

ATTACHMENT H

COPIES OF WRITTEN COMMENTS

1. Email from Alan Pryor dated 10.8.25
 - a. Comments to Planning Commission re CEMEX Final SEIR
 - b. Letter to PC re County Response to SCYG Violations
Memo
2. Email from Catherine Portman dated 10.8.25
3. Email to Clerk of the Board from Alessa Johns dated 10.8.25
4. Email to Clerk of the Board from Anuj Vaidya dated 10.8.25
5. Letter from Steve Sagara dated 10.9.25
6. Commissioner McCormick's Comments (10.10.25)

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

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

Thank you

Alan Pryor
Chair - Sierra Club Yolano Group

Memorandum

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

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

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

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

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

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

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

Current Status of the Mining Sites

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Our Recommendation to the Planning Commissioners

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

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

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

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

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

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

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

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

Thanks you for your consideration of this matter.

Respectfully submitted

Alan Pryor, Chair
Sierra Club Yolano Group

Memorandum

To: Yolo Co. Planning Commission
 Cc: Board of Supervisors
 From: Alan Pryor
 Date: September 10, 2025
 Re: Inaccurate and Misleading Response by the County to the Sierra Club Yolano Group's Memo Disclosing Ongoing Violations of the County's Surface Mining Reclamation Ordinance

Dear Commissioners – I have reviewed the County's *RESPONSE REGARDING INQUIRIES CONCERNING YOLO COUNTY GRAVEL MINING PROGRAM* (hereinafter referred to as the "Response") submitted to the Planning Commission as "Correspondence" for the September 11 Planning Commission meeting. The Response replies to a Memorandum and other Reports submitted to the Planning Commission by the Sierra Club Yolano Group (hereinafter referred to as the "Yolano Group") on February 7, 2025.

In these Memorandum and Reports, the Yolano Group generally alleged that the Cache Creek mining companies and the County continue to repeatedly and systematically violate the County's Surface Mining Reclamation Ordinance in numerous ways. The specific concerns expressed included;

- 1) Failure to take and report measured results of methyl mercury concentrations in fish in all required wet pits on the various mining sites. We specifically noted that the permanent and navigable wet pits at the Granite Capay mining site had not been tested as otherwise required;
- 2) Failure to report already-taken wet pit methyl mercury concentrations and Expanded Analysis test results in a timely manner; and,
- 3) Failure to implement required *Lake Management Plans* (hereinafter also referred to as "LMPs") in a timely manner for those wet pits showing elevated levels of methyl mercury contamination in fish.

In general, the County denies these allegations in their Response. They seemingly claim that the failure to comply with the provisions of the underlying Surface Mining Reclamation Ordinance are simply administrative or ministerial oversights in nature and that the County is otherwise in full compliance with the Reclamation Ordinance.

However, the Response by the County is inaccurate in that it either wrongfully denies or attempts to minimize the serious scope of the environmental damage caused by these ongoing violations committed by the mining companies and the County as alleged by the Yolano Group' original Memorandum and Report. It does so by relying on false statements made and incorrect information presented in their Response as further described below. These concerns are presented in the same order as in both the Yolano Group's original Memorandum to the Planning Commission and the County's Response.

1. Regarding the concern that not all of the required wet pits were being properly sampled and results submitted for fish methyl mercury concentrations.

Note: See Pages 1- 2 in the County's Response in which they repeated the Group's original **Statement** and **Question** from their Memorandum and then provided their **RESPONSE** of which a portion is excerpted below. This is followed by a **REBUTTAL** and **CONCLUSIONS**.

1. "Methyl mercury monitoring is required by the Surface Mining Reclamation Ordinance to begin at every mine as soon as a wet pit is created and navigable by boat. There are

some pits that have been in existence for years (e.g., Granite Capay) that have not ever had annual methyl mercury monitoring reported.”

“Question - Are all impoundment pits currently being monitored as required by the Reclamation Ordinance? If not, why are they not being monitored and will when such monitoring begin?”

“RESPONSE: Yes, all the wet pits required to be monitored are being monitored. Yolo County Code Section 10-5.517 of the Surface Mining Reclamation Ordinance requires monitoring for wet pits approved for reclamation to “permanent pond, lake, or water feature.”

...
For the first five years after the creation of a pit that is “permanently wet and navigable by a monitoring vessel,” the operator is required to annually monitor fish and water column profiles (generally between September and November) in each pit lake. As of 2024, there were three mine sites with wet pits that met these requirements: Cemex, Teichert Esparto, and Vulcan (formerly Syar)...As to the remaining three operations, conditions at Granite Capay will be such that monitoring is expected to commence at that site sometime in 2025.”

REBUTTAL – While it is positive that the fish methyl mercury concentration measurements at Granite Capay will finally be taken this year, the County’s statement is otherwise inaccurate because wet pits that are “permanently wet and navigable” have existed at Granite Capay since at least October, 2020 as shown in the following sequential aerial photos from Google Earth in which the “permanently wet and navigable wet pits” are highlighted with yellow arrows.

October, 2020



(This space intentionally left blank)

February, 2022



November, 2023



June, 2024



CONCLUSIONS - In contrast to the statements made otherwise in the County’s *Response*, according to these date-stamped Google Earth aerial photos, “*permanently wet and navigable wet pits*” have been in existence at the Granite Capay mining site since at least 2020 and monitoring for methyl mercury in fish should have begun that year and not delayed until 2025 as otherwise indicated by the County.

2. Regarding the Concern about the delayed reporting of results of wet pit fish methyl mercury concentrations and “Expanded Analysis”

Note: See Pages 2- 3 in the County’s *Response* in which they repeated the Yolano Group’s original **Statement** and **Question** from their Memorandum and then provided their **RESPONSE** of which a portion is excerpted below. This is followed by a **REBUTTAL** and **CONCLUSIONS**.

2. “The Yolo County Surface Mining Reclamation Ordinance requires annual monitoring of methyl mercury in fish between September and November for mines with active impoundment pits containing water and that such reports be submitted to the County within 6 months of sampling – or no later than from March to May of the following year depending on when samples were taken. The last monitoring reports were submitted in late 2022 for samples taken in the years 2020 and 2021. The last methyl mercury reporting reports were thus from a minimum of about 6 months to almost 2 years late as otherwise required by the Surface mining Reclamation Ordinance. No monitoring reports have yet been submitted for 2022 and 2023 and are similarly from about 6 months to almost 2 years late as otherwise required. The monitoring report for 2024 is due, at latest, from 2 months to 5 months depending on when the samples were taken.”

“*Question - When will the mining companies submit the overdue reports for these years and what will the County do to ensure the reports are filed in a timely manner in the future?*”

“RESPONSE: As a clarification, the mining companies do not “submit” these reports. Rather, the County contracts with mercury expert Dr. Darell Slotton to have the reports completed. Once prepared, the reports are reviewed, finalized, and then uploaded by County staff to the Cache Creek Area Plan (CCAP) website...The County determined early on in the administration of the mercury monitoring program that contracting with one qualified expert consultant to perform all monitoring at all sites using consistent methods and approach, under the oversight of the County, was superior to individual monitoring and reports from each independent operator using potentially inconsistent methods and approaches.

...

However, the analysis of results and report preparation are indeed lagging.

...

Staff is seeking to achieve the following schedule for currently outstanding monitoring reports:

- 2022 Fish Mercury Monitoring – The report was finalized and subsequently posted on the County’s website on July 2, 2025.
- 2023 Fish Mercury Monitoring – All data were collected on time and data analysis has been completed. The draft report is under preparation. Staff expects to post the final report between September and December of this year.
- 2024 Fish Mercury Monitoring – All data were collected on time and data analysis is underway. Staff expects to post this report between September and December of this year.”

REBUTTAL - While we are gratified that the County acknowledges the delays in submission of the testing results and that the delayed reports for 2022, 2023, and 2024 will finally be submitted and available for public review by the end of the year, the above statement regarding who is responsible for submitting such reports is misleading. While it may be technically accurate that the County has subsequently agreed to manage the testing and submission of reports to ensure consistency, the Surface Mining Reclamation Ordinance is otherwise very clear that it is the responsibility of the mining companies themselves, and not the County, to ensure the collection and submission of the fish methyl mercury concentrations as further discussed below in the excerpts from Surface Mining Reclamation Ordinance.

“Sec. 10-5.517. Mercury bioaccumulation in fish

*As part of each approved long-term mining plan involving wet pit mining to be reclaimed to a permanent pond, lake, or water feature, **the operator shall maintain, monitor, and report to the Director according to the standards given in this section.** (Bold emphasis added)*

...

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

CONCLUSIONS – It is clear and not disputed that significant years-long delays in reporting fish methyl mercury concentrations and Expanded Analysis has occurred that are well beyond the 6-month time deadline between sample collection and data submission to the County as is provided for in the Surface Mining Reclamation Ordinance. The County’s Response, however, infers that this is a failure on the part of the County rather than the mining companies as the County has otherwise assumed full reporting responsibility on behalf of the mining companies to ensure “consistency”. However, this “consistency”

could have just as easily been provided by requiring the mining companies to adhere to a very precise testing, measuring, and reporting methodology and protocol as is explicitly allowed in the Reclamation Ordinance rather than taking on these responsibilities and liabilities itself.

It is clearly the mining company (i.e. the “operator” of the mine), not the County, that has the primary responsibility for measurement and reporting of fish methyl mercury concentrations to the County. If the mining companies choose to “subcontract” that responsibility to the County, it still does not relieve them of their primary responsibilities to ensure the data is submitted to the County in a timely manner to be compliant with Surface Mining Reclamation Ordinance their mitigation responsibilities to the County under the California Environmental Quality Act (CEQA) and the California Surface Mining and Reclamation Act (SMARA).

Note that the same responsibilities for taking, analyzing, and submitting “Expanded Analysis” water quality and sediment samples similarly lie with the “operator” of the mine (i.e. the mining company) according to the Surface Mining Reclamation Ordinance - and not the County which has otherwise assumed these responsibilities.

Further, by assuming these testing and reporting responsibilities on behalf of the mining companies, the County may be inadvertently taking on huge future legal liability for their ongoing failure to meet the objective reclamation standards imposed by the Reclamation Ordinance.

For instance, could not the mining companies easily defend themselves against future charges that they have failed to uphold their testing and reporting and other environmental responsibilities under the Surface Mining Reclamation Ordinance by simply stating that they are not responsible because the County had agreed to assume full responsibility for such activities. This could potentially relieve the mining companies of all liabilities due to the County’s failure to ensure the testing and reporting was carried out in a timely manner.

Additionally,, by the County assuming these responsibilities on behalf of the mining companies, the County’s failure to perform may prevent the County from ever recovering damages for reclamation failures from the mining companies in the event that is necessary in the future. This is, should the County ever be required to initiate procedures against the mining companies for failure to remedy the methyl mercury problems and seek damages to resolve ongoing contamination in the wet pits and mining sites, the mining companies could simply invoke the legal principle of “*unclean hands*” as a defense. That is, the mining companies could claim that their failures to properly perform under the provisions of the Surface Mining Reclamation Ordinance is entirely due to the County’s own misconduct and failure (i.e. their “*unclean hands*”) to properly administrate the submission of testing reports for which the County has now assumed full responsibility.

Thus, we do not believe it is either legally or financially prudent or advisable for the County to continue to assume these testing responsibilities especially since the County has proven itself completely incapable of complying with the time-related deadlines imposed by the Surface Mining Reclamation Ordinance.

3. Regarding Concerns about delays in timely “implementing” Lake Management Plans.

Note: See Pages 4- 5 in the County’s Response in which they repeated the Yolano Group’s original **Statement** and **Question** from their Memorandum and then provided their **RESPONSE** of which a portion is excerpted below. This is followed by a **REBUTTAL** and **CONCLUSIONS**.

“The County’s aquatic Biologist stated in the 2020 annual monitoring report that preparation of lake management plans were indicated for a number of mines based on the expanded water and pit sediment testing results previously reported. Such lake management plans are required to be implemented within 3 years of completion of expanded testing – or by the end of 2023 at the latest. However, no such plans have even yet been submitted to the County for review much less implemented. The aquatic biologist also stated in the 2021 monitoring results report that additional lake management plans were indicated for other mines based on the further expanded analysis reported. Such additional lake management plans should have been implemented by the end of last year but none have been even submitted for review.”

“Question - When will the mining companies implement the overdue lake management plans?”

“RESPONSE: *“Characterization of the LMPs as overdue is not accurate. The LMPs are required to “... generally be **implemented within three (3) years of reported results from the expanded analyses ...**” [County Code Section 10-5.517(g)(1)(A)], which is comprised of the expanded water column profiling and the bottom sediment analysis. (Bold emphasis added)*

...
County staff have interpreted that the expanded water column testing is required for each of the additional five years of testing specified in Section 10-5.517(e)(2).

...
The ordinance makes an intended distinction between “preparation” of an LMP and “implementation” of an LMP. Three operations have indeed triggered the need to prepare an LMP and, in October 2024, the County appropriately documented this, as addressed below. However, the deadline for LMP implementation has not yet occurred. The 2022 Water Column Profiling report is the fifth year of expanded monitoring. Had the 2022 report been published in 2023, the target for implementation of the LMPs would generally be within three years of that date (May/June 2026); however, the ordinance allows for flexibility. This is appropriate as the LMP is to be informed by the first five years of fish mercury monitoring, the additional five years of fish mercury monitoring, the five years of expanded water column profiling, and the bottom sediment testing. In summary the LMPs are not overdue.

County staff are in the process of finalizing the LMP template to be used for the three operations that require an LMP. In June of 2022, in order to facilitate consistency between operators, County staff prepared a draft LMP template. The County subsequently contracted with mercury expert Dr. Stephen McCord to assist with initiating the LMP process.

On October 11, 2024, based on the results of the monitoring to date, three operations (Cemex, Vulcan [formerly Syar], and Teichert Esparto) were notified that LMPs would be required for the respective “hot pits” at their operations. The County and Dr. McCord subsequently participated in a workshop with the Yolo Working Group of the California Construction and Industrial Materials Association (CALCIMA) on October 18, 2024, to discuss preparation of the LMPs. In October 2024, Dr. McCord submitted a Technical Memorandum entitled Cache Creek Off-Channel Aggregate Mining Ponds – Mercury Management Strategies, which outlined an approach for identifying fish mercury reduction actions, testing and monitoring those actions, and utilizing that information to prepare effective LMPs. In the weeks following the workshop, the respective operators notified the County of their preference to have the County collaboratively oversee the collective preparation of the required LMPs by Dr. McCord, informed by the data and analysis compiled over the years by Dr. Slotton, and by the results of the approach outlined in the Technical Memorandum. The County is now proceeding with the next step which is to move forward on this process pursuant to the Technical Memorandum, and previously developed LMP template.”

REBUTTAL – The County’s **Response** is factually incorrect in some respects, misleading in other respects, and does not take into account the earlier explicit but unheeded recommendation of the County’s methyl mercury expert, Dr. Darrel Slotten.

Despite the County’s convoluted verbal contortions to try to explain why the LMPs have not yet been “implemented” as otherwise required by the Reclamation Ordinance, we note that on three separate occasions in the past, the County’s methyl mercury expert, Dr. Slotten, indicated in his annual reports on methyl mercury testing that it was time to develop the Lake Management Plans, as follows;

From the 2020 Cache Creek Off Channel Fish Monitoring.pdf - “*With three years now of additional information at Cemex–Phase 3-4, Teichert–Esparto, and Syar–B1, it is time (late 2022 at the time of this reporting) to begin developing Lake Management Plans for those sites.*” (p.115).

From the 2021 Cache Creek Off Channel Fish Monitoring.pdf - “*At this point (late 2022 at the time of this reporting), with 3-4 years of additional information at Cemex–Phase 3 and 4, Teichert–Esparto, Syar–B1, and Syar–West, it is time to develop Lake Management Plans for those sites.*” (see p.130)

From the 2022 Cache Creek Off Channel Fish Monitoring.pdf - “*At this point, with an extensive monitoring record since 2015, it is time to develop Lake Management Plans for those sites*”. (p.121)

If the 2020 Cache Creek Off Channel Fish Monitoring and Expanded Analysis reports were properly and timely filed in early 2021 *as specifically required by the Surface Mining Reclamation Ordinance*, this would indicate that Lake Management Plans should have been “*implemented*” by early 2024 at the latest - 3 years after the Expanded Analysis was completed and reported. Yet here we are in late 2025 and the County has not even “*prepared*” a single Lake Management Plan much less “*implemented*” one.

The County is otherwise claiming that they interpret the Surface Mining Reclamation Ordinance as requiring 5 consecutive years of Expanded Analysis before the need for Lake Management Plans are required. “*County staff have interpreted that the expanded water column testing is required for each of the additional five years of testing specified in Section 10-5.517(e)(2).*” But the County does not otherwise provide any legal basis or reference to specific provisions in the Surface Mining Reclamation Ordinance to justify this interpretation. It otherwise appears that the County is proposing this interpretation solely because they are so far behind in preparing and implementing the Lake Management Plans for which they are assuming responsibility and not because there is an underlying legal basis for this claim.

And it appears that the County now wants to extend these deadlines even further because they are claiming that the deadlines for Lake Management Plans extend from the dates the Expanded Analyses were actually submitted even though submission of those reports themselves are years late because of the County’s own mismanagement of the test result submission process.

Functionally, the County is admitting that it was their mismanagement that caused the delays in submitting the methyl mercury and Expanded Analysis test results but claim these mismanagement-induced delays justifies the delays in preparing and implementing the prescribed Lake Management Plans.. At best, this is disingenuous and speaks to the competency of County Staff to further manage the preparation and implementation of the required LMPs.

In the County’s Response it was stated, “*...the respective operators notified the County of their preference to have the County collaboratively oversee the collective preparation of the required LMPs...*”. However, it is the clear responsibility of the “*operator*” (i.e. the mining company themselves) to prepare and implement these Lake Management activities as prescribed by the Surface Mining Reclamation Ordinance, as follows;

*“Section 517(g)(1),, “General. If monitoring conducted during the mining or post-reclamation phases triggers the requirement to undertake expanded analysis and prepare and implement a lake management plan, **the operator shall implement lake management activities...**” (Bold emphasis added).*

Further, in light of the abject failures of the County to even monitor and ensure fish methyl mercury and Expanded Analysis test results were submitted and posted in a timely manner, it calls to question the ability of the County to similarly properly oversee this “*preparation*”, much less later “*implementation*”, of Lake Management Plan as they indicate given their current acute staffing shortages.

In fact, numerous staffing shortages now exist in the County which did not even exist before when the County was already unable to provide timely submittals and posting of the annual fish methyl mercury and Expanded Analysis test results. The County has not provided any credible evidence to support a claim that they have the requisite Staff experience and expertise to now oversee the preparation of the Lake Management Plans in the future.

In fact, similar to the situation with the delays in submitting methyl mercury and Expanded Analysis test results, for the County to take on this additional responsibility of “*overseeing*” the preparation and implementation of the LMPs may functionally preclude the County from ever seeking redress from the mining companies for subsequent failures of the LMPs to the potential financial and environmental distress of the County.

Finally, the County’s *Response* states that “*The ordinance makes an intended distinction between “preparation” of an LMP and “implementation” of an LMP. Three operations have indeed triggered the need to prepare an LMP and, in October 2024, the County appropriately documented this, as addressed below. However, the deadline for LMP implementation has not yet occurred...In summary the LMPs are not overdue.*”

There certainly is an intended distinction between “*preparation*” and “*implementation*” in the Surface Mining Reclamation Ordinance. But this has nothing to do with the fact that the “*implementation*” of the LMPs are years late. Indeed, this argument is a simply another attempt by the County to divert attention from the simple and undeniable fact that the LMPs are woefully late already and probably will not be actually “*implemented*” for some years to come.

CONCLUSIONS

The County’s interpretation of the provisions of the Surface Mining Reclamation Ordinance regarding the deadlines mandated for required preparation and implementation of the Lake Management Plans are self-serving and inaccurate. These LMPs are unquestionably years late in the making and all evidence indicates that these delays are the direct fault of the County failures to enforce the provisions of the Surface Mining Reclamation Ordinance.

SUMMARY

The County’s ongoing and repeated failures to properly administrate the provisions of the Surface Mining Reclamation Ordinance has shown it is functionally incapable of solving the severe environmental ills caused by off-channel mining in Yolo County.

There are two immediate remedies:

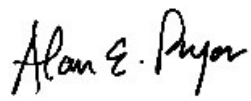
- 1) The County should immediately establish an independent Technical Advisory Committee (TAC) to oversee the performance and fulfillment of the mining companies obligations under the Surface Mining

Reclamation Ordinance. With this independent technical oversight provided by a new off-channel mining TAC, many of the shortcomings seen in off-channel mining reclamation and reporting that have occurred in the past could be potentially resolved and some of the daunting technical challenges in providing adequate restoration and reclamation could be overcome.

2) The County should immediately turn the responsibility for both testing of submitting test results and implementing the now long-delayed LMPs back to the mining companies themselves. This is arguably necessary to get those programs back on track but also to put the responsibility and onus of performance back on the mining companies which have far greater financial resources at their disposal to do so. This will also put the legal liability for failure to perform under the Surface Mining Reclamation Ordinance back on the mining companies which will provide further incentives for them to fulfill their obligations to the County.

Thank you for your consideration of this information.

Respectfully submitted,

A handwritten signature in black ink that reads "Alan E. Pryor". The signature is written in a cursive, slightly slanted style.

Alan Pryor

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

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Hello Jeff,

Pls forward my comments to the Planning Commission.

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

--

Catherine Portman
For wildlife and wildlands
burrowingowls.org
5308675736

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

Good morning Stephanie,

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

Thanks!

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

Be kind...Watch what happens

Maximizer~Connectedness~Harmony~Positivity~Responsibility

 **Think before you print!**

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

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Dear Planning Commission, dear Board of Supervisors,

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

*Alessa Johns
Professor Emerita of English
UC Davis*

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

Hello Stephanie,

Sending this an FYI...

Thanks!

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

Be kind...Watch what happens

Maximizer~Connectedness~Harmony~Positivity~Responsibility

 **Think before you print!**

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

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

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

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

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

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

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

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

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

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

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

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

October 9, 2025

TO: Yolo County Planning Commission
FROM: Steve Sagara
RE: Statement Regarding Farming of Reclaimed Ground

In the years prior to this reclamation procedure, I would venture to guess that 20% of the parcel was incapable of producing any meaningful returns to my operation.

I had taken many crops of tomatoes off of this field and I can't remember a single instance where I was able to take a crop off under optimum conditions. There were many strips throughout this field with a very shallow layer of topsoil with sand and gravel very near the surface. These areas within this parcel had very low moisture retention. When these areas were ready to be harvested, the areas with the deep topsoil were still lushly growing and too green for harvest. What I normally did was wait for the fruit on the deeper topsoil to ripen and let the fruit on the gravelly areas burn up. I feel that all my chemical and energy applications were wasted on the areas with the shallow topsoil.

From an economic standpoint, it is virtually impossible for a farmer to correct this situation by removing a non-productive soil structure from the middle of a field and replacing it with a layer of topsoil of uniform depth. This reclamation procedure has solved my problems.

Now, with a uniform layer of good topsoil over the entire area I farm, it makes for a much desired efficiency from a farmer's standpoint. I will now have the same total production as before with 20% less chemical application and energy use.

NOTE: This same scenario holds true for all crops that I plant in this area.

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

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Hi Stephanie and Jeff,

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

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

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

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

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

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

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

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

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

Michael