

2017 CACHE CREEK AREA PLAN REVIEW AND UPDATE

EXECUTIVE SUMMARY

To be provided at a later time

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SECTION ONE – BACKGROUND AND OVERVIEW

1.1 HISTORY

Gravel mining in Lower Cache Creek has occurred since the late 1880's. As early as 1936 Yolo County began to regulate mining in the Cache Creek channel. The requirement for use permits on all new gravel operations was adopted in 1963. In the 1970s the effects of mining in general were becoming a significant issue statewide. In 1976 the State Surface Mining and Reclamation Act (SMARA) was enacted. In channel mining was becoming more of a concern locally, and in 1979 the County adopted a Mining and Reclamation Ordinance that established excavation elevations and set a maximum production amount for operators. In 1980 Solano Concrete received the first approval to be issued in Yolo County for "wet pit" mining which involved off-channel mining to depths below the groundwater table.

In the late 1980's and early 1990's, the County experienced a period of extensive controversy and debate regarding appropriate management of the various resources and values along Cache Creek. During this period the County sought to minimize the effects of in-channel mining yet ensure a healthy mining industry. The Board of Supervisors adopted a framework of goals and objectives for regulation in 1994. In doing so, the Board recognized that although mining was an important consideration, the creek is integrally bound to the environmental and social resources of the County, including drainage/flood protection, water supply and conveyance, wildlife habitat, recreation, and agricultural productivity. As such, development of the CCAP was based on the key assumption that the creek must be viewed as an integrated system, with an emphasis on the management of all of Cache Creek's resources, rather than a singular focus on the issue of mining. The Board directed the preparation of an extensive analysis of fluvial geomorphology, hydrology, and riparian habitat to provide historical and baseline information, and recommendations for improving the natural processes and resources of Cache Creek. This information would be released as the 1995 Technical Studies and become the basis of the regulatory program in place today.

1.2 1995 TECHNICAL STUDIES

In October 1995 Yolo County accepted a seminal report entitled Technical Studies and Recommendations for the Lower Cache Creek Resources Management Plan (referred to as the "1995 Technical Studies"). This report examined the creek from three perspectives: geology and geomorphology; groundwater and hydrology; riparian biology. This 1995 report presented nearly 60 management and regulatory recommendations and provided specific direction in the following areas:

- With the exception of initial channel reshaping and periodic "maintenance mining" to be controlled by the County, the report suggests that commercial mining and hauling within the active channel should be discontinued.
- The "Test 3" hydraulic modeling results provide the best feasible guide for the type of channel smoothing and shaping that should occur all along the creek, pursuant to the recommendations of the report.
- On-going in-channel maintenance activities are important to maintain 100-year flood capacity.
- Besides recharge and recreation potential, reclamation of pits should also consider flood control opportunities. Spillways for controlled "pit capture" in the event of a catastrophic flood event are beneficial. These should be limited, however, and pits should generally be located a safe distance from the creek based on engineering analysis.
- Off-channel mining, in particular deep wet-pit mining, can be feasibly regulated to prevent the potential for impacts to groundwater quality.
- Deep wet pits are generally not as beneficial for groundwater recharge purposes as shallower dry basins. However, they can be beneficial for recreation uses.
- The "streamway influence boundary" represents the area outside the present bank line that is influenced by the channel where in-channel characteristics and off-channel characteristics overlap.
- Tamarisk should be selectively controlled, particularly west of the Capay Bridge. Giant reed should be removed in areas of high flow velocity.
- The best area for groundwater recharge are the reaches near Esparto (between County Road 89 and the Capay Bridge), and below the Stevens Bridge, near Woodland.
- The highest priority habitat restoration area lies approximately between the CEMEX facilities and CR 94B because of the availability of water to sustain vegetation. If additional water can be provided to other reaches, the extent of riparian habitat restoration can be expanded.

- The most important item for promoting vegetation along the Creek is to identify a mechanism for maintaining continuous flow in all or portions of the creek.
- A coordinated approach for monitoring and reclamation of off-channel mining will provide important information for updating the program and for implementation of a Cache Creek Parkway over time. The report points out that management of the creek must be flexible to respond to changes that will occur in acknowledgement of the dynamics of the Cache Creek system.

The staff report to the Board of Supervisors (dated October 24, 1995) that presented this study noted:

“In addition, although not addressed directly in the Report, certain recreational opportunities will also present themselves as a result of these long-term planning efforts. Coordination of a minimum of three to five "recreation nodes" (and future public access to them) adjoining the creek, on property controlled by long-term permit applicants, will ensure future opportunities for a parkway concept similar to that of the American River Parkway in Sacramento County. It is important that these nodes be spaced along the entire study area, and that they be located as near to key County Roads and state highways as possible. These nodes would become the future parks, public access points, staging areas, interpretive centers, and trail heads of a comprehensive parkway along the creek. For now, however, the key is simply to identify and hold them.”

The 1995 Technical Studies significantly influenced the County’s subsequent planning and regulatory program for aggregate resources. The analysis, recommendations, direction contained in the report provided the technical and scientific basis for development of the Cache Creek Area Plan (CCAP). The 1995 Technical Studies are available at the following County website:

<http://www.yolocounty.org/general-government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/cache-creek-area-plan-document-library/1995-technical-studies>

1.3 CACHE CREEK AREA PLAN (CCAP)

The Cache Creek Area Plan (CCAP) is a rivershed management plan adopted by Yolo County in 1996 for 14.5 miles of Lower Cache Creek, between the Capay dam and the town of Yolo. The CCAP was adopted as a “specific plan” pursuant to Section 65450 et seq of the State Government Code. It was adopted as a part of the County’s General Plan and as a result, changes to the CCAP are regulated as general plan amendments. The CCAP actually consists of two distinct complementary plans governing different areas of the overall plan area: the Cache Creek Resources Management Plan (CCRMP) and the Off-Channel Mining Plan (OCMP).

Specifically, the Cache Creek Resources Management Plan (CCRMP) is a creek restoration plan that eliminated in-channel commercial mining and established a policy and regulatory framework for:

- Habitat preservation and restoration
- Aquifer recharge and conjunctive water use
- Channel stabilization and maintenance
- Managed public open space and recreation

The CCRMP also established the Cache Creek Improvement Program (CCIP) for implementing on-going projects to improve, stabilize, and maintain the creek. The CCRMP and CCIP are available at the following County website:

<http://www.yolocounty.org/general-government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/cache-creek-area-plan-document-library>

The Off-Channel Mining Plan (OCMP) is an aggregate resources management plan that established a policy and regulatory framework that allows for controlled off-channel gravel mining no closer than 200 feet to the banks of Cache Creek.

In addition the CCAP resulted in the following:

- Conversion of vested rights for processing plants and facilities to conditional use permits with expiration dates coincident with the end of the approved mining period for each operation.
- Creation of a per-ton fee to fund the program.
- Voluntary dedication of specified reclaimed property over time to allow for the creation of the Cache Creek Parkway.
- Additional environmental protections and monitoring requirements.

Separate environmental impact reports (EIRs) were prepared for each plan and all identified mitigation measures were incorporated into the plans and subsequent implementing ordinances. The CCAP has a planning “view” of 50 years through the end of 2046, however the horizon date for the plan is December 31, 2026. On or before that date the horizon year of the CCAP must be amended to extend the horizon year. The OCMP is available at the following website:

<http://www.yolocounty.org/general-government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/cache-creek-area-plan-document-library>

1.4 PLANNING AREA AND OTHER BOUNDARIES

The overall area covered by the CCAP totals 28,130 acres comprised of all land designated by the State as falling within a state Mineral Resources Zone¹ or MRZ as follows:

MRZ-1: Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. This zone is applied where, based upon economic principles and geologic data, it is determined that the likelihood for the occurrence of significant mineral deposits is slight or nonexistent. Total within the CCAP is 1,458 acres.

MRZ-2: Areas where adequate information indicates that significant mineral deposits are present, or where it is determined that a high likelihood for their presence exists. In addition, there are two economic requirements that must be met if land is to be classified as MRZ-2: (1) the deposit must be composed of material that is suitable as a marketable commodity; and (2) the deposit must meet a threshold value (gross selling price) equal to at least \$5,000,000 (1978 dollars). Total within the CCAP is 18,452 acres. The same area is designated in the County General Plan as Mineral Resource Overlay (MRO).

MRZ-3: Areas containing mineral deposits, the significance of which cannot be evaluated from available data. Total within the CCAP is 8,220 acres.

MRZ-4: Areas where available information is inadequate for assignment to any other Mineral Resource Zone. There is no MRZ-4 land designated within the CCAP.

In general, the overall area is divided into the planning area for the CCRMP and the planning area for the OCMP. The planning area for the CCRMP was defined in 1996 as the in-channel area of the creek system, as defined by the then-present channel bank line or the 100-year flood elevation described in the Westside Tributaries Study (June 1994) prepared by the U.S. Army Corps of Engineers, whichever was wider, minus the original off-channel mining pit reclaimed by Solano Concrete and minus the large floodplains located downstream of CR 94B (as described in the CCRMP). The boundaries used for the downstream reach were the channel bank as delineated in the 1995 Technical Studies. In total the CCRMP in-channel boundary totaled 2,235² acres. Subtracting this area from the 28,130 acres included in the State MRZs left a total of approximately 25,895 acres within the planning area of the OCMP.

The area identified for mining through the horizon year of 2046 totals 3,380³ acres of the OCMP area. This is identified in the OCMP as the OCMP "boundary" (page 11). This same area is designated

¹ State Department of Conservation, Special Report 156, "Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Sacramento-Fairfield Production-Consumption Region", 1988.

² Adjusted based on refined GIS data, from 2,324 acres identified in the CCRMP (page 9).

³ Adjusted bases on refined GIS data, from 2,887 acres identified in the OCMP (page 9) and 3,073 acres identified on page 11.

in the County's Zoning Ordinance using the Sand and Gravel Reserve (SGR) combining zone for parcels on which mining is planned but for which no operations have been approved (916 acres)⁴ and the Sand and Gravel (SG) combining zone for parcels on which mining operations have been approved (2,464 acres)⁵. The land designated with the SG overlay zone consists of the following⁶:

Cemex	780 acres
Granite Capay	323 acres
Granite Esparto	311 acres
Syar	342 acres
Teichert Esparto	210 acres
Teichert Woodland	411 acres
<u>Teichert Schwarzgruber</u>	<u>87 acres</u>
Total	2,464 acres

The 1995 Technical Studies introduced the concept of the Streamway Influence Boundary and the Test 3 Run Boundary. The Streamway Influence Boundary (Figure 3 of the CCRMP and Figure 5 of the OCMP) is defined essentially as the area outside the bank line where the creek affects off-channel land uses and it was described in the CCRMP as being based on the channel's historic meander (page 11). In other words, it is an area adjoining the creek where in-channel characteristics and off-channel characteristics overlap. This boundary provided the basis for the 700-foot off-channel mining setback described below and codified in Section 10-4.429(d) of the County's Mining Ordinance.

Performance Standard 6.5-14 of the CCRMP states:

6.5-14 Proposed off-channel excavations located within the streamway influence boundary shall be set back a minimum of seven-hundred (700) feet from the existing channel bank, unless an engineering analysis demonstrates that a small distance will not adversely affect channel stability within the reach. If the proposed engineering measures are demonstrated to be feasible, then the minimum setback distance shall be no less than two hundred (200) feet.

Approval of any off-channel mining project located within seven-hundred (700) feet of the existing channel bank shall be contingent upon an enforceable agreement which requires the project operator to participate in the completion of channel improvement projects, along the frontage of their property, consistent with the CCRMP and CCIP. The agreement shall also require that the operator provide a bond or other financial instrument for maintenance during the mining and reclamation period of any bank stabilization features approved for the mining project. The agreement shall also require that a deed restriction be placed on the underlying property which requires maintenance of the streambank

⁴ Adjusted based on refined GIS data, from 686 acres identified in the OCMP (page 12) and 676 acres (page 30).

⁵ Adjusted based on refined GIS data, from 2,211 acres identified in the OCMP (page 30) and 2,123 acres (page 4, 11, 50).

⁶ M. Neuvert, July 27, 2016.

protection by future owners of the property. Maintenance of the bank stabilization features following completion of reclamation shall be the responsibility of the property owner.

The Test 3 Run Boundary was used as the target template for required creek improvements referenced in the Performance Standard 6.5-14. Mining operations along Cache Creek that have demonstrated the viability of mining closer than 700 feet from the channel bank, and required to implement the Test 3 Run Boundary channel shape along their creek frontage as a condition of approval.

1.5 AGGREGATE RESOURCES

As reported in the OCMP (page 7), about 918 million tons of high grade “Portland Cement Concrete” or PCC-grade sand and gravel were estimated to remain within the MRZ-2 area as of 1995. This estimate excluded about 1,250 acres (of the total 18,452 acres within the MRZ-2) which was removed due to the existence of infrastructure making those locations unavailable for mining. Under the CCAP, approximately 187 million tons of aggregate have been approved for excavation (see table below) and approximately 71.6 million tons of aggregate have actually been excavated (1996 through 2015). This means about 846.4 million tons of aggregate remain in the ground as of 2015 and another 115.4 tons are expected to be excavated, leaving aggregate reserves of approximately 731 million tons.

<u>Operator</u>	<u>Approved Tons Sold (mil)</u>	<u>Approved Tons Mined (mil)</u>	<u>Permit Expiration</u>
Cemex	26.70	32.17	August 11, 2027
Granite Capay	30.00	32.26	January 1, 2028
Granite Esparto	26.10	30.00	November 8, 2041
Syar	30.00	33.33	June 8, 2029
Teichert Esparto	22.00	25.88	January 1, 2028
Teichert Woodland	15.20	17.88	January 1, 2028
Teichert Schwarzgruber	4.00	4.65	January 1, 2028
CCRMP/CCIP	9.90	11.00	January 1, 2027 ⁷
Total	163.9	187.17	

1.6 CCAP REVIEW REQUIREMENTS

1.6.1 Overview

The structure of the 1996 CCAP is based on the concept of adaptive management. The OCMP and CCRMP (including various implementing ordinances), the mining per-ton fees, and the mining permit conditions of approval all require regularly conducted modeling, monitoring, surveying, and reporting. Attachment A (CCAP Data Calendar) summarizes the frequency of these data requirements. The resulting information is to be analyzed for patterns and fed back into the program for the purpose of program update/modification if appropriate, when the County conducts regularly required program reviews. The County is required to review the plan documents and

⁷ Coterminous with horizon year of CCAP.

implementing ordinances, the fee program, and the mining permits every ten years. Attachment B (CCAP Review Matrix) summarizes the review requirements and the County's implementation of this process to date. The first ten-year review of the CCAP was to have occurred by January 1, 2007. A summary of whether and how that review was conducted for each component of the program is provided below. The second ten-year review is due January 1, 2017 and the subject of this report.

1.6.2 CCRMP

The equivalent of the required ten-year review of the CCRMP occurred in 2006. In July of 2006 the County released a report entitled "2006 Cache Creek Status and Trend Analysis" which served as the required TAC annual report for 2005 and analyzed trends for the nine-year period from 1997 through 2005 (inclusive). This report identified almost 50 recommendations for monitoring, modeling, in-channel projects by reach, and program development.

Pursuant to the CCIP the TAC is required to submit an annual report to the Board of Supervisors documenting implementation of the CCRMP/CCIP for the prior year. Annual reports were prepared for the following years: 1997, 1998, 2005, 2010, and every year since. In general, these reports provide an assessment of the conditions of the creek for the year based primarily on observations from the annual creekwalk, monitoring results for the prior year or years, analysis of conditions, and recommendations for the year.

The CCRMP was updated by the county in August 2002 for the purpose of securing new general permits from the U.S. Army Corps of Engineers, the Central Valley Regional Water Quality Control Board, and the California Department of Fish and Game. The CCRMP was amended and a Supplemental EIR was certified at that time.

The County maintains a spreadsheet of the recommendations contained in each annual report and the status of implementation. This information is included as Chapter 4.0 of the 2017 Technical Studies which is summarized in Section 2.0 below.

1.6.3 CCIP

The CCIP was to be reviewed on the same cycle as the CCRMP. It has been amended once since adoption. On March 11, 2011, the CCIP was amended to clarify that it implements the CCAP but is not considered a part of the CCAP, and therefore changes to the CCIP do not require a General Plan Amendment. Also, the requirement that TAC members be appointed by the Board of Supervisors was deleted.

See the discussion above regarding required annual reports by the TAC.

1.6.3 OCMP

The first ten-year review of the OCMP was to have been completed by January 1, 2007, it was started but never completed. There have been no amendments to the OCMP since adoption.

1.6.4 Mining and Reclamation Ordinances

The Mining Ordinance, the Reclamation Ordinance, and the In-Channel Maintenance Ordinance were amended March 11, 2011 to clarify that the program is currently administered under the County Administrative Officer

1.6.5 Mining Fee Ordinance

Based on the policy and regulatory guidance in the CCRMP document, the Mining Fee Ordinance establishes the amount of the gravel mining fees and how they are to be spent. A summary is provided below:

CCRMP Implementation (creek stabilization fee) currently .556% of per-ton fee

- Implement CCRMP and CCIP
- Design and construction of channel stabilization projects
- Design and construction of bridge protection projects
- Design and construction channel maintenance projects
- Monitoring, modeling, and flood watch per CCIP
- Compensation for TAC

Maintenance and Remediation (contingency fund fee) currently .044% of per-ton fee

- Starting January 2027 available for:
 - Remediation of mercury bioaccumulation in wildlife
 - Remediation of hazardous materials contamination
 - Environmental monitoring (including data gathering and groundwater modeling)
 - Ongoing maintenance of publicly held lakes
- Starting January 2047 available for:
 - Implementation of CCAP
 - Habitat restoration
 - Creation of open space and passive recreation opportunities
 - Creek restoration/stabilization

OCMP Implementation (administration fee) currently .178% of per-ton fee

- Implement OCMP
- Administer long-term mining permits
- Administer Development Agreements
- Inspect mining and reclamation operations

Cache Creek Conservancy Contribution (habitat restoration fee) currently 0.222% of per-ton fee⁸

- Habitat restoration per CCRMP
- Revegetation consistent with CCRMP creek stabilization

⁸ Paid directly to the Cache Creek Conservancy

Twenty Percent Production Exception Surcharge (currently fixed at \$0.20 per ton)

- Half to CCRMP Implementation fund (creek stabilization -- see above)
- Half to Maintenance and Remediation fund (contingency -- see above)

The mining fees were originally set (in 1996) at \$0.20 per ton divided ten cents for the CCRMP Implementation fee, two cents for the Maintenance and Remediation Fee, three cents for the OCMP Implementation fee, and five cents for the Cache Creek Conservancy Contribution. The surcharge was originally fixed at ten cents per ton. In March 2007, a ten-year review of mining fees and the mining permits was undertaken. The Mining Fee Ordinance was amended to:

- Increase the per-ton mining fees from \$0.20 per-ton sold to \$0.45 per ton sold for the base fee
- Increase the surcharge fee from \$0.10 per surcharges ton to \$0.20 per surcharge ton
- Adjust the fees annually by four percent
- Waive the optional interim review of the fees in 2012
- Modify the start date for the fee increase and extend the fee schedule through the end of 2016
- Add a requirement for the County to biennially review the revenues and expenditures for the fees

In 2013 and 2014 the Board amended the fee ordinance three more times to:

- Freeze the 2013 fees at 2012 rates for one year
- Roll back the 2013 fees by \$0.077 per ton
- Extend the fee schedule through the end of 2026
- Continue the annual four percent annual adjustment

As a result, the fees through the end of 2026⁹ are as follows:

January 1, 1997 thru	
March 31, 2007	\$0.200 per ton
April 1, 2007	\$0.450 per ton
January 1, 2008	\$0.468 per ton
January 1, 2009	\$0.487 per ton
January 1, 2010	\$0.506 per ton
January 1, 2011	\$0.526 per ton
January 1, 2012	\$0.526 per ton (fees frozen for one year)
January 1, 2013	\$0.470 per ton (fees rolled back 7.7 cents from scheduled \$0.547)
January 1, 2014	\$0.489 per ton
January 1, 2015	\$0.508 per ton
January 1, 2016	\$0.529 per ton
January 1, 2017	\$0.550 per ton
January 1, 2018	\$0.572 per ton
January 1, 2019	\$0.595 per ton
January 1, 2020	\$0.618 per ton

⁹ These fees apply to the tonnage sold that year but under the terms of the program are paid the next year.

January 1, 2021	\$0.643 per ton
January 1, 2022	\$0.669 per ton
January 1, 2023	\$0.696 per ton
January 1, 2024	\$0.724 per ton
January 1, 2025	\$0.752 per ton
January 1, 2026	\$0.783 per ton

1.6.6 Mining Permits

Section 10-4.605 of the Mining Ordinance and the conditions of approval for each mining operation require specified interim reviews of the permits at ten years (due January 1, 2007), twenty years (due January 1, 2017), and thirty years (due January 1, 2027). A discretionary review was originally contemplated at 15 years (January 1, 2012) – but never exercised¹⁰.

The first review took place over a period of time commencing in 2005 and extending through March of 2007. Three discussions papers on several components of the ten-year review were presented to the Commission and Board of Supervisors:

Discussion Paper #1 (released April 20, 2005) addressed the “Scope of the Interim Review”. This paper identified that the main purpose of the interim review is to provide the County with a limited “window” during which relevant future environmental regulations or statutory changes may be applied to the permits whether or not they would otherwise apply.

An additional purpose is to re-examine the per-ton regulatory fees. The exact language from Section Sec. 10-4.605 (Interim Permit Review) of the Mining Ordinance) and Section 10-5.814 (Interim Permit Review) of the Reclamation Ordinance as related to the mining fees is as follows:

... As a part of this review, the Commission shall also consider whether per-ton fees to which the permit is subject, reasonably reflect actual costs. The fees shall be adjusted up or down accordingly...

Discussion Paper #2 (released September 26, 2005) examined changes in environmental regulations and/or statutes that had occurred since November 1996 when the off-channel mining and reclamation permits were originally approved.

Discussion Paper #3 (released March 26, 2006) analyzed two distinct issues: 1) Whether any unanticipated or unmitigated environmental changes had occurred since the 1996 approvals; and 2) Whether CEQA is triggered by the interim permit reviews, and if so, what type of environmental analysis is necessary to provide appropriate CEQA clearance. The CCAP permits are in effect “conditional use permits” issued by the County, and as such they are discretionary and subject to CEQA. Modification or amendment of those permits is also a discretionary action. Therefore, any modification to the permits as a result of the interim review is a “project” under

¹⁰ As a component of the 2007 amendments to the Gravel Mining Fee Ordinance, the optional 15-year review of the fees was waived.

CEQA (CEQA Guidelines 15378a3). Based on the results of the first interim review, the action was determined to be exempt from CEQA.

As an outcome of the 2007 interim review, on March 20, 2007 the permits for all operators were amended to align their permit conditions related to payment of per-ton fees with the revised fee schedule. The permits were also amended to add two new conditions: a new general condition requiring all operators to be in full compliance with any other required federal, state, and regional permits; and, a new condition encouraging the use of vehicles and equipment that emit cleaner air and are equipped with diesel particulate filters.

1.6.7 Management Program Audit

Though not a trend analysis, it should be noted that the County did undertake a Management Program Audit of the entire CCAP in 2011 in conjunction with a significant reorganization of the program and changes in staffing. The purpose of this effort was to assess County success in management and implementation of the program from a structural perspective. The audit examined program management and performance and provided observations and recommendations in the following areas: files and records, mining permit compliance, federal and state permit compliance, mapping/GIS, management, budgeting, staff training, mission alignment, role of the TAC, industry relations, landowners relations, role of the Conservancy, audits and evaluations, parkway planning and property management, and data collection and management, and interagency coordination. Extensive background information for program implementation was assembled.

1.7 PURPOSE OF 2017 CCAP REVIEW

As explained in the CCAP, the purpose of the ten-year review is to analyze trends and adjust the program to avoid unexpected effects on resources management, focusing on the following areas:

- Changes in creek conditions that have occurred over the prior ten years.
- Analysis of collected data from monitoring programs, habitat restoration, channel stabilization, and reclamation efforts over the prior ten years.
- New regulatory requirements over the prior ten years.

1.8 APPROVED WORK PLAN

In June 2015 the County Board of Supervisors approved a work plan for the ten-review review and update of the CCAP consisting of the following components:

- Policy Documents – The OCMF and CCRMP will be reviewed/updated. These documents were adopted by the County under state regulations governing specific plans (CGC Section 65450 et seq). They were adopted as a part of the County General Plan. They contain both policy and

regulatory components in the form of goals, objectives, actions, and performance standards. Any substantive modifications must be processed as a General Plan Amendment.

- Regulatory Documents/Ordinances – The OCMP and CCRMP are implemented by the following regulatory documents: CCIP, Mining Ordinance, Reclamation Ordinance, and In-Channel Maintenance Mining Ordinance. All of these documents/ordinances will be reviewed/updated.
- Fee Program – The Fee Ordinance will be reviewed/updated.
- Mining Permits – The County has the following approved mining permits: Cemex, Granite Capay, Granite Esparto, Syar, Teichert Esparto, Teichert Woodland, and Teichert Schwarzgruber. Each of these permits will undergo a review/update pursuant to the terms of the program.

The Work Plan was approved with the following objectives:

- Stay within the described mission and confines of the review/update
- Seek to streamline and modernize the program
- Make the Plan better
- Reflect financial constraints

A summary of the approved Work Plan¹¹ is provided below:

Task One: Approval of Work Scope, Schedule and Budget -- Build consensus among industry and stakeholders, and seek confirmation from the County Board of Supervisors (BOS) on the proposed workplan

Task Two: Identify Changes in Creek Conditions -- Identify changes in creek biology, hydrology, and geomorphology (1995 through 2016).

Task Three: Analysis of Collected Data -- Assemble, organize, and analyze data collected under the program (1995 through 2016):

Task Four: Identify New Regulatory Requirements -- Identify applicable new regulations/policies at the local, regional, state, and federal level.

Task Five: Identify Other Clean Up -- Identify other edits, modifications, or clarifications to improve the CCAP documents

Task Six: Draft CCAP Amendments -- Create a package of CCAP documents with proposed changes using ~~strikeout~~/underline editing:

¹¹ Task numbering was modified subsequent to Board approval to reflect a more logical order.

Task Seven: CEQA Clearance -- Assess the proposed changes for environmental impacts and determine the appropriate CEQA clearance.

Task Eight: Hearings and Adoption – Conduct appropriate hearings before the Planning Commission and the BOS:

Task Nine: Public Outreach -- Undertake public outreach throughout the review and update process.

Task Ten: Project Administration -- General project coordination and management.

SECTION TWO -- CHANGES IN CREEK CONDITIONS AND ANALYSIS OF COLLECTED DATA

2.1 OVERVIEW

The approved Work Plan described that the assessment of changes in creek conditions (Task Two) and the analysis of collected program data (Task Three) would be undertaken by the members of the TAC, as independent technical experts. This approach was taken for a number of reasons:

- 1) The TAC member's existing familiarity with the program
- 2) The TAC member's professional expertise in appropriate technical areas
- 3) Desire to reinforce TAC understanding of the program through the rigors of the analysis

The three TAC members undertook extensive technical analysis of collected data, other available information and analysis, and conditions within the creek within their respective disciplines. Three technical reports have been prepared that together provide an update to the 1995 Technical Studies. The three reports have been combined and released as one report entitled "2017 Technical Studies and 20-Year Retrospective for the Cache Creek Area Plan" (referred to as the "2017 Technical Studies". This document is available online at the following website and is summarized below:

<http://www.yolocounty.org/home/showdocument?id=41164>

2.2 2017 TECHNICAL STUDIES

This report was released March 17, 2017. As directed by the program, the report focuses on changes in creek conditions and analysis of collected data since 1996. The report generally validates and confirms the findings and recommendations of the 1995 Technical Studies. A summary of key findings by subject matter is provided below.

2.3 FLUVIAL GEOMORPHOLOGY STUDY

The significant findings of the 2017 fluvial geomorphology analysis are summarized below:

- The streamway influence boundary delineated in the 1995 Technical Studies is a product of sound geomorphic principles and should continue to be used in future implementation of the CCAP.
- The general idea behind the Test 3 Run Boundary remains valid, however, some assumptions of the Test 3 hydraulic modeling have not been fully implemented, so the Test 3 Run Boundary should be updated (and renamed) to reflect current understanding of channel conditions and change.
- The primary active channel of Cache Creek has migrated extensively since 1996.
- A total of approximately ten million tons of sediment was deposited in Cache Creek in the CCRMP area between 1996 and 2011.
- Sediment deposition has occurred almost exclusively on channel bars.
- The long term trend of sediment deposition in Cache Creek since 1996 is interspersed with years of erosion in the CCRMP area.
- Lateral channel migration in dynamic reaches typically occurs during peak flows between 15,000 and 25,000 cfs (greater than two-year but less than ten-year recurrence interval flows).
- Active channel sinuosity has increased from the degraded 1995 condition in all of the reaches in the CCRMP except for the Hoppin and Rio Jesus Maria reaches.
- Lateral channel migration and magnitude of erosion and/or deposition varies by reach and with magnitude of peak flows.

The recommendations of the fluvial geomorphology analysis are summarized below:

- The CCRMP boundary should be modified to incorporate the latest FEMA 100-year floodplain boundary (map effective date June 17, 2010) and the 2015 active channel extent, whichever is further from the centerline of the Cache Creek corridor.
- The Test 3 Run Boundary should be updated based on observations of active channel and topography change over the past twenty years and renamed the Channel Form Template (CFT).

- The flood protection purpose of the plan should be refined to require maintenance of existing level of flood flow capacity as opposed to maintenance of a specific level of flood protection.
- Major stabilization projects should be replaced with more general guidance to maximize available area for continued channel evolution, while still achieving some measure of channel smoothing at bridges.
- Multiple in-channel mining templates should be replaced with a single generalized in-channel mining template that is easier to understand and implement.
- Priority projects should replace site specific bridge transition and stabilization projects with standard river management and bank protection design approaches for bank stabilization at bridges and other locations.
- Gravel bar skimming instream maintenance projects should be included in priority projects to address significant sediment deposition on gravel bars over the last twenty years.

2.4 HYDROLOGY AND WATER QUALITY STUDY

The significant findings of the 2017 hydrology and water quality analysis are summarized below:

- The period 1996-2016 produced statistically expected peak flow patterns characterized by cycles of wet and dry periods. No extraordinary flow events occurred during the period evaluated in this study. Wet and dry cycles are historically common in the Sacramento Valley.
- Groundwater levels near Cache Creek have continued their seasonal trends of depression in the irrigation season and recovery in the rainy season and the impacts of drought periods (particularly the drought starting in 2012) are evident.
- The water quality monitoring program under CCAP (both surface water samples collected by the County and samples collected at mining site by operators) is providing a reasonable overview of the condition of the Creek. While there are no obvious long term trends, and most contaminants are below action levels, the Gordon Slough site frequently has the highest recordings of many contaminants and may be a key source of nutrient and organic contaminants.
- Mercury continues to be a concern for Cache Creek and its surrounding areas, but CCAP and mining activities do not seem to be exacerbating mercury impacts.

The recommendations of the hydrology and water quality analysis are summarized below:

- The Test 3 Run Boundary should be revised based on new data and understanding of creek processes and renamed the 2017 Channel Form Template.

- In general, CCIP monitoring requirements should be amended to reflect up to date scientific methods and funding realities and better data management practices should be put in place.
- There should be amendments to plan documents to avoid overly prescriptive approaches to management of the Creek.
- The water quality monitoring program should be further streamlined and clarified.
- If funding from Yolo County and/or the YCFCWCD allows, a stream gage should be established and maintained at the Capay Dam. Such a gage would provide useful information on flows at the upstream end of the CCRMP study area. Because the Dam represents a fixed, concrete overflow structure, it offers an opportunity for a consistent and simple rating curve from which to equate measure stage to flow in the Creek.

2.5 BIOLOGICAL RESOURCES STUDY

The significant findings of the 2017 biological resources analysis are summarized below:

- Over the last two decades since implementation of the CCAP, native riparian vegetation has generally increased, especially in areas that were formerly mined.
- Special-status native blue elderberry shrubs are presently abundant along lower Cache Creek, and there is strong evidence that the local population is on an increasing trajectory.
- Numerous opportunities exist to accelerate further recovery of native vegetation, including restoring additional riparian and upland habitat, increasing base creek flows during spring and summer seasons, and expanding treatment of invasive species.
- The three invasive plant species (arundo, ravennagrass, and tamarisk) that have been historically prioritized for treatment since the early 2000s have been greatly reduced, although many additional nonnative and invasive species are now present and should be targeted for removal and replacement with native species.
- Over 200 wildlife species were observed from 1995–2016. Many species were consistently observed during the study period, such as Swainson’s hawk, riparian bank swallow, numerous migratory songbirds, Western pond turtle, river otter, Columbian black-tailed deer, bobcat, Sacramento pikeminnow, and Sacramento sucker.
- The continued recovery of native vegetation and natural ecological processes should provide additional habitat and resources for these and other native species, further increasing the value of lower Cache Creek as habitat within the matrix of agricultural and urban lands in Yolo County.

The recommendations of the biological resources analysis are summarized below:

- The invasive species management program should continue to be expanded, encompassing additional priority species (e.g., perennial pepperweed) and areas further from the main creek channel. Mobile mapping technology and GIS software should be used to prioritize and track treatments, and efforts should be made to support additional mapping and treatment efforts upstream of Capay Dam.
- After treatment of invasive species, native understory and overstory species should be seeded or planted to accelerate habitat recovery and prevent reinvasion.
- Standardized vegetation monitoring protocols developed during the CCAP update process should be consistently implemented in future years to track changes in abundance and distribution of both native and nonnative riparian vegetation.
- Post-implementation monitoring and adaptive management of revegetation and restoration projects should become standard components of such projects, to ensure long-term success.
- Opportunities to accelerate further recovery of native vegetation along lower Cache Creek via increasing base creek flows during spring and summer seasons should be explored.
- Opportunities for additional monitoring of native vegetation, wildlife, invertebrates, and fish should also be explored, likely in partnership with local universities and non-profit organizations, to better understand the status of local populations and to develop targeted conservation strategies as a component of the multi-benefit CCAP framework.

SECTION THREE -- NEW REGULATORY REQUIREMENTS

3.1 OVERVIEW AND METHODOLOGY

Changes in environmental regulations from program adoption in 1996 through 2005 were examined as part of the Mining Permit Review completed in March 2007. The subject effort examines regulatory changes that have occurred from 2005 to 2016. A brief overview of each item is provided. These areas of regulatory change will be further analyzed in the environmental impact report to determine whether additional modifications to the program or operator conditions of approval are merited as a result.

This assessment was undertaken by reviewing relevant local, state, and federal regulations and identifying topical areas where significant new statutory changes have occurred. A summary of identified changes and an initial assessment of an appropriate programmatic response are provided.

3.2 NEW REGULATIONS

For many areas of state and federal regulation, there is separate permitting and/or enforcement authority which allows agencies to apply new regulatory requirements as relevant. Examples include the US Fish and Wildlife Service for federally listed biological resources, State Department of Conservation for SMARA, the State Water Quality Control Board for water quality and discharge, the State Department of Fish and Wildlife for state listed biological resource, and the Yolo-Solano Air Quality Management District for air pollutants.

The following new regulations, promulgated since 2005, have been identified as potentially relevant to the CCAP program and are programs for which modifications of the CCAP documents may be appropriate. Other regulations may be identified as a part of the environmental impact review that will be prepared for this Update. A brief explanation of the intersection between each regulations and the CCAP is provided.

3.2.1 Climate Change and Greenhouse Gas Emissions (2006)

Legislation pertaining to regulation of greenhouse gases (GHGs) and other factors contributing to climate change emerged primarily in the mid-2000's. The Global Warming Solutions Act of 2006 (AB 32) codified a statewide goal of reducing greenhouse gas (GHG) emissions to 1990 levels by 2020. Subsequent legislation has established a host of other targets and controls, including most recently SB 32 signed in September 2016 which requires the state to reduce GHG emissions to 40 percent below 1990 levels by 2030.

The County General Plan has several hundred policies related to achieving GHG reductions and related climate change benefits. Among these are the following:

CO-8.2 – Use the development review process to achieve measurable reductions in greenhouse gases.

CO-8.3 – Implement those strategies as described in the adopted Climate Action Plan to adapt to climate change based on sound scientific understanding of the potential impacts.

CO-8.5 – Integrate climate change planning and program implementation into County decision making.

The County adopted a Climate Action Plan (CAP) that seeks to reduce GHG emissions in 2020 by approximately five percent below 2008 emissions and in 2030 by approximately 30 percent below 2008 emissions. The General Plan (Action CO-A118) requires implementation of and consistency with the CAP by all projects. The CCAP and associated mining permits were factored into the projections upon which the CAP is based, but are considered “non-jurisdictional” emissions because the County has no control over the primary source of emissions from mining activities which is large vehicles and equipment.

The CCAP program embodies the concept of local aggregate to support local needs – this in and of itself contributes to the reduction of pollutant emissions. In addition, the program includes

several measures that support climate change goals including the use of electric conveyors to reduce emissions associated with transport and processing of aggregate material and incentives for recycling or aggregate products.

The environmental analysis prepared for the subject CCAP Update will address these topics further as appropriate.

3.2.2 State Flood Legislation (2007)

In 2007, the state legislature enacted six interrelated bills to strengthen the linkage between local land use planning decisions and flood management practices. SB 5 and 17, and AB 5, 70, 156, and 162 added or amended over 25 sections of the Government Code, Health and Safety Code, Public Resources Code, and Water Code. There was considerable overlap between these bills. Together they significantly modified floodplain planning and management at the state, regional, and local levels.

Among other things, these bills created the Central Valley Flood Protection Board (CVFPB), which superseded the State Reclamation Board, required preparation of the Central Valley Flood Protection Plan, established 200-year protection as the minimum urban level of flood protection in the Central Valley, required a variety of local general plan and zoning code amendments, and established restrictions on local approval of development agreements and subdivision maps in flood hazard zones within the Central Valley.

It is important to note, however, that notwithstanding the fact that Yolo County lies within the Central Valley, lower Cache Creek is identified by the state as a Designated Floodway under “Local Control”. In correspondence dated July 14, 2005, the State Reclamation Board (since succeeded by the Central Valley Flood Protection Board) confirmed that authority for regulating “encroachments” into Cache Creek in the area upstream of I-5 is held by Yolo County and enforced through the Yolo County Flood Damage Prevention Ordinance¹². The framework of the CCAP

3.2.3 County General Plan (2009 Update)

Yolo County completed a comprehensive update to the General Plan in November 2009. This update continues to recognize the CCAP as the functional equivalent of a specific plan and all elements were written to ensure continued consistency between the CCAP and the General Plan. Appropriate changes to the OCMP and CCRMP have been proposed to integrate the policy guidance of the revised General Plan.

3.2.4 Williamson Act (2009 Changes)

The California Land Conservation Act passed in 1965. Better known as the Williamson Act, participation in this contractual program allows landowners to receive substantially reduced property tax assessments in return for enrollment under a rolling 9-year contract. Property tax

¹² See December 4, 2009 correspondence from County Counsel Phil Pogledich to James Herota, Central Valley Flood Protection Board related to Granite Esparto Mining and Reclamation Project.

assessments for Williamson Act contracted land are based upon generated income as opposed to the potential market value of the property. Local governments receive a partial subvention of forgone property tax revenues from the state via the Open Space Subvention Act (1971). About one third of all the privately held land in California, and about one half of all the state's agricultural land, participates in this program. In Yolo County about 400,000 acres or roughly 60 percent of the County is under contract.

In 2009, the state suspended funding of the subventions which resulted in losses to the County general fund of \$1.3 million annually. The County subsequently enacted a moratorium on new Williamson Act contracts. Legislation in 2010 (SB 863) and 2011 (AB 1265) changed the terms of Williamson Act and resulted in partial replacement of the County's lost funding. Yolo County now receives about \$500,000 annually to replace the lost property tax revenues. This has allowed the County to continue participation in the Williamson Act program.

Williamson Act participation is often a consideration in mining operations, both before mining commences and after reclamation occurs. Based on the current status of the law, no changes to the program are proposed.

3.2.5 County Zoning Ordinance (2013 Changes)

In 2013, Yolo County completed a comprehensive update of the County Zoning Code (Chapter 2, Title 8 of the County Code) to modernize the code and ensure consistency with the General Plan which was updated in 2009. Among the many changes, the revised code eliminates two prior agricultural zone districts (Agricultural General, A-1, and Agricultural Preserve, A-P) and creates two new agricultural zoning districts (Agricultural Intensive, A-N, and Agricultural Extensive, A-E) that are not directly tied to the requirements of the Williamson Act. Where relevant, changes have been proposed in the CCAP to ensure consistency with the revised Zoning Code.

3.2.6 Tribal Cultural Resources (2014)

Local governments already have several obligations to address resources of interest to tribal nations. CEQA has specific tribal notification requirements, SB 18 of 2004 which requires contact and consultation with tribal nations prior to amendment or adoption of General Plans and Specific Plans, or designation of open space, and certain federal approval/permits trigger additional tribal consultation through Section 106 compliance (National Historic Preservation Act). The CCAP Update will require both of these requirements to be met.

AB 32, passed in 2014, created a new class of cultural resources called Tribal Cultural Resources (TCR). A TCR is defined as a site, feature, place, cultural landscape, sacred place, or object, with cultural value to a California Native American Tribe and is either on or eligible on a national, state, or local historic register, or the lead agency has chosen to treat the resource as a TCR.

State law now provides that a project with an effect that may cause substantial adverse change in the significance of a TRC is a project that may have a significant effect on the environment. To help determine whether this will occur, the law requires a lead agency to consult before and during the CEQA process with any California Native American tribe that requests consultation

and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. Other consultation requirements and procedures are prescribed in the law.

The County will be undertaking the required AB 32 consultation process as a part of the CCAP Update.

3.2.7 County Agricultural Conservation and Mitigation Program (2015 Update)

In January of 2000 Yolo County first codified its long-standing practice to require 1:1 CEQA mitigation for agricultural land converted to other uses (Agricultural Land Conversion, Section 8-2.2416 of the County Code). In July of 2015, Yolo County replaced these regulations with a more comprehensive Agricultural Conservation and Mitigation Program (Section 8-2.404 of the County Code) that increased the mitigation ratio for conversion of prime farmland to 3:1 and the ratio for conversion of other farmland to 2:1. Mining activities under the CCAP were exempted from these expanded mitigation requirements

Since its inception, the CCAP has required 1:1 mitigation for permanent loss of prime farmland, with no separate mitigation requirements for non-prime land or for land impacted on an interim basis during the term of the mining but ultimately reclaimed to agricultural uses. There are a variety of reasons for this including:

- The County's mining program is already one of the most stringent in the state and exceeds the requirements of SMARA for operator obligations.
- The CCAP imposes burdens for the protection of open space and agriculture on the mining industry that exceed those imposed on other land uses.
- The CCAP includes a requirement for special community benefits called "net gains" that include the provision of property dedications and easement for/on reclaimed mining sites, restored habitat, trail connections, and related community enhancements (see OCMP Action 2.4-7).
- Integral to the program is a focus on managing lower Cache Creek resources to balance and maximize multiple competing goals.
- Each operator along Cache Creek has an agreement with the County to fund the entire program plus specified open space and restoration activities through the payment of fees for each ton of aggregate sold (see OCMP Action 2.4-16).
- The program is already structured to minimize the geographic impacts of mining by limiting it to a defined area and by encouraging the removal of the full depth of available resources.

- The program includes an obligation to develop and implement the Cache Creek Parkway Plan.
- The program includes, and has since 1996, special protections and monitoring of groundwater and recharge, management of the creek for the protection of adjoining land uses, and permanent protection of reclaimed lands as open space or agriculture.
- Aggregate mining is a unique land use in that it is interim by definition – permits are limited to a maximum term of 30-years (Mining Ordinance Section 10-4.426) and reclamation to a beneficial end use (agriculture, open space, or habitat) is not only required, but ensured through special bonding called financial assurances.
- Aggregate mining is also unique in that it is the only land use that can result in the creation of net new prime agricultural land through reclamation.
- Aggregate mining is an important economic development engine for the County.

In order to address inconsistency between the County Code and the CCAP as related to mitigation for agricultural conversion, this CCAP Update expands the obligation to mitigate beyond prime farmlands to also include unique farmlands, and farmlands of statewide significance consistent with the requirements of CEQA. This update also requires mitigation equivalent to but not necessarily identical to the increased ratios in the County Code. It applies the same 3:1 and 2:1 mitigation ratio requirements from Section 8-2.404 of the County Code that apply elsewhere throughout the County, but allows new mining applications to demonstrate equivalency (down to a minimum 1:1 base mitigation ratio) to the applicable ratio using several options identified in Section 10-5.525 (Farmland Conversion) of 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 of the program.

3.2.8 Groundwater Legislation (2015)

In 2015, a three-bill package known as the Sustainable Groundwater Management Act (SGMA) went into effect. This legislation does the following:

- Provides for sustainable management of groundwater basins
- Enhances local management of groundwater consistent with rights to use or store groundwater
- Establishes minimum standards for effective, continuous management of groundwater
- Provides local groundwater agencies with the authority, technical, and financial assistance needed to maintain groundwater supplies
- Avoids or minimizes impacts for land subsidence
- Improves data collection and understanding of groundwater resources and management
- Increases groundwater storage and removes impediments to recharge

- Empowers local agencies to manage groundwater basins, while minimizing state intervention

SGMA mandates the creation of Groundwater Sustainability Agencies (GSA) in groundwater basins defined as high or medium priority by the Department of Water Resources (DWR) by June 30, 2017. It also mandates the preparation of Groundwater Sustainability Plans (GSP) by January 2022, and implementation of a GSP for a 20-year period ending in 2042. Much of Yolo County lies within what is referred to as the Yolo Groundwater Subbasin, which is a high-priority basin.

The Water Resources Association of Yolo County (WRA) and Yolo County Farm Bureau have partnered to implement SGMA in Yolo County, and have coordinated with local public agencies for creating a GSA. Since spring 2016, a group of local public agencies have held five public meetings and numerous governance workgroup discussions to discuss how to comply with SGMA. These agencies have agreed to partner together and create a single GSA through a joint powers agreement (pursuant to California Government Code 6500).

The CCAP contemplates opportunities for groundwater recharge among other public benefits of the plan and encourages recharge projects as possible community benefit projects. The environmental analysis prepared for the subject CCAP Update will address whether the new groundwater legislation merits additional changes to the program as part of this update.

3.2.9 State Surface Mining and Reclamation Act (SMARA) (2016 Changes)

SMARA is the State's statute enacted in 1975 that governs surface mining and reclamation. It applies to private and governmental agencies undergoing a variety of activities defined as mining including prospecting, dredging, quarrying, streambed skimming, borrow pitting, and stockpiling of mined materials. SMARA addresses mineral land classifications, mining permits, reclamation, annual inspections, enforcement, penalties, financial assurances, and state oversight. In Yolo County SMARA is administered by the County through the CCAP, in particular the OCMP, and the Mining Ordinance and Reclamation Ordinance that implement the OCMP.

There is generally legislation every year that amends SMARA, typically focused on minor or administrative changes with no significant implications for the CCAP. Assembly Bill (AB) 1142 and Senate Bill (SB) 209 passed in 2016, both went into effect January 1, 2017. Together these bills make changes to the annual inspection process and the process and requirements for financial assurances. They also make modest changes to the reclamation plan requirements. Appropriate changes to the County's mining and reclamation ordinances have been proposed to ensure consistency with state law.

3.2.10 State Mineral Land Classification (2018)

Representatives of the State Department of Conservation (DOC) have informed the County they are undertaking an update to the 1988 Special Report 156, entitled "Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Sacramento-Fairfield Production-Consumption Region". This study is cited in the OCMP and was a fundamental reference document for the original development of the CCAP. The update effort involves re-examination

of the classification of mineral lands in the region and also re-examination of the boundaries of the defined Sacramento-Fairfield Production-Consumption area, reflective of updated market conditions. No preliminary reports or analysis has yet emerged from this study but it is expected to be completed in early 2018).

3.2.11 Yolo Habitat Conservation Plan (HCP)/ Natural Community Conservation Plan (NCCP) (2018)

Development of the Yolo HCP originally began in the early 1990's prior to completion of the CCAP. The CCAP contains several references to that original effort. At the time of this writing a final Public Review Draft HCP/NCCP and Draft EIS/EIR are about to be released for a 90-day review period, with adoption anticipated in Spring of 2018. The proposed revisions to the CCAP include proposed edits that ensure consistency with the HCP/NCCP

3.2.12 Other Regulations

There are other possible regulatory topics that may be important to the CCAP Update such as new species listings under the state and federal endangered species acts, relevant studies and regulations related to mercury, regional habitat mitigation and banking (including the state Regional Advance Mitigation Planning [RAMM] program and the County's own 2013 regulation of habitat projects undertaken as mitigation for out-of-county impacts to biological resources), and other issues that may emerge from public comments on the CCAP Update or through the CEQA process. These will be evaluated as they emerge, to determine whether additional changes to the CCAP are merited as part of this update.

SECTION FOUR – PROPOSED AMENDMENTS

Based on the results of the 2017 Technical Studies and input from staff based on over 20 years of program implementation, the County is proposing a number updates, clarifications, corrections, and other changes to the CCAP. These are presented for public review in the form of proposed edits to each of the following relevant documents:

- OCMP
- CCRMP
- CCIP
- Mining Ordinance
- Reclamation Ordinance
- In-Channel Maintenance Mining Ordinance
- Mining Fee Ordinance

Proposed edits to each of these documents have been prepared using ~~strike-out~~/underline format and are available online at the following website:

<http://www.yolocounty.org/general-government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/cache-creek-area-plan-ccap/cca>

SECTION FIVE – PUBLIC OUTREACH

The County has developed a public outreach program for consideration of the changes proposed as part of the CCAP Update. The draft package of proposed changes is posted online, and notice of its availability has been provided to the County’s distribution list of interested parties, and to landowners in and proximate to the plan area.

Workshops and information meetings are scheduled before the following bodies:

- California Construction and Industrial Materials Association (CalCIMA)
- Cache Creek Area Plan Technical Advisory Committee (TAC)
- Yolo County Planning Commission
- Cache Creek Conservancy Board of Directors
- Yolo County Board of Supervisors

Interested parties will have multiple opportunities to provide comments on the proposed CCAP Update changes. Staff will prepare various written summaries and analyses of the changes, and there will be at least two public hearings (one before the Planning Commission and one before the Board of Supervisors) prior to the County taking final action on the proposed changes.

SECTION SIX – CEQA CLEARANCE

As part of the analysis of the implications of the proposed changes, an environmental impact report (EIR) will be prepared. This process will involve the issuance of a formal Notice of Preparation (NOP) soliciting comments on the proposed scope of the EIR. A Draft EIR will be released and circulated for a 45-day review and comment period. The county will consider and provide responses to all comments received. The Final EIR will be considered by the Planning Commission and Board of Supervisors in deliberating the merits of the proposed CCAP Update.

SECTION SEVEN – SCHEDULE

The following schedule has been developed for this effort:

May 8 (wk of)	Release Proposed Draft CCAP Update (comments through June 26)
May 11	CalCIMA Workshop
May 26	Release CEQA Notice of Preparation (comments accepted through June 26)
June 8	Planning Commission Workshop and EIR Scoping Meeting
June 13	CCAP TAC Workshop
June 26	Comment period ends for CCAP Update and NOP
July 13	Cache Creek Conservancy Board of Directors Workshop

August 21 Release Draft EIR and Revised Draft CCAP Update (comments through Sept 15)
Late Oct Release Final EIR and Proposed Final CCAP Update
Early Nov Planning Commission Hearing
Early Dec Board of Supervisors Hearing

For more information about this process, to submit comments, or to ask questions, please contact Yolo County:

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