

# YOLO COUNTY

## CACHE CREEK AREA PLAN UPDATE PROJECT

### RESPONSE TO COMMENTS DOCUMENT



STATE CLEARINGHOUSE NO. 2017052069



August 2019



*Patrick S. Blacklock*  
County Administrator

Office of the County Administrator  
**COUNTY OF YOLO**

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**NATURAL RESOURCES DIVISION**  
625 Court Street, Room 202  
Woodland, CA 95695  
530-666-8150 • FAX 530-668-4029  
[www.yolonaturalresources.org](http://www.yolonaturalresources.org)

**NOTICE OF AVAILABILITY for the RESPONSES TO COMMENTS  
on the DRAFT ENVIRONMENTAL IMPACT REPORT  
for the CACHE CREEK AREA PLAN UPDATE PROJECT**

**NOTICE OF PUBLIC HEARINGS to consider adoption  
of the CACHE CREEK AREA PLAN UPDATE**

**DATE:** August 19, 2019  
**TO:** Interested Agencies and Individuals  
**FROM:** Yolo County Natural Resources Division

**The Responses to Comments on the Draft Environmental Impact Report (DEIR) (SCH #2017052069) for the Cache Creek Area Plan (CCAP) Update are now available for review. Public hearings to consider certification of the EIR and adoption of the CCAP Update will be held before the Yolo County Planning Commission on Thursday, September 12, 2019 at 8:30 am and before the Yolo County Board of Supervisors on October 8, 2019 at 9:00 am. More information is provided below.**

The Cache Creek Area Plan (CCAP) is a rivershed management plan adopted in 1996 that regulates off-channel mining and in-channel restoration along the Lower Cache Creek corridor. The Plan is comprised of the Off-Channel Mining Plan (OCMP), the Cache Creek Resources Management Plan (CCRMP), and the Cache Creek Improvement Program (CCIP), and is implemented by the Cache Creek In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, the Surface Mining Reclamation Ordinance, the Gravel Mining Fee Ordinance, and the Flood Protection Ordinance.

The Proposed Project is an update to the CCAP, comprised of an integrated set of proposed modifications to the CCAP and the ordinances that implement it, to reflect changing conditions in the creek, analysis of monitoring data collected as a part of the program, new regulatory requirements, and clarifications and corrections. This review and update is a mandated part of the adopted program. The CCAP is based on the concept of adaptive management and relies on ongoing detailed monitoring, analysis, and reevaluation.

The CCAP area encompasses 28,130 acres within unincorporated Yolo County along the 14.5-mile length of Lower Cache Creek, extending generally from west of the Capay Dam on the west, to the town of Yolo on the east.

The proposed changes fall into three categories: 1) updates to include history and context of what has occurred under the program since 1996, including updates related to the regulatory framework and corrections of errata; 2) clarifications that better describe the intent of the program relative to the text included in the original documents; and 3) other proposed changes to the program.

Key proposed changes that are analyzed in the Draft EIR include: 1) increase of the in-channel material removal limit from 210,000 tons to 690,800 tons annually; 2) identification of an additional 1,188 acres within the planning area to be rezoned to add the Sand and Gravel Reserve Overlay (SGRO) zone, which allows for future possible aggregate mining; and 3) extension of the plan horizon year to 2068.

The proposed CCAP Update will require the following actions by the County:

- Certification of the EIR including a Resolution adopting findings of fact and taking other actions required under CEQA.
- Approval of the CCAP Update.

- Approval of a Resolution(s) amending the 2030 Countywide General Plan to recognize the changes to the CCAP including amendments to the OCMP, CCRMP, and CCIP.
- Approval of an Ordinance(s) modifying the In-Channel Maintenance Mining Ordinance, Off-Channel Surface Mining Ordinance, Surface Mining Reclamation Ordinance, Gravel Mining Fee Ordinance, and Flood Protection Ordinance to incorporate the CCAP Update changes.
- Approval of an Ordinance amending the zoning for 1,188 acres to add the SGRO zone.
- Approval of amendments to the County's Williamson Act Guidelines to align them with the CCAP.

Ongoing in-channel and off-channel activities may involve approvals from other agencies as well, including, but not limited to: Yolo-Solano Air Quality Management District, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers.

The County and its consultant, Baseline Environmental Consulting, have prepared a Responses to Comments (RTC) document that responds to comments received on the Draft Environmental Impact Report (DEIR) and the proposed CCAP Update during the public comment period. The RTC document and the DEIR together comprise the Final EIR (FEIR) for the project. The **Responses to Comments document is now available for public review** and can be accessed at the following website: <https://www.yolocounty.org/general-government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/cache-creek-area-plan-ccap/cache-creek-area-plan-20-year-update>

Printed copies may be reviewed at the Yolo County Planning Division at 292 West Beamer Street, Woodland, CA 95695 and at the Yolo County Natural Resources Division at 625 Court Street, Room 202, Woodland, CA 95695. Electronic copies of the document are available free of charge at the Yolo County Natural Resources Division at 625 Court Street, Room 202, Woodland, CA 95695. Printed copies of the document can be ordered for a fee to cover the cost of printing – please make prior arrangements with the Yolo County Natural Resources Division (see contact information below) if you wish to order a printed copy. A printed copy of the document is also available for public review at the Woodland Public Library at 250 First Street, Woodland, CA 95695.

Please contact Casey Liebler, Natural Resources Program Coordinator, Yolo County Administrator's Office, at [NaturalResources@yolocounty.org](mailto:NaturalResources@yolocounty.org) or (530) 666-8150 should you have any questions about the project or how to access project documents.

**A public hearing will be held on September 12, 2019 before the Planning Commission** at 8:30 am at the Yolo County Board of Supervisors Chambers on the second floor at 625 Court Street, Woodland, CA 95695 to receive public comments on the project and make a recommendation to the Board of Supervisors regarding certification of the FEIR and approval of the CCAP Update.

**A public hearing will be held October 8, 2019 before the Board of Supervisors** at 9:00 am at the Yolo County Board of Supervisors Chambers on the second floor at 625 Court Street, Woodland, CA 95695 to receive public comments on the project and take a final action to certify the FEIR and approve the CCAP Update.

There will be no transcription of oral comments at these hearings. Those who wish to have their verbatim comments incorporated into the record must submit their comments in writing a minimum of 48 hours in advance of the start of the meeting/hearing.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Clerk of the Board at (530) 666-8195. Please make your request as early as possible and at least one-full business day before the start of the meeting.

Pursuant to California Government Code Section 65009(b)(2) and other provisions of law, any lawsuit challenging the approval of a project described in this notice shall be limited to only those issues raised at the public hearing or described in written correspondence delivered for consideration before the hearing is closed.

YOLO COUNTY  
CACHE CREEK AREA PLAN UPDATE PROJECT  
RESPONSE TO COMMENTS DOCUMENT

STATE CLEARING HOUSE NO. 2017052069

Lead Agency:  
Yolo County Administrator's Office  
Natural Resources Division  
625 Court Street, Room 202  
Woodland, CA 95695

Prepared by:  
Baseline Environmental Consulting  
5900 Hollis Street, Suite D  
Emeryville, CA 94608



AUGUST 2019

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- C: REVISED TABLE 3.1, SUMMARY OF CCAP MINING TONNAGES

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## LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AG	Agriculture
A-PEFZ	Alquist- Priolo Earthquake Fault Zone
AQAP	Air Quality Attainment Plan
BTP	Bicycle Transportation Plan
CAA	Clean Air Act
CAAQS	California ambient air quality standards
CalEEMod	California Emissions Estimator Model
Cal/OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCAP	Cache Creek Area Plan
CCIP	Cache Creek Improvement Plan
CCR	California Code of Regulations
CCRMP	Cache Creek Resource Management Plan
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
cfs	cubic feet per second
CFT	Channel Form Template
CGS	California Geological Survey
CH <sub>4</sub>	methane
CIP	Countywide Transportation Capital Improvement Plan
CNCA	California Noise Control Act
CNDDB	California Natural Diversity Data Base

CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO <sub>2</sub> e	carbon dioxide equivalent
Corps	U.S. Army Corps of Engineers
CSMP	Corridor System Management Plans
CVFPB	Central Valley Flood Protection Board
CWA	Clean Water Act
DA	Development Agreement
dB	decibel
dba	A-weighted decibels
DOC	State Department of Conservation
DPM	designated diesel particulate matter
DWR	Department of Water Resources
EIR	Environmental Impact Report
EMFAC	California Emission FACTors
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
Fee Ordinance	Title 10, Chapter 11, Gravel Mining Fee Ordinance
FESA	Federal Endangered Species Act
FIRMs	Flood Insurance Rate Maps
FIS	Flood Insurance Study
FMMP	California Department of Conservation Farmland Mapping and Monitoring
Flood Protection Ordinance	Title 8, Chapter 4, Flood Protection Ordinance
Forest Land	Land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits
FSEIR	Supplemental Program/Project-Level Environmental Impact Report

GHGs	Greenhouse gases
GSAs	Groundwater Sustainability Agencies
GSP	Groundwater Sustainability Plans
GWP	global warming potential
H&SC	Health and Safety Code
HCP/NCCP	Habitat Conservation Plan/Natural Communities Conservation Plan
HFCs	hydrofluorocarbons
Hz	Frequency
In-Channel Ordinance	Title 10, Chapter 3, Cache Creek In-Channel Maintenance Mining Ordinance
in/sec	inches per second
IPCC	International Panel on Climate Change
IRPs	Integrated Resources Plans
LCFS	low-carbon fuel standard
Ldn	day-night level
Leq	one-hour average noise level equivalent
LOS	Level of Service
LTS	less-than-significant impact
Mining Ordinance	Title 10, Chapter 4, Off-Channel Surface Mining Ordinance
mph	miles per hour
MBTA	Migratory Bird Treaty Act
MPO	metropolitan planning organization
MRZ	Mineral Resource Zone
MT	metric tons
MTIP	2017-20 Metropolitan Transportation Improvement Program
MTP/SCS	2016 Metropolitan Transportation Plan/Sustainable Communities Strategy
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NCCP/HCP	Natural Communities Conservation Plan/Habitat Conservation Plan

NECPA	National Energy Conservation Policy Act
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHAC	Native American Heritage Commission
NOAA	National Oceanic Atmospheric Administration
NO <sub>s</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NWI	National Wetland Inventory
NWIC	Northwest Information Center
OCMP	Yolo County Off-Channel Mining Plan
OES	Yolo County Office of Emergency Services
OHWM	ordinary high water mark
PCC	Portland cement concrete
PFCs	perfluorocarbons
PM	particulate matter
PM <sub>10</sub>	particulate matter with a diameter less than 10 microns
PM <sub>2.5</sub>	fine particulate matter
PPV	peak particle velocity
Reclamation Ordinance	Title 10, Chapter 5, Surface Mining Reclamation Ordinance
RMS	root mean square
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
S	significant impact
SACOG	Sacramento Area Council of Governments
SB	Senate Bill
SCSs	sustainable communities strategies

SF <sub>6</sub>	sulfur hexafluoride
SG	Sand and Gravel
SGMA	Sustainable Groundwater Management Act
SGO	Sand and Gravel Overlay
SGRO	Sand and Gravel Reserve Overlay
SIP	State Implementation Plan
SLAMS	State and Local Air Monitoring Stations
SMARA	Surface Mining and Reclamation Act
SO <sub>2</sub>	sulfur dioxide
SSC	Species of Special Concern
Streamway Influence Boundary	Defined as the area (unspecified acreage) where the OCMP and CCRMP overlap (where the creek affects off-channel land uses) based on the historical extent (historical floodplain or historical meander) of the channel.
SU	significant and unavoidable impact
SVAB	Sacramento Valley Air Basin
TAC	Technical Advisory Committee
TMDLs	total maximum daily loads
TACs	toxic air contaminants
TCR	Tribal Cultural Resources
Timberland	Land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis. In this code section, "Board" means the State Board of Forestry and Fire Protection (per the Public Resources Code section 4526)
TIS	transportation impact study
USEPA	United States Environmental Protection Agency
USFWS	U.S. Fish & Wildlife Service
USGS	United States Geological Survey
VdB	vibration decibels
VELB	Valley elderberry longhorn beetle

VMTs	vehicle miles traveled
WRA	Water Resources Association of Yolo County
YCFCWCD	(needs definition) appears in Project Description page 3-6
YCTD	Yolo County Transportation District
YSAQMD	Yolo-Solano Air Quality Management District

# 1.0 INTRODUCTION

## 1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

In compliance with the California Environmental Quality Act (CEQA), this document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed update to the Cache Creek Area Plan (referred to hereafter as CCAP Update or proposed Project) for the County of Yolo (County). The Draft EIR identifies the likely environmental consequences associated with implementation of the proposed Project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments, or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed Project.

## 1.2 PROPOSED PROJECT

The Cache Creek Area Plan (CCAP or Plan) is a rivershed management plan adopted by Yolo County in 1996 for 14.5 miles of Lower Cache Creek, located generally between an area just west of the Capay Dam and the town of Yolo. The CCAP was adopted as a “specific plan” pursuant to Section 65450 et seq. of the California Government Code, and as a part of the County’s General Plan. As a result, changes to the CCAP are regulated as amendments to the 2030 Countywide General Plan. The lead agency for the proposed Project is Yolo County, specifically the Natural Resources Division of the Yolo County Administrator’s Office.

The CCAP consists of two distinct, complementary plans governing different areas of the overall plan area, namely the Off-Channel Mining Plan (OCMP) and the Cache Creek Resources Management Plan (CCRMP). The OCMP is an aggregate resources management plan that established a policy and regulatory framework that allows for controlled off-channel gravel mining in exchange for relinquished in-channel mining rights. The CCRMP is a creek restoration plan that includes the Cache Creek Improvement Program (CCIP) for implementing on-going projects to improve, stabilize, and maintain the creek. A number of implementing ordinances were also prepared to regulate activities to be undertaken under the CCAP, as follows.

- Title 10, Chapter 3, Cache Creek In-Channel Maintenance Mining Ordinance (hereafter referred to as the In-Channel Ordinance)
- Title 10, Chapter 4, Off-Channel Surface Mining Ordinance (hereafter referred to as the Mining Ordinance)
- Title 10, Chapter 5, Surface Mining Reclamation Ordinance (hereafter referred to as the Reclamation Ordinance)

- Title 10, Chapter 11, Gravel Mining Fee Ordinance (hereafter referred to as the Fee Ordinance)
- Title 8, Chapter 4, Flood Protection Ordinance (hereafter referred to as the Flood Ordinance)

The proposed Project is a mandatory update of the Cache Creek Area Plan (CCAP). In June 2015, the County Board of Supervisors approved a work plan for the ten-year review and update of the CCAP including preparation of new technical analyses to guide the CCAP Update. The 2017 Technical Studies were completed in March of 2017. The CCAP Update is based on the findings of the 2017 Technical Studies (described in Chapter 3.0, Project Description in the Draft EIR) and County experience implementing the program over the past 20 years.

The CCAP Update will regulate future creek restoration projects and mining uses within the CCAP Project area. The CCAP Update includes, among other changes, an extension of the Plan's horizon date from 2026 to 2068, and revisions to the CCRMP, OCMP, and implementing ordinances that are interconnected parts of a series of contemplated actions governing and mitigating the effects of planned off-channel mining and reclamation activities and in-channel creek maintenance and restoration activities. Based on the 2017 Technical Studies, and analysis of modeling and monitoring conducted pursuant to the CCAP over the last 20 years, the revisions to the CCRMP, OCMP, and ordinances generally clarify, modify, and modernize the requirements, guidelines, and other general criteria governing implementation of the CCAP.

Proposed changes to the CCRMP that may lead to environmental impacts are to: 1) increase the in-channel material removal limit from 210,000 tons to 690,800 tons, and 2) modify the in-channel boundary and CCRMP boundary based on channel changes. Proposed changes to the OCMP that might result in environmental impacts are: 1) identification of an additional 1,188 acres within the planning area to be rezoned for future aggregate mining, and 2) extension of the horizon year to 2068 to allow for a full 50 years of future program implementation and to be consistent with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The CCAP Update also includes revisions to the implementing ordinances related to updating the regulatory framework for the CCRMP and OCMP. Refer to Chapter 3.0, Project Description, for a complete description of the CCAP Update assumptions, specific revisions, and associated approvals.

### **1.3 ENVIRONMENTAL REVIEW PROCESS**

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the agencies and the general public with an opportunity to comment on the Draft EIR.

The County published and circulated a Notice of Preparation (NOP) and Initial Study (IS) in May 2017 to help identify the types of impacts that could result from the proposed Project, as well as potential areas of controversy. The NOP and IS were mailed to public agencies, organizations and individuals likely to be interested in the Project and its potential impacts. Additionally, a public meeting was held before the County Planning Commission on June 8, 2017, to introduce the CCAP Update and conduct a scoping session for the Draft EIR. The County received

comments on the NOP/IS and considered them during preparation of the EIR. Copies of the NOP and the comment letters are included in Appendix A. The Initial Study is included in Appendix B of the Draft EIR.

The Draft EIR was made available for public review on May 10, 2019, and was distributed to local and State responsible and trustee agencies. The County conducted a 45-day public review and comment period extending from May 10, 2019 to June 24, 2019. The Draft EIR and an announcement of its availability were posted electronically on the County's website, and hard copies were available for public review at the County's Community Services Department, County Administrator's Office and the Woodland Public Library at 250 First Street, Woodland, CA 95695.

Additionally, the County held a public meeting on the CCAP Update and Draft EIR on June 13, 2019, to provide the public and interested parties an opportunity to comment on the adequacy of the information presented in the Draft EIR. No comments on the Draft EIR were made at that meeting.

During the Draft EIR public review and comment period, the County received seven comment letters including a letter from the State Clearinghouse acknowledging compliance with its review requirements for draft environmental documents. Copies of all written comments received during the comment period are included in Chapter 3.0, Comments and Responses, of this document. Meeting minutes from the June 13, 2019 meeting are also included in Chapter 3.0.

The proposed CCAP Update will require the following actions by the County:

- Certification of the EIR including a Resolution adopting findings of fact and taking other actions required under CEQA.
- Approval of the CCAP Update.
- Approval of a Resolution(s) amending the 2030 Countywide General Plan to recognize the changes to the CCAP including amendments to the OCMP, CCRMP, and CCIP.
- Approval of an Ordinance(s) modifying the In-Channel Maintenance Mining Ordinance, Off-Channel Surface Mining Ordinance, Surface Mining Reclamation Ordinance, Gravel Mining Fee Ordinance, and Flood Protection Ordinance to incorporate the CCAP Update changes.
- Approval of an Ordinance amending the zoning for 1,188 acres to add the SGRO zone.
- Approval of amendments to the County's Williamson Act Guidelines to align them with the CCAP.

#### 1.4 DOCUMENT ORGANIZATION

This RTC document is organized into the following chapters:

**Chapter 1.0 Introduction:** This chapter discusses the purpose and organization of this RTC Document, and the Final EIR, and summarizes the environmental review process for the Project.

**Chapter 2.0 Draft EIR Commenters:** This chapter contains a list of agencies, individuals and organizations who submitted written comments on the Draft EIR during the public review period.

**Chapter 3.0 Comments and Responses:** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each comment received during the public review period is provided. Each response is numbered to correspond to the appropriate comment.

**Chapter 4.0 Revisions to the Draft EIR:** This chapter contains changes to the Draft EIR to clarify, amplify, and/or make clarifications. Double underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.

### **Appendices**

- A. Final EIR Summary of Impacts and Mitigations:** The table in this appendix provides a revised and updated summary table of impacts and mitigation measures (Table 2-1 in the Draft EIR) that were identified in the Draft EIR. The table provides updated mitigation measures as revised in this Response to Comments document.
- B. Mitigation Monitoring and Reporting Program:** This appendix provides the Mitigation Monitoring and Reporting Program for the CCAP Update Project.
- C. Revised Table 3.1, Summary of CCAP Mining Tonnages:** This appendix provides a revised Table 3.1 that provides a summary of CCAP mining tonnages.

## 2.0 DRAFT EIR COMMENTERS

This chapter presents a list of comment letters received during the public review period of the Draft EIR and describes the organization of the letters and comments that are provided in Chapter 3.0, Comments and Responses, of this document.

### 2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a reproduction of each comment letter received on the Draft EIR. Each letter is numbered in the order in which it was received by the County. Comments within each letter are bracketed to distinguish one distinct comment from another, and each bracket is numbered to allow for a corresponding response. For example, the third comment in Letter 4 would be numbered 4-3 and the response to it also would be numbered 4-3. Responses are provided immediately following each comment letter/document. A speaker at the public meeting would also be designated with a number; however, no public comments were made at the public meeting held on June 13, 2019.

### 2.2 LIST OF COMMENTERS ON THE DRAFT EIR

The following comment letters were submitted to the County during the review period.

- 1 Michael Mirelez, Cultural Resource Coordinator, Torres Martinez Desert Cahuilla Indians (June 3, 2019)
- 2 Leland Kinter, Tribal Historic Preservation Officer, Yocha Dehe Wintun Nation (June 7, 2019)
- 3 Candice Longnecker, Valley Region Environmental Manager, Granite Construction Company (June 20, 2019)
- 4 Jason Smith, Aggregate Resource Development Project Manager, Teichert Materials (June 21, 2019)
- 5 Charley Rea, Director of Communications & Policy, California Construction and Industrial Materials Association (CIMA) (June 24, 2019)
- 6 Stephanie Buss, Senior Environmental Scientist (Specialist), CA Dept of Fish and Wildlife (June 24, 2019)
- 7 Scott Morgan, Director State Clearinghouse, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (June 25, 2019)

#### **Public Meeting (June 13, 2019)**

- 8 The meeting minutes for the Draft EIR comment meeting are included in this document. No comments were made on the Draft EIR at the comment meeting on June 13, 2019.

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### 3.0 COMMENTS AND RESPONSES

Written responses to the comments received on the Draft EIR are provided in this chapter. The letters received during the public review period on the Draft EIR are provided in their entirety. Oral comments are provided in summary form. Each set of comments is bracketed to distinguish one distinct comment from another, and each bracket is numbered to allow for a corresponding response. Responses are provided immediately following each comment letter/document.

Many of the comments received do not pose questions or comments about the adequacy of the information or analysis within the Draft EIR, therefore, responses are not mandated pursuant to CEQA Guidelines Section 15088(a) and 15132(d). Nevertheless, the County has provided responses to all comments received, including those directed solely to the various components of the project. Where comments on the Draft EIR concern issues requiring technical expertise, such as those related to air quality emissions, the responses to comments, like the analysis in the Draft EIR, relies on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the Draft EIR page number is identified, followed by a description of the appropriate revision. Added text is indicated with double underlined text, and deleted text is shown in strikeout. Text revisions to the Draft EIR are identified fully in Chapter 4.0 of this Response to Comments document.



TORRES MARTINEZ DESERT CAHUILLA INDIANS

P.O. Box 1160  
Thermal, CA 92274  
(760) 397-0300 – FAX (760) 397-8146

Letter  
1

June 3, 2019

Attn: Casey Liebler

**Re:** Cache Creek Area Plan (SCH #2017052069)

The Torres – Martinez Desert Cahuilla appreciates your response to our AB52 notification request. And in light of said information concerning your agencies location, the Tribe wishes to defer all future project notifications to Tribes that are closer to your area.

1-1

Respectfully,

Michael Mirelez  
Cultural Resource Coordinator  
Torres-Martinez Desert Cahuilla Indians  
Office: 760-397-0300 Ext: 1213  
Cell: 760-399-0022  
Email: mmirelez@tmdci.org

**COMMENTER 1**

Michael Mirelez, Cultural Resource Coordinator  
Torres - Martinez Desert Cahuilla Indians  
June 3, 2019

Response 1-1:           This comment states that the Torres - Martinez Desert Cahuilla appreciate the response to the AB 52 notification request and that the Tribe defers all future project notifications to Tribes that are closer to the CCAP area. Thank you for participating in this process. This comment does not pose questions or comments about the adequacy of the information or analysis within the Draft EIR, therefore, no further response is required.



YOCHA DEHE  
CULTURAL RESOURCES

RECEIVED  
JUN 14 2019  
YOLO COUNTY  
ADMINISTRATOR'S OFFICE

June 7, 2019

Yolo County Natural Resources Division  
Attn: Casey Liebler, Program Coordinator  
625 Court Street, Suite 202  
Woodland, CA 95695

RE: Cache Creek Area Plan Update

Dear Ms. Liebler:

Thank you for your project notification letter dated, May 10, 2019, regarding cultural information on or near the proposed Cache Creek Area Plan Update, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources and would like to continue to receive updates on the project. Additionally, please send us the environmental impact report for this project when completed.

Should you have any questions, please contact the following individual:

Kristin Jensen, CRD Administrative Assistant  
Yocha Dehe Wintun Nation  
Office: (530) 796-0105  
Email: [kjensen@yochadehe-nsn.gov](mailto:kjensen@yochadehe-nsn.gov)

Please refer to identification number YD-06012017-01 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Leland Kinter  
Tribal Historic Preservation Officer

2-1

**COMMENTER 2**

Leland Kinter, Tribal Historic Preservation Officer  
Yocha Dehe Wintun Nation  
June 7, 2019

Response 2-1: This comment states that the Yocha Dehe Wintun Nation received the Notice of Preparation (NOP) for the Draft EIR (sent to them May 10, 2019); that the project (CCAP Update) was reviewed; and the CCAP area is within the aboriginal territories of the Tribe. The Tribe also expresses “concerns that the project could impact known cultural resources and would like to continue to receive updates on the project,” and requests to receive the EIR for the project when completed.

Thank you for participating in the process. On July 8, 2019 the County Natural Resources Program Coordinator sent a follow-up email explaining that the electronic link to the Draft EIR was in the NOP and seeking to verify that the commenter was able to access the document. No response was received.

Cultural Resources and Tribal Cultural Resources are analyzed in Section 4.5 of the Draft EIR.



Valley Region  
P. O. Box 15287  
Sacramento, CA 95851

T 916.855.4400  
F 916.369.0429

graniteconstruction.com

Via: E-Mail

June 20, 2019

Mr. Casey Liebler  
Natural Resources Program Coordinator  
Yolo County Natural Resources Division  
625 Court Street, Suite 202  
Woodland, CA 95695  
[NaturalResources@yolocounty.org](mailto:NaturalResources@yolocounty.org)

**SUBJECT: Comments on Draft EIR for the CCAP Update Project**

Dear Mr. Liebler,

Granite Construction Company (Granite) appreciates the opportunity to comment on the Cache Creek Area Plan Update Project (Project) Draft Environmental Impact Report (DEIR). Our current comments pertain to clarifying Granite’s existing entitlements in the DEIR Project Description (i.e., Chapter 3).

3-1

Table 3-1 on pp. 3-6 and 3-7 of the DEIR does not accurately portray Granite’s existing entitlements for the Granite Capay (Ref #2) and Granite Esparto (Ref #3) sites. For your convenience, I have attached a copy of Table 3-1 for reference. In 2011, as part of the County approval of the Granite Esparto Project (Zone File #2007-0071), the maximum annual permitted production from the Capay and the Esparto site were combined to allow for accelerated mining at the Capay site. The combined production allowances are well documented, including in the Fourth Amendment to Development Agreement (#96-289) for the Granite Capay Long-Term Off-Channel Mining Permit, dated November 8, 2011. Prior to County approval of the Esparto project, the annual permitted tonnage associated with the Capay site was 1,000,000 tons (sold) plus the approved 20 percent exceedance, for an annual maximum of 1,200,000 tons (sold) in any one year. Upon County approval of the Esparto project in 2011, the Capay site annual permitted tonnage was combined with the annual permitted tonnages associated with the Esparto site of 870,000 tons (sold) plus the 20 percent exceedance, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted tonnage authorized from either site is 2,244,000 tons (sold).

3-2

Accordingly, Table 3-1 of the DEIR should be corrected as follows:

1. Footnote #7 should briefly describe the changes to the tonnage allowances at Capay. Although Footnote #8 attempts to do so in the context of the Esparto permit, it is important to clarify this for the Capay permit as well.

3-3

2. Ref line #2, Granite Capay, should be corrected as follows:
  - a. Annual Permitted Tons Sold should be corrected to 1,870,000 tons.
  - b. Annual Permitted Tons Mined should be corrected to 2,075,269 tons. Although not explicitly described in the current entitlements, this is the sum of the allowances for the combined tons mined from Capay and Esparto.
  - c. Annual 20% Exceedance Tons Sold should be corrected to 374,000 tons.
  - d. Annual 20% Exceedance Tons Mined should be corrected to 415,054 tons. Although not explicitly described in the current entitlements, this is the sum of the allowances for the combined exceedance tons mined from Capay and Esparto.
3. Ref Line #3, Granite Esparto, should be corrected as follows:
  - a. Annual Permitted Tons Sold should be corrected to 1,870,000 tons.
  - b. Annual Permitted Tons Mined should be corrected to 2,075,269 tons.
  - c. Annual 20% Exceedance Tons Sold should be corrected to 374,000 tons.
  - d. Annual 20% Exceedance Tons Mined should be corrected to 415,054 tons.
4. Ref Line #4, Granite Woodland, should be updated to clarify that the Woodland allocation was transferred to and applies to both Esparto and Capay.

3-4

3-5

3-6

Finally, we recommend that Table 3-1 be updated to clarify the currently adopted total annual tonnage cap under the existing CCAP, as well as any proposed increase to the total annual tonnage cap under the proposed CCAP Update Project.

3-7

We appreciate your attention to these comment. Please feel free to contact me at 916-855-4473 with any questions.

Sincerely,

*Candice Longnecker*

Candice Longnecker  
Granite Construction Company  
Valley Region Environmental Manager  
[candice.longnecker@gcinc.com](mailto:candice.longnecker@gcinc.com)

Enclosed: Table 3-1 Summary of CCAP Mining Tonnages

**Table 3-1 Summary of CCAP Mining Tonnages**

Ref # <sup>1</sup> / Site	Permit Approvals <sup>2</sup>					
	Annual Permitted		Annual 20% Exceedence <sup>3</sup>		Total Permitted <sup>4</sup>	
	Tons Sold	Tons Mined	Tons Sold	Tons Mined	Tons Sold <sup>5</sup>	Tons Mined <sup>5</sup>
1/CEMEX <sup>6</sup>	1,000,000	1,204,819	200,000	240,964	26.7	32.17
2/Granite Capay <sup>7</sup>	1,000,000	1,075,269	200,000	215,054	30.0	32.26
3/Granite Esparto	870,000 <sup>8</sup>	1,000,000 <sup>8</sup>	174,000 <sup>8</sup>	200,000 <sup>8</sup>	26.1 <sup>8</sup>	30.0 <sup>8</sup>
4/Granite Woodland <sup>9</sup>	Allocation of 420,000 tons mined (370,000 tons sold) annually transferred to Granite Esparto site in 2011. <sup>10</sup> Site reclaimed.					
5/Syar	1,000,000	1,111,111	200,000	222,222	30.0	33.33
6/Teichert Esparto	1,000,000	1,176,471	None <sup>11</sup>	None <sup>11</sup>	22.0	25.88
7/Teichert Woodland	Allocation of 1,176,471 tons mined (1,000,000 tons sold) annually transferred to Teichert Schwarzgruber site upon cessation of mining. <sup>12</sup> Site undergoing reclamation.				15.2	17.88
8/Teichert Schwarzgruber	1,000,000 <sup>13</sup>	1,176,471 <sup>13</sup>	200,000 <sup>13</sup>	235,295 <sup>13</sup>	4.0 <sup>13</sup>	4.65 <sup>13</sup>
9/Original In-Channel Maintenance Extraction	180,000 <sup>14</sup>	200,000 <sup>14</sup>	N/A	N/A	9.9 <sup>15</sup>	11.0 <sup>15</sup>
<b>Sub-Total Existing Conditions</b>	<b>6,050,000</b>	<b>6,944,141</b>	<b>844,000</b>	<b>1,113,535</b>	<b>163.9</b>	<b>187.2</b>
10/Proposed Teichert Shifler <sup>16</sup>	2,000,000	2,352,942	200,000	235,295	35.25 <sup>16</sup>	41.6 <sup>16</sup>
11/SGRO (Existing + Proposed CCAP Update) <sup>17</sup>	1,000,000 <sup>18</sup>	1,100,000 <sup>18</sup>	200,000 <sup>18</sup>	220,000 <sup>18</sup>	114.7 <sup>19</sup>	124.4 <sup>19</sup>
12/Proposed In-Channel Maintenance Extraction	621,720 <sup>20</sup>	690,800 <sup>20,21</sup>	N/A	N/A	12.53 <sup>21</sup>	13.92 <sup>17,21</sup>
Sub-Total Assumed Future Conditions	1,441,720 <sup>22</sup>	1,590,800 <sup>22</sup>	200,000	220,000	162.5	179.9
<b>Total</b>	<b>7,491,720<sup>22</sup></b>	<b>8,534,941<sup>22,23</sup></b>	<b>1,044,000<sup>22</sup></b>	<b>1,333,535<sup>22</sup></b>	<b>326.4</b>	<b>367.1</b>

**Source:** TSCHUDIN CONSULTING GROUP, original 1996 OCMP DEIR Table 3-1; revised 2009 Granite Esparto DEIR Table 5-1; updated January 13, 2019 for CCAP Update EIR.

**Table Notes:**

<sup>1</sup> Rows 1-9 reflect "existing" conditions" as analyzed and/or approved. Actual existing conditions are lower – see County tonnage records. Rows 10 -12 comprise assumed future conditions.

<sup>2</sup> Total allocated/approved by County under CCAP pursuant to approval of individual applications. See Development Agreements for project specific details unless otherwise footnoted.

<sup>3</sup> In any given year, if exercised by Applicant. Must be approved by County pursuant to Mining Code Section 10-4.405.

<sup>4</sup> This number is "as approved" – actual could be lower. This number will change as permits expire or are approved over time. Accurate as of table update date of Dec 19, 2018.

<sup>5</sup> In million tons

<sup>6</sup> Previously Rinker, originally Solano

<sup>7</sup> Originally R.C. Collet aka Cache Creek Aggregates

<sup>8</sup> A 30-year permit was approved November 8, 2011 for mining on 313 acres at Granite Esparto site. Mining at the site is precluded until mining at the Granite Capay site has ceased. Total tonnage allocation of 2,244,000 tons sold can be used at either site. The Granite Esparto application used all remaining Unallocated tonnage (505,859 tons mined; 500,000 tons sold) originally analyzed as part of cumulative conditions in the OCMP EIR.

<sup>9</sup> 1997 – 2001

<sup>10</sup> This tonnage was identified in the OCMP but not the OCMP EIR.

<sup>11</sup> Not approved to utilize the 20% exceedance

<sup>12</sup> Remaining 235,294 tons mined (200,000 tons sold) from Teichert Woodland approval relinquished.

<sup>13</sup> A 15-year permit was approved Nov 13, 2012 on 40.7 acres Teichert Schwarzgruber site. Mining precluded until mining at Teichert Woodland has ended.

<sup>14</sup> Not included in OCMP EIR and OCMP totals because authorization for this was provided through the Cache Creek Resource Management Plan (CCRMP) EIR and CCRMP

<sup>15</sup> Cumulative total tonnage for which CEQA clearance was provided in 1996 Program EIR, OCMP DEIR, p. 3-22 and 3-23

<sup>16</sup> Application received September 26, 2018 for 30-year permit to mine on 277 acres of a 310-acre site. Understood to reflect transfer of both Schwarzgruber plus Teichert Esparto tonnage which would zero out the annual permitted for both those operations in the chart (no change to the bottom line totals for those two columns), but would be additive to the Total Permitted.

<sup>17</sup> There are 1,001ac countywide currently zoned Sand and Gravel Reserve Overlay (SGRO) for future mining. The CCAP Update would increase that area by 1,188ac to a total of 2,189ac. Currently mining is approved on 2,464ac for a cumulative total of 187.2 mil tons mined (see CCAP Update Figure 5, Past, Current, and Future Mining). The total SGRO land comprises 89% of the currently mined land. A conservative assumption for future mining is 89% of the currently approved total of 187.2 mil tons mined, or 166 mil new tons mined (149.4 mil tons sold).

<sup>18</sup> Assumes one new operation of an average size of approximately 440 acres with 1,100,000 annual tons mined at each and 1,000,000 annual tons sold (assumes 10% average waste) All other acreage/tonnage assumed to be brought online over time as currently approved mining sites are mined out. In other words, "new" acreage/tonnage is assumed to replace "old" acreage/tonnage, not be "in addition to".

<sup>19</sup> The 1,188 acres of new SGRO proposed in the CCAP Update includes the Shifler site. This number was developed several years prior to receipt of the Teichert Shifler application in 2018. The Teichert Shifler application is reflected separately in row 9. To avoid double counting of total tons mined, the Shifler tonnage has been backed out of the numbers in row 10. 166.0 mil tons mined – 41.6 mil tons mined = 124.4 mil tons mined. 150.0 mil tons sold – 35.3 mil tons sold = 114.7 mil tons sold.

<sup>20</sup> Reflects CCAP Update. In-Channel change from 210,000 (sometimes rounded to 200,000) to 690,800 tons mined (621,720 tons sold assuming 10% waste)

<sup>21</sup> In-channel removal assumptions based on sediment transport modeling undertaken for 2017 Technical Studies: In about 10 of the 50 years 690,800 tons (690,800 x 10 = 6,908,000). In about 3 of the 50 years twice that amount or 1,381,600 tons (1,381,600 x 3 = 4,144,800). In the remaining 37 years 77,542 tons (77,542 x 37 = 2,869,054). Total in-channel removal over 50 years 6,908,000 + 4,144,800 + 2,869,054 = 13,921,854.

<sup>22</sup> Column total minus Teichert Esparto, Teichert Schwarzgruber, and original in-channel acres.

<sup>23</sup> Includes 74,141 tons more than combined total of transferred Granite Woodland allocation (420,000 tons mined) plus Unallocated tonnage (505,859 tons mined) combined. The Unallocated tons mined number was a derived number – see 2009 version of this table in Granite Esparto DEIR (p. 5-3).

3-8  
cont.

**COMMENTER 3**

Candice Longnecker, Valley Region Environmental Manager  
Granite Construction Company  
June 20, 2019

Response 3-1: This comment seeks to clarify Granite's existing entitlements as summarized in Chapter 3, Project Description. Thank you for participating in the process.

Response 3-2: This comment summarizes the Granite Capay and Granite Esparto approvals. The County concurs with the summary.

Response 3-3: This comment asks that Footnote 8 of Table 3-1 on page 3-6 of the Draft EIR be clarified to apply to both the Esparto and Capay sites. This footnote includes the following sentence: "Total tonnage allocation of 2,244,000 tons sold can be used at either site." This sentence provides the requested clarification. Nevertheless, to be responsive to the request, the following changes have been made to Table 3-1 on page 3-6 of the Draft EIR (see Chapter 4.0 of this Final EIR and the revised Table 3-1 contained in Appendix C of this document):

Footnote 8 has been added to "Granite Esparto" in the first column of line 3, and removed from the other entries in this row.

The following text has been added to Footnote 7:

Originally approved for 1,000,000 tons sold (1,075,269 tons mined) plus 20% exceedance of 200,000 tons sold (240,964 tons mined). Amended in 2011 as a part of the Granite Esparto approval to allow a combined total tonnage of 1,870,000 tons sold (2,075,269 tons mined) plus 20% exceedance of 374,000 tons sold 9415,054 tons mined). Mining at Granite Esparto is precluded until mining at Granite Capay has ceased.

The Annual Permitted Tons Sold cells for Granite Capay and Granite Esparto will be merged and shown as 1,870,000.

The Annual Permitted Tons Mined cells for Granite Capay and Granite Esparto will be merged and shown as 2,075,269.

The Annual 20% Exceedance Tons Sold cells for Granite Capay and Granite Esparto will be merged and shown as 374,000.

The Annual 20% Exceedance Tons Mined cells for Granite Capay and Granite Esparto will be merged and shown as 415,054.

The Total Permitted Tons Sold cells for Granite Capay and Granite Esparto will be merged and shown as 56.1.

The Total Permitted Tons Mined cells for Granite Capay and Granite Esparto will be merged and shown as 62.26.

The permit approval language for Granite Woodland has been modified as follows: Site reclaimed. Allocation of 420,000 tons mined (370,000 tons sold) annually transferred to Granite Esparto or Granite Capay site in 2011. ~~Site reclaimed.~~

Response 3-4: Please see Response to Comment 3-3.

Response 3-5: Please see Response to Comment 3-3.

Response 3-6: Please see Response to Comment 3-3.

Response 3-7: Please refer to Response to Comment 5-2.

Response 3-8: The commenter provides an attached copy of Draft EIR Table 3-1, Summary of CCAP Mining Tonnages that was mentioned in previous comments. This table has been modified pursuant to Response to Comment 3-3 above and is included in Appendix C of this document.



Letter  
4

June 21, 2019

Mr. Casey Liebler, Natural Resources Program Coordinator  
Yolo County Natural Resources Division  
625 Court Street, Suite 202  
Woodland, California 95695

Re: Cache Creek Area Plan Update Project Draft Environmental Impact  
Report (State Clearinghouse # 2017052069)

Dear Mr. Liebler:

As you are aware, Teichert Materials (Teichert) owns and operates two aggregate mining and processing facilities in Yolo County. We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Cache Creek Area Plan Update (CCAP Update).

4-1

While we are supportive of the CCAP, we have concerns regarding some of the proposed provisions of the Off-Channel Surface Mining Ordinance (OCSMO), Surface Mining Reclamation Ordinance (SMRO), and Gravel Mining Fee Ordinance (GMFO). As discussed in further detail in our comments below on both the proposed CCAP Update and the DEIR, these provisions may make it financially infeasible to continue to mine and process aggregate in Yolo County, particularly in light of the fact that aggregate mining operations in surrounding jurisdictions are subject to less onerous fees and no “net gains” requirements. In such a case, the local demand for aggregate may need to be met through less expensive, out-of-county sources that would require longer haul distances and result in greater air quality emissions than associated with in-county sources of aggregate. Thus, the DEIR should address the environmental benefits of having local sources of aggregate, as well as the environmental impacts of importing aggregate in the event that local sources of aggregate are exhausted or become economically infeasible.

4-2

**CCAP Update Comments**

**Off-Channel Surface Mining Ordinance**

County Road Maintenance (Proposed OCSMO Section 10-4.409). The proposed revisions to this section of the OCSMO would add the requirement that operators maintain designated haul routes to a Pavement Condition Index (PCI) of 70 or higher. However, many designated haul roads were in much poorer condition than PCI 70 prior to usage by aggregate trucks. Requiring operators to maintain County roads at PCI 70 or better under these circumstances would require operators to mitigate for impacts of traffic not associated with mining projects. Teichert recommends that the provision be changed to require operators to maintain designated haul routes in a condition equal to or better than existed prior to the commencement of mining.

4-3

## **Surface Mining Reclamation Ordinance**

Permanent Easements (Proposed SMRO Section 10-5.520.2). As written, proposed Section 10-5.520.2 of the SMRO would require that, upon completion of reclamation of each phase of a mining project, the operator enroll each reclaimed parcel in a Williamson Act contract or encumber the land through a long-term easement or deed restriction for the purpose of protecting the open space and/or agricultural use of the land in perpetuity. This provision should only apply to land that is needed for agricultural mitigation or is proposed as a “net gain” dedication to the County. Moreover, it may not be feasible for mining operators who only lease the land and do not own the underlying fee title to the land.

4-4

Farmland Conversion (Proposed SMRO Section 10-5.525). The current version of this section requires operators to mitigate for the loss of prime farmland that would be permanently converted to non-agricultural uses after reclamation at a 1:1 ratio by either converting non-prime farmland to prime farmland via soil improvements or irrigation or by placing agricultural conservation easements on prime farmland. The proposed revisions to this section would increase the required ratios consistent with the County’s Agricultural Conservation and Mitigation Program (ACMP), as found in Section 8-2.404 of the Yolo County Code). The ACMP requires mitigation ratios of up to 3:1 for each acre of prime farmland and up to 2:1 for each acre of non-prime farmland converted to non-agricultural uses. This proposed change would substantially increase the cost of future aggregate mining operations in Yolo County, particularly in light of the fact that the ACMP imposes severe restrictions on the geographical location of qualifying mitigation lands. The burden of imposing the ACMP mitigation ratios on mining projects is further compounded by the County’s policy of not allowing “stacking” of agricultural easements with Swainson’s hawk easements on the same land, despite the fact that, in most cases, the land converted is both agricultural land and Swainson’s hawk habitat. Thus, when combined with the required Swainson’s hawk mitigation, the proposed imposition of ACMP mitigation ratios on mining operators would in essence require operators to mitigate at up to a 4:1 ratio for the loss of prime farmland and up to a 3:1 ratio for the loss of non-prime farmland.

4-5

## **Gravel Mining Fee Ordinance**

Establishment of Fees (GMFO Section 10-11.01). The County’s gravel mining fee is substantially higher than similar fees imposed by other jurisdictions in northern California. The current fee is 59 cents per ton for 2019 and will increase to over a dollar per ton by 2033. In comparison, in nearby Yuba County, where Teichert has two aggregate mining operations, operators are currently subject to a fee of only 15 cents per ton of aggregate sold. This disparity puts Yolo County aggregate producers at a considerable competitive disadvantage compared to out-of-county sources. Once the cost of additional fees increases beyond the added cost of transporting aggregate from more distant sources, the market for local aggregate needs will switch to less expensive out-of-county sources, which would result in substantial increases in vehicle miles traveled and air pollutant emissions associated with aggregate transport.

4-6

Minimum Annual Fee Payment (Proposed GMFO Section 10-11.08). The proposed revision to this section would increase the annual base fee amount due to the County from \$50,000 total among all operators to \$50,000 per permitted operation, which amounts to a potential six-fold increase in the minimum annual fee. The minimum annual payment of \$50,000 for each facility appears to be an arbitrary number with no relation to the actual costs of administering the County's gravel mining program. The minimum fee should be based on the level of operation at that facility. If a facility is idle or entirely in reclamation, then the operator should only be required to pay the costs of administering the gravel mining program for that facility.

4-7

### **Draft EIR Comments**

#### **Chapter 3. Project Description**

Pages 3-18 to 3-20, Fee Ordinance Updates. Please see our prior comments concerning the GMFO.

4-8

#### **Section 4.2. Agricultural Resources**

Pages 4.2-25 to 4.2-26, Reclamation Ordinance, Section 10-5.525, Farmland Conversion. Please see our prior comments above regarding the proposed changes to this section of the SMRO.

4-9

Page 4.2-26, Reclamation Ordinance, Section 10-5.520.2, Permanent Easements. Please see our prior comments above regarding the proposed revisions to this section of the SMRO.

4-10

#### **Section 4.3. Air Quality**

Pages 4.3-10 to 4.3-12, Impact AIR-1, Air Quality Plan. The discussion of air quality plan consistency should also include a discussion of the air quality benefits of having a local source of aggregate.

4-11

Pages 4.3-12 to 4.3-16, Impact AIR-2, Air Quality Standards. Same comment as above.

4-12

#### **Section 4.7. Greenhouse Gas Emissions and Energy**

General Comment. The discussion of greenhouse gas emissions should address the greenhouse gas emissions reductions associated with having a local source of aggregate compared to the alternative of importing aggregate from more distant, out-of-county sources.

4-13

### **Section 4.11. Transportation**

General Comment. The discussion of transportation impacts should address the vehicle miles traveled (VMT) reductions associated with having a local source of aggregate compared to the alternative of importing aggregate from more distance sources.

4-14

Pages 4.11-27 to 4.11-29, Off-Channel Surface Mining Ordinance, Section 10-4.409. As discussed in our prior comments above, this proposed revision to the OCSMO would require operators to maintain designated haul routes to a PCI of 70 or higher regardless of whether the roadway met that PCI requirement prior to use by aggregate trucks. Teichert recommends that the provision be changed to require operators to maintain designated haul routes in a condition equal to or better than existed prior to the commencement of mining.

4-15

### **Chapter 5. Alternatives**

Pages 5-8 to 5-11, Constrained Implementation Alternative. This alternative assumes that 50% less material would be removed from the Cache Creek channel and that future mining areas would be reduced by the same percentage. Aggregate sales are market driven. Thus, if market demand exceeds the local aggregate capacity, aggregate would need to be imported from more distant sources. The DEIR should address the environmental impacts of such importation.

4-16

Page 5-18, Different Location Alternative. The DEIR should acknowledge that, while alternative locations for aggregate extraction do exist outside of Yolo County, such locations would not meet the objectives of the CCAP and would result in additional air quality, traffic, and greenhouse gas impacts associated with the importation of aggregate.

4-17

### **Section 6.3. Cumulative Impacts**

Pages 6-12 and 6-13, Air Quality. The DEIR should discuss the cumulative air quality benefits of having local sources of aggregate.

4-18

Pages 6-15 and 6-16, Greenhouse Gases and Energy. The DEIR should discuss the cumulative reductions in greenhouse gas emissions associated with having local sources of aggregate.

4-19

Page 6-19, Transportation. The DEIR should discuss the cumulative transportation benefits and VMT reductions associated with having local sources of aggregate.

4-20

As discussed in our comments above, the DEIR should discuss the benefits of having local sources of aggregate. In addition, the DEIR should address the environmental impacts of importing aggregate from more distant sources if new local sources fail to develop or if the continuation of mining of existing local sources becomes infeasible.

4-21

Mr. Casey Liebler  
June 21, 2019  
Page 5

Thank you for the opportunity to review and comment on the DEIR. Please let us know if you have any questions regarding our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "JAS", is positioned below the word "Sincerely,".

Jason Smith  
Aggregate Resource Development Project Manager  
Teichert Materials

cc: Michael Smith  
John Taylor  
Jesse Yang

**COMMENTER 4**

Jason Smith, Aggregate Resource Development Project Manager  
 Teichert Materials  
 June 21, 2019

Response 4-1: This comment provides an introduction to the Teichert mining operations in Yolo County. Thank you for participating in the process. The commenter expresses concern that the CCAP Update to the plans and ordinances “may make it financially infeasible to continue to mine and process aggregate in Yolo County...” thus driving the industry out of the County. As a result the commenter believes the Draft EIR should address the environmental benefits of having local sources of aggregate, as well as the environmental impacts of importing aggregate in the event that local sources of aggregate are exhausted or become economically infeasible.

The Update generally serves to update the program. It also would: allow the removal of more materials in-channel under specified circumstances; to allow additional off-channel mining over time, and extend the horizon year of the program. These changes generally expand the economic opportunities of the program rather than restrict them.

The Update makes no substantive changes to the fee program which was developed collaboratively with the commenter and other industry representatives in 1994-1996 and has been modified in collaboration with the industry over time. For example, as described on page 3-19, the County lowered the per-ton fees in 2013 in recognition of the depressed economy at that time.

The Update makes no substantive changes to the “net gains” component of the program either, other than to expand on the description of acceptable net gains items.

As demonstrated by these examples, the County’s staff believes that the economic feasibility of the program is enhanced by the proposed changes.

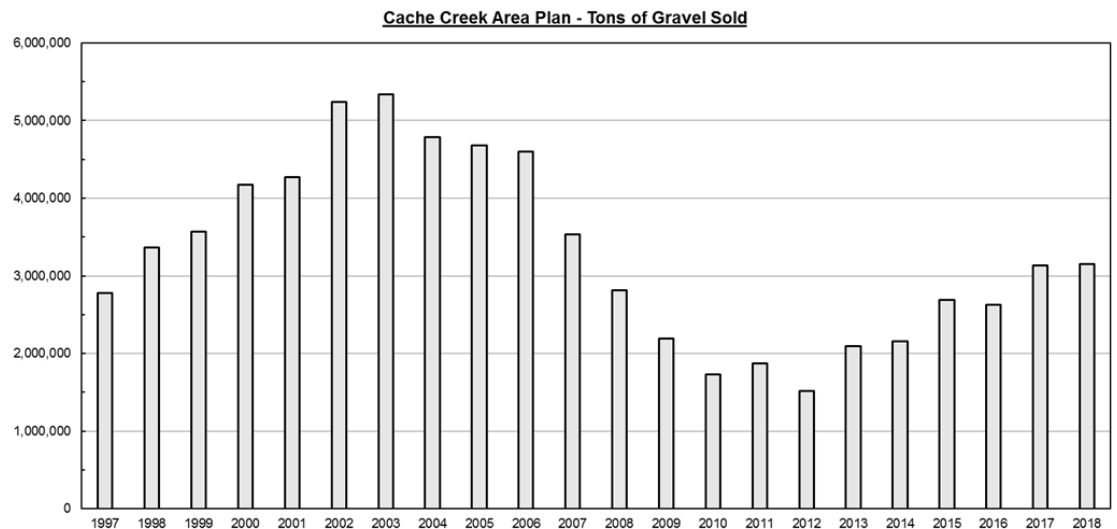
The commenter suggests that local demand for aggregate might be supplied by less expensive out-of-county sources that would generate increased air pollution emissions. However, this claim is not substantiated. As described in the Off-Channel Mining Plan (page 5) aggregate is a low value, high-bulk commodity. The relatively inexpensive cost of production, combined with the heavy weight and bulk of the material, means that transportation represents a major component in the price charged for sand and gravel. The shipping costs of aggregate can account for as much as 50 percent of the price of the delivered product. This makes it unlikely out-of-county aggregate would be competitive when local sources are readily available.

Moreover, Yolo County is one of the few jurisdictions in the State, that has a program to ensure the success of the industry through the protection and encouragement of existing and new off-channel mining

through the CCAP. This program ensures that all operators are treated equally and equitably as competitors, and the County enters into development agreements to vest the expectations of both the operators and the County.

As demonstrated in the table and chart below, the mining industry in Yolo County has been fairly stable, mirroring economic trends, but showing no evidence of structural decline. While individual operators have made business decisions over time that have led to increased or decreased extraction at particular sites, overall the evidence points to robust local demand and a healthy and competitive industry that ebbs and flows with the economy and construction trends.

<b>Year</b>	<b>Tons Sold</b>
1997	2,777,449
1998	3,365,199
1999	3,565,232
2000	4,177,068
2001	4,269,819
2002	5,239,823
2003	5,334,183
2004	4,788,238
2005	4,676,979
2006	4,602,402
2007	3,530,359
2008	2,813,908
2009	2,190,454
2010	1,730,834
2011	1,869,151
2012	1,517,741
2013	2,090,247
2014	2,156,620
2015	2,690,800
2016	2,624,169
2017	3,134,564
2018	3,147,831

**Response 4-2:**

The commenter indicates that the Draft EIR should address the environmental benefits of having local sources of aggregate, as well as the environmental impacts of importing aggregate in the event that local sources of aggregate are exhausted or become economically infeasible. CEQA is limited in focus to the analysis of the significant adverse impacts of a proposed action, not the benefits. However, the County concurs that locally sourced aggregate is an important benefit of the program and one of the drivers behind the development of the CCAP when it was under development in 1994-1996. In Chapter 5.0, Alternatives, the Draft EIR does examine rescission of the program as an alternative (see page 5-17) and dismisses this alternative as infeasible.

Regarding concerns over the exhaustion of aggregate resources, the appropriate pace of mining was a key consideration in developing the CCAP. The program was guided by information regarding market demand, local policy considerations, and the size of the known Cache Creek aggregate deposits. Under the CCAP, approximately 187 million tons of aggregate have been approved for excavation and approximately 71.6 million tons of aggregate have actually been excavated (1996 through 2015). About 846.4 million tons of aggregate remain in the ground (as of 2015) and another 115.4 tons are expected to be excavated, based on permit approvals, leaving “unallocated” aggregate reserves (as of 2015) of approximately 731 million tons. Assuming average annual mining of about four million tons, there is enough aggregate in this reserve to last over 180 years.

The County recognizes that not all aggregate reserves along Cache Creek can or should be mined, but the evidence suggests there is no significant risk that reserves will be exhausted during the proposed term of the plan. The County will consider applications to establish or expand mining in appropriate locations (identified with the SGRO overlay), consistent with the CCAP. The recent Teichert application for a new mining location is an example of this. The EIR analyzes an assumption of an additional 180 million tons of mined aggregate (beyond existing permit approvals) through

2068 (see “Sub-Total Assumed Future Conditions” in Table 3-1 of the EIR). However this is an analytical assumption, not an allocation or cap on future mining. The appropriateness of proposed extraction for any given future mining application will be analyzed on a project basis as applications are received. This determination is not intended to be limited in advance by the assumptions of this EIR.

Response 4-3: Section 10-4.409 elaborates on a basic requirement of the program since its inception, which is that operators will have primary responsibility for maintenance of their approved haul route. The proposed changes reflect how this requirement has been interpreted and implemented in recent mining permit approvals. County staff believe that it reflects a reasonable elaboration of the original requirement. It also reflects the wording of conditions of approval related to compliance with this section. The proposed new language includes the following text which allows for site-specific conditions to be considered, if appropriate, and if a functionally equivalent outcome would result:

*“... The report shall contain a proposed action plan for pavement maintenance and pavement improvements to maintain safe and efficient traffic operation on the roads, and a PCI of 70 or more, unless otherwise agreed by the County, as defined by American Society for Testing and Materials (ASTM) Method D6433 (Standard Practice for Roads and Parking Lots Pavement Condition Index Survey), for each upcoming year....”*

Impacts to County roads from loaded aggregate trucks are an appropriate concern. By specifying approved haul routes for each operator and assigning primary maintenance responsibility, the County is able to ensure this burden is born primarily by the party receiving the greatest benefit. On pages 4.11-24 of the Draft EIR, the impact analysis relies on this particular requirement to reach a conclusion that aggregate operators will fully mitigate for impacts to County roads. The County proposes no change to this proposed code section at this time, but remains open to additional clarifications that the requirements be reasonably related to the existing condition of the road based on a baseline assessment of pavement conditions and assuming no increase in impacts related to safety. The requirement for maintenance responsibility could also potentially be achieved by providing funding to the County, commensurate with the cost of the road maintenance mitigation, which the County could use to perform the maintenance.

Response 4-4: The commenter proposes additional revisions to proposed changes to Section 10-5.520.2 of the Reclamation Ordinance, related to the requirement for permanent easements for reclaimed lands. Please see Responses to Comments 5-10, 5-11, and 5-12.

Response 4-5: The commenter indicates that an effect of requiring compliance with Section 8-2.404 of the Yolo County Code (Agricultural Conservation and Mitigation Program) would be to “substantially increase” the costs of aggregate mining in Yolo. This is in reference to proposed modifications to Section 10-5.525 of the Reclamation Ordinance. The proposed

modifications make two basic changes to the existing Reclamation Ordinance:

- 1) Currently the regulations only apply to Prime Farmland. The proposed changes expand the application to Unique Farmland and Farmland of Statewide Significance. Mitigation for loss of the latter two categories of farmland were added to the State CEQA Guidelines some time ago, after the County's gravel program was adopted. Mitigation for all three categories is a statewide requirement and the proposed changes simply bring the County's program into compliance.
- 2) Currently the regulations are inconsistent with Section 8-2.404 of the County Code. The proposed CCAP Update would require mitigation similar to but not necessarily identical to the increased ratios in the County Code. It generally applies the same 3:1 and 2:1 mitigation ratio requirements from Section 8-2.404 that apply elsewhere throughout the County, but allows new mining applications to demonstrate equivalency (down to a minimum 1:1 base mitigation ratio) based on several options that are identified in Section 10-5.525 (Farmland Conversion) of the proposed changes to the Reclamation Ordinance. These options include improvements to farmland quality, permanent easements, dedication of additional net gain lands beyond those already required under the CCAP program, and/or other benefits consistent with the Cache Creek Parkway that would not otherwise already be achieved through agreements and obligations that are already a component of the program. The intent behind the concept of equivalency is not to focus solely on an equal number of acres, but to focus instead on comparability in terms of public value/benefit. Meaning a smaller but more beneficial "net gain" that goes beyond the additional public benefits the CCAP already requires, could be accepted by the County as equivalent to the additional agricultural mitigation otherwise required under Section 8-2.404. Essentially this change recognizes the benefits of the CCAP that are unique to the program and allows the operator and the County to factor those benefits into the agricultural mitigation calculation.

In light of this, the changes potentially have less effect on the cost of compliance as compared to existing conditions, than suggested by the commenter. The County proposes no changes to this proposed code section.

Response 4-6:

The commenter is referring to Section 10-11.01 of the Mining Fee Ordinance. The CCAP Update makes no substantive changes to the fee program which was developed collaboratively with the commenter and other industry representatives in 1995-1996 and has been modified in collaboration with the industry over time. For example, as described on page 3-19, the County lowered the per-ton fees in 2013 in recognition of the depressed economy at that time.

- Response 4-7: The commenter is referring to proposed changes to Section 10-11.08 of the Mining Fee Ordinance clarifying the Minimum Annual Fee Payment. The purpose of this section is to allow for the County's gravel program to continue at a basic minimum level despite the business decisions of any individual operator. It would not be possible to continue the program without minimum basic funding -- a burden appropriately shared equally by all permitted operators. The modifications are intended to clarify the original intent of this section. A fundamental premise of the program is that each operator share equitably in the benefits of the program as well as the burdens. The County proposes no changes to this proposed code section at this time but continues to evaluate alternative modifications to this code section that would achieve the desired result.
- Response 4-8: Please see Responses to Comments 4-6 and 4-7 above.
- Response 4-9: Please see Response to Comment 4-5 above.
- Response 4-10: Please see Response to Comment 4-4 above.
- Response 4-11: The commenter recommends that the air quality analysis include an assessment of the benefits of having a local source of aggregate. CEQA is limited in focus to the analysis of the significant adverse impacts of a proposed action, not the benefits. However, the County concurs that locally sourced aggregate is an important benefit of the program and one of the drivers behind the original development of the CCAP. In Chapter 5.0, Alternatives, the Draft EIR examines rescission of the program as an alternative (see page 5-17) and dismisses this alternative as infeasible.
- Response 4-12: Please see Response to Comment 4-11 above.
- Response 4-13: The commenter recommends that the GHG emissions assessment consider a local source of aggregate versus an out-of-county source. The program is premised on a local source of aggregate and does not allow imported aggregate to be processed at permitted plants. Therefore, the GHG assessment is consistent with the request of the commenter. This CCAP Update is solely a ten-year review and update as mandated by the program for the purposes of capturing changes in creek conditions, new regulatory requirements, and other clean-up edits. Therefore, the GHG assessment does assume a local source of aggregate consistent with the CCAP.
- Response 4-14: The commenter recommends that the VMT assessment consider a local source of aggregate versus an out-of-county source. The program is premised on a local source of aggregate and does not allow imported aggregate to be processed at permitted plants. Therefore, the VMT assessment is consistent with the request of the commenter. This CCAP Update is solely a ten-year review and update as mandated by the program for the purposes of capturing changes in creek conditions, new regulatory requirements, and other clean-up edits. Therefore, the VMT assessment does assume a local source of aggregate consistent with the CCAP.
- Response 4-15: Please see Response to Comment 4-3 above.

- Response 4-16: The commenter recommends analysis of an alternative that assumes local demand for aggregate in excess of local capacity. The basic test for identification of CEQA alternatives is "... a range of reasonable alternatives ... which would feasibly attain most of the basic project objectives .. but would avoid or substantially lessen any of the significant effects..." (CEQA Guidelines Section 15126.6(a)). As demonstrated in information provided in Response to Comment 4-1 above, since the inception of the CCAP the industry has sold an average of 3.3 million tons of aggregate annually, with a high of 5.3 million tons in 2003 which was just under the permitted maximum of 5.4 million tons annually. In all other years, tonnage has been well under the permitted maximum. Moreover, the program already includes 1,001 acres zoned with the Sand and Gravel Reserve Overlay (SGRO) zone which would allow future mining to potentially occur on this land subject to a demonstration of consistency with the program and compliance with CEQA. The CCAP Update includes proposed rezoning of an additional 1,188 acres to add the SGRO overlay. Based on the history of the program and record of market demand there is no substantiation that demand would exceed available capacity. An analysis of such an alternative is not merited and would not meet the reasonableness test.
- Response 4-17: Rescission of the program is not proposed. nor is it a feasible CEQA alternative. In Chapter 5.0, Alternatives, the Draft EIR does examine rescission of the program as an alternative (see page 5-17) and dismisses this alternative as infeasible.
- Response 4-18: The commenter recommends that the cumulative air quality analysis include an assessment of the benefits of having a local source of aggregate. CEQA is limited in focus to the analysis of the significant adverse impacts of a proposed action, not the benefits. However, the County concurs that locally sourced aggregate is an important benefit of the program and one of the drivers behind the development of the CCAP. In Chapter 5.0, Alternatives, the Draft EIR examines rescission of the program as an alternative (see page 5-17) and dismisses this alternative as infeasible.
- Response 4-19: The commenter recommends that the cumulative GHG emissions assessment consider a local source of aggregate verses an out-of-county source. The program is premised on a local source of aggregate and does not allow imported aggregate to be processed at permitted plants. Therefore, the GHG assessment is consistent with the request of the commenter. This CCAP Update is solely a ten-year review and update as mandated by the program for the purposes of capturing changes in creek conditions, new regulatory requirements, and other clean-up edits. Therefore, the GHG assessment does assume a local source of aggregate consistent with the CCAP.
- Response 4-20: The commenter recommends that the cumulative transportation analysis and the cumulative VMT assessment consider a local source of aggregate verses an out-of-county source. The program is premised on a local source of aggregate and does not allow imported aggregate to be processed at permitted plants. Therefore, the VMT assessment is consistent with the request of the commenter. This CCAP Update is

solely a ten-year review and update as mandated by the program for the purposes of capturing changes in creek conditions, new regulatory requirements, and other clean-up edits. Therefore, the VMT assessment does assume a local source of aggregate consistent with the CCAP.

Response 4-21: Please see Response to Comment 4-1.

June 24, 2019

Casey Liebler  
Natural Resources Program Coordinator  
Yolo County Natural Resources Division  
625 Court Street, Suite 202  
Woodland, CA 95695

**Re: DEIR for Cache Creek Area Plan**

Dear Casey:

The California Construction and Industrial Materials Association offers these comments on the Draft Environmental Impact Report (DEIR) for the Yolo County Cache Creek Area Plan (CCAP). CalcIMA offers the comments on behalf of the aggregate producers along Cache Creek in Yolo County.

CalcIMA is the trade association for aggregate, industrial mineral, and ready mixed concrete producers in California. The members of CalcIMA supply materials to support construction, agriculture, and manufacturing industries in California. These include materials for roads, bridges, schools, homes, waterways, nutrients for livestock and agriculture, plastics, paint, batteries, and high tech applications.

5-1

We appreciate the significant effort that the County has put into drafting the CCAP Update and this DEIR. We also appreciate the considerable time spent with producers reviewing several aspects of the proposed updates, and making a number of modifications. We also recognize that there are a many beneficial changes in the proposal, including allowance for more in-channel removal, additional planning area, and extension of the plan horizon to 2068. We appreciate the importance of this update of the CCAP Program to the County, producers, and public. We look forward to working with the County toward finalization and adoption of the CCAP update.

We offer the following comments:

- 1. Clarity for Project Description Chapter.** We would appreciate clarification regarding existing and proposed annual tonnage allowances under the CCAP, including what appears to be a possible increase. The CCAP update appears to allow for an increase of production capacity of 1 MT per year (average) sold, including allowance for a ready-mix plant and asphalt plant. See p. 3-6 at Table 3-1, and DEIR at p. 3-30.

5-2

*Request:* The County should revise the DEIR project description to explain the current total annual tonnage allowances under the existing CCAP, and clearly explain any proposed changes to the total annual tonnage allowances for the CCAP update.

**2. Hydrology and Water Quality -- Mercury bioaccumulation in fish.** The DEIR and Off-Channel Surface Mining Reclamation Ordinance (OCSMRO) amendments propose (page 2-16, HYD-1) entirely new language to replace Sections 10.5.517 and 10-5.532 of the Reclamation Ordinance. Importantly, the new language makes a fundamental change in the balance between operators and the county in proposing and recommending mitigation. Furthermore, there is no longer reliance on a "reliable method...for reducing exposure to elevated mercury levels," which could make the mitigation infeasible. Previously, the operator would propose changes based on feasible and reliable methods, now they would be determined solely by the County and without parameters.

5-3

We spent considerable time working with the county on this section and proposed changes. While we did not necessarily agree on everything, this section has now been entirely rewritten. In our discussion with the County throughout 2017 and 2018, the proposal was to retain the balance between the operator and the County, including to allow the operator to submit a plan with reliable methods. This is important because the operator knows the area best, what methods will work best, and bears the cost.

This is a substantial change from the current requirements for monitoring and remedial action. The existing ordinance prescribes a reasonable approach to addressing potential issues. The DEIR appears to set up a more complex process, one that limits options. In addition, the proposed update to the OCSMRO eliminates flexibility for the operators and shifts sole discretion to the County to direct certain remedial actions.

5-4

We are concerned the DEIR and proposed OCSMRO update emphasizes solutions that are not financially or technically feasible. For example, the backfill of off-channel lakes would potentially denude other local areas of soil (in conflict with the Surface Mining and Reclamation Act regulations under CCR §3503(f)), increase environmental impacts not analyzed in this DEIR (e.g., additional traffic, air quality, and greenhouse gas impacts associated with backfill import activities), and result in the loss of developed habitat. Backfill of reclaimed lakes could also be inconsistent with the contractual net gain provisions contained in existing Development Agreements. With respect to aeration, this method has not been demonstrated in the DEIR to be a technically feasible or effective method to meaningfully mitigate methylmercury concentrations in water or fish.

5-5

5-6

5-7

Under the proposal, if monitoring results in the post-reclamation phase identify elevated mercury concentrations in wet pits, then operators are required to prepare and implement a Lake Management Plan, which would include control methods (e.g., pumping oxygen into the lakes). If the control methods prove to be ineffective, then the ordinance amendments grant sole discretion to the County to require permanent aeration of the lakes or compel a Reclamation Plan amendment that requires a backfill of wet pits.

5-8

*Request:* The OCSMRO protocol should be revised to remove the sole discretion that is proposed to be granted to the County Director in deciding future actions and reclamation plan amendments relating to mercury. It should return the balance between operator and the County. It should also remove reliance on specified control measures (such as permanent aeration and backfill of lakes) that may prove problematic or

5-9

infeasible. It should include provision for “reliable methods.” We would like to work with the County on developing reasonable control methods.

5-9-cont.

- 3. Conservation Easements are Unnecessary.** The DEIR and OCSMRO amendments seek to formalize a County preference that each phase of a mine be placed under a permanent conservation easement or deed restriction for its adopted end use as it is reclaimed (See DEIR at p. 3-27, OCSMRO at Section 10-5.520.2. See also DEIR at p. 4.2-20, and 4.2-26). A conservation easement is an unusual land use restriction in regard to mine reclamation and land use zoning. Although some of the existing permits in the County include such a condition, we feel strongly that this requirement is overreaching as a programmatic policy.

5-10

Under most circumstances mine operators reclaim their lands consistent with the potential or proposed beneficial end-uses adopted under their reclamation plans and then obtain sign-off of their reclamation plans. Following reclamation sign-off, the land use allowances revert to the existing zoning allowances. From there, a landowner or operator is free to propose other uses for their property, ones either consistent with existing zoning allowances and County code, or subject to rezoning and other discretionary actions. The proposed requirement for a conservation easement or deed restriction forecloses the County Board of Supervisors’ ability to make responsible land use decisions in the future, at the time when land use changes are proposed. Today’s priorities may not be the same as priorities 10, 20, 50, or 100 years from now, and it is important that the County and owners retain the ability to adapt to future land use needs.

5-11

The requirement also overlooks that reclaimed mine lands are not generally located in areas identified by the County as high priority agricultural conservation lands. We understand that priority agricultural conservation lands are located in proximity to established communities. Per existing ordinances, mine operations observe a two mile offset from these established communities. In addition, the mine operators are not always the land owners and do not have authority to enter leased lands into conservation easements. Conservation easements are simply not the right tool for reclaimed mine lands as they interfere with property rights and limit the owners’ and County’s ability to make responsible land use decisions in the future.

5-12

*Request:* There is no benefit to the County from this provision, and the provision unreasonably interferes with property rights. The County will lose discretionary authority to evaluate land use changes in the future with this provision. We request the removal of this provision.

Farmland Conversion (Proposed SMRO Section 10-5.525). The current version of this section requires operators to mitigate for the loss of prime farmland that would be permanently converted to non-agricultural uses after reclamation at a 1:1 ratio by either converting non-prime farmland to prime farmland via soil improvements or irrigation or by placing agricultural conservation easements on prime farmland. The proposed revisions to this section would increase the required ratios consistent with the County’s Agricultural Conservation and Mitigation Program (ACMP), as found in Section 8-2.404 of the Yolo County Code). The ACMP requires mitigation ratios of up to 3:1 for each acre of prime

5-13

farmland and up to 2:1 for each acre of non-prime farmland converted to non-agricultural uses. This proposed change would substantially increase the cost of future aggregate mining operations in Yolo County, particularly in light of the fact that the ACMP imposes severe restrictions on the geographical location of qualifying mitigation lands. The burden of imposing the ACMP mitigation ratios on mining projects is further compounded by the County's policy of not allowing "stacking" of agricultural easements with Swainson's hawk easements on the same land, despite the fact that, in most cases, the land converted is both agricultural land and Swainson's hawk habitat. Thus, when combined with the required Swainson's hawk mitigation, the proposed imposition of ACMP mitigation ratios on mining operators would in essence require operators to mitigate at up to a 4:1 ratio for the loss of prime farmland and up to a 3:1 ratio for the loss of non-prime farmland.

5-13-  
cont.

*Request.* Remove this provision

4. **Air Quality Issues.** In reviewing the document, we have several comments or questions in regard to air quality:

Sierra Club v Friant Ranch. Given the California Supreme Court's December 2018 decision in *Sierra Club v. Friant Ranch*, the DEIR would benefit from an improved description of potential health effects stemming from air quality pollutant emissions (See DEIR at p. 4.3-2). In the absence of County or Yolo-Solano AQMD guidance relating to addressing the issues raised in *Friant Ranch*, we suggest the County review the Interim Guidance prepared by Sacramento Metropolitan Air Quality Management District available here: <http://www.airquality.org/residents/ceqa-land-use-planning/ceqa-guidance-tools>

5-14

Baseline Description. The DEIR should clarify the "baseline" that is used for purposes of CEQA analysis. For example, the DEIR does not appear to quantify baseline emissions from existing operations, or evaluate potential changes (increases or net changes) as compared to baseline emissions over time (See DEIR at p. 4.3-10 and 4.3-12, for example). This is important in the context of increased tonnage allotments or evaluation of future projects. For example, if a new operation of 1 MT (suggested by Table 3-1) replaces an existing operation, then the anticipated emissions of the new operation should take credit for the baseline emissions of the existing operation when assessing impacts for the new operation. This section could be clarified to allow for use in future cumulative impacts analyses for individual projects under the CCAP.

5-15

Mitigations Available for Air Quality Impacts. Although the DEIR suggests there are no mitigations available to address certain air quality impacts (see DEIR at p. 4.3-12), we note that the Yolo-Solano Air Quality Management District CEQA Guidelines (beginning at p. 26) include mitigation examples for program level impacts.

5-16

Emission Inventories. The DEIR air analysis should provide rationale for application of the emissions rates from the almost ten year old Granite Esparto project (which is not yet in operation) to future operations in the CCAP area (See DEIR at p. 4.3-14). This analysis does not appear to incorporate modern emission factors for aggregate and asphalt plants. Nor does it account for the equipment upgrades and modernizations required by the Air Resources Board for off-road diesel equipment.

5-17

Health Risks, Odor, & Significance. The DEIR concludes that because operations are not located in proximity to population centers or sensitive receptors, and because future individual projects have to assess/screen their health risks, that the impacts are considered less-than-significant. Furthermore, the DEIR makes a conclusion that future odor impacts are less than significant, even though they could not assess significance of a future asphalt plant at this time. Both of these topics are presented at DEIR at p. 4.3-17.

5-18

A more defensible logic for the County to consider would be that, although a future project has to screen its health effects, the results of those analyses are not known and therefore are assumed to be significant. Similarly, potential odor impacts are significant (if the County continues to assume a new odor source such as an asphalt plant will be introduced). To be conservative--and to make for a stronger EIR that can be used for the evaluation of future impacts under the CCAP--both impacts should be assumed to be significant and unavoidable.

## **5. Off-Channel Surface Mining Ordinance**

County Road Maintenance (Proposed OCSMO Section 10-4.409). The proposed revisions to this section of the OCSMO would add the requirement that operators maintain designated haul routes to a Pavement Condition Index (PCI) of 70 or higher. However, many designated haul roads were in much poorer condition than PCI 70 prior to usage by aggregate trucks. Requiring operators to maintain County roads at PCI 70 or better under these circumstances would require operators to mitigate for impacts of traffic not associated with mining projects. We recommend that the provision be changed to require operators to maintain designated haul routes in a condition equal to or better than existed prior to the commencement of mining.

5-19

**6. Minimum Annual Fee Payment (Proposed GMFO Section 10-11.08).** The proposed revision to this section would increase the annual base fee amount due to the County from \$50,000 total among all operators to \$50,000 per permitted operation, which amounts to a potential six-fold increase in the minimum annual fee. The minimum annual payment of \$50,000 for each facility appears to be an arbitrary number with no relation to the actual costs of administering the County's gravel mining program. The minimum fee should be based on the level of operation at that facility. If a facility is idle or entirely in reclamation, then the operator should only be required to pay the costs of administering the gravel mining program for that facility.

5-20

<p><b>7. Local Supplies.</b> We are also concerned that the DEIR fails to evaluate one of the greatest benefit of having a local supply of aggregates; namely, the reduced transportation impacts. In particular, we believe the following sections should include a discussion of the benefits of having a local source of aggregate:</p>	5-21
<p><u>Section 4.3. Air Quality</u></p>	
<p>Pages 4.3-10 to 4.3-12, Impact AIR-1, Air Quality Plan. The discussion of air quality plan consistency should also include a discussion of the air quality benefits of having a local source of aggregate.</p>	5-22
<p>Pages 4.3-12 to 4.3-16, Impact AIR-2, Air Quality Standards. Same comment as above.</p>	5-23
<p><u>Section 4.7. Greenhouse Gas Emissions and Energy</u></p>	
<p>General Comment. The discussion of greenhouse gas emissions should address the greenhouse gas emissions reductions associated with having a local source of aggregate compared to the alternative of importing aggregate from more distant, out-of-county sources.</p>	5-24
<p><u>Section 4.11. Transportation</u></p>	
<p>General Comment. The discussion of transportation impacts should address the vehicle miles traveled (VMT) reductions associated with having a local source of aggregate compared to the alternative of importing aggregate from more distance sources.</p>	5-25
<p><u>Chapter 5. Alternatives</u></p>	
<p>Pages 5-8 to 5-11, Constrained Implementation Alternative. This alternative assumes that 50% less material would be removed from the Cache Creek channel and that future mining areas would be reduced by the same percentage. Aggregate sales are market driven. Thus, if market demand exceeds the local aggregate capacity, aggregate would need to be imported from more distant sources. The DEIR should address the environmental impacts of such importation.</p>	5-26
<p>Page 5-18, Different Location Alternative. The DEIR should acknowledge that, while alternative locations for aggregate extraction do exist outside of Yolo County, such locations would not meet the objectives of the CCAP and would result in additional air quality, traffic, and greenhouse gas impacts associated with the importation of aggregate.</p>	5-27
<p><u>Section 6.3. Cumulative Impacts</u></p>	
<p>Pages 6-12 and 6-13, Air Quality. The DEIR should discuss the cumulative air quality benefits of having local sources of aggregate.</p>	5-28

# CALCIMA

California Construction and  
Industrial Materials Association

Pages 6-15 and 6-16, Greenhouse Gases and Energy. The DEIR should discuss the cumulative reductions in greenhouse gas emissions associated with having local sources of aggregate. | 5-29

Page 6-19, Transportation. The DEIR should discuss the cumulative transportation benefits and VMT reductions associated with having local sources of aggregate. | 5-30

Again, we look forward to continued work the County on the CCAP update.

Sincerely,



Charles L. Rea  
Director of Communications and Policy

**COMMENTER 5**

Charley Rea, Director of Communications & Policy  
California Construction and Industrial Materials Association (CalCIMA)  
June 24, 2019

Response 5-1: This comment provides an introduction to the California Construction and Industrial Materials Association (CalCIMA) and the topics in the following comments. Thank you for participating in the process. The County appreciates the time spent by Cal CIMA and its members reviewing, discussing, and providing recommendations to refine the proposed CCAP Update.

Response 5-2: The commenter asks for clarification regarding existing and proposed tonnage under the CCAP. Table 3-1 on page 3-6 provides the requested information describing existing permitted mining in numbered rows 1 through 9, and assumed proposed tonnage in numbered rows 10 through 12, including tonnage assumptions used for the purposes of the EIR analysis. Please also see Response to Comment 3-3 for proposed clarifications regarding the Granite permits. These clarifications rearrange but do not change the numeric entries in the table and footnotes.

The CCAP Update would allow for increases in both in-channel and off-channel activity. The CCAP Update assumes existing allowed in-channel activity as described in row 9 of Table 3-1, and proposed increased in-channel activity as described in row 12. The CCAP Update assumes existing allowed off-channel activity as described in rows 1 through 8, and proposed increased off-channel activity as described in rows 10 and 11. Row 10 describes the Teichert Shifler application for new mining received in September 2018, and describes an assumption for one additional new mining operation for the purposes of the Draft EIR analysis. Further clarification is provided in footnotes 17-19 of Table 3-1. The text on page 3-30 is also relevant. The analytical assumption of two new mining operations (Teichert Shifler and one other) is described. These are analytical assumptions only. The Teichert Shifler application is currently being processed and the outcome is unknown at the time of this writing. There is no application associated with the second assumed new mining operation – it is an analytical assumption.

The commenter asks that the project description be revised to explain allowed tonnage under the CCAP. There is no specific limitation or allocation of mined tonnage proposed as a part of the CCAP Update. The EIR analyzes an assumption of an additional 180 million tons of mined aggregate (beyond existing permit approvals) through 2068 (see “Sub-Total Assumed Future Conditions” in Table 3-1 of the EIR). However this is an analytical assumption, not an allocation or cap on future mining. The appropriateness of proposed extraction for any given future mining application will be analyzed on a project basis as applications are received. This determination is not intended to be limited in advance by the assumptions of this EIR.

Response 5-3: The commenter expresses concern regarding Mitigation Measure HYD-1 which identifies detailed revisions to proposed edits to Sections 10.5-517

of the Reclamation Ordinance related to mercury bioaccumulation in wildlife and 10-5.532 related to use of overburden and fine sediments in reclamation. The EIR identifies this mitigation measure is in response to the potential for impacts to water quality analyzed under Impact HYD-1 starting on page 4.9-21 of the Draft EIR. This analysis takes into account the current CCAP mercury monitoring requirements, the County's administrative protocols<sup>1</sup> for implementing the CCAP mercury monitoring requirements, proposed changes to the regulations as a part of the CCAP Update, the results of the mercury monitoring (conducted since 2015), and review of this information by a third-party mercury expert, Dr. Stephen McCord of McCord Environmental, Inc. The new language included in Mitigation Measure HYD-1 is procedurally significantly more robust, but retains most of the key components of the original and proposed regulatory language. In addition to the expertise of Dr. McCord and Bruce Abelli-Amen (Professional Geologist and Hydrogeologist) on the EIR team, the County's independent mercury expert, Dr. Darell Slotton of UCD, collaborated on the mitigation measure.

In light of all these factors, the Draft EIR concludes that the changes to proposed Section 10.5-517 are merited to ensure adequate protection of water quality. Here is a brief summary of how Mitigation Measure HYD-1 compares to the existing program requirements:

The baseline threshold for monitoring is set as "equal to or less than current" (ambient) levels, as measured every ten years (current Section 10-5.517(b)). Use of the ambient mercury level as the threshold reflects the fact that the mercury in the creek system is a historic problem, not of the aggregate mining industry's making. Therefore, the focus is on not contributing to a worsening of existing conditions. The Mitigation Measure contains no changes to this threshold (HYD-1 Section 10-5.517(b)). More specificity has been added regarding when and how to measure this baseline level. In specific instances, the mitigation measure requires additional monitoring (HYD-1 Section 10-5.517(e)(2) and (3), and Section 10-5.517(g)(2)(D)).

Two phases of testing are required – five years of annual testing once a pit is wet (defined as permanent water navigable by a monitoring vessel) and ten years of biennial testing following reclamation (current Section 10-5.517(b)). The Mitigation Measure contains no changes to this but details have been added (HYD-1 Section 10-5.517(c)).

Fish monitoring and lake water monitoring are required. Under the current program both are required upfront (current Section 10-5.517(c) and (d)), but the County has recognized in its administrative protocols that lake water monitoring is not necessary unless mercury levels are elevated. The Mitigation Measure identifies lake water monitoring as a second expanded level of analysis (HYD-1 Section 10-5.517(f)).

Remedial response is required. The requirements of the current program are clarified in the Mitigation Measure but remain substantially the same. Under the current program, if mercury levels exceed the baseline

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<sup>1</sup> <https://www.yolocounty.org/home/showdocument?id=42299>

threshold for two or more consecutive years, the operator must either implement remedial solutions pursuant to a mitigation plan or fill the pit (current Section 10-5.517(f)),(g), and (h)). The Mitigation Measure modifies the threshold metric to any three of five years (HYD-1 Section 10-5.517(e)), and clarifies the required remedial actions as follows: 1) expanded analysis (lake water monitoring); 2) development and implementation of a lake management plan; or 3) fill the pit (HYD-1 Section 10-5.517(f) and (g)).

The commenter expresses concern that the current standard for the required mitigation plan, which includes the words “feasible and reliable” (current Section 10-5.517(h)), has been modified with no reasonable replacement language. County staff believe the measure contains different but functional equivalent language. Mitigation Measure HYD-1 identifies “feasible, adaptive management approach” as the applicable standard for the lake management plan (HYD-1 Section 10-5.517(g)(1)(A)). The mitigation also allows for an “alternate management plan” which is not an option under the current regulations (HYD-1 Section 10-5.517(g)(1)(B)).

Response 5-4: The commenter is concerned that the wording of the measure may make compliance infeasible, that it represents a substantial change from current requirements, and that it eliminates flexibility for the operators. As described above in Response to Comment 5-3, this is generally not the case. It is true the mitigation measure adds significant detail to the regulation; however, the detail clarifies procedures and adds certainty to the process, thus substantiating a conclusion that the potential for impact is mitigated to a less-than-significant (acceptable) level. The added detail is more explicit regarding compliance, and therefore arguably more complex, however the intention is not to eliminate reasonable options and/or flexibility for operators. The focus remains on allowing an operator to examine reasonable implementable options for reducing mercury levels to at or below ambient levels and thus minimize environmental and human exposure.

Response 5-5: The commenter expresses concern about the potential of having to backfill an off-channel lake. The County views this as an unlikely outcome as there are and continue to be feasible methods to address concerns regarding mercury levels within fish in the pit. The requirement to backfill is not a change to the regulations – this requirement is original to the 1996 regulations. It is an important option should mercury levels become problematic and should all other options for managing them be unsuccessful. The Draft EIR analysis relies on this for reaching the conclusion of less-than-significant.

Should backfilling of a lake ever be required, the operator would be required to amend their reclamation to demonstrate compliance with SMARA, the CCAP, and CEQA. This is true under the existing regulations (current Section 10-5.517(g)), and would remain so under Mitigation Measure HYD-1 (HYD-1 Section 10-5.517(b)).

Response 5-6: The commenter suggests that backfill of reclaimed lakes could be inconsistent with contractual net gains provisions contained in existing

Development Agreement. Since the permits and the development agreement fundamentally require compliance with the CCAP and all applicable regulations, this would not be the case. However, the comment raises the point that revisions to the Reclamation Plan under elevated mercury circumstances would not only require amendment of the Reclamation Plan and CEQA, but also amendment of the development agreement to modify other terms, such as the net gains provisions, should this occur.

Response 5-7: The commenter suggests that aeration is not technically feasible or effective to reduce methylmercury levels. No substantiation for this position is provided. Aeration (addition of oxygen to or physical mixing) of the anoxic bottom levels of the lake has been identified as a possible remedial option since the regulations were adopted in 1996. This example method appears in both the current and HYD-1 language. In both cases, this option was confirmed by qualified technical experts as a feasible potential solution. For HYD-1 this language was peer reviewed by three independent experts. No changes to Mitigation Measure HYD-1 are proposed.

Response 5-8: The commenter expresses concern that if lake management required under Mitigation Measure HYD-1 is not effective, the County will mandate permanent aeration or backfilling of the pit. This understanding is not complete. Under the Mitigation Measure, elevated levels of mercury would indeed trigger development and implementation of a Lake Management Plan. This is the equivalent of the current regulation which directs the preparation of a “mitigation plan” under the same scenario. If the Lake Management Plan is not successful, the operator would prepare an alternate management plan. This expanded opportunity to resolve elevated mercury levels is not included in the current regulations. The goal is to allow operators to consider reasonable and feasible options driven by science and evolving understanding of mercury. The requirement to backfill a pit is not anticipated to occur and would only be required as a last resort. Under both the current regulations and Mitigation Measure HYD-1 the County retains authority over the process – this does not change in the mitigation measure, although it is clarified and made more explicit.

Response 5-9: The commenter recommends that the regulations be modified to remove the County’s sole discretion and that the operator share this authority. The proposed code changes are written to allow operators appropriate flexibility to identify feasible options for reducing mercury levels, subject to County oversight. The commenter notes the desire of the industry to continue to collaborate regarding the regulations, which the County appreciates and supports.

The commenter also asks to remove reliance on specified control measures for lake management to address elevated mercury levels. Mitigation Measure HYD-1 identifies examples of possible approaches in Section 10-5.517(g)(A) but does not “rely” on or specify any particular approach, so no change has been made.

Response 5-10: The commenter indicates that the use of a conservation easement is an unusual land use restriction in regard to mine reclamation and land use zoning. Proposed Section 10-5.520.2 does not restrict compliance to only conservation easements. It would allow for the use of any conservation or preservation easement that would permanently protect the reclaimed end use. The proposed change codifies what has been the standard program practice. The County proposes no changes to this proposed code section at this time but continues to evaluate alternative modifications to this code section that would achieve the desired result. This comment does not pose questions or comments about the adequacy of the information or analysis within the Draft EIR, therefore, no further response is required.

Response 5-11: The commenter makes the point that the use of easements to permanently protect reclaimed land uses limits future land use discretion. This is accurate and intentional. An important component of the CCAP is the exchange of rights to harvest important aggregate resources, for permanently protected agriculture, habitat, and open space uses along Lower Cache Creek consistent with the General Plan and CCAP. This also aligns with the goal of creating opportunities for planned, controlled public access and use along the creek as a part of the envisioned Cache Creek Parkway. This vision was articulated as a fundamental part of the program when it was adopted in 1996 and subsequently ratified by an overwhelming majority of the voters when it was considered at the ballot box in November of 1996. Notably, if all parties are willing, and if determined to be desirable and consistent with the program, permit approvals, CEQA mitigation commitments, and other applicable considerations, these easements can be amended.

Response 5-12: The commenter indicates that this requirement does not affect land in “high priority agricultural” areas, that the mining companies are not always the land owners, and that conservation easements interfere with property rights. The requirement “locks in” the reclaimed land use proposed by the operator. There is no similar requirement for other land that may be a part of the application but not subject to mining/reclamation activities. This is a part of the program that has been in place since its inception. This practice is already in use. This merely codifies what has been standard practice. Identification of a particular property as “high priority” agriculture is not necessary or relevant. The commenter may be referencing the requirements of Section 8-2.404 of the County Code (Agricultural Conservation and Mitigation Program) which includes the term “priority conservation area” for the purposes of agricultural mitigation for projects subject to the regulations.

The fact that aggregate operators may be mining on leased land is not problematic to the program or this requirement. Further agreements between the aggregate operator and the landowner would be required related to acceptance of the easement requirement as part of the agreement between the parties. This negotiation would occur between the operator and the landowner and is no different than the need to spell out other agreements and obligations between the parties as a typical component of mining on leased land.

It is true that these easements affect property rights, but they would only restrict those rights to the agreed upon end use. Similar to a Williamson Act contract, but in perpetuity. This would not interfere with the right to undertake the approved reclaimed use, rather it would act to preserve the use in exchange for the right to mine the land and remove the aggregate resource.

It is important to note as well, there is no evidence that this requirement has been problematic to the success of the program nor adversely affected the ability of any of the mining operations to move forward. The history of the program supports this.

The commenter requests removal of the provision. However, in light of the discussion above, the County proposes no changes to this proposed code section at this time but continues to evaluate alternative modifications to this code section that would achieve the desired result.

Response 5-13: Please see Response to Comment 4-5.

Response 5-14: The comment suggests that the Draft EIR would benefit from additional information regarding potential health effects from air pollutant emissions. The Draft EIR already contains background information on potential health impacts of air pollutants on pages 4.3-2 and 4.3-3. In response to the comment, additional text and a table summarizing the effects of the pollutants on human health and the environment has been included in the EIR (see Chapter 4.0 of this Final EIR):

The following revision is made to page 4.3-2 of the Draft EIR:

The California Air Resources Board (CARB) and the United States Environmental Protection Agency (USEPA) currently focus on the following air pollutants as indicators of ambient air quality: ozone, particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and lead. Because these are the most prevalent air pollutants known to be deleterious to human health and extensive health-effects criteria documents are available, they are commonly referred to as the six “criteria air pollutants.” Table 4.3-1 summarizes the most common health effects for each of the air pollutants for which there is a national and/or California ambient air quality standard, as well as for toxic air pollutants.

The following table is added to page 4.3-2 of the Draft EIR. Please note that the other table numbers would change with the inclusion of this table:

**Table 4.3-1: Air Pollutants' Effects on Health**

<u>Pollutant</u>	<u>Health Effects</u>
<u>Ozone</u>	<ul style="list-style-type: none"> <li>• <u>Respiratory symptoms</u></li> <li>• <u>Worsening of lung disease leading to premature death</u></li> <li>• <u>Damage to lung tissue</u></li> </ul>
<u>CO</u>	<ul style="list-style-type: none"> <li>• <u>Chest pain in patients with heart disease</u></li> <li>• <u>Headache</u></li> <li>• <u>Light-headedness</u></li> <li>• <u>Reduced mental alertness</u></li> </ul>
<u>Nitrogen Oxides (NOx)</u>	<ul style="list-style-type: none"> <li>• <u>Lung irritation</u></li> <li>• <u>Enhanced allergic responses</u></li> </ul>
<u>SO<sub>2</sub></u>	<ul style="list-style-type: none"> <li>• <u>Worsening of asthma: increased symptoms, increased medication usage, and emergency room visits</u></li> </ul>
<u>Particulate matter less than 10 microns in diameters (PM<sub>10</sub>)</u>	<ul style="list-style-type: none"> <li>• <u>Premature death and hospitalization, primarily for worsening of respiratory disease</u></li> </ul>
<u>Particulate matter less than 2.5 microns in diameters (PM<sub>2.5</sub>)</u>	<ul style="list-style-type: none"> <li>• <u>Premature death</u></li> <li>• <u>Hospitalization for worsening of cardiovascular disease</u></li> <li>• <u>Hospitalization for respiratory disease</u></li> <li>• <u>Asthma-related emergency room visits</u></li> <li>• <u>Increased symptoms, increased inhaler usage</u></li> </ul>
<u>Sulfates</u>	<ul style="list-style-type: none"> <li>• <u>Same as PM<sub>2.5</sub>, particularly worsening of asthma and other lung diseases</u></li> <li>• <u>Reduces visibility</u></li> </ul>
<u>Lead</u>	<ul style="list-style-type: none"> <li>• <u>Impaired mental functioning in children</u></li> <li>• <u>Learning disabilities in children</u></li> <li>• <u>Brain and kidney damage</u></li> </ul>
<u>Hydrogen Sulfide</u>	<ul style="list-style-type: none"> <li>• <u>Nuisance odor (rotten egg smell)</u></li> <li>• <u>At high concentrations: headache and breathing difficulties</u></li> </ul>
<u>Vinyl Chloride</u>	<ul style="list-style-type: none"> <li>• <u>Central nervous system effects, such as dizziness, drowsiness and headaches</u></li> <li>• <u>Long-term exposure: liver damage and liver cancer</u></li> </ul>
<u>Toxic Air Contaminants</u>	<ul style="list-style-type: none"> <li>• <u>Cancer</u></li> <li>• <u>Reproductive and developmental effects</u></li> <li>• <u>Neurological effects</u></li> </ul>

Sources: California Air Resources Board website: <https://ww2.arb.ca.gov/resources/common-air-pollutants>, accessed July 2019.

The Draft EIR included the following information about the regional ozone attainment plan (Draft EIR page 4.3-6) which is clarified and updated as follows in response to the comment:

The 1994 Sacramento Area Regional Ozone Attainment Plan is the current federal ozone plan (SIP) for the YSAQMD for attainment of the national 1-hour ozone standard, and sets out stationary source control programs and statewide mobile source

~~control programs for attainment of the national 1-hour ozone standard. In 2005, the national 1-hour ozone standard was revoked by the USEPA; however, a court decision found that areas that were subject to certain planning requirements based on their 1-hour ozone non-attainment designation were still obligated to meet those requirements even though the standard had been revoked. The 2013 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan continues the strategies found in the 1-hour ozone SIP and was adopted by the YSAQMD on October 11, 2017. The 2013 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan was updated by CARB staff and incorporated into the SIP on October 25, 2018. As of 16 November 2017, CARB was in the review process of the 2017 Sacramento Regional 2008 NAAQS 8-Hour Ozone Attainment and Further Reasonable Progress Plan.~~

Response 5-15: The comment suggests that the Draft EIR should clarify the baseline conditions used for the CEQA analysis. In response and per CEQA Guidelines Section 15125, page 4-2 of the Draft EIR states that the baseline physical conditions are generally those present when the Notice of Preparation (NOP) was published (i.e., May 2017).

Baseline (existing conditions) information related to criteria pollutant emissions is included in Table 4.3-7 of the Draft EIR (see “Sub-Total for Existing Conditions” row of the table). As indicated in footnote 3, the emissions values in this table for ROG, NO<sub>x</sub>, and PM<sub>10</sub> represent the cumulative emissions from existing operations, including CEMEX, Granite Capay, Granite Esparto, Granite Woodland, Syar, Teichert Esparto, Teichert Woodland, Teichert Schwarzgruber, and the original in-channel maintenance extraction. Also, as indicated in the table (footnote 1), these emissions values were calculated based on total permitted extraction tonnage at each facility that is summarized in Table 3-1 of the Draft EIR.

The emissions analysis and summary provided in Table 4.3-7, which includes baseline data and estimated emissions associated with implementation of the CCAP Update, will be useful information for future project-level evaluation of potential cumulative air quality impacts related to proposed new off-channel mining facilities, but will not eliminate the need for future analysis of proposed new mining projects.

Response 5-16: The comment suggests that “mitigation examples for program level impacts” are available in the Yolo-Solano Air Quality Management District (YSAQMD) CEQA Guidelines that should be included in the Draft EIR. These Guidelines were followed in preparation of the Draft EIR analysis of air quality. The examples the commenter references were reviewed and considered during preparation of the Draft EIR. While the YSAQMD’s Handbook for Assessing and Mitigating Air Quality Impacts (Handbook) provides some examples of plan-level mitigations, such as strategies to reduce motor vehicle use, these strategies are not applicable to mining operations under the proposed CCAP Update. The YSAQMD’s Handbook also provides examples of mitigation measures that would reduce dust and criteria pollutant emissions and are quantifiable. However, the level of details in the recommended mitigation measures

are more appropriate for individual projects than for program-level analysis. Furthermore, the proposed CCAP Update already includes emission reduction requirements similar or equivalent to those recommended by the YSAQMD, that are discussed in the Draft EIR on pages 4.3-8 and -9. For example, the In-Channel Ordinance and the Mining Ordinance include a dust control requirement specifying that unpaved roads, stockpiled soils, and disturbed soils should be adequately watered. This requirement is equivalent to the watering frequency of twice daily which would reduce fugitive dust emissions by 50 percent according to the YSAQMD's Handbook. Other equivalent requirements in the CCAP include equipment tuning and limits on idling time. However, because the level of emission reduction associated with these requirements and other applicable regulations cannot be relied on with certainty, the Draft EIR conservatively identifies this impact as significant and unavoidable.

Response 5-17: The comment recommends that the Draft EIR provide rationale for the use of certain emission information from the Granite Esparto project.

The Draft EIR analysis estimated emissions rates for off-road equipment (processing plants and heavy earth-moving equipment) and on-road trucks using a methodology summarized below:

Off-Road Equipment. Many of the existing aggregate mining and processing facilities have been operating since the mid-1990s (over 20 years). It is unlikely that all the off-road equipment has been replaced with the most modern engine types with improved emissions factors. Therefore, assuming modern emissions factors for all equipment could underestimate the emissions associated with the CCAP. The preparers of the Draft EIR air quality analysis considered it a reasonable assumption that these facilities would be operating a range of equipment types with various ages, and that the emissions factors associated with a recent prior project would be reasonable.

On-Road Trucks. On-road truck emissions were calculated using the 2017 Mobile Source Emission FACtors (EMFAC 2017) model. The EMFAC 2017 model includes the most recent updates on the fleet populations and vehicle sale projections in California, and is representative of the vehicular emission improvements from state and federal regulations.

This rationale, that off-road equipment is of various ages, and that on-road trucks are represented by the most recently updated emissions factors is a reasonable approach that would be unlikely to under-estimate emissions associated with current and future conditions in the CCAP area, and represents a reasonable scenario for CEQA evaluation. Additional description of the relevant rules and regulations for off-road diesel equipment has been made as follows to pages 4.3-5 and 4.3-6 of the Draft EIR:

CARB has established and maintains, in conjunction with the air districts, the SLAMS network that monitors actual pollutant levels present in the ambient air. The data generated at a SLAMS can be used to determine both the state and federal attainment status

of an air district and to evaluate the effectiveness of air quality rules and regulations. State law recognizes that air pollution does not respect political boundaries and therefore requires the CARB to divide the state into separate air basins that have “similar geographical and meteorological conditions” while still making “considerations for political boundary lines whenever practicable”.<sup>6</sup>

CARB also sets emissions standards for new motor vehicles, consumer products, small utility engines, and off-road vehicles. In many cases, California standards are the toughest in the nation. State law recognizes that air pollution does not respect political boundaries and therefore requires the CARB to divide the state into separate air basins that have “similar geographical and meteorological conditions” while still making “considerations for political boundary lines whenever practicable”. Since 1994, CARB has adopted increasingly stringent emission standards for hydrocarbons, nitrogen oxides, carbon monoxide, and particulate matter to regulate new pieces of off-road equipment, known as Tier 2, Tier 3, and Tier 4 standards. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards.<sup>7</sup> Out of the estimated 161,420 pieces of construction equipment used statewide in 2014, about 59 percent are Tier 2 engines and above.<sup>8</sup>

The following footnotes are added to page 4.3-6 of the Draft EIR:

<sup>7</sup> CARB, 2019. In-Use Off-Road Diesel-Fueled Fleets Regulation Language. Available at <https://ww2.arb.ca.gov/resources/documents/use-road-diesel-fueled-fleets-regulation-language>. Accessed on July 3.

<sup>8</sup> San Francisco Department of Environment, San Francisco Department of Public Health, and San Francisco Planning Department. 2015. San Francisco Clean Construction Ordinance. Implementation Guide for San Francisco Public Projects. Final. August.

Response 5-18:

The comment suggests that the Draft EIR should identify the health risk and odor impacts of the proposed CCAP Update as significant and unavoidable. As explained on page 4.3-16 and per the thresholds of significance, the project would not “expose sensitive receptors to substantial pollutant concentrations” or result in odors adversely affecting a substantial number of people, and these potential impacts would be less than significant because of the lack of substantial populations within and adjacent to the current and future mining areas that could be affected, the requirements for buffers and other measures within the CCAP Update ordinances, and YSAQMD regulations that require health risks and odor impacts to be controlled and reduced to acceptable limits.

The following clarifications are made to page 4.3-17 of the Draft EIR to clarify the conclusion:

In addition, any proposed new mining operation or new asphalt plant would be required to undergo project-specific CEQA review. The project-specific CEQA review would take into consideration specific site conditions, the proximity of substantial numbers of people, and project details to evaluate potential odors impacts. The project-specific CEQA review would and evaluate whether the project would be in compliance with the ordinance standards, and identify mitigation measures, as necessary. Therefore, the potential ~~impact of~~ off-channel OCMP activities ~~to resulting~~ in emissions (such as odors and dust) that would adversely affecting a substantial number of people is less than significant (LTS).

- Response 5-19: Please see Response to Comment 4-3 regarding County road maintenance.
- Response 5-20: Please see Response to Comment 4-7 regarding County fee payments.
- Response 5-21: Please see Response to Comment 4-2 regarding local supplies of aggregate.
- Response 5-22: Please see Response to Comment 4-11 regarding local supplies of aggregate and air quality.
- Response 5-23: Please see Response to Comment 4-12 regarding local supplies of aggregate and air quality.
- Response 5-24: Please see Response to Comment 4-13 regarding local supplies of aggregate and greenhouse gas emissions.
- Response 5-25: Please see Response to Comment 4-14 local supplies of aggregate and vehicle miles travelled.
- Response 5-26: Please see Response to Comment 4-16 regarding the Constrained Implementation Alternative.
- Response 5-27: Please see Response to Comment 4-17 regarding the Different Location Alternative.
- Response 5-28: Please see Response to Comment 4-18 regarding local supplies of aggregate and cumulative air quality effects.
- Response 5-29: Please see Response to Comment 4-19 regarding local supplies of aggregate and cumulative greenhouse gas emissions.
- Response 5-30: Please see Response to Comment 4-20 regarding local supplies of aggregate and cumulative transportation effects.

**From:** Buss, Stephanie@Wildlife [mailto:Stephanie.Buss@wildlife.ca.gov]  
**Sent:** Monday, June 24, 2019 4:37 PM  
**To:** Yolo County Natural Resources Division  
**Cc:** Wildlife R2 CEQA  
**Subject:** Cache Creek Area Plan Update comments

Hello Casey,

The California Department of Fish and Wildlife (CDFW) has completed the review of the Draft EIR for the Cache Creek Area Plan Update (SCH# 2017052069) (Project). The Project is an update to the Cache Creek Area Plan (CCAP), comprised of an integrated set of proposed modifications to the CCAP and the ordinances that implement it. .

CDFW is responding as a Trustee Agency for fish and wildlife resources, which holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW may potentially be a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) if it may need to make discretionary actions under the Fish and Game Code, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code, § 1600 et seq.) and/or a California Endangered Species Act (CESA) Incidental Take Permit (Fish & G. Code, § 2080 et seq.).

6-1

CDFW offers the comments and recommendations to assist the County of Yolo in adequately identifying and/or mitigating the Project’s direct and/or indirect impacts on fish and wildlife (biological) resources.

1. Section 2.4, Section 1, Recreation, Page 2-3: “New employees associated with in-channel projects and the expansion of the off-channel mining area would not increase the use of existing parks such that substantial physical deterioration would occur.”

6-2

Several locations of the EIR including the biological mitigation measures reference “State Fish and Game Code”. CDFW recommends this be revised to “California Fish and Game Code”.

6-3

2. Table 2-1 and Action 4.4-14 states “compliance with the Yolo HCP/NCCP will ensure mitigation for covered activities and covered species” (language in bold below). Page 4.4-63 has a short discussion on the Yolo HCP/NCCP; however, it does not discuss “covered activities” or “covered species”. CDFW recommends that the EIR be revised to discuss the meaning of “covered activity” and “covered species”.

6-4

“A biological database search (e.g., California Natural Diversity Data Base) shall be completed prior to implementation of priority projects. The database search shall compile existing information on occurrences of special-status species and areas supporting sensitive natural communities that should be considered for preservation. In addition, the database search shall be supplemented by reconnaissance-level field surveys to confirm the presence or absence of populations of special-status species, location of elderberry shrubs, active bird nests and colonies, and extent of sensitive natural communities along the creek segment. Essential habitat for special-status species and sensitive natural communities shall be protected and enhanced as part of restoration efforts or replaced as part of mitigation plans prepared by a qualified biologist and reviewed by the TAC. **Compliance with the Yolo HCP/NCCP will ensure mitigation for covered activities and covered species.**”

3. Language from the mitigation measures were not accurately reflected in Table 2-1. For example, Table 2-1 BIO 1-b includes "...in effect at the time" ( see bold in language pasted below from Table 2-1) while this was deleted from Action 6.4.3 on page 4-4.69. Language that was deleted in the mitigation measures appears in several locations in Table 2-1. CDFW recommends that Table 2-1 be fully reviewed and revised to reflect the correct language.

6-5

"Mitigate for short-term and long-term loss of agricultural land and habitat pursuant to applicable County requirements and CEQA. **in effect at the time** Comply with the Yolo HCP/NCCP for covered species. For non-covered species for which impacts may occur, ensure compliance with appropriate measures in site-specific biological assessments required under the OCMP and CCRMP, in compliance with the State Fish and Game Code, Migratory Bird Treaty Act, and other applicable regulations, plans and programs, as appropriate."

4. Page 4.4-21 Table 4.4-3 Special Status Animals

Foothill yellow-legged frog (*Rana boylei*; FYLF) is listed as a species of special concern. In December 2016, a petition was submitted to the California Fish and Game Commission to list the FYLF as threatened and the petition was accepted. Currently, the status listing for FYLF is a candidate species under the California Endangered Species Act. CDFW recommends this table be updated to reflect the current listing status. CESA prohibits unauthorized take of a candidate species, just as it prohibits such take of threatened and endangered species. All activities, whether new or ongoing, that will cause incidental take of the candidate species are in violation of CESA unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code Section 2084 or CDFW authorizes the take through the issuance of a Permit under Fish and Game Code Section 2081 or by other means authorized by CESA.

6-6

5. Page 4.4-42, California Endangered Species Act states:

"CESA prohibits the taking of state-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW requires preparation of mitigation plans in accordance with published guidelines."

6-7

CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. Permittees must implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project. (Fish & G. Code § 2081 (b); Cal. Code Regs., tit. 14, §§ 783.2-783.8). CDFW recommends the above language be used in place of the last two sentences in the EIR.

6. Table 4.4.4 page 4.4-81 last line: CDFW recommends this be revised to state "California Office of Environmental Health Hazard Assessment"

6-8

7. Page 4.4-85, In-Channel Ordinance, Section 10-3.414.1(a) requires 3 years of post-implementation monitoring of vegetation. As vegetation establishment can be slow for woody species, CDFW recommends monitoring of riparian vegetation post planting should be conducted for a minimum of 5 years; however, due to the length of time for some woody species to establish up to 10 years of monitoring is highly recommended. For sites where irrigation will be supplied for plant establishment, the minimum monitoring period should include the last 2 consecutive years of the monitoring period post irrigation removal.

6-9

8. Page 4.4-85, In-Channel Ordinance, Section 10-3.415.5 will install fencing next to grazing lands to prevent vegetation disturbance. CDFW recommends that signs also be installed indicating the area is undergoing habitat restoration.

6-10

9. Page 4.4-85, In-Channel Ordinance, Section 10-3.415.7 states cottonwood and willows cutting can be stockpiled for planting up to 24 hours onsite. CDFW recommends this be revised to state that cottonwood and willow cuttings be used immediately, stored on-site in the stream, or stored off-site in a bucket of cool water. Ideally, material should be harvested and installed the same day. For more information on installing willow and cottonwood cuttings, please see California Salmonid Stream Habitat Restoration Manual at <https://www.wildlife.ca.gov/Grants/FRGP/Guidance>.

6-11

10. Page 4.4-86, In-Channel Ordinance, Section 10-3.415.11 discusses plant monitoring for native plant establishment and growth for a minimum of 3 years. As stated above, CDFW recommends monitoring of sites include no irrigation for the last 2 consecutive years of the monitoring period. In addition, due to the length of time for some woody species to establish, a minimum of 10 years of monitoring is highly recommended. | 6-12
11. Page 4.4-87, In-Channel Ordinance, Section 10-3.415.12 contains a species list for consideration for marsh restoration. CDFW recommends this list provide the scientific name as common names are known to change over time while the scientific name is usually consistent thus preventing the accidental introduction of non-native species. | 6-13
12. Page 4.4-88, In-Channel Ordinance, Section 10-3.415.13(c) states non-native should be planted whenever possible. Restoration/enhancement sites should only introduce native species to the project site and not promote the use of non-native species. CDFW recommends this ordinance be revised to state only native plants to the area be used for restoration. | 6-14
13. Page 4.4-89, In-Channel Ordinance, Section 10-3.415.13(d) contains a species list for consideration for riparian woodland planting. As stated above, CDFW recommends this list provide the scientific name as common names are known to change over time such as quailbush. The use of scientific names is preferred to eliminate the accidental introduction of non-native species. | 6-15
14. Page 4.4-88, In-Channel Ordinance, Section 10-3.415.14(a) discusses planting spacing for oaks and shrubs providing the specific distances. As planting palettes are based on site specifics, these distances could be too far apart. CDFW recommends that this ordinance be revised to state general distances and the final distances would be dependent on the specific site. | 6-16
15. Page 4.4-90, In-Channel Ordinance, Section 10.3.415.19 discusses chemical spray by a certified herbicide applicator. CDFW recommends this ordinance be revised to state that the application of herbicides be performed by or under the supervision of a Qualified Applicator Licensee and that all applications of herbicides have a recommendation from a Pest Control Advisor. | 6-17

Please contact me if you have any questions regarding the above comments.

**Stephanie Buss**

**Senior Environmental Scientist (Specialist)**

**CA Dept of Fish and Wildlife**

[1701 Nimbus Road](#)

[Rancho Cordova, CA 95670](#)

**(916) 406-4311**

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**COMMENTER 6**

Stephanie Buss, Senior Environmental Scientist (Specialist)  
California Department of Fish and Wildlife  
June 24, 2019

- Response 6-1: This comment provides an introduction to the California Department of Fish and Wildlife (CDFW) and the comments responded to below. Thank you for participating in the process.
- Response 6-2: This comment that quotes text from page 2-3 of the Draft EIR but raises no concerns or comments. Further response is not possible.
- Response 6-3: The commenter recommends that references to “State Fish and Game Code” be changed to “California Fish and Game Code”. The terms “State” and “California” are used interchangeably in the Draft EIR. The differing terms are reasonably understood to be synonymous given that the project location is within California and given that compliance with CEQA is a California requirement. In light of this the County has not changed the Draft EIR text to address this comment.
- Response 6-4: The commenter recommends that definitions be added for the terms “covered species” and “covered activities” as used in the discussion of the Yolo HCP/NCCP. Yolo HCP/NCCP provides definitions for these terms and the County agrees this information should be summarized in the Draft EIR. The text in the first paragraph under “Yolo County Habitat Conservation Plan/Natural Community Conservation Plan” on page 4.4-63 of the Draft EIR has been revised as shown below (see Chapter 4.0 of this Final EIR):

*Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP).* The Yolo HCP/NCCP is a 50-year countywide conservation plan approved in 2018. The HCP/NCCP protects endangered species and natural resources while allowing for orderly development in Yolo County consistent with local General Plans. The Yolo HCP/NCCP provides coverage for 12 special-status animal and plant species (“covered species”), as well as riparian and other wetland sensitive natural community types. The 12 covered special-status species are the following: bank swallow, burrowing owl, California tiger salamander, giant garter snake, least Bell’s vireo, palmate-bracted salty birds beak, Swainson’s hawk, tricolored blackbird, valley elderberry longhorn beetle, western pond turtle, western yellow-billed cuckoo, white-tailed kite. These are the “covered species” for which take authorization has been secured under the ESA Section 10 and Section 2835 of the NCCPA, pursuant to compliance with and implementation of the Yolo HCP/NCCP. The take authorization allows specified “covered activities” to occur which generally include build-out of the general plans for each of the member jurisdictions (Yolo County and the four cities) and implementation of the Yolo HCP/NCCP conservation strategy. These covered activities total 19,212 acres over the entire County which constitutes the Yolo HCP/NCCP plan area. The covered activities

are described generally as including planned land use activities in identified urban and rural areas (17,550 acres), identified public and private infrastructure operations and maintenance (706 acres), and implementation of identified conservation strategy activities (956 acres).

Response 6-5: The commenter identifies several errors in Table 2-1 which is a summary of impacts and mitigation measures throughout the Draft EIR. A corrected version of Table 2-1 is provided in Appendix A of this Final EIR.

The text below shows each corrected item:

Consistent with page 4.4-69 of the Draft EIR, the fourth column (Mitigation Measures) of Table 2-1 on page 2-10 of the Draft EIR is revised as shown below:

BIO-1b. The following revisions shall be made to provisions in the CCAP Update to better integrate the Yolo HCP/NCCP, and ensure adequate mitigation for non-listed special-status species through compliance with the State Fish and Game Code, Migratory Bird Treaty Act and other applicable regulations, plans and programs, as appropriate. (LTS)

Action 6.4-3 in the OCMP shall be revised as follows:

Mitigate for short-term and long-term loss of agricultural land and habitat pursuant to applicable County requirements and CEQA. ~~in effect at the time. Comply with the Yolo HCP/NCCP for covered species. For non-covered species for which impacts may occur, ensure compliance with appropriate measures in site-specific biological assessments required under the OCMP and CCRMP, in compliance with the State Fish and Game Code, Migratory Bird Treaty Act, and other applicable regulations, plans and programs, as appropriate.~~

Response 6-6: The commenter identifies updated information regarding the foothill yellow-legged frog. Table 4.4-3 on page 4.4-21 and the text on page 4.3-37 of the Draft EIR have been revised to reflect the updated status as a candidate threatened species (see Chapter 4.0 of this Final EIR).

Under the column of Table 4.4-3 entitled "Status Federal/State/Other" on page 4.4-21 of the Draft EIR, the following revision is made:

~~-SSC, CT-~~

The following revision is made to page 4.4-37 of the Draft EIR:

As indicated in Table 4.4-3, suitable habitat for western pond turtle and foothill yellow-legged frog (*Rana boylei*) is found within the CCAP area, and individual pond turtles have been observed repeatedly along Cache Creek during annual monitoring performed as part of the CCRMP. Both of these species are recognized as SSC by the CDFW and are not always carefully

monitored in the CNDDDB. Foothill yellow-legged frog is also a candidate for listing as a threatened species under CESA, based on a petition submitted December 2016. This species is restricted to perennial aquatic habitat, typically found in streams with a cobble bed and shallow riffles, which is present along some reaches of lower Cache Creek. Western pond turtle is an aquatic species that occurs in ponds, lakes, and perennial slow-moving streams where deep pools are present that allow for retreat from predators. Areas of permanent pools along lower Cache Creek and former quarry pits with emergent vegetation provide suitable habitat for western pond turtle.

Response 6-7: The commenter requests that language on page 4.4-42 describing CESA be clarified. The text on page 4.4-42 of the Draft EIR has been revised as follows (see Chapter 4.0 of this Final EIR).

CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. Permittees must implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project. CESA prohibits the taking of state-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW requires preparation of mitigation plans in accordance with published guidelines.

Response 6-8: The commenter recommends a change in the proposed regulations from use of the term “State Office of Environmental Health Hazard Assessment” to “California Office of Environmental Health Hazard Assessment” on Table 4.4-4: Proposed CCAP Updates Related to Biological Resources on page 4.4-81. County staff will recommend this clarification as part of the final proposed action on the CCAP Update. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.

Response 6-9: The commenter recommends that the text of Section 10-3.414.1(a) require 5 to 10 years of post-implementation monitoring of riparian vegetation rather than 3 years as currently specified. For sites where irrigation will be supplied for plant establishment, the commenter recommends that the monitoring period include the last two consecutive years of the monitoring period following removal of the irrigation. The County does not disagree with the desirability of increased post-planting monitoring in general. However, three years is a typical and reasonable performance standard for revegetation contracts. Increasing the contractor responsibility beyond this could be prohibitively expensive and as a result could adversely affect the ability to feasibly program the activity. The text of this proposed section specifies a “minimum” of three years which is appropriate. County staff will recommend additional

revisions to the text to encourage longer monitoring periods as relevant to the species, to recommend that there be two years of monitoring following irrigation removal, and to clarify that monitoring need not be restricted to a contractor obligation and may be partially satisfied by the annual creek walk monitoring required by the program. For example, the minimum three years could be a contract requirement and additional desirable years could be completed by other parties. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.

- Response 6-10: The commenter recommends a change in the proposed regulations (Section 10-3.415 (5)) on page 4.4-85 of the Draft EIR to add a requirement for installation of signage indicating the area is undergoing habitat restoration. County staff will recommend this clarification as part of the final proposed action on the CCAP Update. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.
- Response 6-11: The commenter recommends that Section 10-3.415.7 be modified to remove text indicating cottonwood and willow cuttings can be stockpiled for planting up to 24 hours onsite, and add new text that specifies that cottonwood and willow cuttings be harvested and used in the same day. The commenter further recommends that if storage is necessary that it occur within the creek or in a bucket of cool water. County staff will recommend this clarification as part of the final proposed action on the CCAP Update.
- Response 6-12: The commenter recommends that the text of Section 10-3.415.11 require five to ten years of post-implementation monitoring of riparian vegetation rather than three years as currently specified. For sites where irrigation will be supplied for plant establishment, the commenter recommends that the monitoring period include the last two consecutive years of the monitoring period following removal of the irrigation. Please see Response to Comment 6-9 above. County staff will recommend additional revisions to the text to encourage longer monitoring periods as relevant to the species, to recommend that there be two years of monitoring following irrigation removal, and to clarify that monitoring need not be restricted to a contractor obligation and may be partially satisfied by the annual creek walk monitoring required by the program. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.
- Response 6-13: The commenter recommends a change in the proposed regulations (Section 10-3.415 (13(c)) on page 4.4-88 of the Draft EIR to add scientific names in addition to common names. It appears this comment might have actually been referencing sub-section 12(g) rather than 13(c). County staff will recommend this clarification as part of the final proposed action on the CCAP Update. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.
- Response 6-14: The commenter suggests that the text of Section 10-3.415 (13(c)) be modified to allow only native species be planted. The text already

contains this restriction, as does 13(b). No change to the CCAP Update is proposed. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.

Response 6-15: The commenter recommends a change in the proposed regulations (Section 10-3.415 (13(d)) on page 4.4-88 of the Draft EIR to add scientific names in addition to common names. County staff will recommend this clarification as part of the final proposed action on the CCAP Update. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.

Response 6-16: The commenter recommends that Section 10-3.415.14(a) be modified to allow more flexibility for the planting distances between oaks and shrubs. County staff will recommend this clarification as part of the final proposed action on the CCAP Update. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.

Response 6-17: The commenter recommends that Section 10.3.415.19 related to chemical spraying be clarified to remove the reference to “certified herbicide applicator” and reflect that application of herbicides be performed by or under the supervision of a Qualified Applicator Licensee and reflect input from a Pest Control Advisor. County staff will recommend this clarification as part of the final proposed action on the CCAP Update. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No change to the Draft EIR is required.



Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

June 25, 2019

Casey Liebler  
Yolo County  
625 Court Street, Suite 202  
Woodland, CA 95695

Subject: Cache Creek Area Plan (CCAP) Update  
SCH#: 2017052069

Dear Casey Liebler:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 6/24/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2017052069/2> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

7-1

**COMMENTER 7**

Scott Morgan, Director State Clearinghouse

Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

June 25, 2019

Response 7-1:           This comment confirms that the Draft EIR was submitted to selected State agencies for review and that the County has complied with State Clearinghouse review requirements pursuant to CEQA. This comment does not relate to the adequacy of the information or analysis within the Draft EIR. No further response is required.

## Meeting Minutes

Cache Creek Area Plan Update Project Draft EIR Comment Meeting

Thursday, June 13, 2019 – 8:30 AM

Yolo County Board of Supervisors Chambers (625 Court Street, Suite 206, Woodland, CA 95695)

Attendees:

*County Staff*

Elisa Sabatini, Yolo County, Manager of Natural Resources

Casey Liebler, Yolo County, Natural Resources Program Coordinator

Heidi Tschudin, Tschudin Consulting Group, CCAP Update Project Manager

*Members of Public*

Jason Smith, Teichert Aggregates

Tom Trexler, MBK Engineers

Jesse Yang, Taylor & Wiley

8-1

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The meeting began at 8:45 am with E. Sabatini providing welcoming remarks and introducing staff members in attendance.

H. Tschudin then provided a presentation on the Cache Creek Area Plan Update Project and the Draft Environmental Impact Report document. The presentation slides are attached.

At the end of the presentation, H. Tschudin opened the meeting for public comment. No comments were received.

The meeting adjourned at 9:45 am. County staff was available until 12:00 pm to receive public comment. No comments were received.

**8 PUBLIC MEETING**

Meeting Minutes

June 13, 2019

Response 8-1:           This comment provides the meeting minutes for the Draft EIR comment meeting held on June 13, 2019. No comments were made on the Draft EIR at the comment meeting.

## 4.0 REVISIONS TO THE DRAFT EIR

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify, amplify, and/or make minor modifications. These revisions have been reviewed in light of the guidance contained in CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Recertification). This section directs that a lead agency is required to recirculate an EIR when significant new information is added after circulation of the Draft EIR and prior to certification. The general threshold for recirculation is the addition of new information that changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect, a feasible way to mitigate or avoid such an effect, and/or a feasible project alternative.

As documented throughout this Responses to Comment document, and particularly in Chapter 4.0, no new impacts or mitigation measures have been identified. There are no changes that would substantially increase the severity of an environmental impact. No feasible project alternatives or mitigation measures are identified that are considerably different from others analyzed in the document. There are no changes that preclude meaningful public review and comment. The Draft EIR was not shown to be inadequate or conclusory. The changes to the Draft EIR are limited to clarifications, amplifications, and minor modifications, none of which trigger recirculation of the EIR.

The following text revisions are identified in the order in which they appear in the Draft EIR and are identified by page number. A revised and updated Summary of Impacts and Mitigation Measures (Table 2-1 in the Draft EIR) is included in Appendix A to this document. Added text is indicated with double underlined text, and deleted text is shown in ~~strikeout~~.

Page 2-10: On page 2-10 of the Draft EIR, the fourth column (Mitigation Measures) of Table 2-1 is revised as shown below, and the text on page 4.4-69 is revised as well (see also Appendix A of this document for a revised Draft EIR Summary Table):

BIO-1b. The following revisions shall be made to provisions in the CCAP Update to better integrate the Yolo HCP/NCCP, and ensure adequate mitigation for non-listed special-status species through compliance with the State Fish and Game Code, Migratory Bird Treaty Act and other applicable regulations, plans and programs, as appropriate. (LTS)

Action 6.4-3 in the OCMP shall be revised as follows:

Mitigate for short-term and long-term loss of agricultural land and habitat pursuant to applicable County requirements and CEQA, in effect at the time. Comply with the Yolo HCP/NCCP for covered species. For non-covered species for which impacts may occur, ensure compliance with appropriate measures in site-specific biological assessments required under the OCMP and CCRMP, in compliance with the State Fish and Game

Code, Migratory Bird Treaty Act, and other applicable regulations, plans and programs, as appropriate.

Page 3-6: The following changes have been made to Table 3-1 on page 3-6 of the Draft EIR (see Chapter 4.0 of this Final EIR, See also Appendix C of this document for a clean version of the revised Table 3-1.):

Footnote 8 has been added to “Granite Esparto” in the first column of line 3, and removed from the other entries in this row.

The following text has been added to Footnote 7:

Originally approved for 1,000,000 tons sold (1,075,269 tons mined) plus 20% exceedance of 200,000 tons sold (240,964 tons mined). Amended in 2011 as a part of the Granite Esparto approval to allow a combined total tonnage of 1,870,000 tons sold (2,075,269 tons mined) plus 20% exceedance of 374,000 tons sold 9415,054 tons mined). Mining at Granite Esparto is precluded until mining at Granite Capay has ceased.

The Annual Permitted Tons Sold cells for Granite Capay and Granite Esparto will be merged and shown as 1,870,000.

The Annual Permitted Tons Mined cells for Granite Capay and Granite Esparto will be merged and shown as 2,075,269.

The Annual 20% Exceedance Tons Sold cells for Granite Capay and Granite Esparto will be merged and shown as 374,000.

The Annual 20% Exceedance Tons Mined cells for Granite Capay and Granite Esparto will be merged and shown as 415,054.

The Total Permitted Tons Sold cells for Granite Capay and Granite Esparto will be merged and shown as 56.1.

The Total Permitted Tons Mined cells for Granite Capay and Granite Esparto will be merged and shown as 62.26.

The permit approval language for Granite Woodland has been modified as follows: Site reclaimed. Allocation of 420,000 tons mined (370,000 tons sold) annually transferred to Granite Esparto or Granite Capay site in 2011. Site reclaimed.

Page 4.3-2: The following revision is made to page 4.3-2 of the Draft EIR:

The California Air Resources Board (CARB) and the United States Environmental Protection Agency (USEPA) currently focus on the following air pollutants as indicators of ambient air quality: ozone, particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and lead. Because these are the most prevalent air pollutants known to be deleterious to human health and extensive health-effects criteria documents are available, they are commonly referred to as the six “criteria air pollutants.” Table

4.3-1 summarizes the most common health effects for each of the air pollutants for which there is a national and/or California ambient air quality standard, as well as for toxic air pollutants.

Page 4.3-2: The following table is added to page 4.3-2 of the Draft EIR. Please note that the other Table numbers will change with the inclusion of this table:

**Table 4.3-1: Air Pollutants' Effects on Health**

<u>Pollutant</u>	<u>Health Effects</u>
<u>Ozone</u>	<ul style="list-style-type: none"> <li>• <u>Respiratory symptoms</u></li> <li>• <u>Worsening of lung disease leading to premature death</u></li> <li>• <u>Damage to lung tissue</u></li> </ul>
<u>CO</u>	<ul style="list-style-type: none"> <li>• <u>Chest pain in patients with heart disease</u></li> <li>• <u>Headache</u></li> <li>• <u>Light-headedness</u></li> <li>• <u>Reduced mental alertness</u></li> </ul>
<u>Nitrogen Oxides (NOx)</u>	<ul style="list-style-type: none"> <li>• <u>Lung irritation</u></li> <li>• <u>Enhanced allergic responses</u></li> </ul>
<u>SO<sub>2</sub></u>	<ul style="list-style-type: none"> <li>• <u>Worsening of asthma: increased symptoms, increased medication usage, and emergency room visits</u></li> </ul>
<u>Particulate matter less than 10 microns in diameters (PM<sub>10</sub>)</u>	<ul style="list-style-type: none"> <li>• <u>Premature death and hospitalization, primarily for worsening of respiratory disease</u></li> </ul>
<u>Particulate matter less than 2.5 microns in diameters (PM<sub>2.5</sub>)</u>	<ul style="list-style-type: none"> <li>• <u>Premature death</u></li> <li>• <u>Hospitalization for worsening of cardiovascular disease</u></li> <li>• <u>Hospitalization for respiratory disease</u></li> <li>• <u>Asthma-related emergency room visits</u></li> <li>• <u>Increased symptoms, increased inhaler usage</u></li> </ul>
<u>Sulfates</u>	<ul style="list-style-type: none"> <li>• <u>Same as PM<sub>2.5</sub>, particularly worsening of asthma and other lung diseases</u></li> <li>• <u>Reduces visibility</u></li> </ul>
<u>Lead</u>	<ul style="list-style-type: none"> <li>• <u>Impaired mental functioning in children</u></li> <li>• <u>Learning disabilities in children</u></li> <li>• <u>Brain and kidney damage</u></li> </ul>
<u>Hydrogen Sulfide</u>	<ul style="list-style-type: none"> <li>• <u>Nuisance odor (rotten egg smell)</u></li> <li>• <u>At high concentrations: headache and breathing difficulties</u></li> </ul>
<u>Vinyl Chloride</u>	<ul style="list-style-type: none"> <li>• <u>Central nervous system effects, such as dizziness, drowsiness and headaches</u></li> <li>• <u>Long-term exposure: liver damage and liver cancer</u></li> </ul>
<u>Toxic Air Contaminants</u>	<ul style="list-style-type: none"> <li>• <u>Cancer</u></li> <li>• <u>Reproductive and developmental effects</u></li> <li>• <u>Neurological effects</u></li> </ul>

Sources: California Air Resources Board website: <https://ww2.arb.ca.gov/resources/common-air-pollutants>, accessed July 2019.

Pages 4.3-5 and 4.3-6: Pages 4.3-5 and 4.3-6 of the Draft EIR is revised as follows:

CARB has established and maintains, in conjunction with the air districts, the SLAMS network that monitors actual pollutant levels present in the ambient air. The data generated at a SLAMS can be used to determine both the state and federal attainment status of an air district and to evaluate the effectiveness of air quality rules and regulations. State law recognizes that air pollution does not respect political boundaries and therefore requires the CARB to divide the state into separate air basins that have “similar geographical and meteorological conditions” while still making “considerations for political boundary lines whenever practicable”.<sup>6</sup>

CARB also sets emissions standards for new motor vehicles, consumer products, small utility engines, and off-road vehicles. ~~In many cases, California standards are the toughest in the nation. State law recognizes that air pollution does not respect political boundaries and therefore requires the CARB to divide the state into separate air basins that have “similar geographical and meteorological conditions” while still making “considerations for political boundary lines whenever practicable”.~~ Since 1994, CARB has adopted increasingly stringent emission standards for hydrocarbons, nitrogen oxides, carbon monoxide, and particulate matter to regulate new pieces of off-road equipment, known as Tier 2, Tier 3, and Tier 4 standards. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards.<sup>7</sup> Out of the estimated 161,420 pieces of construction equipment used statewide in 2014, about 59 percent are Tier 2 engines and above.<sup>8</sup>

Page 4.3-6: The following footnotes are added to page 4.3-6 of the Draft EIR:

<sup>7</sup> CARB, 2019. In-Use Off-Road Diesel-Fueled Fleets Regulation Language. Available at <https://ww2.arb.ca.gov/resources/documents/use-road-diesel-fueled-fleets-regulation-language>. Accessed on July 3.

<sup>8</sup> San Francisco Department of Environment, San Francisco Department of Public Health, and San Francisco Planning Department, 2015. San Francisco Clean Construction Ordinance, Implementation Guide for San Francisco Public Projects, Final, August.

Page 4.3-6: Page 4.3-6 of the Draft EIR is revised as follows:

The 1994 Sacramento Area Regional Ozone Attainment Plan is the ~~current~~ current federal ozone plan (SIP) for the YSAQMD for attainment of the national 1-hour ozone standard, and sets out stationary source control programs and statewide mobile source control programs ~~for attainment of the national 1-hour ozone standard.~~ In 2005, the national 1-hour ozone standard was revoked by the USEPA; however, a court decision found that areas that were subject to certain planning requirements based on their 1-hour ozone non-attainment designation were still obligated to meet those requirements even though the standard had been revoked. The 2013 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan continues the strategies found in the 1-hour ozone SIP and was adopted by the YSAQMD on October 11, 2017. The 2013 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan was updated by CARB staff and incorporated into the SIP on October 25, 2018. As of 16

November 2017, CARB was in the review process of the 2017 Sacramento Regional 2008 NAAQS 8-Hour Ozone Attainment and Further Reasonable Progress Plan.

Page 4.3-17: Page 4.3-17 of the Draft EIR is revised as follows:

In addition, any proposed new mining operation or new asphalt plant would be required to undergo project-specific CEQA review. The project-specific CEQA review would take into consideration specific site conditions, the proximity of substantial numbers of people, and project details to evaluate potential odors impacts. The project-specific CEQA review would ~~and~~ evaluate whether the project would be in compliance with the ordinance standards, and identify mitigation measures, as necessary. Therefore, the potential impact of ~~off~~-channel OCMP activities ~~to~~-resulting in emissions (such as odors and dust) that would adversely affecting a substantial number of people is less than significant (LTS).

Page 4.4-3: Under the column of Table 4.4-3 entitled "Status Federal/State/Other" on page 4.4-21 of the Draft EIR, the following revision is made:

-/SSC, CT/-

Page 4.4-37: Page 4.3-37 of the Draft EIR is revised as follows:

As indicated in Table 4.4-3, suitable habitat for western pond turtle and foothill yellow-legged frog (*Rana boylei*) is found within the CCAP area, and individual pond turtles have been observed repeatedly along Cache Creek during annual monitoring performed as part of the CCRMP. Both of these species are recognized as SSC by the CDFW and are not always carefully monitored in the CNDDDB. Foothill yellow-legged frog is also a candidate for listing as a threatened species under CESA, based on a petition submitted December 2016. This species is restricted to perennial aquatic habitat, typically found in streams with a cobble bed and shallow riffles, which is present along some reaches of lower Cache Creek. Western pond turtle is an aquatic species that occurs in ponds, lakes, and perennial slow-moving streams where deep pools are present that allow for retreat from predators. Areas of permanent pools along lower Cache Creek and former quarry pits with emergent vegetation provide suitable habitat for western pond turtle.

Page 4.4-42: Page 4.4-42 of the Draft EIR is revised as follows:

CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. Permittees must implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project. ~~CESA prohibits the taking of state-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW requires preparation of mitigation plans in accordance with published guidelines.~~

Page 4.4-63: Page 4.4-63 of the Draft EIR has been revised as follows:

*Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP)*. The Yolo HCP/NCCP is a 50-year countywide conservation plan approved in 2018. The HCP/NCCP protects endangered species and natural resources while allowing for orderly development in Yolo County consistent with local General Plans. The Yolo HCP/NCCP provides coverage for 12 special-status animal and plant species (“covered species”), as well as riparian and other wetland sensitive natural community types. The 12 covered special-status species are the following: bank swallow, burrowing owl, California tiger salamander, giant garter snake, least Bell’s vireo, palmate-bracted salty birds beak, Swainson’s hawk, tricolored blackbird, valley elderberry longhorn beetle, western pond turtle, western yellow-billed cuckoo, white-tailed kite. These are the “covered species” for which take authorization has been secured under the ESA Section 10 and Section 2835 of the NCCPA, pursuant to compliance with and implementation of the Yolo HCP/NCCP. The take authorization allows specified “covered activities” to occur which generally include build-out of the general plans for each of the member jurisdictions (Yolo County and the four cities) and implementation of the Yolo HCP/NCCP conservation strategy. These covered activities total 19,212 acres over the entire County which constitutes the Yolo HCP/NCCP plan area. The covered activities are described generally as including planned land use activities in identified urban and rural areas (17,550 acres), identified public and private infrastructure operations and maintenance (706 acres), and implementation of identified conservation strategy activities (956 acres).