by that earlier recommendation.

In this absence of such changes as recommended above, we believe the program will continue without proper safeguards and there exists a very real risk that in several decades the County will end up end up with thousands of acres of spoiled earth instead of the pristine Parkway promised to us over 30 years ago.

Thanks you for your consideration of this matter.

Respectfully submitted

Alan Pryor, Chair
Sierra Club Yolano Group

From: [Alan Pryor](#)
To: [Stephanie Cormier](#)
Cc: [Clerkoftheboard](#)
Subject: Re: Communication for the Planning Commission
Date: Wednesday, October 8, 2025 8:08:02 AM
Attachments: [Comments to Planning Commission re CEMEX Final SEIR_10-8-25.pdf](#)
[Letter to PC re County Response to SCYG Violations Memo 9-10-25 .pdf](#)

CAUTION: External Sender. Please do not click on links or open attachments from senders you do not trust.

Dear Commissioners - Attached is a new correspondence to the Planning Commission entitled, "*Comments to Planning Commission re CEMEX Final SEIR_10-8-25.pdf*" regarding deficiencies in the administration of the Cache Creek Area Plan. We will additionally be making Public Comments at your meeting on Thursday.

Thank you

Alan Pryor
Chair - Sierra Club Yolano Group

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In this absence of such changes as recommended above, we believe the program will continue without proper safeguards and there exists a very real risk that in several decades the County will end up end up with thousands of acres of spoiled earth instead of the pristine Parkway promised to us over 30 years ago.

Thanks you for your consideration of this matter.

Respectfully submitted

Alan Pryor, Chair
Sierra Club Yolano Group

From: [Catherine Portman](#)
To: [Jeff Anderson](#)
Subject: No extension of Cemex permit
Date: Wednesday, October 8, 2025 2:34:34 PM

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Hello Jeff,

Pls forward my comments to the Planning Commission.

Do not recommend extending Cemex mining permit. They are not in compliance with their current requirements, i.e. methyl mercury measurements are past due and the exceedances trigger a lake management plan which has not been initiated.

--

Catherine Portman
For wildlife and wildlands
burrowingowls.org
5308675736

From: [Julie Dachtler](#)
To: [Stephanie Cormier](#)
Cc: [Paula Hugi](#)
Subject: FW: Cemex
Date: Thursday, October 9, 2025 8:28:11 AM

Good morning Stephanie,

Sending this correspondence your way. We'll also add it to the Board's correspondence.

Thanks!

Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors
Phone: 530-666-8195
Fax: 530-666-8193

Be kind...Watch what happens

Maximizer~Connectedness~Harmony~Positivity~Responsibility

 **Think before you print!**

From: amjohns@ucdavis.edu <amjohns@ucdavis.edu>
Sent: Wednesday, October 8, 2025 5:12 PM
To: Clerkoftheboard <Clerk.oftheboard@yolocounty.gov>
Subject: Fwd: Cemex

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Dear Planning Commission, dear Board of Supervisors,

The planning commission has been requesting a presentation on the mercury contamination in lower Cache Creek for over a year. Instead of honoring this request, the Planning Department is advancing the CEMEX gravel mine permit. The Board of Supervisors need to intervene and hold an immediate public meeting on the methyl mercury problems in Cache Creek. Thank you.

*Alessa Johns
Professor Emerita of English
UC Davis*

From: [Julie Dachtler](#)
To: [Stephanie Cormier](#)
Cc: [Clerkoftheboard](#)
Subject: FW: Public Comments re: Permit for CEMEX Madison Gravel Mine along lower Cache Creek
Date: Thursday, October 9, 2025 9:02:40 AM

Hello Stephanie,

Sending this an FYI...

Thanks!

Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors
Phone: 530-666-8195
Fax: 530-666-8193

Be kind...Watch what happens

Maximizer~Connectedness~Harmony~Positivity~Responsibility

 **Think before you print!**

From: Anuj Vaidya <lumpyquiche@gmail.com>
Sent: Thursday, October 9, 2025 8:45 AM
To: Clerkoftheboard <Clerk.oftheboard@yolocounty.gov>
Cc: tjmerwin@gmail.com; elisabeth.dubin.green@gmail.com; b_sala@yahoo.com; yolomccormick@gmail.com; amon.muller@gmail.com; sarahdukettpc@gmail.com; gurtaj21@gmail.com
Subject: Public Comments re: Permit for CEMEX Madison Gravel Mine along lower Cache Creek

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To the Yolo County Board of Supervisors and Yolo Planning Commissioners,

This letter is to urge you to reconsider the permit that the county is set to renew for CEMEX, which would allow the company to continue mining along the lower Cache Creek basin. This county declared a climate emergency in 2020, and granting this permit seems directly in contradiction to the responsibilities and the stopgaps that were committed to in that historic resolution.

Yes, the mining industry has had a big role to play in the development of this region - and

offers pathways to employment for a lot of people. But we are at a point in our ecological future where we must find other ways to do the same. We all know that mining impacts groundwater sustainability and the integrity of the aquifer, and that there is Methyl mercury contamination in the deep, wet pits. Future impacts on flooding and spread of toxic pollution are also worries.

We cannot turn a blind eye to these real environmental impacts, which will affect current and future residents along the basin who were never involved in these decision-making processes.

There are numerous other proposals on the table for how we might restore these disabled landscapes that have been destroyed through gold mining, and now gravel mining. It is time that we put our imagination to work to find new solutions rather than reverting back to business as usual, for these are certainly unusual times we live in and will require unusual solutions and pathways to get through.

Restoring wetlands in this bioregion as a counter measure to the impacts of these extractive practices would be a good place to start.

With humility, and in community,
Anuj Vaidya
Resident of Yolo County/Bioregion

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website: <https://handspuncinema.wordpress.com>

recent podcast: [zombie development in coastal india](#)

recent publication: [resurrecting jatayu: a speculative cinema and RPG](#)

From: [Michael McCormick](#)
To: [Jeff Anderson](#); [Stephanie Cormier](#)
Subject: Comments from the 10-9-2025 PC Meeting
Date: Friday, October 10, 2025 5:56:31 PM

CAUTION: External Sender. Please do not click on links or open attachments from senders you do not trust.

Hi Stephanie and Jeff,

As discussed I am following up with my comments made regarding the CEMEX item to clarify some of the specific requests:

1. At the Nov PC meeting, and in context to Mr. Pryor's verbal public comments, I would like to hear more about the original 1986 commitment in the Cache Creek Area Plan to have trails and active recreation ponds in context to the application for a 20 year extension and how the application furthers or amends the original commitment in the Cache Creek Area Plan for recreational opportunities being available in a specific timeframe.

2. I appreciate the greater set aside of habitat in this proposed plan however reflecting on the public speaker's comment regarding the value of wetlands and woodland habitat as more aligned with the natural history of Cache Creek, some additional narrative on how the ponds are appropriate vs a restoration of similar habitat types as existed prior to mining. I understand this is in the Cache Creek Area Plan however publicly framing these points would be helpful in context to this extension request.

3. Regarding contractor fleets serving the various mines in the region. Diesel trucks are a significant source of ghg emissions for the CEMEX site and although an electric dredge and conveyor systems reduce onsite emissions, transportation emissions continue to be an issue that could have a few intervention points in line with existing and pending County programs, funding opportunities, and priorities.

3A. Although staff vehicle charging is good, commercial and industrial fast charging options onsite or at truck contractor facilities could potentially incentivize fleet transitions to no emissions vehicles. This would require the County and CEMEX to work with fleet contractors and may require incentivizing lower emission transport options. This may be able to serve as a model for the agricultural fleet transitions required to reduce GHG emissions in line with County goals.

3B. With a climate emergency declaration by the BOS with a goal of carbon negative by 2030, the all of County approach to reducing GHG emissions is important. The applicant and the County may consider partnering to show what's possible in mining operations. Leveraging significant State funding opportunities Yolo could well be positioned to be a beacon of innovation for mining across the State and nation, while also, as mentioned in 3A, allowing for a case study to start supporting ag fleet retrofits and transitions.

4. Although this one project site is important, the work on this 20 year extension has the potential to inform any other mines that want to extend their operations, and inform the next 10 year review of the Cache Creek Area Plan to support solutions that are facing all of the mines (methyl mercury management being one). In line with Ms. Beck's public comments, this seems like a great time to align the CEMEX extension request, now, and the Cache Creek

Area Plan, at the next ten year review, with the general plan and climate action and adaptation plan. Additional context on how this permit extension request aligns (or could be conditioned to align) with the GP and CAAP, particularly in regard to decarbonization and resilience goals, would be helpful.

I know Ms. Tschudin was also taking notes so please cross reference as you can to address my verbal and written comments. As always, I deeply appreciate your team's work in making sense of these complex issues for the public and for the Commission. I also note that some of these requests may not be feasible in the timeframe prior to the next PC meeting. I defer to you on your capacity/ability to address these points in that limited timeframe.

Michael

Nov. 6. 2025

Dear Yolo County Planning Commissioner,

We are writing as Yolo County community members, people of faith, workers, educators, cultural practitioners, ecologists, engineers, and economists to express our concern about shortcomings in Yolo County's approach to public engagement regarding the CEMEX Mining Permit Application and to offer recommendations for a more inclusive process.

CEQA guidelines set a floor for public outreach, but the responsibility for implementing effective public engagement falls on the lead agency - in this case Yolo County Planning Division/Natural Resources Division within the Community Services Department. The goals and policies of the Yolo County General Plan seek to ensure "equitable outcomes in local land use decisions and regulations," (Goal LU 5) as well as "meaningful participation in the planning process by affected and interested groups or individuals" (Policy LU 5.2).

To date, the actions of the Planning Division staff have been largely performative and not effective at meeting the county's own goals. Recommendations - such as hosting the public hearing at a time and place when local, working people can attend, with adequate advance notification - have been repeatedly dismissed.

We welcome the opportunity to work with Planning Commissioners and staff to implement strategies to overcome linguistic, institutional, cultural, economic and historic barriers to effective public participation in the planning process (Policy LU 5.3).

Why Effective Community Engagement Is Important

The CEMEX mining and reclamation plan significantly impacts critical public infrastructure — decisions about the design and specification of the lake features, trails, road access, the parkway itself, which is in a FEMA-designated, high flood hazard floodway, merit public review.

Yolo County consistently defers to out-of-county consultants as experts on various aspects of the EIR while overlooking local expertise. It is critical to engage local community members effectively and consistently because they may have ideas and suggestions based on local realities, understanding and experiences that out-of-county consultants are not aware of.

Furthermore, Native community members have unique historical, cultural and ecological knowledge of Cache Creek that is critical to effective restoration of mining sites and the design and implementation of habitat plans.

Considerable effort is being made by a number of Yolo County residents and organizations to develop viable, long-term, climate-proof economic development strategies for this impoverished region of Yolo County. Adequate public disclosure of the changes in this reclamation plan could greatly assist this future planning.

Climate Change is a Real and Present Danger

Many of us have dedicated countless hours to helping Yolo County adapt to the reality of a rapidly-changing, destabilized climate. This locally-sourced body of knowledge on climate adaptation and resilience is evolving quickly.

Despite the fact that Yolo County Climate Action Commission was blocked from discussing the climate-related impacts of Cache Creek gravel mining during their meetings, these conversations are progressing and should be harnessed for a more complete picture of the risks and opportunities presented by this project.

Mercury - Community Right to Know

As you well know, the Planning Commission has requested a review of the mercury issues on their long-term calendar for many months. A fair and balanced presentation should have happened well before this permit was scheduled for a public hearing.

At the last planning commission meeting on October 9, the project consultants were given free rein to downplay the consequences of not being in compliance with the county's own mercury regulations. We believe these are significant because they add

to over a century of poisoning of the imperiled Cache Creek watershed at a time when [nature – including Sacramento River salmon runs - is hanging in the balance](#).

Native Californians in particular have been heavily impacted by the loss of traditional fishing grounds and inability to safely consume fish from Cache Creek and its source in Clear Lake. Any projects that compound this grave environmental injustice are unacceptable. The inability of local community members to eat this important, local source of protein contributes to ongoing disparities to public health.

Recommendations

1. Hold a workshop on the methyl mercury concerns before the approval of the CEMEX permit. Invite Native community members from both federally-recognized and unrecognized tribes to share their perspectives.
2. Hold the public hearing at a time and place when working people can attend, and provide adequate advance notification.
3. Hold the public hearing at a time when families are not otherwise occupied with the holiday season.
4. Include visuals in the public announcements about the EIR specifically showing how the reclamation plan is changing. Create a one-page handout on the project and circulate broadly.
5. Hold a Q and A session where members of the public can engage in the discussion without being subject to a 3-minute time limit.
6. Work with community groups like Cache Creek Conservancy to inform the public with an emphasis on community members that have expressed interest in and are working on creek restoration.
7. Make meetings and public hearings accessible on zoom.
8. Identify low-income areas that are disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure or environmental degradation. Work with local community-based organizations to build connections to these communities.
9. Hold a joint public hearing and/or Q and A session with the Yolo County Climate Commission.

Respectfully submitted,

Anuj Vaidya, Yolo County resident

Geoffrey Attardo, PhD. Associate Professor, Department of Entomology and Nematology, University of California, Davis

Nancy Price, Alliance for Democracy, Earth Democracy Chair*

Juliette Beck, Yolano Sierra Club*

Mayra Sanchez, Yolo County resident

David Abramson, local community activist, co-founder of the Yolo Climate Emergency Coalition

Lynne Nittler, leader of Yolo Interfaith Alliance for Climate Justice and founder/member of Cool Davis

Jean Jackman, At the Pond columnist, Davis Enterprise Newspaper

Oona Hatton, Ph.D. Yolo County resident

Liza Grandia, Ph.D. Woodland Coalition for Green Schools

Timothy Chorey, Yolo County Citizen

Rachel Thayer, Ph.D.
Davis resident

Madeline Marron, Yolo County Resident

Lena Anderson, UC Davis student

Ethan Lange, Davis Resident

Allyson Weir Ellis, Yolo County Resident

Estrella Silva, UC Davis student

Peter Aronson, Jr Specialist at UC Davis

Justine Beaulieu, PhD; Yolo County resident

Nathan Lee, UC Davis student and Davis resident

Rossy Tzankova, Yolo County resident

Catherine Portman, Fifth district of Yolo County resident

Barbara Clutter, M.D., Davis resident

Carisse Geronimo, UC Davis student and Davis resident

Esmeralda Reyes, UC Davis student and Davis resident

Nicole Naylor, UC Davis graduate student

Dulles Hanula, UC Davis graduate student and Davis resident

Erika Dvorak, UC Davis graduate student

Stu Pettygrove, West Sacramento resident

Milton Kalish, LCSW, Davis resident

Emily Albu, Davis resident

Shaelynn Cuenca, UC Davis student and Davis resident

Sherrill Futrell, Davis resident

Michael Mlekoday, PhD; teacher and Yolo County resident

Kari Melander, UC Davis student and Davis resident

Carol Garcia, UC Davis student and resident

Alessa Johns, Ph.D., Professor Emerita of English UC Davis, and Davis resident

Casey Welch, UCD graduate and resident

Lina Wood, Yolo County resident

Kate Snow, Davis resident

Corinne Nicholson, UC Davis student and Davis resident

Bart Wise, Davis resident

Zach Davis, UCD student and resident

Frances Dolan, Davis resident

Erica Edwards, Yolo County resident

Scott C. Shershow, Professor Emerita of English UC Davis, and Davis resident

Lorenzo Kristov, PhD, energy policy expert and Davis resident.

Britney J. Cantor, UCD Student and Davis resident

Gwyneth A. Chilcoat, UCD graduate student and Davis resident

Molly McGettigan Arthur, Reclaiming our Original Motherline of Love*

Lucia Weinman, PhD, Davis resident

Haleigh Patten-Trujillo, PhD student and resident

Colleen Cabot, Protect Juristac Coalition

Roberta Millstein, Professor Emerit of Philosophy, UC Davis*; former Chair of City of Davis Open Space and Habitat Commission*; Member of the Yolano Sierra Club Management Committee*, Author, *The Land Is Our Community*; Davis resident

Skye Austin, UC Davis PhD Student, Davis resident

Cristina Flora, UC Davis PhD Candidate, Sustainable Chemistry, Davis resident

Corey Theiss, EIT, CSUS Civil Engineering

Alexander Liesegang, Davis Resident and Masters Student in Environmental Policy

**for identification purposes only*

Memorandum

To: Yolo Co. Planning Commission
Cc: Board of Supervisors
From: The Sierra Club Yolano Group
Date: November 10, 2025
Re: Policy Considerations and Unanswered Questions in the County's Administration of the Cache Creek Area Parkway Plan

Dear Commissioners –

Last week we sent a Memorandum which discussed the shortcoming of the CEMEX Final SEIR rendering it unsuitable for certification. This new communication requests that the Planning Commission demand answers to tough questions that, to date, have been ignored or side-stepped by both the mining companies and Yolo County Staff charged with administering the Cache Creek Area Plan and enforcement of the County's Surface Mining Reclamation Ordinance. The communication also has a series of recommended steps that, if implemented, will make a material improvement in forcing the mining companies to restore the degraded landscapes currently existing in every single mining site along Cache Creek.

Executive Summary

Even after 30 years of operation under Yolo County's Cache Creek Area Plan,

- CEMEX is still ***not*** in full compliance with the County's Off-Channel Surface Mining Reclamation Ordinance and the California Surface Mining Reclamation Act (SMARA),
- Not a single acre of farmland has been successfully reclaimed by CEMEX and is in ongoing commercial crop production even after attempting such reclamation starting as long as 30 years ago. In fact, this actually includes the failed conversion of a former impoundment pit into productive farmland.
- Almost all of the wet impoundment pits at CEMEX have been contaminated with methyl mercury for at least the last 10 years and absolutely no remediation has yet been performed.

But now CEMEX wants to dramatically increase production at their mining site and inexplicably asks for permission to fill in their two large contaminated wet impoundment pits with mining waste and convert it back to good agriculture land - exactly what they have failed to do for the last 30 years. ***And*** they want to construct 2 more even larger impoundment pits but they have never been able to successfully construct any large wet impoundment pits in the past that have not been contaminated with methyl mercury.

Basically, CEMEX wants to kick all of their reclamation responsibilities 20-years down the road and is saying, "*Trust us...we'll do better next time.*" Well, we are mindful of the old saying, "*Fool us once, shame on you. Fool us twice, shame on us.*"

Why should we believe CEMEX after 30 years of failed reclamation efforts without a single success story to demonstrate they can do what they say?

Before the County can allow CEMEX to repeat their past mistakes and avoid all of their reclamation responsibilities, CEMEX needs to honestly answer some tough questions about their past failures in converting mined lands into healthy farmland and constructing methyl mercury contamination-free impoundment pits. And they need to tell us exactly what they are going to do differently this time around to avoid their glaring past environmental missteps.

The remainder of this communication goes through this long history of CEMEX's reclamation failures and lists those tough questions to which we think CEMEX should provide written answers and performance guarantees before the County can allow them to continue on their unsustainable and environmentally-harmful ways.

A. Introduction

As we have discussed in a number of communications to the Planning Commission over the past 8 months, the County's administration of the Cache Creek Area Plan has gone completely off the rails. Even after 30 years of operation under the Cache Creek Area Plan and the Surface Mining Reclamation Ordinance, CEMEX cannot point to a single acre of farmland that has been reclaimed and is in actual commercial production. And their two primary wet impoundment pits have been continuously contaminated with methyl mercury for the past 10 years. Further, the mining companies have not presented a plan to correct these deficiencies and instead now are requesting that the deadlines for meeting their restoration obligations be pushed forward decades in the future.

Currently, the promised dream of a beautifully restored Cache Creek Parkway made by the mining companies back in 1996 when the Cache Creek Parkway Plan was initiated has remained unattainable and illusory. In the opinion of many local environmentalists, the likelihood for fixing this environmental disaster under the current CEMEX-proposed restoration plan is virtually nil.

But before you now is a proposed expansion of the CEMEX mine in which they are trying to convince you that somehow, using the exact same restoration techniques and failed practices they have employed over the past 30 years, will yield different results this time around. CEMEX simply proposes to continue business as usual with the hope that "something" in the future will be different allowing them to fulfill their long-neglected restoration requirements. But according to the oft-repeated and paraphrased quote attributed to Albert Einstein, *"Expecting a different result after doing the same thing over and over is a definition of insanity"*.

The easy thing to do here is just say, *"Well, Staff says it is OK so we might as well go along with it"*. The responsible thing to do, however, is to exert the authority granted to you in the Planning Commission's charter to fully inform yourselves about the ongoing problems by demanding honest answers to tough, pointed questions before you recommend certification of the defective EIR and approval of entitlements for any additional entitlements. And we believe substantial additional guarantees of

performance must be embedded in any new Development Agreements between CEMEX and the County.

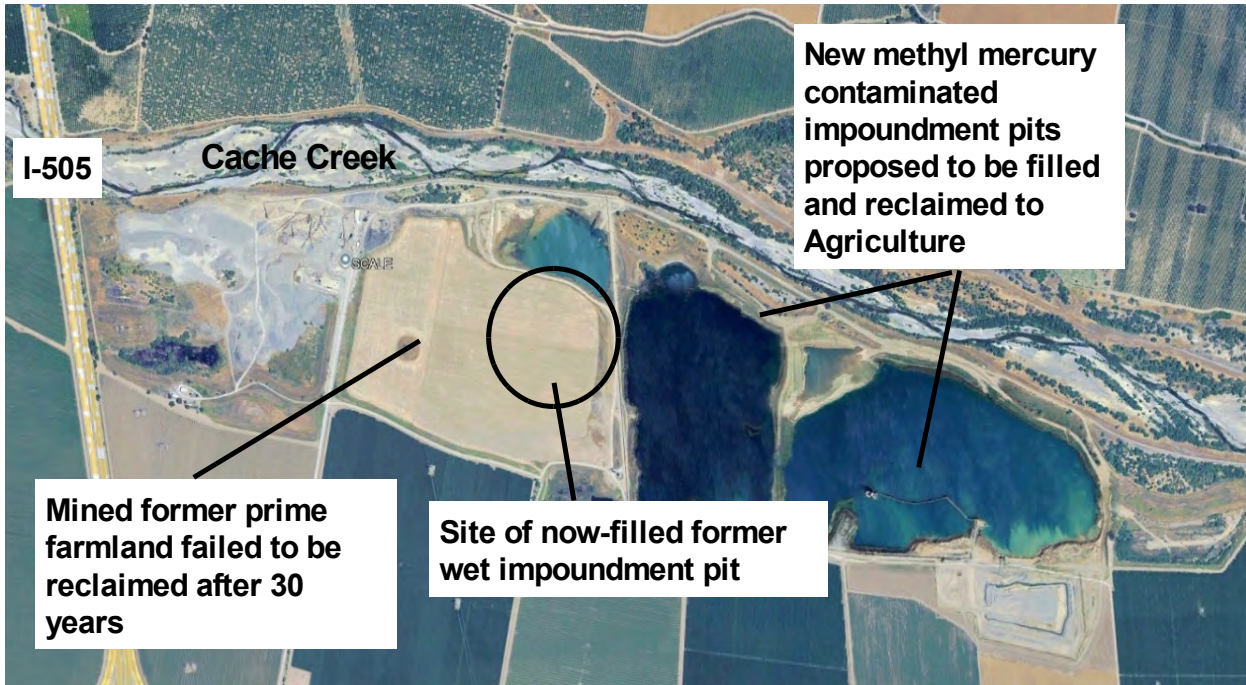
B. Summary of Problems and Tough Questions to Ask of CEMEX about Agricultural Reclamation Failures

CEMEX has repeatedly failed to reclaim a single acre of farmland even after trying for 30 Years. For instance, CEMEX has already tried to reclaim former mined lands into productive farmland since 1997 as disclosed in the House Agricultural Consultants report. Part of those lands for which CEMEX tried to reclaim was actually a former wet impoundment pit as shown on the following photo from 2002 downloaded from Google Earth. Notice the circled location of the wet impoundment pit.



By 2002, agricultural reclamation efforts had already started years earlier in the formerly mined adjacent field to the west of the impoundment pit but those efforts were unsuccessful. Subsequently, the impoundment pit shown above was filled in and agricultural reclamation activities were also attempted on that location. Two new wet impoundment pits were then constructed to the east of the former pit. But filling in the former wet impoundment pit and attempted reclamation has also not resulted in any successfully reclaimed agricultural acreage. Now almost 30 years later, CEMEX is actually asking for approval to now fill in these newer, contaminated wet impoundment pits to again try to convert them to agriculture as shown in the following Google Earth photo.

(This space intentionally left blank)



But, based on past performance, successful reclamation is very unlikely because CEMEX has already objectively failed to successfully convert even a single acre of formerly mined lands to viable agriculture - *even after trying for almost 30 years!*

How can we possibly believe CEMEX's current claims that they will successfully convert the hundreds of acres of existing wet impoundment pits into viable agricultural land when their performance over the past 30 years has been so abysmal?

We believe this history of failure to successfully reclaim any formerly mined lands to agriculture demands that CEMEX and County Staff provide explicit written answers to the very specific questions AND that additional guarantees of reclamation performance be added to their Development Agreements before granting them these newly requested entitlements.

Suggested Agricultural Reclamation Questions to Pose to CEMEX:

1. *Since CEMEX has failed to successfully convert any formerly mined lands (including at least one wet impoundment pit) to agriculture after 30 years of efforts, exactly what are they going to do differently this time around?*
2. *How soon will we know if these new efforts fail or succeed before CEMEX must provide 3:1 ag mitigation as required by the County's Agricultural Mitigation Ordinance?*

3. *Will CEMEX guarantee that such efforts will actually be undertaken and be successful by agreeing to performance-related amendments to the Development Agreement such as achieving successful reclamation within five years of the first plantings?*

Suggested Agricultural Reclamation Questions to Pose to Staff:

1. *Will County Staff commit to reporting all past and future results of crop yields and inputs of such reclamation efforts by posting them to the County's website within 30 days of receipt just as is required for methyl mercury monitoring?*

C. Summary of Problems and Tough Questions to Ask of CEMEX and Staff about Methyl Mercury Contamination Problems and their Ongoing Failure to Remediate

The newer wet impoundment pits (Nos. 3 and 4) have been registering excessive levels of methyl mercury almost every year since 2015. It was recommended by Dr. Slotten in his 2020 monitoring report that Lake Management Plans should be prepared and implemented yet no such plans have even been prepared to date much less implemented.

The County has since admitted that the County itself has assumed the responsibilities of the mining companies for both monitoring and reporting methyl mercury testing and implementation of Lake Management Plans to ensure "consistency". However, this process has been anything but consistent over the past 6 years with every annual report since then delayed – some by as much as 3 years. *Why should we believe the County will do any better in the future?*

We believe the documented history of CEMEX's failure to successfully remediate excessive levels of methyl mercury in the their impoundment pits demands that both CEMEX and County Staff provide explicit written answers to the following questions AND provide additional performance guarantees in their new Development Agreements before granting them these newly requested entitlements.

Suggested Methyl Mercury Questions to Pose to CEMEX:

1. *CEMEX's impoundment pits have historically always had methyl mercury bioaccumulation problems that they have thus far failed to attempt to remediate for over a decade. What exactly is CEMEX going to do differently when constructing their new replacement impoundment pits this time around? Has there been an engineering report specifying what additional steps should be taken to avoid repeating the problem?*

2. *Will CEMEX commit to immediately commence annual methyl mercury monitoring as soon as one of the new pits become navigable by boat?*

3. *If CEMEX is unable to lower methyl mercury concentrations to acceptable levels and filling of the pits becomes necessary in the future as in the case of the current wet impoundment pits, what offsite sources of soil do they have to fill them in?*

Suggested Methyl Mercury Monitoring and Lake Management Plan Questions to Pose to Staff:

- 1. Will Staff commit to notifying the Planning Commission and the Board of Supervisors if any future monitoring results are delayed in excess of 3 months from the statutory deadline?*
- 2. Will Staff commit to notifying the Planning Commission and the Board of Supervisors if any future implementation of Lake Management Plans are delayed in excess of 6 months from the statutory deadline?*

D. Summary of Problems and Tough Questions to Ask of Staff about Administration of the Cache Creek Area Plan

Re: Yolo County's Assumption of the Mining Company's Responsibility for Reporting Methyl Mercury Monitoring Results and Implementation of Lake Management Plans - The current delays in reporting methyl mercury monitoring and Enhanced Analysis results and the delays in the preparation and implementation of Lake Management Plans are clearly due to failures to properly administrate the mining company's programmatic responsibilities assumed by the County for reporting annual Methyl Mercury monitoring and Enhanced Analysis Reports. More recently, the County also agreed to assume the mining company's responsibilities for the preparation and implementation of Lake Management Plans if required in the wet impoundment pits showing excessive levels of methyl mercury.

As we have reported, the County has objectively been years late in performing these tasks which calls into question the County's ability to perform these ministerial and management tasks. As we have also pointed out, we do not believe the County can properly enforce the provisions of the Surface Mining Reclamation Ordinances if violations of the ordinance are the direct and proximate result of the County's own mistakes and delays in administering this program.

We believe that a very hard look must be taken to determine if the Staff has the requisite resources and expertise to properly administrate this function and whether it results in increased liability for the County and decreased enforcement capabilities and oversight of the mining companies. We suggest Staff provide detailed responses to the following questions to make this determination:

Suggested Questions to Pose to Staff regarding the County's Assumption of Responsibilities for Methyl Mercury and Enhanced Analysis Monitoring and Implementation of Lake Management Plans:

- 1. Given the performance to date, should the County continue to assume the responsibility for monitoring and reporting methyl mercury concentrations and Enhanced Analyses and for preparation and implementation of Lake Management Plans?*
- 2. If so, what recourse does the County have to enforce the provisions of the Surface Mining Reclamation Ordinance regarding timely reporting if the County itself is the party responsible for the late monitoring and reporting or the preparation and implementation of Lake Management Plans?*

3. *What is the current Staff time allocation to the mining program? Please list current Staff members by name and the percent of time they are allocating to the Cache Creek mining program.*

Re: Amount of Restoration Surety Bond Posted by the Mining Company and Annual Compliance Reports Submitted by the County to the California Division of Mines

Each mining company posts a surety bond to the County to ensure they fulfill their statutory restoration and reclamation requirements. Each year, Yolo County is required to provide a report to the California Dept of Conservation’s Division of Mines that summarizes the status of mining operations in the County. In addition to information about mine ownership, size, reclamation status, and inspections performed, the report requires answers to the following questions about the sufficiency of the Surety Bond to fund completion of restoration activities if not properly performed by the mining companies.

Following are the questions asked on this annual report.

“9(a). Was a financial assurance cost estimate approved by the Lead Agency during the Calendar Year?

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the Calendar Year?”

We do not believe these questions have been answered adequately by Staff in the annual compliance reports they have submitted to the Planning Commission for recommendation of approval by the Board of Supervisors. We suggest the Planning Commission pose the following questions to Staff to make this determination:

Suggested Questions to Pose to Staff prior to the completion of the annual report to the State which previously has been presented to the Planning Commission for a recommendation of approval to the Board of Supervisors.

1. What are the amounts of the assurances held by the County for the CEMEX facility? How were these amounts calculated?

2. What are the County’s plans and timing for submitting the required 2025 annual compliance reports to the California Division of Mines certifying all mines are in compliance with SMARA and the County Surface Mining Reclamation Ordinance?

Our Additional Recommendation to the County regarding the Proper Administration of the Cache Creek Area Plan and the Surface Mining Reclamation Ordinance.

In our October 7 communication with the Planning Commission, we additionally made a number of recommendations we believe should be immediately implemented by the County to get the Surface Mining program back on track and hold the mining companies responsible to fulfill their restoration obligations under the Surface Mining Reclamation Ordinance and their permit entitlements. We repeat these recommendations below.

Recommendation 1 – Allow No New Permitting of New Mines or Extensions or Expansions of Existing Mines until Full Compliance with the Surface Mining Reclamation Ordinance is Achieved - In our

earlier memo to you in February of this year, we explicitly noted in detail the ongoing violations of the Surface Mining Reclamation Ordinance by both the County and every one of the mining companies . At that time, we recommended that the County NOT permit any new mines or extensions or expansions of existing mines until the mining companies and the County come into full compliance with the Surface Mining Reclamation Ordinance. In the absence of any material progress towards meeting that goal, we still stand by that recommendation.

Recommendation 2 – Allow No New Mining Compliance Certifications to be Sent to the State until Full Compliance with the Surface Mining Reclamation Ordinance is Achieved - We also noted in that same communication that the County has for years filed reports with the State of California Division of Mines that falsely certify that all of the mining companies are in full compliance with both the California Surface Mining and Reclamation Act and the County’s Surface Mining Reclamation Ordinance. They did so by submitting erroneous “*Statements of Facts*” to the Planning Commission wrongfully certifying such compliance in order to get your necessary approvals for these annual certifications. We recommended that the Planning Commission NOT approve or authorize any such certifications of compliance in the future until the County provide extensive details affirming such compliance in the future. We also stand by that recommendation.

Recommendation 3 – Establish an Independent Technical Advisory Committee Focused on Off-Channel Mining Restoration- Further, in Public Comments to the Commission and the BOS, in the past we recommended that an independent Advisory Committee be established that is specifically devoted to the unique problems facing the County and the mining companies in restoring and reclaiming formerly mined lands. The current Technical Advisory Committee for Cache Creek has only concerned itself with in-channel problems on Cache Creek. While their skill set has proven very useful in addressing in-channel problems facing the Creek, their expertise is not particularly well-suited for addressing off-channel mining problems. We recommend that such an Independent Advisory Committee be comprised of individuals with particular expertise in i) farmland restoration, ii) methyl mercury bioaccumulation in the environment and remediation, iii) environmental habitat restoration with particular emphasis on riparian habitats, including incorporation of traditional indigenous ecological knowledge, and iv) understanding of out-reach to historically marginalized communities potentially affected by the existing failed mining restoration processes. .

Recommendation 4 – Require the Mining Companies Themselves to be Responsible for Compliance with the Methyl Mercury Monitoring and Lake Management Plan Implementation - We also noted in our recent communication to you in early September that that the County has assumed functional responsibility for ensuring both the methyl mercury monitoring reports are submitted and the Lake Management Plans are implemented in a timely manner.

The Surface Mining Reclamation Ordinance otherwise states explicitly that these are the responsibilities of the mine “operator” – not the County. The County claimed that they have done so to ensure “consistency” in the reporting and implementation required under the ordinance. However, such “consistency” could have just as easily been demanded of the mining companies and, in doing so, the County could be relieved of the liabilities associated with assuming these responsibilities themselves. Further, for whatever reasons the County has proven itself completely incapable of

properly administering these functions and responsibilities and we urge the County to order the mining companies to assume these responsibilities themselves as specified in the County's Reclamation Ordinance.

Recommendation 5 – Hold a Special Meeting or Series of Meetings to Discuss the Ongoing Failures in the Off-Channel Mining Program and a Path Forward - By all outward appearances, the County's administration of their Cache Creek Area Plan has gone completely off the rails. Methyl mercury monitoring and Lake Management Plans are severely behind mandatory deadlines and the farmland reclamation process is stalled. It is abundantly clear that severe deficiencies exist and are ongoing and the County and/or mining companies are seemingly incapable of resolving the problems after 30 years. So now what should the Planning Commission do in the face of this ongoing complete lack of compliance to ensure that the standards demanded by the Surface Mining Reclamation Ordinance are achieved in the future? We believe it is incumbent on the Planning Commission get to the bottom of these myriad of problems and shortcomings and again recommend that a special meeting or series of meetings be convened by the Planning Commission in which these deficiencies are explored in detail and an objective, verifiable plan be put in place to ensure such gross mishaps are not repeated in the future. We still stand by that earlier recommendation.

In this absence of such changes as recommended above, we believe the program will continue without proper safeguards and there exists a very real risk that in several decades the County will end up end up with thousands of acres of spoiled earth instead of the pristine Parkway promised to us over 30 years ago.

Thanks you for your consideration of this matter.

Respectfully submitted

Alan Pryor, Chair
Sierra Club Yolano Group

From: [Paula Hugi](#)
To: [Stephanie Cormier](#)
Cc: [Julie Dachtler](#)
Subject: FW: Please Protect Cache Creek!
Date: Monday, November 10, 2025 11:59:49 AM

Hello Stephanie,

Forwarding this email your way.

Thanks!

Paula Hugi, Deputy Clerk
Yolo County Board of Supervisors
625 Court St. Ste. 204
Woodland, CA 95695
Phone: (530) 666-8195
Fax: (530) 666-8193
paula.hugi@yolocounty.gov

Learner Responsibility Intellection Achiever Input

From: Kate Forester <kforester@herrerainc.com>
Sent: Monday, November 10, 2025 11:54 AM
To: Clerkoftheboard <Clerk.oftheboard@yolocounty.gov>
Subject: Please Protect Cache Creek!

CAUTION: External Sender. Please do not click on links or open attachments from senders you do not trust.

Dear Yolo County Board,

Please protect Cache Creek's spring from destructive gravel mining and say "NO" to the CEMEX permit! Our streams are already stressed and the Cache Creek Parkway Plan should be focusing on resilience and watershed health for this and future generations. We cannot afford to prioritize short term profits over long-term community health.

This is a critical time to make decisions that will protect our communities and our waters.

Thank you for being strong and making the decisions that will support our health and wellness long into the future.

Kate Forester, Yolo County resident

Geoffrey Michael Attardo, Ph.D.
Associate Professor
Department of Entomology & Nematology
University of California, Davis
1 Shields Avenue, Davis, CA, 95616

11/12/2025

To the members of the Yolo County Planning Commission, Yolo County Board of Supervisors, and Yolo County Department of Community Services, Natural Resources Division

Dear Commissioners, Supervisors, and Planning Staff,

I am writing to express my concern regarding the proposed amendment to the CEMEX Mining and Reclamation Plan, which seeks to extend mining operations by 20 years, expand production, increase disturbed acreage, and substantially alter reclamation end-uses along the Cache Creek corridor.

After reviewing the 2024 Mercury Monitoring Report and the 2025 Final SEIR, the proposed amendment does not adequately account for ongoing and unresolved environmental impacts from previous mining activity along the Cache Creek corridor. Particularly, those related to mercury and methylmercury contamination, hydrological disruption, ecological degradation, and climate-driven risks to the region. Given the gravity and documented persistence of these issues, I strongly urge the County to require a more robust, updated environmental assessment and to reconsider reclamation strategies before granting approval for an expansion of this scale and duration.

The County's own long-term monitoring demonstrates that several off-channel mining ponds including CEMEX Phases 3 and 4 that have repeatedly exceeded mercury levels found in a control pond. The combined Phase 3-4 pond recorded five consecutive years of exceedance prior to being split. Current test results show adult fish in both ponds remain above ambient levels, and young-of-year fish in Phase 1 show sharp increases in methylmercury exposure, a clear indicator of an active methylation.

Despite a decade of elevated results, no Lake Management Plans (LMPs) have been implemented, and the SEIR offers no evidence-based pathway for reducing methylmercury production in newly proposed lakes. Approving another 204 acres of deep, stagnant, permanent lakes, which would foster conditions that facilitate methylmercury production

(deep/anoxic/light deficient water) would greatly worsen a problem the County has not yet been able to manage in the existing system. A reclamation plan that increases lake area while reducing wetland habitat contradicts the best scientific understanding of mercury remediation.

The proposed, recreational lakes would not be safe for public use despite the implication that they are. The data from 2024 demonstrate that fish in many mining ponds contain mercury concentrations high enough to trigger health advisories. As the monitoring report states, fish consumption is the dominant exposure pathway for people and wildlife.

Designating these contaminated ponds as “recreational water bodies” implies that they would be safe for public engagement while introducing public-health risks. Without any demonstrated remediation plan, the SEIR fails to meaningfully reconcile the contradiction between the documented unsafe mercury levels in existing mining pits, while expanding these environments which are prone to producing methylmercury. Recreation cannot be credibly offered as a post-mining land use when the underlying water chemistry remains fundamentally unsafe.

Wetland-based reclamation offers far better ecological and remediation outcomes. Shallow wetlands, not deep lakes, provide effective ecological services capable of reducing methylmercury production, converting methylmercury to elemental mercury, and remediation of elemental mercury through plant-based emission via cattails (*Typha*). These capabilities have been described in the following references.

Gonnuri, B., & Guo, L. (2024). Metal accumulation in cattails cultured in soils flooded with artificial wastewater of varying pH and different levels of metals (Cr, Cd and Zn). *International Journal of Phytoremediation*, 26(14), 2290–2300.

Lindberg, S., Dong, W., Chanton, J., Qualls, R., & Meyers, T. (2005). A mechanism for bimodal emission of gaseous mercury from aquatic macrophytes. *Atmospheric Environment (Oxford, England: 1994)*, 39(7), 1289–1301.

This is reaffirmed by the recent findings of low levels of mercury in the Cache Creek Conservancy restored wetland.

The report states - “The Cache Creek Nature Preserve is a perplexing case: low fish mercury together with significant anoxia. That site, however, was also very high in dissolved organic matter relative to the other ponds, a factor that can make methylmercury less available for movement into the foodweb (Ravichandran 2004).”

Besides the presence of dissolved organic matter, the Cache Creek restored wetland has extensive cattail and tule growth. These plants reduce anoxic sediments by pumping

oxygen down into the sediment via their root systems which facilitates aerobic bacterial growth in normally anaerobic sediment. This promotes the conversion of oxidized mercury to elemental mercury which is then taken up by the cattail root systems and “exhaled” by the plants.

This activity provides stable and constant remediation services while fostering the microbial foundation of the aquatic food web, facilitating carbon sequestration, enabling groundwater infiltration and purification, and provision of habitat for the numerous animals that inhabit palustrine wetlands. This approach aligns with the County’s climate adaptation goals, the Yolo Habitat Conservancy’s mandates, and the ecological realities of the Cache Creek watershed.

California has already lost over 90% of its historic wetlands. Continuing to replace mine sites with deep pits instead of ecological habitat restoration compounds this legacy of loss and undermines future ecological and climate resilience.

The proposed amendment delays reclamation of these essential ecological resources by decades and reduces agricultural and habitat recovery. The proposed amendment dramatically postpones reclamation with mining extended to 2047 and final reclamation being delayed to 2052. This pushes restoration, habitat development, and mercury mitigation into the far future while exacerbating already unmitigated environmental issues from prior mining activity.

The SEIR also confirms that CEMEX plans to increase permanent lake acreage, reduce reclaimed agricultural land, and only partially increase riparian or habitat areas. Given the company’s limited progress on existing reclamation commitments, granting 20 additional years, without resolution of existing shortcomings, creates a decades-long deferral of promised public benefits.

Atmospheric river activity, flooding frequency, and storm intensities are all projected to increase in the Sacramento Valley. The creation of large, deep artificial lakes promotes accumulation of mercury-rich sediment, further stratification and deoxygenation, destabilization of shorelines during high-flow events and loss of potential groundwater recharge activity relative to the potential offered by wetlands.

The SEIR acknowledges hydrological and water quality impacts but does not fully incorporate climate projections into its risk analysis. Expanding lake area under these conditions may amplify long-term water-quality degradation rather than support regional water resilience.

Local tribal nations, ecologists, hydrologists, and residents have repeatedly voiced concerns about water quality, mercury contamination, habitat loss, groundwater

depletion, dust, air quality, truck traffic, and climate resilience. The amendment does not meaningfully address these issues or incorporate the ecological expertise now present in the County, including ongoing restoration work at Cache Creek Nature Preserve, Dunnigan Hills, Dutch Slough, and multiple tribal TEK-informed projects. Yolo County can set a modern standard for climate-aligned, community-supported reclamation practices, rather than perpetuating outdated models of industrial pit-lake development.

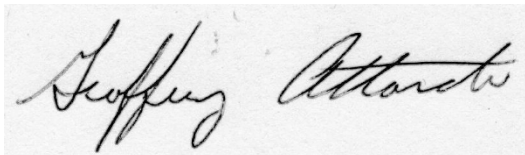
Before granting any amendment of this magnitude, I urge the County to:

1. Require a scientifically robust, updated environmental review that fully addresses mercury remediation, climate-driven hydrological changes, and cumulative water-quality impacts.
2. Prioritize wetland-based reclamation over expanded deep lakes to mitigate mercury risks and increase ecological, hydrological, and climate benefits.
3. Require the full development and implementation of Lake Management Plans for all ponds already exceeding mercury thresholds before approving new excavation or lake creation.
4. Ensure meaningful tribal, ecological, and community participation in designing reclamation outcomes.
5. Enforce stricter timelines and accountability for reclamation milestones given past delays.

Without these measures, the proposed amendment represents a substantial environmental liability, one that disproportionately affects the Cache Creek ecosystem, local biodiversity, and public health for decades to come.

Thank you for your attention to these concerns and for your stewardship of the Cache Creek watershed.

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "Geoffrey Attardo".

Geoffrey Michael Attardo, Ph.D.

Associate Professor, UC Davis Department of Entomology & Nematology