

# **ATTACHMENT F**

## **DRAFT CONDITIONS OF APPROVAL**

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

*CEMEX MINING AND RECLAMATION PROJECT*

*Confirmed Official Conditions: October 22, 2020  
2020 Ten-Year Permit Review: February 11, 2021  
2025 Major Modification: \_\_\_\_\_, 2025*

*[All strike-through and underlined changes show revisions that were part of the 2025 Major Modification]*

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Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) ~~subsequent~~ additional environmental analysis is performed to examine the new proposed measure and associated environmental impact.

**MISCELLANEOUS CONDITIONS**

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

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

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,204,819 tons mined weight). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons (sold weight). Pursuant to Action 2.4-9 of the OCMF and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

3. The operator shall pay tonnage fees to the County and the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
4. Pursuant to Section 10-11.02(e) of the Gravel Mining Fee Ordinance, operators approved to utilize the Twenty Percent Production Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
5. The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator has no remaining permit extensions under this Mining Permit. ~~–The operator may apply for a new permit approval to extend to undertake aggregate processing beyond the limits allowed under this Mining Permit, described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.~~
6. The mining permit expires August 11, 2047. All reclamation shall be completed no later than August 11, 2052. ~~The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year of permit approval, then this Mining Permit and its accompanying entitlements shall be null and void.~~

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for a new to renew the permit to undertake aggregate processing beyond the limits allowed under this Mining Permit. ~~The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.~~
7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.
8. The operator shall maintain submit financial assurances, in a form consistent with Section 10-5.702 (Financial Assurances: Form) of the Surface Mining Reclamation Ordinance, ~~in the amount of \$699,655 for reclamation of Phase 1,~~ naming the County of Yolo and the California Department of Conservation as beneficiaries, ~~prior to the commencement of mining.~~
9. The project to which these conditions are applicable is as described in the Subsequent Project EIR and summarized in the Yolo County Board of Supervisors Staff Report dated

2025 ~~November 25, 1996~~, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

10. In compliance with Section 10-5.520.2 (Permanent Easements) of the Reclamation Ordinance, upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel ~~in Williamson Act contracts, or other equivalent~~ into a long-term easements or deed restrictions satisfactory to the County, for the purpose of protection of the agricultural use of the reclaimed land in perpetuity.
11. ~~Deleted; condition was satisfied. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), only that portion of the Farnham East parcel in Phase 3 (APN: 049-070-05) which will be reclaimed to prime agricultural land, shall be mined prior to 2006.~~
12. This Major Modification to the approved operation Mining Permit and the accompanying entitlements, shall not be considered effective until ~~a~~ the Amended and Restated Development Agreement between the County and the operator has been executed. ~~The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sunseting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.~~
13. The operator shall reclaim all mined and otherwise disturbed areas of the project site in compliance with the approved Reclamation Plan (including the reclamation plan sheets and reclamation narrative), Habitat Restoration Plan (HRP), Amended and Restated Development Agreement, and conditions of approval. ~~the areas south of the permanent lakes in Phases 1, 3, 4, 5, and 6 to the agricultural production of tree crops, as described in the application.~~
14. The plant site and related processing areas, including the aggregate processing plant (ZF #1541), the asphalt concrete batch plant (ZF #1901), storage silos (ZF #ZA736), and ready-mix concrete plant (ZF #2000-087), located on the northern 20 acres of the Kaupke parcel (APN: 049-070-13) shall be identified individually on the Reclamation Plan sheets, and reclaimed in compliance with the approved Reclamation Plan (including the reclamation plan sheets and reclamation narrative), Habitat Restoration Plan, Amended and Restated Development Agreement, and conditions of approval. ~~accordance with the CCAP.~~
15. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and

- harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. ~~A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.~~
16. The operator shall comply with both the spirit and intent of all applicable requirements of the Surface Mining and Reclamation Act of 1975 (SMARA), the County Code (particularly Chapters 4 and 5 of Title 10), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
  17. ~~Deleted; condition was satisfied. The operator is prohibited from proceeding with any new wet excavation, unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.~~
  18. ~~Deleted; condition was satisfied. The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing road levee. The pit slopes in modified areas may be steepened to 2:1, if supported by site specific slope stability analyses. A slope stability analysis, prepared by a Registered Engineer, and revised mining and reclamation plans shall be submitted to the Community Development Director prior to the commencement of mining in Phase 3.~~
  19. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the CEMEX aggregate processing plant and all associated facilities must be closed, removed, and the site reclaimed consistent with the approved Reclamation Plan (including the reclamation plan sheets and reclamation narrative) ~~the CCAP~~ when mining has concluded at the site under the terms of the long-term permit. ~~unless extended under subsequent permits to allow mining of additional aggregate deposits. See Condition of Approval No. 6 regarding subsequent new permits.~~
  20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.
  - 21 - 24. Deleted due to repeat language.
  25. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, comply with Mining Ordinance Section 10-4.403 (Accident Reporting) related to reporting of accidents and/or hazardous conditions at the site, and Mining Ordinance Section 10-4.419.1 (Hazardous Material Storage) related to annual submittal/update of a Hazardous Materials Business Plan (HMBP) and Spill Prevention Countermeasure Contingency Plan (SPCCP).
  - 25.2. The operator shall coordinate annually with the Madison Fire Protection District regarding the provision of emergency services to the operation, including the following: a) provision

of an updated map of existing entrances and access routes to the Fire District; b) signage for emergency responders at all entrances; c) location and availability of work boat on standby that could be used by first responders to transport an injured person to an ambulance on the shore; d) verification of the location and availability of ramp on active ponds to support emergency vehicle access (for fire truck or ambulance); e) location and availability of manlift on-site to support first responders during a rescue; f) demonstration of the location and availability of existing stair cases and platforms at the plant site where access can be gained to the upper heights of the plant on foot; f) coordinate regarding use the processing plant during off hours to practice rescues and evacuation drills from the upper portions of the plant; and g) other issues of concern within the purview of the District.

26. Pursuant to Action 6.4-8 of the OCMP, Section 10-4.440 (Wildlife Habitat) of the Mining Ordinance, and Section 10-5.523 (Planting Plans) of the Reclamation Ordinance, hedgerows and other vegetated buffers required between restored habitat areas and adjoining farmland, shall use entirely native species. These hedgerows/buffers are intended to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.
27. Pursuant to Action 6.5-14 of the Cache Creek Resources Management Plan, the operator shall continue to implement ~~enter into a legally binding agreement which ensures the implementation of~~ channel improvements/maintenance required pursuant to Section 10-4.429 (Setbacks) of the Mining Ordinance and/or Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation Ordinance, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, new applicable CCAP channel improvements (if any) along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. The deed restriction shall be implemented following reclamation.

A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the ~~30~~50-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

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

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

Annual maintenance and monitoring to ensure compliance with bank stability and setback requirements of the CCAP is an ongoing obligation of the operator.

The operator shall modify the financial assurance bond to reflect the requirements of this condition.

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

28.1. Complete the following changes, modifications, and clarifications to the proposed plans and specifications:

a. Comply with Section 2.8 of the Reclamation Plan which requires: "For areas to be reclaimed to agriculture, rip all A-horizon and B-horizon soils to a depth of three (3) feet after every (2) foot layer of soil placement, per SMRO §10- 5.531."

b. Clarify throughout the reclamation plan sheets, HRP, and other relevant plans and figures the various referenced biological features using consistent terminology: existing 3.0-acre hedgerow/riparian; existing 5.7-acre restored habitat; existing 3.2-acre vertical bluff habitat; restored riparian depressions, etc.

c. All sheets of the final mining and reclamation plans shall be corrected to reflect accurate acreages for the plant site and all phases. Require that acreages identified in the final Mining Plan, Reclamation Plan, and HRP be consistent and conform to the approval.

d. General Note #8 on sheet M-02 and sheet R-02 shall be modified to align with COAs.

e. The unlabeled colored lines on sheet M-04 and R-03 shall be changed to black and white.

f. The pink dashed line on sheet M-05 labeled "elderberry mitigation area" shall be changed to also identify that area as the 5.7-acre habitat restoration area.

- g. Sheets M-08 and R-07 shall be modified to show Phase 2 east portion proposed for processing and stockpiling consistent with Phase 2 Interim Reclamation Plan Sheet as approved.
  - h. Sheet M-08 (and all other relevant plan sheets and documentation) shall be modified to remove Phase 7 mining.
  - i. The peninsulas and Phase 6 island shall be shown on sheets M-01, M-04, M-07, R-01, R-03, R-06, and cross-sections as appropriate.
  - j. Reclamation Plan Narrative:

    - (1) The “Quantity of Material to be Mined” totals on page 1 and page 4 of the Reclamation Plan Narrative shall be modified to accurately reflect 53,536,426 tons mined (46,636,119 tons sold);
    - (2) Remove item 2 from Section 1.2 on page 3 to reflect 2022 Minor Modification approval;
    - (3) Correct missing text in second paragraph (line 6) from bottom of page 6;
    - (4) Correct totals for Habitat and Lakes in Table 2 on page 9;
    - (5) Correct entries for Zoning and General Plan in Table 3 on page 10 to align with Table 3-2 in DSEIR Chapter 3.0 (Project Description);
    - (6) Ensure consistency between Section 2.9, Revegetation starting on page 23, Appendix H, and the final HRP as approved;
    - (7) Ensure inclusion of all final mining plan sheets and reclamation plan sheets as modified by conditions of approval; and
    - (8) Change the reference in Section 3.1.26 from the “Applicant’s Draft Initial Study” to the certified Final SEIR.
  - k. References to Phase 7 parcel APN 049-060-007 shall be corrected to APN 049-060-019 to reflect recent changes made by the County Assessor.
- 28.2. The applicant shall conduct biannual (i.e., every six months) inspections to ensure compliance with conditions of approval, mitigation measures, applicable SMARA requirements, and County regulations related to soil management and stockpiles.

The applicant shall submit, as a component of its annual compliance report, details specific to soil management and soil stockpile control. The information shall include

- graphics showing all existing stockpiles (soils/overburden and other materials/aggregates) labeled and scaled to demonstrate compliance with Sections 10-4.429 (Setbacks) and 10-4.433 (Soil Stockpiles) of the Mining Ordinance. Soils management techniques for soils stockpiles shall be described, and pictures showing required signage shall be provided. Signage shall contain the assigned identification number assigned to each soils stockpile. The report shall identify and describe each soil stockpile by its identification number, including soil content and volumes, dates of placement and of any subsequent activity (e.g., movement, increase of soils, decrease of soils), setbacks, height, slope, and any other pertinent information offered by the operator or required by the County. The report shall present the results of the biannual inspections, and shall be prepared and signed by a registered engineer or other qualified professional acceptable to the County.
- 28.3. The operator shall continue to maintain and operate electric conveyors that install conveyors to transport aggregate from the mining area to the processing plant site. ~~by 2005. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the Community Development Director by January 1, 2006, describing the reasons for delay and a revised deadline for installation.~~
- 28.4. Should an oil, gas, or geothermal well be discovered on the project site, the operator shall immediately notify the County and the California Geologic Energy Management Division (CalGEM), and shall take appropriate actions as directed by either agency. If necessary, the operator shall abandon any such discovered well in compliance with current state law as directed by the State Geologic Energy Division and/or the County.
- 28.5. Provided the County's Natural Resources Division and Environmental Health Division have no objections, in lieu of abandonment, the applicant may coordinate with the Yolo Subbasin Groundwater Agency (YSGA) to transfer maintenance and monitoring of wells OW-1D, OW-2, OW-3, OW-4, OW-6D, and OW-8D. This shall be completed prior to County sign-off on reclamation.
- 28.6. Total production allowed under this Mining Permit shall not exceed 46,636,119 ~~26.7 million~~ tons (sold weight) and 53,536,426 ~~32.2 million~~ tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.
- 28.7. The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.
- 28.8. All processing plants and related facilities (including the aggregate processing plant (ZF #1541), the asphalt concrete batch plant (ZF #1901) and storage silos (ZF #ZA736), the ready-mix concrete plant (ZF #2000-087) and any other related improvements such as

- siltation ponds, storage areas, etc.) shall be removed, and the plant site(s) reclaimed in accordance with the approved reclamation plans and CCAP at the conclusion of the permit, unless the Board grants a new permit prior to the expiration of the subject extended Permit.
- 28.9. The operator shall verify in writing to the County, and provide evidence thereof, that the operation is in full compliance with the applicable permitting requirements and operational standards of the Central Valley Regional Water Quality Control Board including: Construction Storm Water General Permit, Storm Water Pollution Prevention Plan, Waste Discharge Requirement Permit, Dewatering Permit, and National Pollutant Discharge Elimination System coverage/permit.
- 28.10. All biological resource surveys shall comply with applicable Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) survey protocols and Avoidance and Mitigation Measures.
- 28.11. Routes for local deliveries shall maximize usage of state highways/roadways, to greatest feasible extent, to minimize truck trips on local roadways within Yolo County.
- 28.12. In appropriate coordination with the California Department of Transportation (Caltrans), the applicant shall repaint the faded striping at the State Route (SR 16)/CEMEX driveway intersection, including the driveway stop lines, "STOP" markings, and centerline. This shall be completed within one year of approval of the extended permit.
- 28.13. CEMEX processing plants (aggregate, asphalt concrete, and ready-mix concrete) and on-site offices shall be powered by Valley Clean Energy (VCE) UltraGreen energy or equivalent 100 percent renewable/100 percent carbon-free electricity within six months of project approval.
- 28.14. Upon receipt of final revised mining and reclamation plan documents from the applicant, and acceptance by County staff as satisfying required modifications identified in these conditions of approval, the County will submit the final Mining and Reclamation Plans to the State Department of Conservation, Division of Mine Reclamation.
- 28.15. Subsequent to the date of approval, all reporting on habitat restoration, monitoring, and maintenance shall use nomenclature consistent with naming, acreage, mapping and physical descriptions used in the Amended and Restated Development Agreement and conditions of approval. Naming conventions and descriptive information used in prior Habitat Monitoring Reports shall be permanently modified consistent with this condition.

## **EIR MITIGATION MEASURES**

*The following conditions are based on the environmental impact report (SCH #96012034) for the Project certified by the Board of Supervisors on November 25, 1996 ("1996 EIR") and subsequent*

environmental impact report (SCH #2021020487) for the Project certified by the Board of Supervisors on ("2025 SEIR").

## **Land Use and Planning**

29. Verify ongoing consistency with and implementation of the following regulations in the Mining Ordinance: Sections 10-4.413 (Drainage), 10-4.417 (Groundwater Monitoring Programs), 10-4.427 (Protection of Nearby Drinking Water Wells), 10-4.428 (Sanitary Facilities), and 10-4.429 (Setbacks); and the following regulations in the Reclamation Ordinance: 10-5.510 (Fencing), 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields), 10-5.517 (Mercury Bioaccumulation in Fish), 10-5.519 (Motorized Watercraft Prohibition), 10-5.524 (Post-Reclamation Groundwater Monitoring), and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation). Implement Mitigation Measures 4.4-3a, 4.4-4a, and 4.4-7a of the Final EIR for the proposed project (1996 EIR Mitigation Measure 4.2-1a)
30. Deleted; condition was satisfied. The project mining schedule or reclamation plan shall be modified to ensure that if Phase 3 lands are to be mined before the Williamson Act contracts expire, then reclamation shall be to prime agricultural uses only. Alternatively, if mining in Phase 3 does not begin until after 2006, no change to the reclamation plan would be required (Mitigation Measure 4.2-3a).
31. Deleted; condition was satisfied. The County shall determine whether the operator's offer to dedicate reclaimed lands in Phases 5 and 6 for the proposed Recreation Node fulfill the policies of the CCRMP. The County and the operator shall enter into discussions to resolve how public access to the future recreation facility can be accommodated. If determined to be feasible, the project plans shall be modified to include a public access road along the eastern boundary of the site (Mitigation Measure 4.2-8a).

## **Geology and Soils**

32. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standards included in Sections 10-5.504 (Backfilled Excavations: Improvements), 10-5.505 (Backfilled Excavations: Inspections), 10-5.511 (Field Drainage), 10-5.512 (Field Releveling), and 10-5.526 (Repair of Damage Due to Natural Disaster) of the ~~County Surface Mining~~ Reclamation Ordinance. (1996 EIR Mitigation Measure 4.3-1a and 5-6)
33. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standards included in Sections 10-4.406 (Benches), 10-4.413 (Drainage), and 10-4.431 (Slopes) of the ~~County Off-Channel~~ Mining Ordinance; and Sections 10-5.507 (Drainage), 10-5.508 (Erosion Control), and 10-5.530 (Slopes) of the ~~County Surface Mining~~ Reclamation Ordinance. (1996 EIR Mitigation Measure 4.3-2a)

34. ~~Deleted; condition was satisfied. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay Bridge with a three span bridge. If this assumption changes, additional HEC-2 modeling shall be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4a).~~
35. ~~Verify ongoing consistency with and implementation of Portions of the northern margin of Phases 2, 3, 5, 6, and 7 shall be redesigned to provide a minimum 200-foot setback from the existing Cache Creek stream bank, in conformance with the requirements of Section 10-4.429 (Setbacks) of the County Off-Channel Mining Ordinance and Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation Ordinance. The revised project design shall be submitted prior to the commencement of mining within Phase 3 and shall be consistent with the recommended slope design presented in the current application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required (1996 EIR Mitigation Measure 4.3-4b)~~
36. ~~Section 10-4.416 (Flood Protection) of the Mining Ordinance requires that the mining operation be provided with a minimum 100-year flood protection. Verify ongoing consistency and implementation of this regulation. The portions of the levee in Phases 3, 5, and 6 shall be raised to provide 100-year flood protection for these areas. Prior to raising the levee, a hydraulic analysis prepared and signed by a licensed engineer, demonstrating that off-site flooding impacts would not be created, must be submitted to the County for review. This mitigation measure would be consistent with the proposed project and the requirements of the OCMP. Any levee work performed shall be completed prior to the commencement of mining within the affected phases (1996 EIR Mitigation Measure 4.3-4c)~~
37. ~~Verify ongoing consistency with and implementation of~~ Implement the performance standards included in Sections 10-4.416 (Flood Protection) (see Condition of Approval No. 36) and 10-4.429 (Setbacks) of the County Off-Channel Mining Ordinance and Section 10-5.506 (Bank Stabilization Maintenance) of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community ~~Services Development~~ Director ("Director") with the Annual Mining

and Reclamation Report. The report shall identify the location (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year. (1996 EIR Mitigation Measure 4.3-4d)

38. Following reclamation, the County Community Services Department YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. Pursuant to Section 10-5.506 (Bank Stabilization Maintenance) of the Reclamation Ordinance, following reclamation, the Director shall inspect the land separating the mining areas and creek channel every five (5) years. Observable damage shall be reported to the property owner. If the Director determines that damage requires repair to meet the intended performance of the separator, the property owner shall perform the required repairs. The landowner shall be responsible for continued monitoring and maintenance. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same. (1996 EIR Mitigation Measure 4.3-4e)
39. The operator project shall continue to maintain and monitor design shall be revised to provide a biotechnical bank protection installed in 1998 design to replace the placement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge. unless engineering evaluations demonstrate that rip rap must be used to control erosion. The revised project design shall be submitted to the Yolo County Community Development Director and Caltrans for approval prior to the commencement of mining in Phase 7 (1996 EIR Mitigation Measure 4.3-4f)
40. Deleted; Phase 7 mining was removed from project. In compliance with Section 10-4.429 and 10-5.506, mining within Phase 7 shall not be conducted within 700 feet of the existing stream bank until stream bank stabilization is provided for that portion of the south bank of Cache Creek upstream from the I-505 bridge. The bank protection shall be performed in accordance with the guidelines presented in the Cache Creek Resource Management Plan and Cache Creek Improvements Plan. The bank protection design shall be submitted to the Yolo County Community Development Director for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4g).
41. Deleted; addressed in Condition #39. Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase to be mined. Prior to construction of the improvements, detailed plans identifying the type of stream bank protection shall be submitted to the Technical Advisory Committee (TAC) for review and approval. The bank

~~protection plans shall incorporate biotechnical methods of bank stabilization when appropriate to erosion control (Mitigation Measure 4.3-4h).~~

42. The operator shall continue ~~enter into a Development Agreement with the County that commits the operator~~ to participate in implementation of the Cache Creek Improvement Program for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area, as required by Condition #27. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and channel maintenance mining recommended by the County. (1996 EIR Mitigation Measure 4.3-4i)
43. Due to the increased size of the reclaimed lakes, ~~Prior to the commencement of mining below the groundwater level,~~ the operator shall contact the California Division of Safety of Dams (DSOD) within six months of approval for a determination on whether the alluvial separators that would be created by the project fall under DSOD jurisdiction. (1996 EIR Mitigation Measure 4.3-4j)

#### **Hydrology and Water Quality**

44. Verify ongoing consistency with, and implementation of, ~~The operator~~ conditions of approval in Flood Hazard Development Permit No. 96-070 issued December 17, 1996. must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development designated 100-year floodplains, as required by the County General Plan and the County Flood Damage Prevention Ordinance (1996 EIR Mitigation Measure 4.4-1a)
45. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standards contained in Sections 10-4.413 (Drainage), 10-4.417 (Groundwater Monitoring Programs), 10-4.427 (Protection of Nearby Drinking Water Wells), and 10-4.428 (Sanitary Facilities) of the ~~County Off-Channel Mining Ordinance~~; and Sections 10-5.507 (Drainage), 10-5.510 (Fencing), 10-5.519 (Motorized Watercraft Prohibition), 10-5.524 (Post-Reclamation Groundwater Monitoring), 10-5.528 (Sewage Storage Prohibition), and 10-5.530 (Slopes) of the ~~County Surface Mining Reclamation Ordinance~~. (1996 EIR Mitigation Measure 4.4-3a)
46. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standards contained in Section 10-4.413 (Drainage), 10-4.417 (Groundwater Monitoring Programs), 10-4.427 (Protections of Nearby Drinking Water Wells), and 10-4.428 (Sanitary Facilities) of the ~~County Off-Channel Mining Ordinance~~; and Section 10-5.507 (Drainage), 10-5.510 (Fencing), 10-5.517 (Mercury Bioaccumulation in Fish), 10-5.519 (Motorized Watercraft Prohibition), 10-5.524 (Post-Reclamation Groundwater Monitoring), 10-5.528 (Sewage Storage Prohibition), 10-5.530 (Slopes), and 10-5.532 (Use of Overburden and Fine Sediments in Reclamation) of the ~~County Surface Mining Reclamation Ordinance~~. (1996 EIR Mitigation Measure 4.4-4a)

47. Pursuant to Section 10-5.516 (Lowered Elevations for Reclaimed Agricultural Fields) of the Reclamation Ordinance, all reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. ~~The reclamation plan for the Solano West parcel (Phase 7) shall be modified to meet this requirement (1996 EIR Mitigation Measure 4.4-7a)~~
- 47.2. 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 Cache Creek Technical Advisory Committee's Fluvial 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 Cache Creek TAC shall be timely implemented by the operator. (2025 SEIR Mitigation Measure 4.6-6 and 5-10)

Implementation of this measure may require authorization from applicable state and federal regulatory agencies (e.g., U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, and California Department of Fish and Wildlife) which shall be the responsibility of the operator to secure.

## **Agriculture**

48. ~~Deleted; condition was satisfied. Implement the performance standards included in Sections 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a).~~
49. ~~Deleted; duplicate condition. Implement the performance standard included in Section 10-5.516 of the County Surface Mining Reclamation Ordinance to mitigate the potential impacts of high seasonal groundwater on crop productivity. The mitigation requires that all reclaimed agricultural surfaces are a minimum of five feet above the average seasonal high groundwater level. To meet this standard, the elevation of the reclaimed agricultural fields within the Solano West parcel in Phase 7 shall be raised two or more feet above the reclaimed surface elevation (Mitigation Measure 4.5-5a).~~

50. ~~Deleted; condition was satisfied. Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).~~
- 50.2. 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 8-2.404(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. The Director of Community Services may extend the deadlines in this condition, provided applicant has made satisfactory progress toward completing this condition's requirements, as determined in the Director's sole discretion. (2025 SEIR Mitigation Measure 4.1-1a and 5-2)
- 50.3. 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 8-2.404(d) and 10-5.525. The Director of Community Services may extend the deadlines in this condition, provided applicant has made satisfactory progress toward completing this condition's requirements, as determined in the Director's sole discretion. (2025 SEIR Mitigation Measure 4.1-1b and 5-2)

## **Biological Resources**

51. ~~Deleted; condition was satisfied. Figure 8 of the HRP shall be revised to indicate the location of hedgerow plantings, around the Hutson parcel in Phase 1 or as specified as part of habitat enhancement in a Section 2081 permit if required by the CDFW CDFG, or to mitigate as a 1:1 ratio the actual loss of fence row habitat (Mitigation Measure 4.6-2a).~~
52. Mature oak trees at the fringe of mining areas shall be preserved. These shall include: ~~the two oaks at the southwestern corner of the mining area on the Solano West parcel in Phase 7;~~ the two oaks at the southeastern corner of the mining area along the boundary between the Farnham West and Hutson parcels on Phase 1; and the single oak at the southeastern edge of the mining area on the Snyder East parcel in Phase 5.4. Stockpiling of topsoil and overburden in the vicinity of these five trees shall be restricted to beyond the tree driplines. As required by Section 10-4.436 (Vegetation Protection) of the ~~County Off-Channel~~ Mining Ordinance, temporary fencing shall be provided around the dripline of these trees to prevent possible construction-related damage. Fencing shall remain in

place until stockpiles are removed and the surrounding lands are returned to agricultural production. (1996 EIR Mitigation Measure 4.6-2b)

53. As required by Section 10-4.436 (Vegetation Protection) of the ~~County Off Channel~~ Mining Ordinance, temporary fencing shall be installed at the boundary of the habitat restoration area along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase. (1996 EIR Mitigation Measure 4.6-2c)
54. ~~The operator shall continue to preserve and protect riparian habitat adjoining Phases 4 and 6. Any future required levee and channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site, and shall be set back from the edge of the upper terrace to eliminate fill slopes which would extend into the riparian habitat. The project design shall be revised to provide a biotechnical bank protection design to replace the replacement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge, unless engineering evaluations demonstrate that rip rap must be used at certain locations to control severe erosion~~ (1996 EIR Mitigation Measure 4.6-2d)
55. ~~The operator shall continue~~ The HRP shall be revised to include provisions to remove tamarisk and giant reed from the site in compliance with the Noxious Weed Management Plan and other components of the approved Reclamation Plan narrative as part of the creek restoration effort. and to modify restoration plans for Enhanced riparian woodland habitat in the in-channel depression north of the Snyder East parcel in Phases 5 and 6 shall continue to be maintained and monitored. to enhance the existing riparian woodland rather than establishing seasonal marsh at this location (1996 EIR Mitigation Measure 4.6-2e)
56. 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. (2025 SEIR Mitigation Measure 4.3-6c(2))

d. The lake islands shall be comprised of unmined in-situ soils without backfill.  
~~At least one permanent island shall be created on one of the permanent lakes to improve their wildlife habitat value. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following:~~

~~a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 125-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level.~~

~~b. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five year monitoring program for the restoration effort.~~

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

57. The unique bluff habitat identified in Figure 4.3-3 of the 2025 SEIR between the upper terrace and the existing haul road on the Snyder East parcel in Phase 6 shall be preserved, including regular maintenance as needed, and monitoring. Mitigation Measure 4.3-4a of the Final EIR for the proposed project provides appropriate mitigation for this impact. The bluff area will be preserved and dedicated to the County upon the completion of reclamation and the release of financial assurances of Phase 4. (1996 EIR Mitigation Measure 4.6-3b)

58. Deleted; condition was satisfied. A CDFW CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other

~~alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).~~

59. The proposed Reclamation Plan (including the reclamation plan sheets and reclamation narrative), and Habitat Restoration Plan, 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 County ~~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. The operator shall confirm flagging and fencing, and provide annual verification. (1996 EIR Mitigation Measure 4.6-5a; 2025 SEIR Mitigation Measure 4.3-1b, 4.3-4, and 5-6)
60. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standard included in Section 10-4.433 (Soil Stockpiles) of the Mining Ordinance to prevent the inadvertent take of bank swallows. (1996 EIR Mitigation Measure 4.6-5b)
61. The operator shall demonstrate ongoing maintenance and monitoring of the restored vertical bluffs above the riparian habitat in Phases 5 and 6. Within one year of this approval, the operator will provide information prepared by a professional biologist regarding bank swallow occupancy at the vertical bluffs. The HRP shall be revised to include specific provisions to replace the artificial bank swallow nesting habitat created by past mining activities on the Hutson parcel. These provisions shall include design, construction, and maintenance activities necessary to implement one or more of the following options: establishing suitable nesting habitat on designated side slopes of the permanent lakes, replicating conditions on the Hutson parcel in Phase 1 at a new location; restoring the vertical bluffs above the mining-related riparian habitat in the northern portion of the Snyder East parcel in Phase 6; and/or creating and perpetuating a vertical bank along a designated segment of the active channel of Cache Creek (1996 EIR Mitigation Measure 4.6-5c)
- 61.5. 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 County CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:

- Conduct the survey 30 days prior to any 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 (1996 EIR Mitigation Measure 4.6-5d; 2025 SEIR Mitigation Measure 4.3-1c, 4.3-4, and 5-6)
62. Channel bank modifications shall be coordinated with the U.S. Army Corps of Engineers and California Department of Fish and Wildlife Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. Use of biotechnical bank protection design methods shall be encouraged where bank stabilization is required., ~~such as the segment of active erosion on the Kaupke parcel north of Phase 2~~ (1996 EIR Mitigation Measure 4.6-6a)
- 62.2. 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.

(2025 SEIR Mitigation Measure 4.3-1a and 4.3-4)

62.3. 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.

(2025 SEIR Mitigation Measure 4.3-1d, 4.3-4, and 5-6)

62.4. 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 2025 SEIR Figure 4.3-4), and proposed Exhibit B, Hedgerow Irrigation Plan (see 2025 SEIR 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 corrected to be consistent with approved revised wording.
  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 2025 SEIR Figure 4.3-8); 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 2025 SEIR 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 2025 SEIR 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.

(2025 SEIR Mitigation Measures 4.3-6a, 4.3-4, and 5-6)

- 62.5. 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 2025 SEIR Figure 4.3-8). (2025 SEIR Mitigation Measures 4.3-6b, 4.3-4, and 5-6)

62.6. 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 2025 SEIR Figure 4.3-9).
- 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 corrected to be consistent with approved revised wording.

(2025 SEIR Mitigation Measures 4.3-6c, 4.3-4, and 5-6)

62.7. 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.

(2025 SEIR Mitigation Measures 4.3-7 and 5-6)

## **Air Quality**

63. ~~Deleted; duplicative condition. Implement the performance standard included in Section 10-4.407 of the County Mining Ordinance. (Mitigation Measure 4.7-1a)~~
64. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standards included in Sections 10-4.407 (Conveyor Systems) and 10-4.415 (Equipment Maintenance) of the ~~Off-Channel~~ Mining Ordinance. (1996 EIR Mitigation Measure 4.7-1a, 4.7-2a, and 4.7-3a)
65. ~~Deleted; duplicative condition. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).~~
- 65.1. The operators ~~are~~ is encouraged to use cleaner vehicles and equipment and retrofit existing vehicles and equipment with diesel particulate filters (DPFs). Pursuant to Section 10-4.414.1 (Energy) of the Mining Ordinance, wherever practical and feasible, the operator ~~aggregate facilities~~ shall use clean electric energy from the grid or install alternative on-site electricity generation systems to replace diesel equipment and reduce criteria pollutant emissions. (BOS Resolution No. 00-228, approved via Minute Order No. 00-048 on December 12, 2000)

65.2. 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 (Note: satisfaction of Condition #28.13 is applicable to this particular option);
- 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; and
- 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.

(2025 SEIR Mitigation Measures 4.2-5, 4.8-1, 5-4, and 5-14)

## Traffic and Circulation

66. Deleted; condition was satisfied. ~~By July 1, 1999, the operator shall construct a left turn lane for eastbound movements on State Route 16 into the processing plant. The operator shall be responsible for 100 percent of the costs of the improvement. Encroachment Permits from Caltrans will be obtained prior to construction (Mitigation Measure 4.8-1a).~~
66. Modified; condition was substantially satisfied. ~~By July 1, 1999, the operator shall construct a left turn lane for eastbound movements on State Route 16 into the processing plant. The operator shall be responsible for 100 percent of the costs of the improvement. Should future work be performed in the State right-of-way, any required Encroachment Permits from Caltrans shall~~ will ~~be obtained prior to construction (1996 EIR Mitigation Measure 4.8-1a).~~
67. Deleted; condition was satisfied. ~~The operator shall pay a fair share toward the construction of left turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$1,200 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-2a).~~
- 67.2. 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. (2025 SEIR Mitigation Measures 4.8-4 and 5-14)

## Noise

68. In compliance with Section 10-4.421 (Noise: General Standard) of the Mining Ordinance, daytime noise levels at the property boundary shall not exceed 80 dBA  $L_{eq}$  during mining and reclamation of the site. If earth-moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time. (1996 EIR Mitigation Measure 4.9-1a)

69. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standards included in Section 10-4.421 (Noise: General Standard) of the ~~County Off-Channel~~ Mining Ordinance. (1996 EIR Mitigation Measure 4.9-1b)
70. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standard included in Section 10-4.422 (Noise: Sonic Safety Devices) of the ~~County Off-Channel~~ Mining Ordinance. (1996 EIR Mitigation Measure 4.9-3a)

### **Aesthetics**

71. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standard included in Section 10-4.429 (Setbacks) of the ~~County Off-Channel~~ Mining Ordinance. (1996 EIR Mitigation Measure 4.10-1a)

### **Cultural Resources**

72. Should unknown cultural resources be found, Implement the performance standard included in Section 10-4.410 (Cultural Resources) of the ~~County Off-Channel~~ Mining Ordinance. (1996 EIR Mitigation Measure 4.11-1a)
73. In addition to compliance with Section 10-4.410 (Cultural Resources) of the Mining Ordinance, the following new requirements shall be implemented 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 prior Condition of Approval No. 73 and prior 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.

(2025 SEIR Mitigation Measures 4.4-1, 4.4-2, 4.4-4, 4.4-5, and 5-7)

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

74. In addition to compliance with Section 10-4.410 (Cultural Resources) of the Mining Ordinance, the following new requirements shall be implemented 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 prior 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 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. (2025 SEIR Mitigation Measures 4.5-5 and 5-8)  
~~No mining within the Snyder West parcel (Phases 4 and 6) shall be conducted until an accurate mapping of YOL 69 is completed, and the site is evaluated by an archaeologist to determine its significance and uniqueness. The following tasks shall be performed:~~

- ~~a. Contract a surveyor to accurately map the cultural resource site on a topographic map, based on information, preliminary map, and recommendations contained in the YOL 69 mechanical subsurface testing report (Holman & Associates, 1996). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.~~
- ~~b. Mapping of the resource shall be completed prior to commencement of mining in mining areas that include the resources.~~
- ~~c. Register the information obtained, including a map of the Yol 69 site, on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director.~~
- ~~d. Before mining begins on Yol 69, an archaeologist shall be contracted to evaluate the Yol 69 site and determine its significance and uniqueness as defined in Appendix K of CEQA. A program of in-field evaluation testing shall be undertaken inside the newly recorded borders of Yol 69 to determine its significance. The evaluation of this site shall be extensive enough to guide the development of a mitigation program if the site is found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of this site to monitor for indicators of human skeletal remains.~~
- ~~e. If it is determined that the site contains significant cultural resources, an appropriate mitigation program shall be developed, before mining begins on Yol 69, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and could~~

~~include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (Mitigation Measure 4.11-2a).~~

75. ~~Deleted; duplicate condition. Implement Mitigation Measure 4.11-1b of the Final EIR for the proposed project (Mitigation Measure 4.11-2b).~~
76. ~~Deleted: duplicate condition. Implement Mitigation Measure 4.11-1a of the Final EIR for the proposed project (Mitigation Measure 4.11-2c).~~

#### **Hazards**

77. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standard included in Section 10-4.415 (Equipment Maintenance) of the ~~County Off-Channel~~ Mining Ordinance. (1996 EIR Mitigation Measure 4.12-1a)
78. Verify ongoing consistency with and implementation of ~~Implement~~ the performance standard included in Sections 10-4.406 (Benches) and 10-4.431 (Slopes) of the ~~County Off-Channel~~ Mining Ordinance; and Sections 10-5.510 (Fencing) and 10-5.530 (Slopes) of the ~~County Surface Mining~~ Reclamation Ordinance. (1996 EIR Mitigation Measure 4.12-3a)

#### **2020 CCAP TEN-YEAR PERMIT REVIEW CONDITIONS**

79. Comply with Section 10-4.420.1 (Mercury Bioaccumulation in Wildlife) of the ~~County~~ Mining Ordinance and 10-5.517 (Mercury Bioaccumulation in Fish) of the ~~County~~ Reclamation Ordinance related to Mercury Bioaccumulation in Wildlife. (2020 CCAP Ten-Year Review)
80. Pursuant to Sections 10-4.433 (Soil Stockpiles), 10-5.508 (Erosion Control), 10-5.533 (Wetland Habitat), and 10-5.601(c)(1) of the Reclamation Ordinance, reclamation, restoration, vegetative erosion control, etc. occurring after December 31, 2020 shall utilize plant material and/ seed mixes collected in the vicinity of the project site in order to control the origin of the genetic stock and provide the most site-adapted ecotypes. Native seeds, plants, and cuttings used for such activities shall be ecotypes of Cache Creek Watershed genetic origin including areas outside of Yolo County and of Yolo County genetic origin when materials are used that originate from outside of the Cache Creek Watershed. (2020 CCAP Ten-Year Review)

## **ADDITIONAL RELEVANT CONDITIONS OF APPROVAL**

### **ZF #1541 (1971) Aggregate Processing Plant**

1. That the proposed use be operated in such a manner that it will not be detrimental to the surrounding properties.
2. ~~Deleted; condition was satisfied. That approval be obtained from all agencies of jurisdiction, including the State Reclamation Board and the Building and Health Department.~~
3. ~~Deleted; condition no longer applicable. That the property owner may request consideration of an extension of time if the subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to March 3, 1972.~~

### **ZF #1901 (1972) Asphalt Concrete Plant**

1. That the applicant meet the requirements of all agencies of jurisdiction including, but not limited to, the County's Air Pollution Control Officer's requirements.
2. That the subject use be operated in such a manner that it will not be detrimental to the surrounding properties.
3. ~~Deleted; condition no longer applicable. That the property owner may request consideration of an extension of time if the subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to February 2, 1973.~~

### **ZF #ZA736 (1992) Storage Silos for Asphalt Batch Plant**

1. ~~Deleted; condition was satisfied. The applicant shall obtain permit approval from the Yolo County Environmental Health Department, Yolo County Building Department, and the Yolo Solano Air Pollution Control District prior to construction of the facilities.~~
2. The Yolo County Community Development Agency Staff shall review the operation of this facility annually in conjunction with the inspections required by SMARA and the State Mines and Geology Board of their mining operations.

**Flood Hazard Development Permit No. 96-070 issued December 17, 1996:**

**Deleted; all conditions (copied below) were satisfied.**

1. The operator shall contact the U.S. Army Corps of Engineers to determine whether the proposed bank protection measures fall within their jurisdiction. Evidence that either a permit has been provided or that the project is not within the jurisdiction of the U.S. Army Corps of Engineers shall be provided to the CDA Director.
2. A copy of the approved permits from Regional Water Quality Control Board for any potential discharges associated with implementation of the bank protection measures shall be provided to the CDA Director.
3. The applicant shall submit confirmation from the Department of Fish and Game that the proposed activities are allowed under the existing Stream Alteration Permit, or a copy of the amended/new permit, to the CDA Director.
4. A analysis of the potential effects of the bank protection measures on hydraulic conditions upstream and downstream of the project site, prepared by a registered professional engineer/hydrologist shall be submitted to the CDA Director.
5. A chemical spill prevention and emergency plan, approved by the appropriate agencies, shall be submitted to the CDA Director.
6. The operator shall comply with the spirit and intent of all Conditions of Approval for Zone File #95-093.
7. A description of any native vegetation located within the area where bank protection measures are to be implemented shall be submitted to the CDA Director prior to commencement. Native vegetation shall either be avoided or shall be replaced and in accordance with the CCRMP. If native vegetation is disturbed, a revegetation plan shall be submitted for review and approval by the CDA Director.
8. The applicant shall submit analysis from a registered professional engineer/hydrologist which demonstrates that the existing 100-year base flood elevations will not be increased as a result of the bank protection measures.
9. Documentation for compliance with all Conditions of Approval for this Flood Hazard Development Permit shall be submitted prior to the commencement of work within the CCAP channel boundary. This permit shall only apply to the activities as described in ZF #95-093. Additional proposals for work within the FEMA Flood Zone A may require further review and approval.
10. Failure to comply with the stipulated Conditions of Approval for this Flood Hazard Development Permit, shall result in this permit being deemed as null and void.

**Ready-Mix Concrete Plant Relocation from Madison to Project Site (ZF #2000-087), Board of Supervisors Minute Order No. 01-126, approved April 22, 2001:**

1. The project shall be in compliance with all adopted conditions of approval for Zone File #2000-087 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901 (Asphalt Concrete Plant, 1972), 95-093 (Long-Term Off-Channel Approval, 1996), and ZA 736 (Asphalt Batch Plant Storage Silos, 1992).
2. ~~Deleted; condition was satisfied. The project shall be completed in compliance with all applicable Federal and State laws, Yolo County Code Regulations and Engineering Design Specifications and Standards.~~

3. ~~Deleted; condition was satisfied. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.~~
4. ~~Deleted; condition was satisfied. Caltrans shall be forwarded a copy of any future development on the subject parcels to ensure that no significant impact to State Highway 16 and right-of-way are created.~~
5. ~~Deleted; condition was satisfied. Properties which are subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non agricultural lease or financing unless a division of the Williamson Act Contract is first approved as provided in Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).~~
6. ~~Deleted; condition was satisfied. Upon acceptance and approval of the Williamson Act Contracts by the Yolo County Board of Supervisors, a record copy shall be provided by the applicant to the Planning and Public Works Department.~~
7. ~~Deleted; condition was satisfied. A "Certificate of Acceptance" will be issued by the Planning and Public Works Department within 30 days of receiving the recorded contracts.~~
8. ~~Deleted; condition was satisfied. Within thirty (30) days of the issuance of the "Certificate of Compliance" the applicant shall record the certificate accompanied by map and legal description of the approved Lot Line adjustment and Williamson Act Contract Division with the County Recorder's Office, or it shall be deemed null and void. (BOS Minute Order No. 01 126, approved April 22, 2001)~~
9. ~~Deleted; condition was satisfied. Prior to final Building Approval for the new batch plant, any areas of bare ground at the abandoned batch plant site in the town of Madison shall be re-vegetated to the satisfaction of the and Public Works Director to increase filtration and prevent erosion and runoff onto State Highway 16.~~
10. ~~Deleted; condition was satisfied. The applicant shall obtain all necessary building permits for any demolition, construction and/or repair of any existing structures on either site, including approval from the County Environmental Health Division and the Madison Fire~~

~~District, if appropriate, for compliance with adopted Health, Safety, Building, and Fire Codes, as amended.~~

11. ~~Deleted; condition was satisfied. Relocation of the batch plant shall commence within one (1) year of the effective date of the Planning Commission's approval, or said Use Permit shall be deemed null and void without further action.~~
12. ~~Deleted; condition was satisfied. The site of the existing batch plant shall be cleared of all weeds, brush and debris, prior to issuance of the Final Building Permit for the relocated batch plant.~~
13. ~~Deleted; condition was satisfied. Prior to issuance of the Final Building Permit, the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$30,000 to provide financial assurance for the new plant area.~~
14. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:
  - Non-issuance of future building permits;
  - Revocation of the Conditional Use Permit and/or Mining Permit;
  - Legal action.

**Permit Amendment to Change Phase Number and Order (ZF #2002-127), Board of Supervisors Minute Order No. 03-112, approved April 15, 2003:**

1. The project shall be in compliance with all adopted conditions of approval for Zone File #2002-127 as contained herein and identified below. In addition, the project shall be in compliance with all existing permits and conditions of approval, including Zone Files 1901, 95-093, and ZA 736, and in particular, Condition No. 74 and Mitigation Measure 4.11-2a of Development Agreement No. 96-287 for the CEMEX Long-Term Off-Channel Mining Permit.
2. ~~Deleted; condition was satisfied. The project shall be completed in compliance with all applicable Federal, State and County laws and regulations.~~
3. ~~Deleted; condition was satisfied. All aspects of Phases IV and VI shall be included as part of the interchange in the phasing sequence.~~
4. ~~There shall be no change to any aspect of the approved Mining and Reclamation Plan with the exception of the interchanging of Phases IV and VI. All other aspects of Development Agreement No. 96-287 for the CEMEX Long-Term Off-Channel Mining Permit shall remain in full force and effect.~~

- ~~5. Deleted; condition was satisfied. Prior to conducting any mining activity in Phase VI (proposed Phase IV) the applicant shall submit a bond or other financial instrument acceptable to the Planning and Public Works Director in the amount of \$348,372 to provide financial assurance for the subject phase.~~
6. Failure to comply with the Conditions of Approval, as approved by the Board of Supervisors, may result in the following actions:
  - Non-issuance of future permits to the applicant for projects or activities at the site;
  - Revocation of the approved Mining Permit;
  - Legal action.

#### **2014 Minor Modification ZF #2013-0003**

No conditions of approval.

#### **2015 Minor Modification ZF #2014-0039**

1. The project shall be in compliance with all adopted conditions of approval for Zone File No. 95-093 for the Solano Concrete Long-Term Off-Channel Mining Permit, and any modifications or amendments, as contained herein and identified below.
2. ~~Deleted; condition was satisfied. The project shall be completed in compliance with all applicable Federal, State and County laws and regulations.~~
3. ~~There shall be no change to any aspect of the approved Mining and Reclamation Plan with the exception of the temporary mining of portions of alluvial barriers separating individual mining cells within an approved Phase. All other aspects of Development Agreement #96-287 , as amended, for the Solano Concrete Long-Term Off-Channel Mining Permit (ZF #95-093) shall remain in full force and effect.~~
4. Mining shall continue to follow the general sequence of phasing as approved. ~~depicted in the Environmental Impact Report for the Solano Long Term Off Channel Mining Permit Application. For instance, after substantial completion of mining coupled with continued reclamation of Phase 4, Cemex may proceed to Phase 5. Cemex shall not carry out wet mining in Phase 5 until it can demonstrate to the County that reclamation of the alluvial separator between Phase 3 and 4 is successful.~~
5. ~~Within 180 days after the alluvial barriers have been re-constructed,~~ The applicant shall provide as-built plans to the Planning, Public Works and Environmental Services Department which detail the construction materials and methods used to construct the alluvial barriers between Phases 3 and 4. The applicant shall cause an inspection to be

conducted by a Registered Geologist, a Licensed Geotechnical Engineer, or a Registered Professional Engineer for a total of two years after the alluvial barriers have been re-constructed. The inspection report shall be provided with the annual report due November 1st of each year, and shall describe the remedial measures necessary to remediate any slope failures or slope stability concerns of the re-constructed alluvial barriers.

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

**2022 Minor Modification (ZF #2022-0037), Director’s Approval Letter, dated May 10, 2022:**

1. ~~Deleted; condition was satisfied. Modification of current approved Phase 6 to become Phase 5, and current approved Phase 5 to become Phase 6, and authorization to commence dry mining on a portion of new Phase 5 totaling a maximum of 20 acres due south of the current area of mining in current Phase 4 is hereby approved and such modifications shall be noted on the approved plans and shall be initialed by the Director pursuant to Section 10-4.604.~~
2. The applicant ~~shall~~ completed field leveling and plant raptor-friendly crops on a minimum of 110 acres in Phase 1 in November 2022 no later than September 30, 2022. ~~The applicant shall~~ and provided the County with verification from the Yolo Habitat Conservancy in November 2022 that the proposed crops and crop rotation will provide acceptable foraging habitat for Swainson’s hawk. For the life of the mining and reclamation approvals, the applicant shall cultivate a minimum of 110 acres of agriculture in Phase 1, in crops the Yolo Habitat Conservancy has determined provide foraging habitat for Swainson’s hawk. (2022 Minor Mod)
3. The applicant shall place 50 acres of unmined productive agriculture (equivalent to or better than the 50 acres in the southerly portion of the Hutson parcel, ~~adjoining State Route 16 on the south and the 2012 Conservation Easement boundary on the north~~), in permanent agricultural easement no later than ~~December 31, 2025~~ September 30, 2022. The terms of the easement shall be satisfactory to the County and shall include provisions to ~~shall ensure that~~ crops and crop rotation will provide acceptable habitat for Swainson’s hawk. (2022 Minor Mod)
4. 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~~ 3.0-acre restored 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). ~~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 by March 31, 2026 within 90 days of County approval.~~ (2022 Minor Mod; 2025 SEIR Mitigation Measures 4.3-6a(3), 4.3-4, and 5-6)

5. Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain the hedgerows. (2022 Minor Mod)
6. Throughout the life of the mining and reclamation approvals, the applicant shall annually monitor and actively maintain the 5.7 acres of restored habitat and the 3.0-acre restored riparian depression. Maintenance, monitoring, and biological health of these areas shall be documented in annual reporting by the applicant. (2022 Minor Mod)
7. The applicant was required under the 2081 MOU to dedicate the 5.7-acre Restored Habitat property to the County in fee title no later than 1998. The applicant recorded a perpetual irrevocable offer of dedication (IOD) in the County's favor on January 15, 2025 (recorded as Doc. #2025-0000770). ~~To address this outstanding commitment, the applicant shall make an irrevocable offer of dedication (IOD) to the County no later than September 30, 2022 (with a deadline for acceptance by the County no earlier than August 11, 2027, which is coincident with the expiration of the approved permits) to dedicate to the County, in fee title, the fenced restored habitat area totaling 5.7 acres. The applicant is responsible for fencing and, including ongoing maintenance of the 5.7-acre area to the County's satisfaction until the IOD is accepted by the County. dedication is executed. If the current approved permits are extended, as requested in the pending Major Modification application, the deadline for acceptance of the IOD shall be extended to align with the new permit expiration or other equivalent assurances of future dedication (e.g., amendment of this commitment into the revised Development Agreement) on a timetable acceptable to the County shall be made. The parties agree the deadline for acceptance of the IOD, and discussion of connecting this property to subsequent trail easement dedications and/or substituting this property for other equivalent land that is connected to future land dedications, shall be discussed in concert with Development Agreement negotiations pertinent to the pending Major Modification.~~ (2022 Minor Mod)
8. Deleted; condition was satisfied. ~~No later than ten days after the effective date of this approval, CEMEX shall submit an amendment to the pending Major Modification application requesting to modify Mining and Reclamation Permit ZF #95-093 to: a) remove Phase 7 (and any related activity west of Interstate 505 from the project boundary and approvals); and b) identify additional proposed actions to resolve temporary impacts~~

~~to croplands in excess of the maximum of 126 acres assumed in the 1996 project EIR, or request a change in the maximum area of land disturbance identified as an element of the project in the project EIR to a feasible amount and provide substantiation of the operational reasons for the revised acreage maximum.~~

9. The combined 225-acre farmland easement area (2012 Easement totaling 175 acres and new conservation easement totaling 50 acres), and the 50-acres of additional unmined productive agricultural land (equivalent to or better than the 50 acres in the southerly portion of the Hutson parcel, adjoining State Route 16 on the south and the 2012 Conservation Easement boundary on the north), shall be maintained in active agricultural production unless fallowing is required and/or beneficial for agricultural purposes. Fallowing for non-agricultural purposes is prohibited. Fallowing of any portion of the property for greater than one year requires approval of the Agricultural Commissioner. (2022 Minor Mod)
10. ~~Deleted; condition was satisfied. The applicant may not withdraw or unreasonably delay processing of the pending Major Modification (2022 Minor Mod).~~
11. The applicant shall take all necessary steps to: A) re-designate the mining site and plant as “place of sale” for the purposes of establishing the retail sales location and calculating the sales tax obligations of the operation; or B) compensate the County for the equivalent of the County’s portion of sales tax revenues that would be generated from CEMEX’s aggregate sales on a per ton basis. Reinstatement of the sales tax share to Yolo County, or obligation for equivalent compensation, shall commence on October 1, 2022, and shall extend for the life of the Mining and Reclamation permit approval (including any subsequent amendment or extension). Payment of equivalent compensation shall be due with the first quarter payment of per-ton gravel fees every March 31<sup>st</sup> (unless subsequently amended by the County). The parties agree this obligation will be integrated into the Development Agreement in conjunction with any amendments that occur relevant to final action on the pending Major Modification. (2022 Minor Mod)
12. ~~Deleted; condition was satisfied. In compliance with approved mining and reclamation permit conditions 59 and 61.5 the applicant shall engage the services of a qualified biologist to undertake a biological resources assessment of the new (renumbered) Phase 5-area prior to commencement of mining in that phase. Results shall be presented to the County demonstrating no impacts to special status species.~~